

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-01**

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH DOKKEN ENGINEERING, FOR PROFESSIONAL DESIGN SERVICES FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT BY \$344,096 FROM \$7,000,000 TO A TOTAL AMOUNT OF \$7,344,096, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT

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 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 December 18, 2018, Dokken Engineering submitted to the City a budget augmentation for additional tasks in the amount of \$344,096, for a total contract amount of \$7,344,096, and

WHEREAS, these additional needs are described by task as follows:

Task 1.2: Coordination/Administration

Task 6.1: 100% Submittal Roadway Plans

Task 7.1: Bid Support (Hourly)

Task 12.4: TIGER and Other Grant Support

Task 14.1: BCS & ADL PS&E; Hazardous Materials Testing Coordination

Task 14.2: Aerially Deposited Lead Testing on SR-99

Task 15.1: Staking Utilities and Right of Way (Hourly), and

WHEREAS, as Dokken Engineering has nearly completed the originally identified scope of services, a First Amendment to the Dokken Engineering Agreement is needed to increase the contract by a total of \$344,096.

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 Dokken Engineering, for professional design services for the State Route 132 West Freeway/Expressway - Phase 1 Project by \$344,096 from \$7,000,000 to a total amount of \$7,344,096.

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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

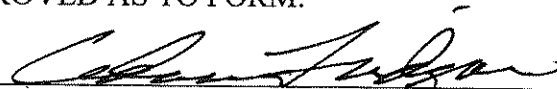
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-02**

RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #100614 IN THE AMOUNT OF \$344,096 FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT AND APPROPRIATION OF FUNDS FROM THE STREETS CAPITAL FACILITY FEES FUND RESERVES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

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 May 2, 2017 the City Council, by Resolution No. 2017-175 authorized the appropriation of \$4,000,000 in Streets Capital Facility Fees reserve funds to the State Route 132 West Expressway Project, 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 December 18, 2018, Dokken Engineering submitted to the City a budget augmentation for additional tasks in the amount of \$344,096, for a total contract amount of \$7,344,096, and

WHEREAS, as Dokken Engineering has nearly completed the originally identified scope of services, a First Amendment to the Dokken Engineering Agreement is needed to increase the contract by a total of \$344,096, and

WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget needs to be amended by \$344,096 for the State Route 132 West Freeway/Expressway - Phase 1 Project and funds need to be appropriated from the Streets Capital Facility Fees reserve funds, and

WHEREAS, staff will seek reimbursement from the Regional Measure L funds managed by the Stanislaus Council of Governments (StanCOG) to cover the cost of this First Amendment to the Dokken Engineering Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018-2019 Capital Improvement Program (CIP) Budget, project #100614 in the amount of \$344,096 for the State Route 132 West Freeway/Expressway - Phase 1 Project and appropriation of funds from the Streets Capital Facility Fees fund reserves.

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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

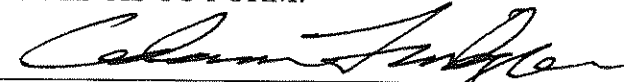
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-03**

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND ALVERNAN INVESTMENTS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 212 CRATER AVENUE (APN: 038-026-008), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Alvernaz Investments, LLC, a California limited liability company owns commercial property located at 212 Crater Avenue which is located outside of Modesto City Limits and inside the City's Sphere of Influence, and

WHEREAS, the property located at 212 Crater 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 212 Crater 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 for sewer service for the property located at 212 Crater Avenue (APN: 038-026-008) 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-04**

**RESOLUTION AMENDING SECTION 6 OF THE HOUSING AND URBAN
DEVELOPMENT POLICIES & PROCEDURES MANUAL**

WHEREAS, in order to align with current program guidelines and replace older program policies, Section 6 (Homeowner Rehabilitation Program) need to be updated, and

WHEREAS, Section 25 of the Homeowner Rehabilitation Program Policies and Procedures has been added to address loan modification requests under certain circumstances, and

WHEREAS, on December 13, 2018, the Citizen's Housing and Community Development Committee reviewed, approved and forwarded the revised Section 6 – Homeowner Rehabilitation Program Policies and Procedures to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends Section 6 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

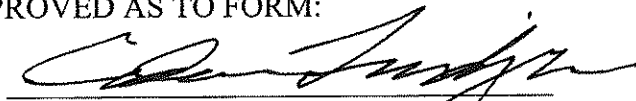
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-05**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS**

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 2018-19.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2018-19 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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

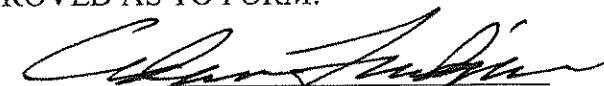
By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2018-19

FIRE DEPARTMENT

A budget adjustment is necessary for Project #100960 – AMR/General EMS to reduce the transfer in from General Fund by \$11,040 as there will not be any more funds transferred from General Fund and increase the revenue for the American Medical Response Contract by \$134,839 to recognize revenue received and expected to be received during the fiscal year. Additionally, the project expense budget is being increased by \$204,125 to account for anticipated expenditures this fiscal year and balance the project revenue and expense budget.

Fund	Fund Name	Account - Revenue/Expense	Current Budget	Increase/Decrease	Revised Budget
0180	Fire Department Unrestricted Non-Capital Projects	Revenue - Transfer In from 0100 General Fund	\$80,000	(\$11,040)	\$68,960
0180	Fire Department Unrestricted Non-Capital Projects	Revenue – CS-PS-AMR Contract and Miscellaneous Revenue	\$272,418	\$134,839	\$407,257
0180	Fire Department Unrestricted Non-Capital Projects	Project #100960 Expenditures	\$272,092	\$204,125	\$476,217

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-06**

RESOLUTION APPROVING AN AGREEMENT WITH ZOLL DATA SYSTEMS, INC. FOR HOSTED SERVER SERVICES FOR BOTH EPCR AND FIRERMS RECORDS MANAGEMENT AND REPORTING SOFTWARE IN AN ANNUAL AMOUNT OF \$42,780, AND A ONE-TIME STARTUP FEE FOR PROFESSIONAL SERVICES AND TRAINING IN THE AMOUNT OF \$12,000, FOR A TOTAL THREE-YEAR AGREEMENT NOT TO EXCEED \$140,340 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

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

WHEREAS, when Modesto Fire joined the Joint Powers Authority, Modesto Regional Fire Authority (MRFA) in 2011, the servers were transitioned to being owned and operated by Stanislaus County's IT Department (SBT); and

WHEREAS, in the four years since Modesto Fire Department has been re-established and the hosting of the ZOLL software servers has remained with SBT there have been numerous situations in which the time delays to address technical concerns has impeded reporting and operations; and

WHEREAS, this transition to a hosted environment has been reviewed with the Information Technology (IT) Department as well as the County Strategic Business Technology (SBT) Department and is the best route to ensure timely and appropriate resolution to problems with the ePCR program; 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, there are exceptions to the rule set forth in the MMC Section, MCC 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. Working directly with Zoll will eliminate approximately 200 hours of staff time in trying to work through third parties to resolve issues. The elimination of third parties will create an increase in department efficiencies and cost savings of staff time, estimated at approximately \$15,000 per year; and

WHEREAS, funds have been identified to cover the annual cost of \$42,780 for the three year contract; and

WHEREAS, the total cost of the three year contract will be \$140,340.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with ZOLL Data Systems, Inc. for the hosted server services for both ePCR and FireRMS records management and reporting software in an annual amount of \$42,780, and a one-time startup fee for professional services and training in the amount of \$12,000, for a total three-year agreement not to exceed \$140,340.

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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

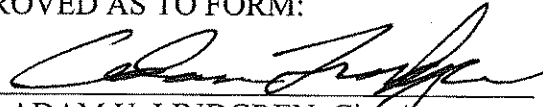
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-07**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR CITYWIDE REGULATORY SAFETY TRAINING AND CONSULTATION TO YORK RISK SERVICES GROUP, INC. A NEW YORK COMPANY, SACRAMENTO, CALIFORNIA, FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$85,120 AND A TOTAL AMOUNT NOT TO EXCEED \$425,600 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City recognizes the right of all employees to a safe workplace and values the importance of education and training for all staff to ensure safe work practices are understood and adhered to, and to aid in recognizing and mitigating hazards in the workplace, and

WHEREAS, through an extensive and on-going safety needs assessment, the City has identified the need for citywide safety training and consultation services to achieve and maintain compliance with Federal, State, and local regulations, and

WHEREAS, the Purchasing Division issued Request for Proposals (RFP) 1718-13 for Safety Training and Consultant Services, and

WHEREAS, a selection committee comprised of staff representing pertinent divisions for citywide safety needs reviewed all proposals and vendor presentations, and

WHEREAS, the selection committee chose York Risk Services Group (formerly Bickmore) as the City's next Safety Consultant/Training Provider, and

WHEREAS, York Risk Services Group will provide mandatory safety training, prepare/update written safety programs and provide additional guidance and consultation, and

WHEREAS, this agreement will authorize the necessary funds and authorities to provide continuous, ongoing mandatory training.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and agreement for citywide regulatory safety training and consultation to York Risk Services Group, Inc. a New York Company, Sacramento, California, for a two year agreement with three one-year extension options, for an annual cost not to exceed \$85,120 and a total amount not to exceed \$425,600 over five years.

BE IT FUTHER RESOLVED, that the City Manager, or 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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-08**

**RESOLUTION APPROVING THE SUBMISSION OF THE CITY'S LOCAL
TRANSPORTATION FUNDS FISCAL YEAR 2018-2019 CLAIM FOR NON-
MOTORIZED PURPOSES (BIKE LANES AND PEDESTRIAN PATHWAYS) IN
THE AMOUNT OF \$187,909 TO THE STANISLAUS COUNCIL OF
GOVERNMENTS. (STANCOG)**

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 purposes during the current fiscal year, and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of non-motorized projects (bicycle and pedestrian pathways), and

WHEREAS, two percent (2%) of all LTF funds available to StanCOG are designated to be used for bicycle and pedestrian projects, and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2018-2019 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 authorizes approves the submission of the City's Local Transportation Funds Fiscal Year 2018-2019 Claim for Non-motorized Purposes (bike lanes and pedestrian pathways) in the amount of \$187,909 to the Stanislaus Council of Governments (STANCOG).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

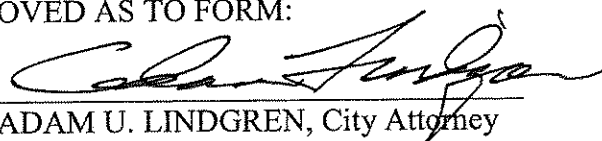
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-09**

RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROJECT BUDGET TO FUND VARIOUS PROGRAM BUDGETS IN AN AMOUNT NOT TO EXCEED \$187,909 IN REVENUE AND TO BUDGET EXPENDITURES AS OUTLINED IN ATTACHMENT A 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, 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 purposes during the current fiscal year, and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of non-motorized projects (bicycle and pedestrian pathways), and

WHEREAS, two percent (2%) of all LTF funds available to StanCOG are designated to be used for bicycle and pedestrian projects, and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2018-2019 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, \$187,909 is available to be budgeted into the 2018/2019 Capital Improvement Program Budget, and

WHEREAS, staff identified 3 projects to receive funding project: #100692 – Bike Lane Striping, #100813 – Virginia Corridor Phase VII, and 100599 – TRRP Gateway Phase 2 (See **Attachment A**).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018/2019 Capital Improvement Project budget to fund various program budget in an amount not to exceed \$187,909 in revenue and to budget expenditures as outlined in **attachment a** to fund the project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, are 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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Attachment A

Budget Adjustment for LTF Non-Motorized Funds to Non-Capital Project 100692 (Bike Lane Striping), Capital Project 100813 (Virginia Corridor Phase VII), and Capital Project 100599 (TRRP Gateway Phase 2)

Fund 1520 – LTF - Non-Motorized

<u>Expense:</u>	<u>Increase/ (Decrease)</u>
From:	
1520-71520-73140 (Transfer Out to Fund 3140)	\$52,909
1520-71520-76710 (Transfer Out to Fund 6710)	\$100,000
To:	
Expense Task: 100692 – APPR Unit C (From 1520 Fund Balance)	\$35,000

Fund 3140 – Capital Grants CIP Projects

<u>Expense:</u>	<u>Increase/ (Decrease)</u>
To:	
Expense Task: 100813 – Eng/Design/Admin	\$52,909

<u>Revenue:</u>	<u>Increase/(Decrease)</u>
To:	
3140-39999-61520-100813 (Transfer In from LTF- Non-Motorized Fund)	\$52,909

Fund 6710 – JPA-TRRP Special Revenue Fund – CIP

<u>Expense:</u>	<u>Increase/ (Decrease)</u>
To:	
Expense Task: 100599 – Eng/Design/Admin	\$60,000
100599 – Contingency-CIP	\$40,000
Total:	\$100,000

<u>Revenue:</u>	<u>Increase/ (Decrease)</u>
To:	
6710-39999-61520-100599 (Transfer In from LTF- Non-Motorized Fund)	\$100,000

Total Revenue/Expenses	\$187,909
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**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-10**

RESOLUTION APPROVING THE SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH AARONSON MANAGEMENT GROUP, INC. (DBA STORYPOWERED) FOR PHASE II WORK ON THE CONVENTION AND VISITOR'S BUREAU TRANSITION TO AN INDEPENDENT AGENCY BY \$50,000 FROM \$102,000 TO A NEW TOTAL AMOUNT OF \$152,000, EXTENDING THE TERM OF THE AGREEMENT FROM JANUARY 31, 2019 TO JUNE 30, 2019, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, in June 2015, the City Council adopted Resolution No. 2015-224 assigning the duties and functions of the Convention and Visitor's Bureau (CVB) to the Community and Economic Development Department, and

WHEREAS, Resolution No. 2018-107 initiated the start of moving forward to have a fully functioning CVB, and restoring it as an independent agency, and

WHEREAS, steps toward restoring the CVB include hiring a consultant to oversee the transition and activities of the Convention and Visitor's Bureau, establishing the Mayor and Council and the Interim Board of Directors, and drafting an agreement to provide funding from the Transient Occupancy Tax, using the previous agreement as a guide, and

WHEREAS, on March 27, 2018, the City executed an Agreement for Consultant Services with Aaronson Management Group, Inc. (DBA StoryPowered) (Agreement), to oversee Phase I of the CVB transition, and

WHEREAS, on September 4, 2018, by Resolution No. 2018-362, the City executed a First Amendment to the Agreement (First Amendment) to oversee Phase II of the CVB transition, and

WHEREAS, several unanticipated factors have affected Consultant's ability to complete the balance of Phase II work as scheduled, and

WHEREAS, the City desires to amend the Agreement to extend the term from January 31, 2019 to June 30, 2019 to complete Phase 2 leading to the launch of a new Convention and Visitors Authority in mid-2019, and

WHEREAS, the cost of Phase II is \$47,500 plus reimbursable expenses in an amount not to exceed \$2,500, and

WHEREAS, funding for Phase II is budgeted in the Fiscal Year 2018-2019 Operating budget of the Convention & Visitors Bureau in the General Fund (0100-34300-53300).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to the Consultant Services Agreement with Aaronson Management Group, Inc. (DBA StoryPowered), for Phase II work on the Convention and Visitor's Bureau transition to an independent agency, in an amount not to exceed \$50,000, for a total agreement amount not to exceed \$152,000.

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

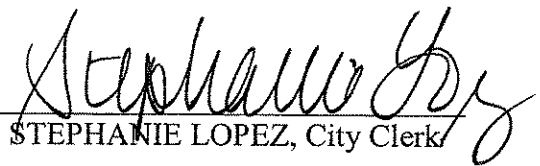
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

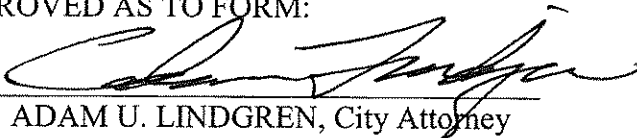
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-11**

RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION FOR THE 2020 OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT IN THE AMOUNT OF \$652,500, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the Modesto Police Department desires to undertake a certain project designated as the Selective Traffic Enforcement Program (STEP) grant from the Office of Traffic Safety (OTS), and

WHEREAS, the Police Department is seeking approval to apply for a grant in the sum of \$652,500 from OTS, and

WHEREAS, acceptance of said \$652,500 grant will increase enforcement for speed, DUI, and other special traffic enforcement operations, while also reducing collisions with speed, DUI, and special operations, and

WHEREAS, OTS will pay overtime for officers, training, and equipment to assist in traffic studies and other traffic related enforcement equipment, and

WHEREAS, the term of this grant will be from October 1, 2019, through September 30, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application for the 2020 office of traffic safety selective traffic enforcement program (step) grant in the amount of \$652,500.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

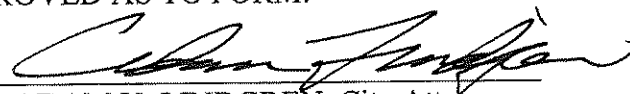
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-12**

RESOLUTION ACCEPTING THE CONGESTION MITIGATION AND AIR QUALITY (CMAQ) GRANT AWARD IN THE AMOUNT OF \$1,059,998 TO UPGRADE OF THE CITY OF MODESTO'S AUTOMATED TRAFFIC MANAGEMENT AND TRAFFIC SIGNAL SYSTEMS EQUIPMENT AND COMMUNICATIONS SOFTWARE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, on May 25, 2018, staff applied for the construction portion of funds for the CMAQ and was approved by Caltrans to use the funds on June 11, 2018, and

WHEREAS, the City of Modesto has received a CMAQ Grant in the amount of \$919,996 for construction and \$140,002 for preliminary engineering, a total grant of \$1,059,998 for the upgrade of the City's Automated Traffic Management and Traffic Signal Systems equipment and communications software, and

WHEREAS, the City will be reimbursed for expenses covered by the CMAQ grant by Caltrans, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Congestion Mitigation and Air Quality (CMAQ) Grant Funds in the amount of \$1,059,998, to upgrade the City's Automatic Traffic Management and Traffic Signal Systems equipment and communications software.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

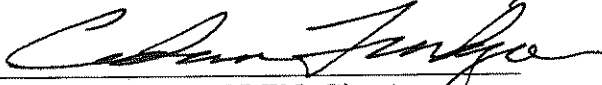
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-13**

RESOLUTION AMENDING THE FISCAL YEAR 2018/2019 CAPITAL IMPROVEMENT PROGRAM BUDGET, PROJECT #100970 IN THE AMOUNT OF \$919,996, TO UPGRADE THE CITY OF MODESTO'S AUTOMATED TRAFFIC MANAGEMENT AND TRAFFIC SIGNAL SYSTEMS EQUIPMENT AND COMMUNICATIONS SOFTWARE, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on May 25, 2018, staff applied for the construction portion of funds for the CMAQ and was approved by Caltrans to use the funds on June 11, 2018, and

WHEREAS, the City of Modesto has received a CMAQ Grant in the amount of \$919,996 for construction and \$140,002 for preliminary engineering, a total grant of \$1,059,998 for the upgrade of the City's Automated Traffic Management and Traffic Signal Systems equipment and communications software, and

WHEREAS, the City will be reimbursed for expenses covered by the CMAQ grant by Caltrans, and

WHEREAS, certain budgetary amendments are necessary to complete the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018/2019 Capital Improvement Program Budget to adjust the capital project #100970 in the amount of \$919,996 for revenue and expenses.

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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

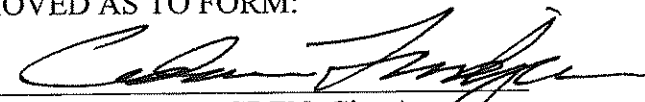
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-14**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH TIM PAXIN'S PACIFIC EXCAVATION, INC. OF ELK GROVE, CA, FOR THE PROJECT TITLED, "UPGRADE TRAFFIC SIGNALS 2015" IN THE AMOUNT OF \$518,561, PLUS \$52,000 FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL NOT TO EXCEED \$570,561, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on April 15, 2015, City Staff applied for Highway Safety Improvement Program (HSIP) funds for preliminary engineering to upgrade Traffic Signals at the following three intersections in the City of Modesto: Dale Rd. at Veneman Ave., Kansas Ave. at Emerald Ave., and Paradise Rd. at Martin Luther King Dr., and

WHEREAS, construction of this project would upgrade the traffic signals at the specified intersections and meet current Americans with Disabilities Act (ADA) standards, and

WHEREAS, staff has worked diligently with Caltrans for project funding and approval, and

WHEREAS, on September 18, 2018, the project was advertised for bids and

WHEREAS, on October 16, 2018 , bids were publicly opened pursuant to Modesto Municipal Code Section 8-3.403 and later tabulated by the Director of Public Works for the consideration of Council, and

WHEREAS, the Director of Finance and the City Manager have recommended that the bid of \$518,561 received from Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA, be accepted and awarded as the lowest responsive and responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications, accept the bid, and award the construction contract for the project titled, "Upgrade Traffic Signals – 2015 to Tim Paxin's Pacific Excavation Inc., of Elk Grove, CA in the amount of \$516,561, plus \$52,000, if needed, for an agreement total not to exceed \$570,561.

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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

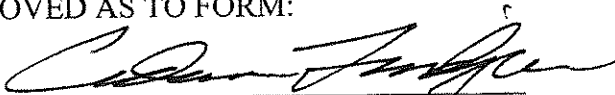
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-15**

RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROGRAM BUDGET, IN THE AMOUNT OF \$144,061 FOR PROJECT #100939 - UPGRADE TRAFFIC SIGNALS 2015 AND ESTABLISHING A TRANSFER FROM SURFACE TRANSPORTATION FUND (STF) TO THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on April 15, 2015, the City applied for the Highway Safety Improvements Program (HSIP) grant and was granted \$100,000 for Preliminary Engineering, and

WHEREAS, on March 22, 2016, by Resolution 2016-105, Council authorized the budget adjustment to use these funds, and

WHEREAS, on June 30, 2016 staff applied for the construction portion of funds for the HSIP grant and was approved by Department of Transportation (Caltrans) to use the funds on July 28, 2018, and

WHEREAS, on September 13, 2016, by Resolution 2016-348, Council authorized the budget adjustment for the use of these funds, and

WHEREAS, the City will be reimbursed for expenses covered by the HSIP grant by Caltrans, and

WHEREAS, additional funding is needed for the project as the construction bids came in higher than what is funded by the grant, and

WHEREAS, there are sufficient funds in the Surface Transportation Fund (STF) reserves to transfer into the project, and

WHEREAS, certain budgetary adjustments are required to complete the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018-2019 Capital Improvement Program Budget to adjust capital project #100939 and establish a transfer of funds from STF reserves to the project in the amount of \$144,061.

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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

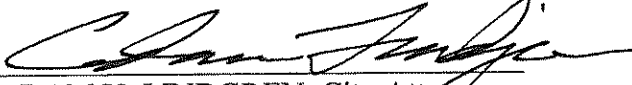
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-16**

RESOLUTION APPROVING AN AGREEMENT WITH ITERIS, SANTA ANA, CA, FOR THE TRAFFIC SIGNAL SYSTEM ENGINEERING SERVICES PROJECT IN THE AMOUNT OF \$218,378 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$31,622 FOR ADDITIONAL SERVICES (IF NEEDED), FOR AN AGREEMENT TOTAL NOT TO EXCEED \$250,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City's traffic signal system has effectively served the City for approximately 25 years and is nearing its useful life, and

WHEREAS, the City would like to update the traffic signal system to a state-of-art system to provide continuous operations and advance future goals of implementing connected and autonomous vehicles (CV/AV) technology with a focus on the Vehicle to Infrastructure component, and

WHEREAS, a state-of-the-art traffic signal system uses the latest infrastructure and computer technology that contains excess volume for hardware improvements and flexible computer software that allows for interchangeability from one technology to another, and

WHEREAS, on September 4, 2018, by Resolution No. 2018-380, Council approved Measure L projects which included Traffic Signal Analysis Study System Wide, and

WHEREAS, the Traffic Signal Analysis Study System Wide project consists of a qualified consultant to improve traffic signal equipment, traffic specifications, Advanced Traffic Management System (ATMS), traffic engineering operations, a 5-year plan, and funding options for the City, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering

Services for Capital Projects, Staff solicited and formally advertised for a Request for Proposal (RFP) through Planet Bids (#101125) for consulting services to review Traffic Signal System operations, and

WHEREAS, on September 18, 2018, Staff received two proposals for the Traffic Signal Analysis Study System Wide project, and

WHEREAS, three City of Modesto staff members, one City of Tracy staff member, and one Stanislaus County staff member rated each of the proposals based on various categories and objectives, and

WHEREAS, from the rating of the two proposals, Iteris received the top score, and

WHEREAS, staff negotiated a final Scope of Services and Cost Proposal with Iteris in an amount not to exceed \$218,378 for the identified scope of services, plus \$31,622 for additional services (if needed), for a maximum amount not to exceed \$250,000, 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Iteris, Santa Ana, CA, for the Traffic Signal System Engineering Services project in the amount of \$218,378 for the identified scope of services, plus \$31,622 for additional services (if needed), for an agreement total not to exceed \$250,000.

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 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

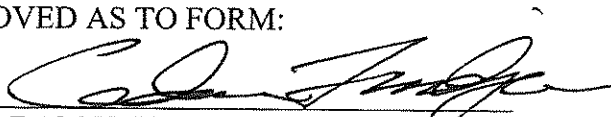
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-17**

**RESOLUTION ACCEPTING GRANT AWARDS FOR FEDERAL TRANSIT
ADMINISTRATION SECTION 5307 TRANSIT FUNDS IN THE AMOUNT OF
\$5,257,527 AND FEDERAL TRANSIT ADMINISTRATION SECTION 5339
TRANSIT FUNDS IN THE AMOUNT OF \$1,014,188, AND AUTHORIZING THE
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT
DOCUMENTS**

WHEREAS, the Federal Transit Administration (FTA) has been a delegated authority to award Federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA to be eligible for funding under 49 U.S.C. Chapter 53, and

WHEREAS, the projects are also included in the 2018 Federal Transportation Improvement Program (FTIP) approved by Stanislaus Council of Governments (StanCOG), and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Credits, formerly known as “State Toll Credits”, in lieu of a local match, and

WHEREAS, the Section 5307 funds will be used for preventative maintenance, preventive maintenance for transit improvements, capital cost of contracting for Stanislaus County, and capital cost of contracting for Modesto, and

WHEREAS, the Section 5339 funds will provide funds to rehabilitate the Downtown Transit Center to improve the passenger experience to entice more people to use public transportation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant awards for the FTA Section 5307 funds in the amount of \$5,257,527 and FTA Section 5339 funds in the amount of \$1,014,188.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the FTA requires.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

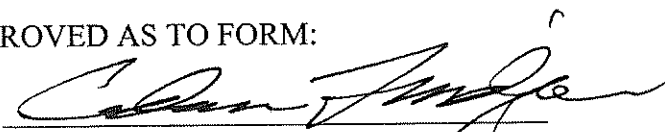
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-18**

**RESOLUTION AMENDING THE CAPITAL BUDGET FOR THE FISCAL YEAR
2018-19 TO ADJUST THE CAPITAL PROJECT 101095-FACILITIES
IMPROVEMENTS TC PHASE 1 BUDGET IN THE AMOUNT OF \$1,014,188 TO
FUND THE CONSTRUCTION WORK FOR THE REHABILITATION OF THE
DOWNTOWN TRANSIT CENTER**

WHEREAS, the City of Modesto was awarded \$1,014,188 in Federal Transit Administration (FTA) Section 5339 funds to fund transit related projects, and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Credits, formerly known as “State Toll Credits”, in lieu of a local match, and

WHEREAS, the funds will be used to fund the rehabilitation to the downtown Transportation Center, and

WHEREAS, a budget adjustment is necessary to appropriate the funds for construction work related to the rehabilitation of the downtown transit center capital improvement project 101095-Facilities Improv – TC Phase 1, and

WHEREAS, the Fiscal Year 2018-2019 capital budget must be amended as shown 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 approves the amendment of Fiscal Year 2018-2019 Capital budget as shown in **Exhibit A, attached hereto.**

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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

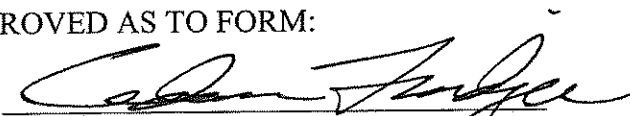
By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

Budget Adjustment for Federal Transit Administration (FTA) Section 5339 funds to Capital Improvement Project 101095.

Revenue	Increase/Decrease
4510-59999-42113-101095 -Federal Transit Administration- Capital Related	\$1,014,188
Expense	
Project - 101095- Facilities Improv – TC Phase 1	
- Task Construction	\$1,014,188

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-19**

RESOLUTION ACCEPTING THE AWARD FOR THE STATE OF GOOD REPAIR FUNDS IN THE AMOUNT OF \$32,364 TO REHABILITATE THE DOWNTOWN TRANSIT CENTER, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT DOCUMENTS

WHEREAS, the City of Modesto is an eligible project sponsor and received State of Good Repair (SGR) funds in the amount of \$32,364 to rehabilitate the Downtown Transit Center, and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations, and

WHEREAS, Senate Bill 1 (SB1) (2017) named the Department of Transportation (Caltrans) as the administrative agency for the SGR program, and

WHEREAS, Caltrans developed guidelines for the purpose of administering and distributing SGR funds to eligible project sponsors (local agencies), and

WHEREAS, a project list was developed and submitted to Caltrans to improve the conditions of the facilities, rolling stock and equipment needed to operate the Modesto Area Express (MAX) bus system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the award in the amount of \$32,364 in State of Good Repairs funds for the City of Modesto Transit Division.

BE IT FURTHER RESOLVED that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all State of Good Repair funded transit projects.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file all required documents of the State of Good Repair program and any Amendments thereto with the California Department of Transportation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

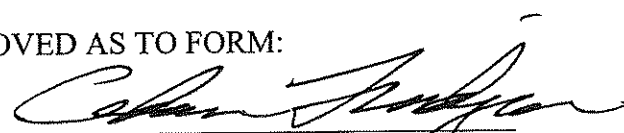
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-20**

**RESOLUTION AMENDING THE CAPITAL BUDGET FOR FISCAL YEAR
2018-19 IN THE AMOUNT OF \$32,364 TO CAPITAL IMPROVEMENT
PROJECT 101095-FACILITIES IMPROV-TC PHASE 1, TO FUND THE
CONSTRUCTION WORK FOR THE REHABILITATION OF THE
DOWNTOWN TRANSIT CENTER**

WHEREAS, based on State of Good Repair estimates released the State Controller's Office on August 1, 2018 the City was eligible for \$32,364 for Fiscal Year 2018-19, and

WHEREAS, State of Good Repair (SGR) funds are intended to be used for Transit projects in the three following categories 1. Replacement or rehabilitation of rolling stock, passenger stations, security equipment or maintenance facilities, 2. Preventative Maintenance, 3 New maintenance facilities or maintenance equipment, and

WHEREAS, the City intends to use the SGR funds to partially fund the rehabilitation of the Downtown Transit Center, and

WHEREAS, a budget adjustment is necessary to appropriate the funds for construction work related to the rehabilitation of the downtown transit center capital improvement project 101095-Facilities Improv – TC Phase 1, and

WHEREAS, the Fiscal Year 2018-2019 capital budget must be amended as shown 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 approves the amendment of Fiscal Year 2018-2019 Capital budget as shown in **Exhibit A, attached hereto.**

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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:


By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

Budget Adjustment for State of Good Repair funds awarded to the City for the rehabilitation of the Downtown Transit Center Improvement Project 101095.

Revenue	Increase/Decrease
4510-59999-42114-101095 –Intergov- State- SB1-State of Good Repair	\$32,364
Expense	
Project - 101095- Facilities Improv – TC Phase 1	
- Task Construction	\$32,364

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-21**

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH MSC INDUSTRIAL SUPPLY CO., INC. BY UTILIZING THE COMPETITIVE BID PROCESS WITH NASPO VALUEPOINT FOR THE PURCHASE AND MAINTENANCE OF BIN STOCK ITEMS FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$110,000 AND A TOTAL AMOUNT NOT TO EXCEED \$550,000 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASING AGREEMENT

WHEREAS, the Fleet Services Division and Wastewater Division have an ongoing need for the purchase and maintenance of bin stock items, including but not limited to, miscellaneous nuts, bolts, fasteners, bulbs, fuses, machine tools, welding supplies, consumable shop supplies, etc., for the repair and maintenance of the City's specialized vehicles and equipment owned by the City of Modesto as well as specialized facilities and equipment repair as it relates to the treatment of wastewater in the City, and

WHEREAS, as repairs are made, miscellaneous nuts, bolts, fasteners, bulbs, fuses, machine tools, welding supplies and consumable shop supplies are needed throughout the work, and it is extremely cost effective to have a continuous stock of this type of material in order to not slow down work progress, and

WHEREAS, having a service maintain these bins is beneficial as we would spend many hours weekly monitoring usage, and

WHEREAS, these types of services are typical in repair and maintenance facilities, and the time spent ordering each consumable item when required would be cost prohibitive, and

WHEREAS, on August 14, 2018, the City Manager authorized the Purchasing Division to issue a formal Request for Bids (RFB). While researching to prepare for the

RFB, Purchasing staff discovered a Request for Proposal (RFP) issued by the State of Oregon for member states of the NASPO ValuePoint Cooperative Purchasing Program and other Purchasing entities, and

WHEREAS, the State of Oregon, on behalf of participating members of the NASPO ValuePoint Cooperative Purchasing Program and other Purchasing Entities, issued a RFP on 11/15/2017 to establish one or more Master Agreement(s) with qualified offerors, and the State of Oregon, NASPO ValuePoint Cooperative Purchasing Program and other Purchasing Entities successfully negotiated a contract and executed an agreement with MSC Industrial Supply Co., Inc., with an effective date of June 22, 2018 for an initial one-year term with four, one-year renewal options, and

WHEREAS, 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 (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 and interest of the City would be served, and for these reasons this purchase qualifies for an exemption from the formal bidding process, and

WHEREAS, sufficient funds have been budgeted and approved in Fiscal Year 18/19 in the following accounts with estimated amounts for each account:

PW – Fleet Vehicle & Equip. Maintenance	No: 5400-32555-58105	\$45,000
PW – Transit Maintenance	No: 4540-53244-58105	\$10,000
UTL – Sutter Plant Maintenance	No: 4210-44313-53150	\$11,000
UTL – Jennings Plant Maintenance	No: 4210-44314-53150	\$10,000
UTL – Sewer Lift Stations	No: 4210-44315-53150	\$12,000
UTL – Tertiary Treatment	No: 4210-44316-53150	\$15,000
UTL – Stormwater Lift Stations	No: 4480-44311-53150	\$7,000

TOTAL

\$110,000

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchasing agreement with MSC Industrial Supply Co., Inc. by utilizing i.e., "piggybacking" a competitively bid contact with NASPO ValuePoint, for the purchase and maintenance of bin stock items, for a two-year agreement with three one-year extension options, for an annual cost not to exceed \$110,000, and a total cost not to exceed \$550,000 over five years.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue this purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-22**

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, PLEASANTON, CA FOR ENGINEERING DESIGN SERVICES FOR THE SUTTER PLANT PARKING AND ENTRANCE PROJECT, IN THE AMOUNT OF \$479,813, PLUS \$47,981 FOR ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL OF \$527,794, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Sutter Facility Layout Plan identifies recommended improvements for access, traffic circulation and parking, and

WHEREAS, City staff is recommending the use of a consultant to increase project delivery efficiencies, and

WHEREAS, on October 4, 2016, by Resolution No. 2016-404, Council approved a prequalified list of consultants for Engineering Design Services for Wastewater and Storm Drain CIP projects, 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 through a RFP process pursuant to Administrative Directive 3.1, Selection Procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with West Yost Associates, Pleasanton, CA for Engineering Design Services for the Sutter Plant Parking and Entrance Project in an amount not to exceed \$479,813, for the identified scope of services, plus \$47,981 for additional services, if needed, for a maximum total amount of \$527,794.

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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

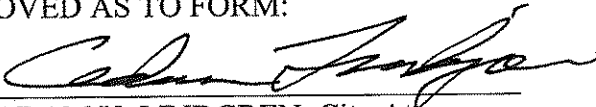
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-23**

RESOLUTION APPROVING AN AGREEMENT WITH ATC GROUP SERVICES, FOR ON-CALL ENVIRONMENTAL SITE ASSESSMENT SERVICES FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED \$45,000 PER YEAR, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$135,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department (Utilities) may need to purchase property to complete various Capital Improvement Program (CIP) projects, and

WHEREAS, a Phase I Environmental Site Assessment (ESA) needs to be prepared prior to the acquisition of real property, and

WHEREAS, purchase agreements may have time constraints, and projects may have short time lines, and

WHEREAS, on-call agreements will expedite the process, and

WHEREAS, an on-call list was established in 2015, which expired in 2018, 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 and Proposals was issued July 10, 2018, and

WHEREAS, responses were received from sixteen firms, and

WHEREAS, a selection committee consisting of the City's Utilities staff evaluated the responses and met August 23, 2018 to discuss the evaluations and review ranking, and

WHEREAS, the committee recommended negotiating with the top two firms deemed most responsive and qualified to enter into one-year on-call agreements, not to

exceed \$45,000 per year, with the possibility of two (2) one-year extension periods, at the sole discretion of the City, and

WHEREAS, no new budget allocation will be sought because the project-specific task orders under the agreement will be paid from existing CIPs, and

WHEREAS, ATC Group Services will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, ATC Group Services will perform no service until Utilities management has approved the proposed specific task order and a written Notice to Proceed (NTP) is prepared and sent to ATC Group Services prior to commencement of services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with ATC Group Services for On-call Environmental Site Assessment Services for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed \$45,000 per year, for a total amount not to exceed \$135,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said 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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

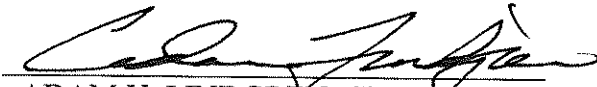
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-24**

RESOLUTION APPROVING AN AGREEMENT WITH GROUND ZERO ANALYSIS, INC., FOR ON-CALL ENVIRONMENTAL SITE ASSESSMENT SERVICES FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED \$45,000 PER YEAR, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$135,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department (Utilities) may need to purchase property to complete various Capital Improvement Program (CIP) projects, and

WHEREAS, a Phase I Environmental Site Assessment (ESA) needs to be prepared prior to the acquisition of real property, and

WHEREAS, purchase agreements may have time constraints, and projects may have short time lines, and

WHEREAS, on-call agreements will expedite the process, and

WHEREAS, an on-call list was established in 2015, which expired in 2018, 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 and Proposals was issued July 10, 2018, and

WHEREAS, responses were received from sixteen firms, and

WHEREAS, a selection committee consisting of the City's Utilities staff evaluated the responses and met August 23, 2018 to discuss the evaluations and review ranking, and

WHEREAS, the committee recommended negotiating with the top two firms deemed most responsive and qualified to enter into one-year on-call agreements, not to exceed \$45,000 per year, with the possibility of two (2) one-year extension periods, at the sole discretion of the City, and

WHEREAS, no new budget allocation will be sought because the project-specific task orders under the agreement will be paid from existing CIPs, and

WHEREAS, Ground Zero Analysis, Inc. will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, Ground Zero Analysis, Inc. will perform no service until Utilities management has approved the proposed specific task order and a written Notice to Proceed (NTP) is prepared and sent to Ground Zero Analysis, Inc. prior to commencement of services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Ground Zero Analysis, Inc. for On-call Environmental Site Assessment Services for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed \$45,000 per year, for a total amount not to exceed \$135,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said 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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-25**

RESOLUTION APPROVING AN AMENDMENT TO THE PURCHASING AGREEMENT WITH SUBSITE, LLC, PETALUMA, CA, FOR A CLOSED CIRCUIT TELEVISION (CCTV) EQUIPMENT RETROFIT BY \$10,268, FROM \$127,040 TO \$137,308, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE AN AMENDED PURCHASING AGREEMENT

WHEREAS, the Utilities Department, Wastewater Division, maintains approximately 655 miles of sanitary sewer pipelines ranging in sizes from 4" to 96", and

WHEREAS, Wastewater Collections uses remotely operated CCTV systems to regularly inspect the wastewater pipelines, and

WHEREAS, CCTV inspection is used to determine the structural and maintenance condition of the pipelines and if the pipeline needs capital improvement, spot repairs, root control, FOG (Fats, Oils, and Grease) control, and/or increased cleaning frequency, and

WHEREAS, on September 11, 2018, by Resolution No. 2018-397, Council approved a purchasing agreement with Subsite, LLC, Petaluma, CA, for a cost not to exceed \$127,040 for replacement CCTV equipment, and

WHEREAS, when staff started the process of entering the requisition for the purchase of the CCTV equipment, it was discovered that the funding was short by \$10,268 due to cost of freight and sales tax; therefore, staff is requesting an increase to add \$10,268 to complete the purchase of CCTV equipment from Subsite, LLC, Petaluma, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the purchasing agreement with Subsite, LLC,

Petaluma, CA, for a Closed Circuit Television (CCTV) equipment retrofit by \$10,268, from \$127,040 to \$137,308.

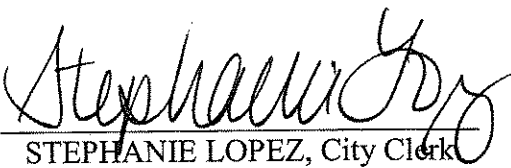
BE IT FURTHER RESOLVED the Purchasing Manager, or her designee, is hereby authorized to issue the purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-26**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS,
ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT
WITH ROADRUNNER DRILLING & PUMP COMPANY, INC., OF
WOODLAND, CA, FOR THE WELL 71 (REPLACING WELL 226) PROJECT,
IN THE AMOUNT OF \$629,609 AND AUTHORIZING THE CITY MANAGER,
OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, specifications have been prepared for the Well 71 (Replacing Well 226) Project, and

WHEREAS, on November 20, 2018 staff received bids from three companies that were responsible and responsive, including a bid from Roadrunner Drilling & Pump Company, Inc., and

WHEREAS, MMC 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, and the award of bid for the Well 71 (Replacing Well 226) 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 \$629,609 received from Roadrunner Drilling & Pump Company, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Rolfe Construction Company.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby consider approving the plans and specifications, accepting the bid and

awarding a contract to Roadrunner Drilling & Pump Company, Inc., of Woodland, CA for the Well 71 (Replacing Well 226) Project in the amount of \$629,609.

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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

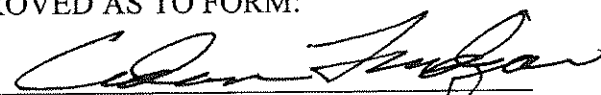
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-27**

RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$134,067 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE WELL 71 (REPLACING WELL 226) PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of \$134,067 in order to fund construction, contingency, construction administration, City construction forces, and design support during construction plus City staff support for the Well 71 (Replacing Well 226) Project, and

WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget must be amended as shown 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 approves the amendment of the Fiscal Year 2018-2019 Capital Improvement Program Budget as shown in **Exhibit A**, **attached** hereto.

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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

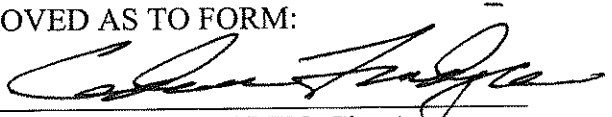
By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

Project costs were higher than initially budgeted for the project, thus an appropriation transfer in the amount of \$134,067 is necessary to fund construction, contingency, construction administration, City construction forces, and design support during construction. Upon Council approval, this amount will be transferred into the project account from Water Fund Reserves to cover these costs, thereby amending the Fiscal Year 2018-19 Capital Improvement Program Budget.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-28**

**RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S
AUTHORITY TO ISSUE CHANGE ORDERS FOR THE WELL 71 (REPLACING
WELL 226) PROJECT FROM 10 PERCENT (\$62,961) TO 25 PERCENT
(\$157,402) OF THE CONSTRUCTION CONTRACT AMOUNT**

WHEREAS, on January 22, 2019, the City Council is concurrently awarding a \$629,609 contract to Roadrunner Drilling & Pump Company, Inc., of Woodland, CA for the construction of the Well 71 (Replacing Well 226) Project, and

WHEREAS, given the nature of the project, additional work may be needed to address unexpected conditions that require changes in project scope, and

WHEREAS, the additional costs may exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443.

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 the Well 71 (Replacing Well 226) Project from 10 percent (\$62,961) to 25 percent (\$157,402) of the construction contract price of \$629,609 with Roadrunner Drilling & Pump Company, Inc, of Woodland, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

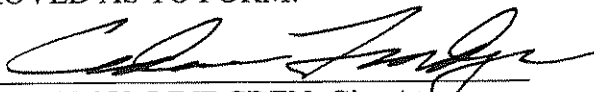
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-29**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE LA LOMA PHASE 2B FIRE HYDRANT ADDITIONS PROJECT, ACCEPTING THE BID, AND AWARDING A CONSTRUCTION CONTRACT WITH ROLFE CONSTRUCTION COMPANY OF ATWATER, CA, IN THE AMOUNT OF \$692,963 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the La Loma Fire Hydrant Additions Project, and

WHEREAS, on December 18, 2018 staff received bids from three companies that were responsible and responsive, including a bid from Rolfe Construction Company, and

WHEREAS, MMC 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, and the award of bid for the La Loma Phase 2B Fire Hydrant Additions 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 \$629,963 received from Rolfe Construction Company, be accepted as the lowest responsible and responsive bid and the contract be awarded to Rolfe Construction Company.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby consider approving the plans and specifications for the La Loma Phase 2B Fire Hydrant Additions Project, accepting the bid and awarding a construction contract with Rolfe Construction Company of Atwater, CA in the amount of \$629,963.

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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-30**

RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$300,000 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE LA LOMA PHASE 2B FIRE HYDRANT ADDITIONS 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 \$300,000 in order to fund construction, contingency, construction administration, City construction forces, and design support during construction plus City staff support for the La Loma Phase 2B Fire Hydrant Additions Project, and

WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget must be amended as shown 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 approves the amendment of the Fiscal Year 2018-2019 Capital Improvement Program Budget as shown in **Exhibit A, attached** hereto.

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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

Overall project costs are higher than what was budgeted for the project due to increased prices in asphalt and the requirement for night work on SR 132 by Caltrans, thus an appropriation transfer in the amount of \$300,000 is necessary to fund construction, contingency, construction administration, City construction forces, and design support during construction from City Staff. Upon Council approval, this amount will be transferred into the project account (101111) from Water Fund Reserves to cover these costs, thereby amending the Fiscal Year 2018-19 Capital Improvement Program Budget.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-31**

RESOLUTION ACCEPTING THE TANK 6 RECOAT AND REPAIRS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$830,933 TO WEST COAST INDUSTRIAL COATINGS, INC., OF HEMET, CA

WHEREAS, on December 12, 2017, by Resolution No. 2017-514, Council awarded a contract to West Coast Industrial Coatings, Inc., of Hemet CA, for the construction of the Tank 6 Recoat and Repairs project, and

WHEREAS, staff provided the construction management, inspection, survey staking, and project administration, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of January 8, 2018, and

WHEREAS, all contract and administrative work was completed by November 26, 2018, and

WHEREAS, the Tank 6 Recoat and Repairs project has been completed by West Coast Industrial Coatings, Inc., of Hemet, CA, in accordance with the contract agreement dated December 12, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Tank 6 Recoat and Repairs project as complete by West Coast Industrial Coatings, Inc., of Hemet CA,, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling \$830,933 as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

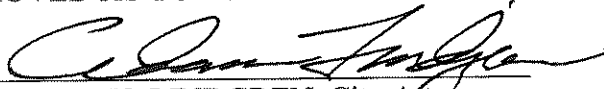
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-32**

RESOLUTION ACCEPTING THE FIRE STATION 11 GARAGE DOOR REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$49,756 TO SCOTT REDENBAUGH CONSTRUCTION, OF MODESTO, CA

WHEREAS, on February 6, 2018, by Resolution No. 2018-63, Council awarded a contract to Scott Redenbaugh Construction, of Modesto, CA, for the construction of the Fire Station 11 Garage Door project, and

WHEREAS, staff provided the construction management, inspection, and project administration, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of April 2, 2018, and

WHEREAS, all contract and administrative work was completed by December 3, 2018, and

WHEREAS, the Fire Station 11 Garage Door project has been completed by Scott Redenbaugh Construction, of Modesto, CA in accordance with the contract agreement dated February 6, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fire Station 11 Garage Door project as complete by Scott Redenbaugh Construction, of Modesto, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling \$49,756 as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

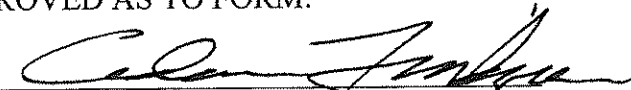
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-33**

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH W.W. GRAINGER, INC., LAKE FOREST, IL, BY UTILIZING THE COMPETITIVE BID PROCESS WITH NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE (NATIONAL IPA), UNIVERSITY OF CALIFORNIA, OFFICE OF THE PRESIDENT, FOR MAINTENANCE, REPAIR AND OPERATION SUPPLIES FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$113,500 AND A TOTAL AMOUNT NOT TO EXCEED \$567,500, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE AGREEMENT

WHEREAS, the City has had a blanket purchase order with W. W. Grainger, Inc. (Grainger) for the past several years for maintenance, repair and operation supplies, and

WHEREAS, over the last year, the Grainger blanket purchase order has needed to be increased to accommodate expenditures, and

WHEREAS, to control the expenditures, purchasing staff has determined that an agreement would better serve the needs of staff, and

WHEREAS, the City Manager authorized the Purchasing Division to issue a formal Request for Bids (RFB) for maintenance, repair and operation (MRO) supplies on November 2, 2018, and

WHEREAS, while researching to prepare for the RFB, Purchasing staff discovered that Grainger has an agreement through National IPA, and

WHEREAS, the University of California issued an RFP on January 31, 2018, to establish a national cooperative contract for MRO supplies and related services, and

WHEREAS, the University of California, National IPA, and Grainger successfully negotiated a contract with an effective date of July 1, 2018, for an initial five-year term with two additional one-year options, and

WHEREAS, Grainger offers MRO supplies through a National Market Basket of 1300+ items that were competitively bid and Site Specific Market Basket of 1000+ items offering discounts from 5% to 35% off catalog prices; other cooperative purchasing agreements included Grainger competitors, such as, Fastenal, MSC, and Mallory Safety. Staff reviewed pricing from other agreements on the Top 50 items, and determined that Grainger had the best pricing for MRO Supplies, and

WHEREAS, by utilizing Grainger through National IPA, staff will be able to purchase items conveniently at a competitive price. The City will also receive the following incentives:

- Annual Growth Incentive: 1% on 10 %< prior year sales, 2% on 20%< prior year sales.
- E-commerce Rebate: 1% on 50%-74% sales through ecommerce, 2% on 75%< through ecommerce.
- Grainger Choice: 1% incentive paid on all Grainger Choice purchases if a minimum of 25% is met for total sales.
- Green product Incentive: 1% incentive paid on all Certified Grainger Green Product purchases if a minimum of 20% is met for total sales.

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, 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 joining with the State of California and other units of government in cooperative purchasing plans when the best interest of the City would be served; this purchase qualifies for the exemption from the formal bidding process as we are utilizing the University of California existing contract with competitive pricing and control of expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a purchasing agreement with W.W. Grainger, Inc., Lake Forest, IL, by utilizing the competitive bid process with National Intergovernmental Purchasing Alliance (National IPA), University of California, Office of the President, for maintenance, repair and operation supplies for a two-year agreement with three one-year extension options, for an annual cost not to exceed \$113,500 and a total amount not to exceed \$567,500.

BE IT FURTHER RESOLVED the Purchasing Manager, or her designee, is hereby authorized to issue the purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

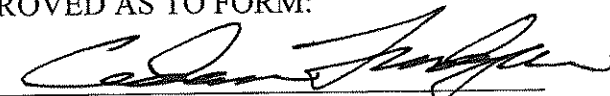
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-34**

RESOLUTION APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT WITH EAH HOUSING, INC., A NONPROFIT HOUSING CORPORATION, FOR THE TRANSFER OF A CITY-OWNED PARCEL ON 9TH STREET TO EAH HOUSING, INC. FOR THE CONSTRUCTION OF 74 AFFORDABLE MULTIFAMILY UNITS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE ALL ACTIONS AND EXECUTE ANY DOCUMENTS AND/OR AGREEMENTS RELATED TO THE DISPOSITION AND DEVELOPMENT AGREEMENT

WHEREAS, Archway Commons is collaboration between the City of Modesto and EAH Housing, Inc. (EAH) for 150-unit housing development for low-income families and seniors, and

WHEREAS, Phase I was completed in 2013 and the 76 units were fully leased and occupied immediately after completion, and

WHEREAS, Archway Commons Phase II proposes to acquire the site and develop 74 family affordable housing units; this is the final phase in a 150-unit combined, two phase project, and

WHEREAS, Phase II consists of nine, two-story wood framed buildings consistent with the Phase I design. As proposed, the anticipated Phase II unit mix includes (1) 1-BR/1-BA at 710 square feet, (52) 2-BR/1-BA each at 825 square feet, and (20) 3-BR/2-BA apartments each 1150 square feet, and

WHEREAS, the Developer's construction and operation of this development are not financially feasible without the City's financial assistance; it is therefore, recommended that the City transfers the Property to the Developer in accordance with the terms set forth in a Disposition and Development Agreement, to provide the Developer

with the Acquisition Loan, in consideration for the Developer's agreement to construct and operate the Development, and

WHEREAS, the amount of the Acquisition Loan provided pursuant to this Agreement does not exceed the amount of City's assistance necessary to make the Developer's acquisition of the Property and the construction and operation of the Development, as restricted by this Agreement, financially feasible, and

WHEREAS, in order to move forward with Phase II of the Project, the Developer needs additional time to secure non-City financing for Phase II, and

WHEREAS, this is crucial as the City's HOME funds cannot be committed to Phase II until all other funding sources have been secured, and

WHEREAS, a DDA is essential for EAH and Phase II of the project, and

WHEREAS, this agreement will show the City's commitment to the project and funding committed to the project and therefore allows EAH to leverage this funding with other sources of funding associated with the project, and

WHEREAS, the Phase II DDA is designed to grant the Developer an option to acquire the Property for a purchase price of One Million Three Hundred Eighty-One Thousand (\$1,381,000), which will be paid through a carry-back loan (the "Acquisition Loan"), and

WHEREAS, the purchase price was established in accordance with a third-party appraisal.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a Disposition and Development Agreement with EAH Inc., a nonprofit housing

corporation, the transfer of a City-owned parcel on 9th street to EAH Inc. for the construction of 74 affordable multifamily units.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute any documents related to the Disposition and Development 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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

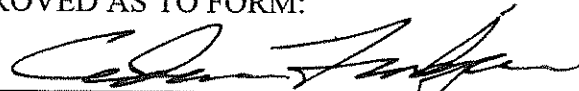
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-35**

RESOLUTION APPROVING A CAPITAL FACILITIES FEES EXEMPTION AGREEMENT IN THE AMOUNT OF \$737,484, WITH EAH HOUSING, INC. FOR 74 SENIOR AND FAMILY UNITS, LOCATED AT 1101 CARVER ROAD, MODESTO, CA AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Capital Facilities Fees (CFF) Program was established in 1989, and

WHEREAS, the current CFF Policies and Procedures state, with respect to very low and low income housing exemptions, the total number of housing exemptions granted are not to exceed two percent (2%) of the cumulative total CFF program housing units, and

WHEREAS, the CFF Policies and Procedures also allows an applicant to submit an application and request CFF be waived on new affordable units for households earning sixty (50%) or less of the Area Median Income, and

WHEREAS, since 1989, a total of 18,826 residential building permits have been issued of which 680 were granted CFF exemptions, and

WHEREAS, on December 4, 2018, EAH Housing, Inc. (EAH) submitted a CFF Exemption Application for its project located at 1101 Carver Road, Modesto (Project), and

WHEREAS, the Project will provide 74 senior and family units, and

WHEREAS, the Project will be affordable to low and very low income households and will have a fifty-five year affordability covenant, and

WHEREAS, staff reviewed EAH's CFF Exemption Application and found it complies with the CFF Policies & Procedures as all 74 units will be affordable to very low and low income households.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Capital Facilities Fees Exemption Agreement in the amount of \$737,484, with EAH, Housing Inc. for 74 Senior and Family Units, located at 1101 Carver Road, Modesto, CA.

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 January, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

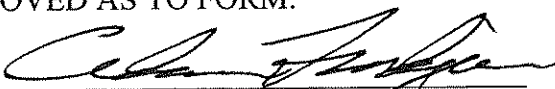
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-36**

**RESOLUTION APPROVING A MID-YEAR RATE ADJUSTMENT TO THE
MAXIMUM RATE SCHEDULE FOR CITY SOLID WASTE COLLECTION
SERVICES FOR AN INCREASE OF \$1.40 PER MONTH FOR RESIDENTIAL
SERVICES, \$2.38 PER CUBIC YARD PER MONTH FOR COMMERCIAL
SERVICES, AND \$22.79 PER PULL FOR INDUSTRIAL SERVICES
RETROACTIVE TO JANUARY 1, 2019, AND RESCINDING RESOLUTION NO.
218-475 FOR THE OCTOBER 1, 2018 QUARTERLY FUEL 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 garbage 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 f (2) of the City's Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed annually as per the Agreements with the City's garbage collection companies, and

WHEREAS, in June 2018, by Resolution No. 2018-242, Council approved the annual rate adjustment to the Maximum Rate Schedule for Solid Waste Services conducted by SCS Engineers, Inc. based on the haulers FY 15/16 audited financial statements, and

WHEREAS, during the rate hearing staff proposed a mid-year rate review utilizing the FY 16/17 audited financial statements with any adjustments to become effective January 1, 2019, and

WHEREAS, Council approved the proposal for a mid-year rate review by Resolution No. 2018-242, and

WHEREAS, Geer Road Landfill is jointly owned by the City of Modesto and Stanislaus County, and closure and post closure costs and maintaining financial assurances for the life of a closed landfill are the responsibility of the owners of the landfill. In order to ensure enough funds are available for continued and future post closure costs, the following fees are necessary: \$0.15 per household per month on residential rates, \$0.36 per cubic yard per month on commercial rates, and \$4.12 per pull on industrial rates, and

WHEREAS, as part of the Solid Waste Rate Study, an analysis was conducted to determine a methodology for charging for additional garbage and organics recycling containers. It was found that the actual cost of service for collection of an additional garbage container was \$13 per month, and the actual cost of service for collection of an organics recycling container was \$8 per month, and

WHEREAS, staff analyzed this and discussed this with the garbage collection companies, the decision was made to only charge the actual cost of service for each additional garbage container at \$13 per month for residential collection services, and \$8 per month for each additional organics recycling container for residential collection services, and

WHEREAS, in FY 96/97 the City of Modesto went to a solid waste collection system for residential customers of two 96-gallon containers; one for garbage and one for yard waste. At the rate review for July 1, 1996, by Resolution No. 96-375, Council

approved the Charges for Garbage Service rate sheet. The rate sheet specified that existing customers with 60-gallon containers prior to July 1, 1996 would pay the existing rates, however new sign-ups for service or changes to service after July 1, 1996 would be charged the standard container rate regardless of the size of container, and

WHEREAS, Resolution No. 96-375 was rescinded at the next rate review but the “grandfathered rates” remained on the newly approved rate sheet and have continued to remain on the Maximum Rate Schedule for Garbage Service since 1996, and

WHEREAS, during the Solid Waste Rate and Fee Study the validity of continuing this practice was put into question and staff committed to research this rate. During this research staff discovered that this rate was only intended to be a temporary way to assist existing customers through the transition of the new collection system and was not intended to remain in place for 22 years, and

WHEREAS, there are approximately 500 customers receiving the grandfathered rate, which is \$24.41 per month, a difference of \$9.50 from the current standard container rate, and

WHEREAS, staff is recommending all residential customers who have standard container service pay the same rate as set forth on **Attachment A**, pursuant to the intent of the original rate sheet in July 1996 and that there no longer be a grandfathered 60-gallon container rate, and

WHEREAS, in September 2007, under US EPA Region 9 grant the City implemented a voluntary commercial food waste pilot program. To encourage businesses to participate a 25% reduction off the Maximum Monthly Rates for Detachable Container services was approved. There were 24 businesses participating at that time. Currently, there are 15 businesses still receiving the 25% discount, and

WHEREAS, in 2015, State Assembly Bill 1826, the Mandatory Commercial Organics Recycling law, was passed requiring all businesses that produced eight yards of organic waste per week, and multi-family residences with five or more dwellings, recycle their organic waste. Each year the State has reduced the threshold as to who must comply with this law, and

WHEREAS, effective January 1, 2019, all businesses that produce four or more cubic yards of regular waste per week will have to recycling any organic waste they produce. This encompasses most of the City's businesses with commercial bin service. Staff is therefore recommending due to this mandatory law, that the 25% discount off the Maximum Monthly Rates for Detachable Containers be discontinued, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended, and

WHEREAS, the fiscal impact related to the proposed adjustments for residential, commercial and industrial garbage and recycling services will increase revenue over the next six months to the Geer Road Landfill Fund by \$102,000, the General Fund by \$51,500, and the Streets Fund by \$24,000.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Maximum Charges for Garbage Services, as **attached** hereto, marked **Attachment A**, dated January 1, 2019, and incorporated herein by reference. Said Maximum Charges for Garbage Service shall include all other services as stipulated in the Service Agreements and shall become effective retroactive to January 1, 2019, and shall remain in effect until revised or rescinded by Council.

BE IT FURTHER RESOLVED, that Resolution No. 2018-475 for the October 1,

2018 quarterly fuel adjustment is hereby rescinded effective January 1, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

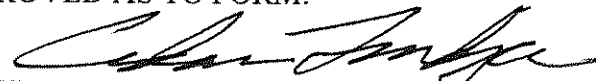
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

MAXIMUM CHARGES FOR GARBAGE SERVICE - JANUARY 1, 2019

STANDARD CONTAINERS - Maximum Monthly Rate

Standard container service includes the following:

- 1 container for garbage and 1 container for organics recycling picked up once a week
- 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	\$ 28.83
Recycling Fee	\$ 0.41
Green Waste Fee	\$ 4.82
Carpenter Rd Landfill Fee	\$ 0.50
Geer Rd Landfill Fee	\$ 0.15
MAXIMUM MONTHLY RATE	\$ 34.71

Additional Garbage Container - \$ 13.00 each per month picked up once a week

Additional Organics Container - \$8.00 each per month picked up once a week

*Containers must be placed in a location set forth in Section 5-5.111 of the MMC.

DETACHABLE CONTAINERS - Maximum Monthly Rate

Weekly rental for Detachable Containers shall not exceed the rate for 1 pick-up per week for each size container.

Base Rate	\$ 34.18
Recycling Fee	\$ 0.97
Green Waste Fee	\$ 9.45
Litter Abatement	\$ 0.59
Carpenter Rd Landfill Fee	\$ 0.95
Geer Rd Landfill Fee	\$ 0.36
MAXIMUM RATE 1 CU YD	\$ 46.50

Container Size	DETACHABLE CONTAINERS MAXIMUM RATES					
	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	\$46.50	\$93.00	\$139.50	\$186.00	\$232.50	\$279.00
2 CY	\$93.00	\$186.00	\$279.00	\$372.00	\$465.00	\$558.00
3 CY	\$139.50	\$279.00	\$418.50	\$558.00	\$697.50	\$837.00
4 CY	\$186.00	\$372.00	\$558.00	\$744.00	\$930.00	\$1116.00
5 CY	\$232.50	\$465.00	\$697.50	\$930.00	\$1162.50	\$1395.00
6 CY	\$279.00	\$558.00	\$837.00	\$1116.00	\$1395.00	\$1674.00

****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 for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. 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 hauler's 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 garbage company. The garbage 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 \$15.64 per ton is added to the disposal charges.

Base Rate	\$ 373.81
Recycling Fee	\$ 14.07
Carpenter Rd Landfill Fee	\$ 13.79
Geer Rd Landfill Fee	\$ 4.12
MAXIMUM RATE PER PICK-UP	\$ 405.79

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

Front Loader Compactors

Compactor Rates						
Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
3 CY	\$418.50	\$837.00	\$1,255.50	\$1,674.00	\$2,092.50	\$2,511.00
4 CY	\$558.00	\$1,116.00	\$1,674.00	\$2,232.00	\$2,790.00	\$3,348.00
6 CY	\$837.00	\$1,674.00	\$2,511.00	\$3,348.00	\$4,185.00	\$5,022.00

Roll-Off Compactors

- 6CY to 40CY \$405.79 per pick-up
 - 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 \$9.45 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 garbage company and the customer.

**DETACHABLE CONTAINER ONLY
 REPLACEMENT AND CLEANING SERVICE**

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 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) 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. 2019-37**

RESOLUTION APPROVING THE USE OF RETIRED EMPLOYEE, JOHN BEAR ON A PART-TIME, AS NEEDED BASIS, FOR THE PURPOSES OF ASSISTING IN THE OVERSIGHT OF THE OPERATIONS OF THE ANIMAL CONTROL UNIT OF THE MODESTO POLICE DEPARTMENT

WHEREAS, the City requests authorization to utilize the services of retired annuitant John Bear on a part-time basis, and

WHEREAS, changes in 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, pursuant to Government Code TITLE I. DIVISION 7. MISCELLANEOUS [6000.-7598.] CHAPTER 21. Public Pension Retirement Plans 7522.56(f)(1-4), section 7522.56 (f)(1) serves as the applicable exception for this request: “The employer certifies the nature of this employment and that the appointment is necessary to fill a critically needed position before 180 days has passed and the appointment has been approved by a governing body of the employer in a public meeting. The appointment may not be placed on a consent calendar.”, and

WHEREAS, CalPERS Publication 33 stipulates certain conditions must all be met in order for an appointment to move forward. These conditions are:

1. Appointee has specialized skills needed to perform work of limited duration or the employment is needed during an emergency to prevent stoppage of public business.
2. Temporary employment will not exceed 960 hours in a fiscal year (July 1st through June 30th).

3. The compensation cannot exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal an hourly rate.

4. Retired annuitants cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate, and

WHEREAS, John Bear has worked for the City of Modesto for 18 years and possesses the expertise and skills necessary to alleviate any disruption to the operations of the Animal Control Unit, and

WHEREAS, given the knowledge and history with the City of Modesto, John Bear will assist in critical functions with the Animal Control Unit until such a time as vacancies can be filled, and

WHEREAS, the compensation will be on an hourly basis within the pay schedule of employees performing comparable duties, and cannot exceed the maximum monthly base salary paid to those employees. It will be calculated by dividing the monthly base pay by 173.333 to equal an hourly rate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the use of retired employee, John Bear on a part-time, as needed basis, for the purposes of assisting in the oversight of the Animal Control Unit of the Modesto Police Department beginning February 5, 2019 through July 22, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

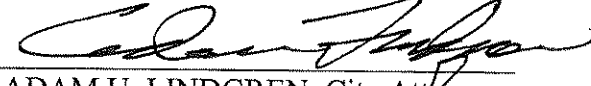
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-38**

**RESOLUTION OF SUPPORT FOR FURLOUGHED U.S. GOVERNMENT
EMPLOYEES AND FEDERALLY FUNDED BUSINESSES PROVIDING THE
CITY MANAGER AUTHORITY TO TEMPORARILY SUSPEND LATE FEES
AND OTHER PENALTIES RESULTING FROM LATE PAYMENT OF UTILITY
FEES TO THE CITY OF MODESTO**

WHEREAS, it has recently come to the attention of the City Council, that certain U.S. Government employees who are currently furloughed, will not be receiving a second consecutive pay check, and some continue to work for free; and

WHEREAS, the City Council believed that a Federal solution to this critical issue would have been reached before the posting of the January 22, 2019 City Council Meeting Agenda, however, the City Council is presently informed that furloughed U.S. Government employees will continue to not be paid for the indefinite future; and

WHEREAS, the City Council recognizes that U.S. Government employees provide critical services within and in the surrounding areas of the City of Modesto; and

WHEREAS, the services provided to the City of Modesto by furloughed U.S. Government employees are of an essential nature, and are necessary to protect the health, safety, and welfare of all Modesto residents; and

WHEREAS, financial constraints placed upon furloughed U.S. Government employees, having not received two successive pay checks, may cause them to seek other employment; and

WHEREAS, the City of Modesto recognizes that furloughed U.S. Government employees are vital to providing the services that residents and businesses of the City of Modesto require; and

WHEREAS, the City of Modesto, as one of the City's utility providers, possesses the authority to temporarily stay late fees and other penalties resulting from utility usage, and wishes to do so for furloughed U.S. Government employees and federally funded businesses.

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

1. The City Manager is hereby authorized and directed to establish a policy to temporarily suspend late fees and other penalties including interruptions of service resulting from late payment of utility fees to the City of Modesto, to the extent provided by the Modesto Municipal Code and Charter, for those current U.S. Government employees and that have been and remain furloughed or unpaid.
2. This resolution shall remain in effect until the earlier of: (i) revocation by the City Manager following the resolution of the current partial Federal Government shutdown; (ii) after sixty (60) days; or (iii) upon the revocation of this resolution by the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-39**

RESOLUTION APPROVING THE REAPPOINTMENT OF PHILIP S. ANSELMO JR. TO THE DISABLED ACCESS APPEALS BOARD TO A SECOND FOUR-YEAR TERM, WITH A TERM EXPIRATION OF FEBRUARY 10, 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 City Council approved, by Resolution Number 2015-34 , and the appointment of Philip S. Anselmo Jr. for the term ending February 10, 2019, and

WHEREAS, Philip S. Anselmo Jr. has expressed interest in continuing to serve as a member of the Disabled Access Appeals Board.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the reappointment Philip S. Anselmo Jr. to the Disabled Access Appeals Board to a second four-year term, with a term expiration of February 10, 2023.

BE IT FURTHER RESOLVED, that City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Disabled Access Appeals 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 5th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Stephanie Lopez for*
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: *Adam U. Lindgren*
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-40**

**RESOLUTION AWARDING \$189,600 IN COMMUNITY DEVELOPMENT
BLOCK GRANT FUNDS TO STANISLAUS COUNTY AFFORDABLE HOUSING
CORPORATION FOR THE ACQUISITION OF PROPERTY LOCATED AT 615
5TH STREET, MODESTO CA, AND AUTHORIZING THE CITY MANAGER OR
HIS DESIGNEE TO EXECUTE THE AGREEMENTS**

WHEREAS, the Program Year 2018-2019 Annual Action Plan's Community Development Block Grant (CDBG) budget includes funding for acquisition of Affordable Housing – Acquisition Activities, and

WHEREAS, the intent of this program is to allow the City to partner with local affordable housing providers to acquire properties, make any necessary site improvements, and achieve innovative, affordable, and safe residential housing solutions, while meeting the myriad of regulatory requirements associated with the federal entitlement funds that the City receives, and

WHEREAS, it has been documented that affordable housing is severely constrained and have been scarce in the current competitive housing market, and

WHEREAS, to assist with this shortage, the City works with local affordable housing providers to acquire and/or develop affordable housing units, using federal entitlement program funds such as CDBG and HOME, with the goal of supplementing affordable housing inventory within the City, and

WHEREAS, Stanislaus County Affordable Housing Corporation (STANCO) is seeking funding to acquire a 2 bedroom, 1-bath affordable rental housing unit on property located at 615 5th Street, Modesto CA 95351, and

WHEREAS, the subject property is adjacent to STANCO's existing Garden Gate Respite (GGR) project which provides short-term crisis housing for individuals with

known or suspected mental illness, who are at risk for homelessness, incarceration, victimization or psychiatric hospitalization, and

WHEREAS, the property will serve as an additional short-term transitional housing unit for the same population groups currently served at GGR, and

WHEREAS, this project will provide short-term affordable rental housing to individuals with incomes below 80% of the area median income.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the awarding of \$189,600 in Community Development Block Grant funds to Stanislaus County Affordable Housing Corporation for the acquisition of property located at 615 5th Street, Modesto CA.

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 5th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

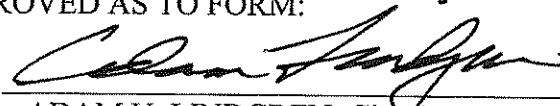
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-41**

RESOLUTION AMENDING THE MULTI-YEAR PROJECT 101143 BUDGET TO ALLOCATE \$189,600 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION FOR ACQUISITION ACTIVITIES AND \$5,000 FOR ELIGIBLE ACTIVITY DELIVERY COSTS 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, the Program Year 2018-2019 Annual Action Plan's Community Development Block Grant (CDBG) budget includes funding for acquisition of Affordable Housing – Acquisition Activities, and

WHEREAS, Stanislaus County Affordable Housing Corporation (STANCO) is seeking funding to acquire a 2 bedroom, 1-bath affordable rental housing unit on property located at 615 5th Street, Modesto CA 95351, and

WHEREAS, STANCO is seeking funding to acquire the property to serve as an additional short-term transitional housing unit, and

WHEREAS, this project will provide short-term affordable rental housing to individuals with incomes below 80% of the area median income, and

WHEREAS, the Affordable Housing – Acquisition Project 101143, funded through the Community Development Block Grant Entitlement Funds, must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, amending the multi-year project 101143 budget to allocate \$189,600 of Community Development Block Grant Funds to

Stanislaus County Affordable Housing Corporation for acquisition activities and \$5,000 for eligibility activity delivery costs as shown in **Exhibit A attached** hereto.

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 5th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Affordable Housing Acquisition

101143

Non-Cap Unspens HUD

Organization :	CLD HUD Administration	Category :	Start Date :
Housing Fund :	Grants - CDBG Direct Program-1130	Type :	09-OCT-2018
Element :		Area :	End Date :
Classification :		Manager :	Status :
		Narayan, Jesuca A	APPROVED
			Const. Code :

Proj Desc : CLD - HUD - FY 18/19 Affordable Housing Acquisition

Revenue	PJTD BDCI Previous Yr End	PJTD Actual Previous Yr End	PJTD Available Previous Yr End	PJTD Budget	PJTD Actual	PJTD Commit	PJTD Available
42050 Intergov - Federal - Housing Urban Development - Current Year	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Expenditure	PJTD BDCI Previous Yr End	PJTD Actual Previous Yr End	PJTD Available Previous Yr End	PJTD Budget	PJTD Actual	PJTD Commit	PJTD Available
Appr Unit C AD Activity Delivery	0.00	0.00	0.00	32,000.00	0.00	0.00	32,000.00
Appr Unit C Direct Loan	0.00	0.00	0.00	606,096.00	0.00	0.00	606,096.00
1314 Appr Unit C Direct Loan	0.00	0.00	0.00	200,000.00	0.00	0.00	200,000.00
1314 AD Appr Unit C Activity Delivery	0.00	0.00	0.00	26,000.00	6,278.79	603.81	21,117.40
Total	0.00	0.00	0.00	946,096.00	6,278.79	603.81	939,213.40
Net Total			0.00				-939,213.40

Project 101143

FROM

Appr Unit C Direct Loan	\$ 604,096.00	\$ (189,600.00)	\$ 414,496.00
Appr Unit C Activity Delivery	\$ 32,000.00	\$ (5,000.00)	\$ 27,000.00

TO

1328 Appr Unit C Direct Loan EN2016	\$ -	\$ 57,000.00	\$ 57,000.00
1328 Appr Unit C Direct Loan EN2018	\$ -	\$ 117,201.93	\$ 117,201.93
1328 Appr Unit C Direct Loan PI2018	\$ -	\$ 15,398.07	\$ 15,398.07
1328 Appr Unit C Activity Delivery EN2018	\$ -	\$ 5,000.00	\$ 5,000.00

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-42**

RESOLUTION APPROVING A CITYWIDE PROFESSIONAL SERVICES AGREEMENT FOR SECURITY SERVICES, WITH UNIVERSAL PROTECTION SERVICE LP (DBA ALLIED UNIVERSAL SECURITY SERVICES), FOR A FIVE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$741,230 FOR THE FIRST YEAR OF SERVICE, WITH ANNUAL INCREASES RANGING FROM THREE TO EIGHT PERCENT OVER THE SEVEN YEAR PERIOD, AND A TOTAL AMOUNT NOT TO EXCEED \$5,880,468, OVER SEVEN YEARS; AND A SECONDARY CITYWIDE PROFESSIONAL SERVICES AGREEMENT FOR SECURITY SERVICES WITH RANK INVESTIGATION & PROTECTION, INC. FOR A FIVE-YEAR AGREEMENT WITH TWO ONE-YEAR OPTIONS, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$112,378 FOR THE FIRST YEAR OF SERVICE, WITH ESTIMATED ANNUAL INCREASES RANGING FROM THREE TO EIGHT PERCENT OVER THE SEVEN YEAR PERIOD AND A TOTAL AMOUNT NOT TO EXCEED \$891,916, AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ADJUST FINANCIAL AMOUNTS BETWEEN BOTH PROVIDERS WITHOUT EXCEEDING AN ESTIMATED ANNUAL COST OF \$853,608 AND OVERALL COST OF \$6,772,384, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, Stanislaus County recently completed a competitive RFP process for security guard services, and

WHEREAS, based on being ranked highest in total evaluation criteria Stanislaus County Board of Supervisors, approved Board Action No. 2018-0587, authorizing the award of a Master Agreement to Universal Protection Service LP, doing business as Allied Universal Security Services, Stockton, CA, and

WHEREAS, by accessing the terms or “piggybacking”, City staff recommends the award of contract for the furnishing of security guard services for Citywide use to Allied Universal Security Services, San Jose, CA, and

WHEREAS, due to the emergency shelter crisis and homelessness declared on December 11, 2018 City staff recommends a secondary agreement be established to provide services, and

WHEREAS, based on informal process to evaluate service and rates, City staff recommends the award of secondary contract for the furnishing of security guard service to Rank Investigations and Protection, and

WHEREAS, Modesto Municipal Code (MMC), Section 8-3.203, generally requires all purchases, which meet or exceed \$50,000.00 for material, equipment or contractual services to be formally bid. MMC 8-3.204 (d), is available where the Purchasing Manager, in his discretion, determines that a process other than the usual formal bid procedure set forth in Section MMC 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 interest of the City would be served. In addition, MMC 8-3.204 (c) states “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 furnishing of security guard services for Citywide use, conforms by accessing the terms of a competitively bid Master Agreement from Stanislaus County, Board Action No. 2018-0587, to Universal Protection Service LP, doing business as Allied Universal Security Services, Stockton, CA, conforms to code, and Rank conforms based on exigent circumstances, lower cost for armed services and proven quality of service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal for security services, with Universal Protection Service LP (dba Allied Universal Security Services), for a five-year Agreement with two one-year extension options, for an estimated annual cost not to exceed \$741,230 for the first year of service, with annual increases ranging from three to eight percent over the seven year period, and a total amount not to exceed \$5,880,468, over seven years; and a secondary agreement for security services with Rank Investigation & Protection, Inc. for a five-year Agreement with two one-year options, for an estimated annual cost not to exceed \$112,378 for the first year of service, with estimated annual increases ranging from three to eight percent over the seven year period and a total amount not to exceed \$891,916.

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 \$853,608 and overall cost of \$6,772,384.

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 February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-43**

RESOLUTION APPROVING A LICENSE AGREEMENT WITH MODESTO ON ICE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, TO OPERATE A SEASONAL ICE SKATING RINK, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LICENSE AGREEMENT

WHEREAS, the City determined the downtown would benefit from increased activity with the installation of a seasonal ice skating rink, and

WHEREAS, on October 29, 2015, the City entered into a License Agreement with Modesto on Ice, a California Limited Liability Company, to operate a seasonal ice skating rink, and

WHEREAS, the ice skating rink operated for four seasons on a portion of the Modesto Centre Parking lot located at the intersection of 11th and L Streets, and

WHEREAS, Modesto on Ice contributed approximately \$20,000 in improvements on the lot, and

WHEREAS, the City waived rental fees for the use of the Modesto Centre Plaza parking lot, and

WHEREAS, the License Agreement expired on January 31, 2019, and

WHEREAS, the City and Modesto on Ice desire to enter into a new License Agreement for five seasons starting on November 5, 2019 through January 31, 2024, and

WHEREAS, each season will commence on the first Tuesday of November and end on January 31st, and

WHEREAS, Modesto on Ice will pay rental fees for use of the southeast corner of the Modesto Centre Plaza parking lot.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a License Agreement with Modesto on Ice, LLC, a California Limited Liability Company.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the License 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 February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Stephanie Lopez*
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: *Adam U. Lindgren*
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-44**

**RESOLUTION REJECTING ALL BIDS RECEIVED FOR REQUEST FOR BID
(RFB) NO. 1819-08 FOR LED INFORMATION SIGNS, AND AUTHORIZING
STAFF TO REISSUE THE RFB AT A FUTURE DATE**

WHEREAS, the Transit Division and Fleet Division required a contractor to install two 3'x8' 12 mm RGB full color video display information signs at the City's Bus Maintenance Facility, and

WHEREAS, the City Manager authorized the Transit and Fleet Divisions to issue a Request for Bids (RFB) for LED Information signs. On September 10, 2018, they issued RFB No. 1819-08 on the City's website, and on October 9, 2018, bids closed and were opened in the City Clerk's Office, and

WHEREAS, after reviewing the bids received and bid packages, it was determined that the bid documents did not contain all of the required Federal Transit Administration (FTA) clauses and the Independent Cost Estimate (ICE) was not completed, and

WHEREAS, in the Best Practices Procurement and Lessons Learned Manual, it states that the City must include all Federal clauses in any FTA related procurements, and

WHEREAS, the City and its Contractor must comply with various Federal laws and regulations that apply to FTA funded procurements, including a completed ICE form required by the FTA, and

WHEREAS, the ICE is a tool to assist in determining the reasonableness or unreasonableness of the bid or proposal being evaluated and is required for all procurements regardless of dollar amount, and

WHEREAS, for these reasons, staff believes it is in the City's best interest to

reject all bids received under RFB No. 1819-08, and

WHEREAS, staff will work on updating the bid documents to include all required FTA clauses and a completed ICE, and it's the intention of staff to issue a new RFB with the required item and release a new bid in February 2019.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for Request for Bid No. 1819-08 for LED Information Signs and authorizes staff to reissue the RFB at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Stephanie Lopez for*
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: *Adam U. Lindgren*
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-45**

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH GEORGE OSNER, AICP, SAN ANSELMO, CA, FOR ON-CALL ENVIRONMENTAL PLANNING SUPPORT SERVICES FOR AN ANNUAL COST NOT TO EXCEED \$45,000, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE CITY'S DISCRETION, FOR A TOTAL AMOUNT NOT TO EXCEED \$135,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department will require environmental planning support services related to Capital Improvement Projects that may be beyond staff's ability to efficiently accomplish, and

WHEREAS, retaining an on-call consultant will allow the Department to have quick access to specific environmental planning support services when needed to ensure that complex California Environmental Quality Act (CEQA) documentation is completed thoroughly and filed correctly with State and local agencies, and

WHEREAS, George Osner, AICP, a former planner for the City, has demonstrated the ability to provide quality service in a timely manner on past and current projects, and

WHEREAS, Mr. Osner is familiar with the City's existing infrastructure, policies, and personnel, and has an in-depth knowledge of CEQA requirements, and

WHEREAS, the existing Agreement for On-Call Environmental Planning Support Services with Mr. Osner, that was approved by Council October 27, 2015, by Resolution No. 2015-405 expired October 27, 2018, 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with George Osner, AICP for On-Call Environmental Planning Support Services for an annual cost not to exceed \$45,000, with two one-year extension options, at the City's discretion, for a total amount not to exceed \$135,000.

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 5th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-46**

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH GROVER LANDSCAPE SERVICES, INC., MODESTO, CA, FOR LANDSCAPE SERVICES BY \$1,253,264, FROM \$8,331,208 TO A NEW TOTAL AMOUNT OF \$9,584,472, FOR SITE CHANGES, ADDITIONAL REPAIRS AND SERVICE LEVEL INCREASES 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 Parks, Right Of Ways and Public Landscaping owned and/or maintained by the City of Modesto for a total amount of \$8,352,935, and

WHEREAS, in November 2017, the City undertook a comprehensive review of all Agreements made with and by the City, and

WHEREAS, several issues were discovered pertaining to the Grover Landscaping agreement, and

WHEREAS, City and Grover desire to amend the agreement to correct cost totals and expand the list of sites to be serviced annually; set an annual spending limit for irrigation repairs and miscellaneous work assignments; and including services for unanticipated repairs or extra work.

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 Grover Landscape Services, Inc., Modesto, CA, for landscape services by \$1,253,264, from \$8,331,208 to a new total amount of \$9,584,472, for site changes, additional repairs and service level increases.

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 5th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

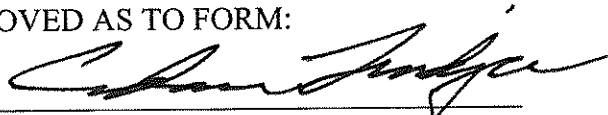
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-47**

**RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(606)**

WHEREAS, a verified application for an amendment to Section 11-3-8 of the Zoning Map was filed by NRB Investments LLC on September 11, 2018, to reclassify from Low Density Residential Zone, R-1, and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(606) to allow the development of a small lot single-family residential subdivision, property located west of Dale Road and north of Vintage Faire Mall, described as follows:

R-1 to P-D

All that certain real property situate in the City of Modesto, County of Stanislaus, State of California, lying within the Northeast Quarter of Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian, described as follows:

All that portion of Parcel 2 as shown on that map filed in the Office of the Recorder of the County of Stanislaus on May 10, 2018 in Book 57 of Parcel Maps at Page 76, being more particularly described as follows:

Beginning at the South corner common to Parcels 2 and 3 as shown on said Parcel Map; thence South 89°25'29" West along the South line of said Parcel 2, a distance of 136.00 feet; thence North 00°19'12" West, a distance of 602.45 feet to a point on the North line of said Parcel 2; thence North 89°17'47" East along last said North line, a distance of 161.00 feet to the Northeast corner of said Parcel 2, also being a point on the West line of said Parcel 3; thence South along the dividing line between said Parcels 2 and 3, the following six (6) courses:

1. South 00°19'12" East, a distance of 451.28 feet to a point of curvature of a tangent curve, concave northeasterly and having a radius of 40.00 feet; thence
2. Southerly along the arc of said curve. Through a central angle of 35°39'33", an arc distance of 24.89 feet to a point of reverse curvature, concave southwesterly and having a radius of 40.00 feet of which the radius point bears South 54°01'15" West; thence

3. Southerly along the arc of said curve, through a central angle of 35°39'33", an arc distance of 24.89 feet; thence
4. South 00°19'12" East, a distance of 40.00 feet to a point of curvature of a tangent curve, concave northwesterly and having a radius of 40.00 feet; thence
5. Southwesterly along the arc of said curve, through a central angle of 90°00'00", an arc distance of 62.83 feet; thence
6. South 00°19'12" East, a distance of 25.00 feet to the point of beginning.

Containing 2.24 acres gross, more or less.

Subject to all easements and/or rights of way of record.

R-1 to P-D

All that certain real property situate in the City of Modesto, County of Stanislaus, State of California, lying within the Northeast Quarter of Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian, described as follows:

Parcel 3 as shown on that map filed in the Office of the Recorder of the County of Stanislaus on May 10, 2018 in Book 57 of Parcel Maps at Page 76.

Containing 7.18 acres gross more or less.

Subject to all easements and/or rights of way of record.

WHEREAS, after a public hearing held on December 3, 2018, 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. 2018-16, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the rezone to a Planned Development to allow for a small-lot residential subdivision would provide for development that meets City Standards for a medium density residential development, the requested zone change will result in an orderly planned use of land because a residential subdivision will be compatible with the

residential uses adjacent to the site, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the allowable uses of the Planned Development Zone, P-D(606) is consistent with the General Plan Land Use Designation of “Mixed Use” which allows for medium density residential uses, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 5, 2019, 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 NRB Investments LLC for a Planned Development Zone 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. 2018-16 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3692-C.S. on the 5th day of February, reclassifying the above-described property from Low Density Residential Zone R-1, and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(606).

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

1. Prior to the issuance of a building permit, all development shall conform to the Development Plan and building elevations titled "The Trails at Vintage" stamped approved by the City Council.
2. Prior to the issuance of a building permit for any residential lot within the development plan for The Trails at Vintage, a Final Map for The Trails at Vintage subdivision shall be recorded.
3. Prior recordation of a Final Map, new street names for "Street A" and "Court A" shall be proposed and approved by both the City and the County.
4. At the time of building permit application, any future expansion to homes, via patio covers or other structural additions and/or accessory buildings, shall submit plans for administrative amendment review and approval by the Director of Community and Economic Development or designee in accordance to Modesto Municipal Code Section 10-7.108(c), and lot coverage shall not exceed that as provided by the Medium Density Residential (R-2) Zone.
5. Garages that are proposed to be sited at a minimum distance of eighteen (18) feet from the front property line shall maintain a minimum setback of twenty (20) feet from the back of sidewalk.
6. 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 permit.
7. Improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the City Engineer. The improvement plans shall include but not be limited to the following:
 - a. Right-of-Way addition and associated improvements such as curb and gutter, ADA access ramps, fire hydrants and street lights for Landmark Circle, "Street A" and "Court A";
 - b. The 20-foot wide emergency vehicle access/pedestrian access between "Court A" and Vintage Drive;
 - c. Landscaping and irrigation plans for all street improvements, the emergency vehicle/pedestrian access and the three landscaped lots (Lots A, B and C) as shown on the tentative map;

- d. Installation of speed humps on Vintage Drive in the vicinity of the emergency vehicle access.
8. Storm drainage calculations showing tributary area and elevations, runoff amounts, storage method and volumes, percolation and other geotechnical information, storm water pollution management, and other required information per City Standards shall be submitted to City staff for review prior to approval of the improvement plans.
9. Prior to certificate of occupancy for the first building, the proposed block wall between homes and the adjacent commercial zone shall be constructed as an eight-foot high decorative masonry wall with cap treatment in accordance to City Standards. Where the wall is visible from the south side of Vintage Drive at the landscape lot, the planting of vines along the wall shall be incorporated into the landscape design to discourage tagging.
10. Prior to certificate of occupancy for the first building, a six-foot high decorative masonry wall with cap treatment shall be installed along the residential property lines adjacent to Landscape Lot B as shown on the Development Plan, with climbing vines to discourage tagging.
11. 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.
12. 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.
13. 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.
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.
15. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall obtain coverage for project under the State Water Resources

Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ.

16. The Construction General Permit requires the Property Owner to develop a Stormwater Pollution Prevention Plan (SWPPP) for the project. The SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement. Prior to issuance of a Grading, Demolition, or Building Permit, provide one paper copy of SWPPP to Land Development Engineering, Stormwater.
17. Speed humps shall be designed in accordance to City Standards to accommodate the travel of fire department apparatus without impact to emergency response times.
18. Public or street hydrants for residential areas are required at the designated distribution and spacing of 500' on center.
19. Fire hydrants and apparatus access roads must be installed and in working order for use prior to the start of building construction.
20. Proposed development designs shall comply with building codes adopted by the City of Modesto at time of building permit application, and be "wet" stamped by engineer.
21. In advance of house designs, design roof areas of the proposed Single-Family Dwellings to comply with mandated "Solar Ready" roof areas dedicated to solar panel installations. Refer to current requirements, 2016 Title 24 Residential Building Energy Efficiency Standards, Section 110.10 for further information.
22. Applicant shall submit Landscape and Irrigation plans for review and approval by the City's Parks Planning and Development Division. L&I plans shall meet current State of California water use requirements, MMC requirements and City of Modesto standards at time of submittal.
23. Applicant shall provide a minimum ten foot (10') landscape setback along Vintage Drive at Landscape Lots A and B and at Lot C along Landmark Circle and "Street A".

24. Applicant shall provide street trees along Vintage Drive. Tree shall be spaced thirty five (35') feet on center and located within seven feet (7') of the sidewalk or curb.
25. Applicant shall provide landscape and irrigation for Lots A, B, and C as well as parkway on south side of Vintage Drive.
26. LID control and treatment measures shall be vegetated for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure.
27. The project shall be subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the **attached** reports/memorandums.
28. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
29. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
30. 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.
31. Prior to Certificate of Occupancy for any structure, cable television service shall be stubbed into all units.
32. 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.
33. 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.

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that shall be applied to the project:

34. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
35. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
36. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
37. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
38. All operations shall limit 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.)
39. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
40. Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
41. Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):

42. Limit traffic speeds on unpaved roads to 15 mph; and
43. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).
44. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
45. Install wind breaks at windward side(s) of construction areas.
46. Suspend excavation and grading activity when winds exceed 20 mph. Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation.
47. Limit the area subject to excavation, grading and other construction activity at any one time.
48. The project shall comply with the City's noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.
49. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.
50. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor's selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.
51. Reasonable time shall be allowed for the qualified archeologist 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.

52. If any find is determined to be significant by the qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.
53. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.
54. 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.

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(606):

The entire construction program be accomplished in one phase, construction to begin on or before February 5, 2021, and completion to be not later than February 5, 2023.

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(606), 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 the 5th day of February, 2019, 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 5th day of February, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Stephanie Lopez*
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: *Adam U. Lindgren*
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION:

By: *Steve Mitchell*
Community & Economic Development Department
Planning Division

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-48**

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. 2007072023): REZONE FROM LOW DENSITY RESIDENTIAL (R-1) ZONE AND MEDIUM HIGH DENSITY RESIDENTIAL (R-3) ZONE, TO PLANNED DEVELOPMENT ZONE, P-D(606) PROPERTY LOCATED WEST OF DALE ROAD, NORTH OF VINTAGE FAIRE MALL

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, NRB Investments LLC has proposed a rezone of 9.42 acres from Low Density Residential (R-1) Zone and Medium High Density Residential (R-3) Zone to Planned Development Zone P-D(606) to allow for a small-lot single-family residential subdivision, 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 2018-26 (“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 January, 16, 2019, 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 February 5, 2019, 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 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.
6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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 5th day of February, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

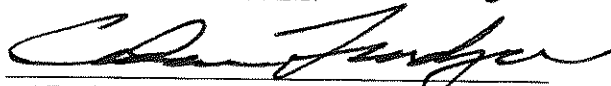
By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2018-26

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2018-26

For the proposed:

Trails at Vintage

PDZ-18-002: Rezone of 8.9 acres from Low Density Residential (R-1) Zone and Medium-High Density Residential (R-3) Zone to Planned Development (P-D) Zone, and

TSM-18-003: Vesting Tentative Subdivision Map to divide 8.9 acres into 73 Residential Lots and Three Open Space Lots

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

October 16, 2018

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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" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed rezone to Planned Development and tentative subdivision map ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (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: PDZ-18-001/TSM-18-002: The Trails at Vintage--Rezone of 8.9 Acres from Low Density Residential (R-1) Zone and Medium-High Density (R-3) Zone to Planned Development (P-D) Zone, with Vesting Tentative Subdivision Map for 73 Single Family Residential Lots and Three Landscape Lots
- B. Address or Location: Future Vintage Drive, west of Dale Road and north of Vintage Faire Mall
- C. Applicant: NRB Investments, LLC; 1701 W. March Lane, Suite D; Stockton, CA 95207
- D. City Contact Person: Katharine Martin, Associate Planner

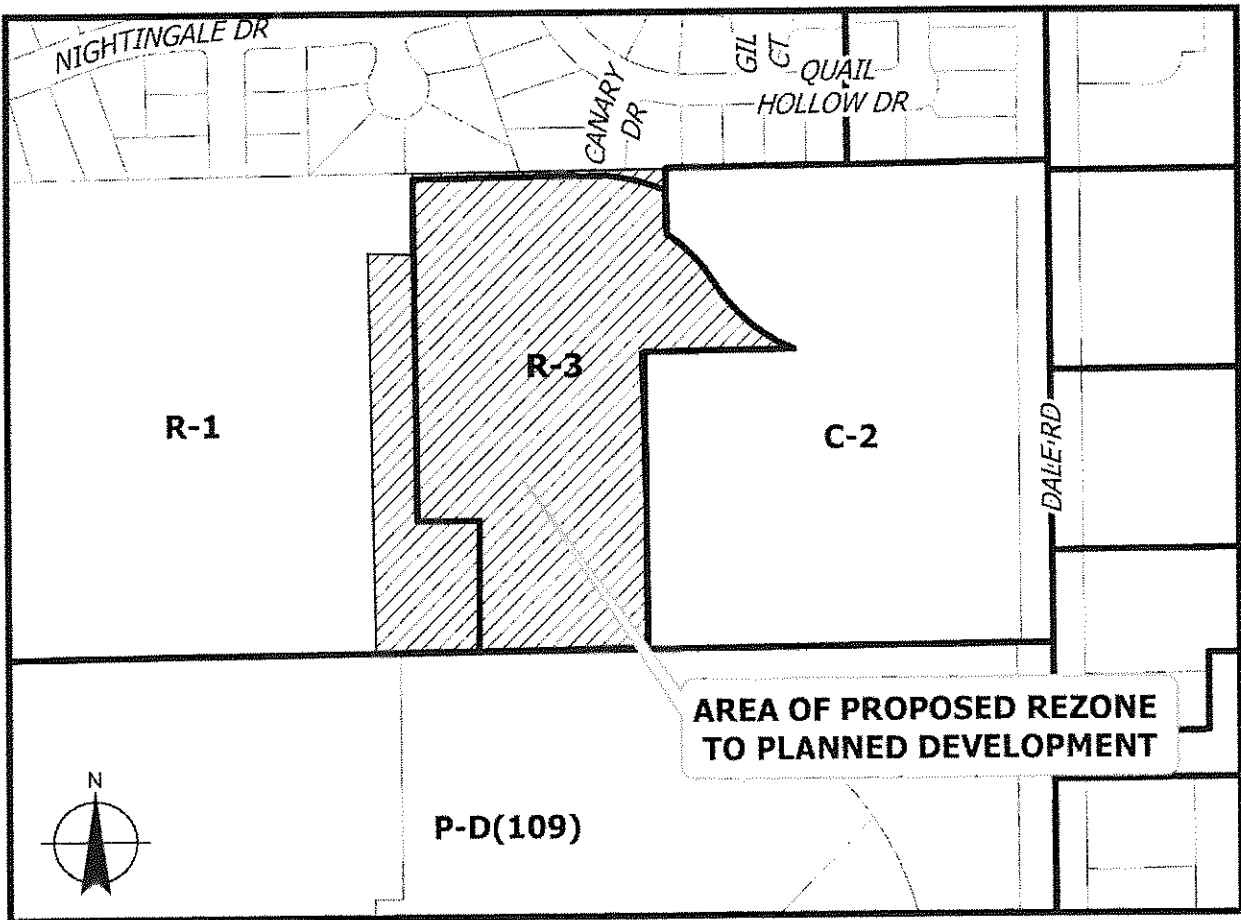
Project Manager: Katharine Martin
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5465
E-mail address: kamartin@modestogov.com

- E. Current General Plan Designation(s): Mixed Use (MU)
- F. Current Zoning Classification(s): R-3, Medium High Density Residential
- G. Surrounding Land Uses:
North: Low Density Residential (R-1) Zone, Single-Family Residential uses

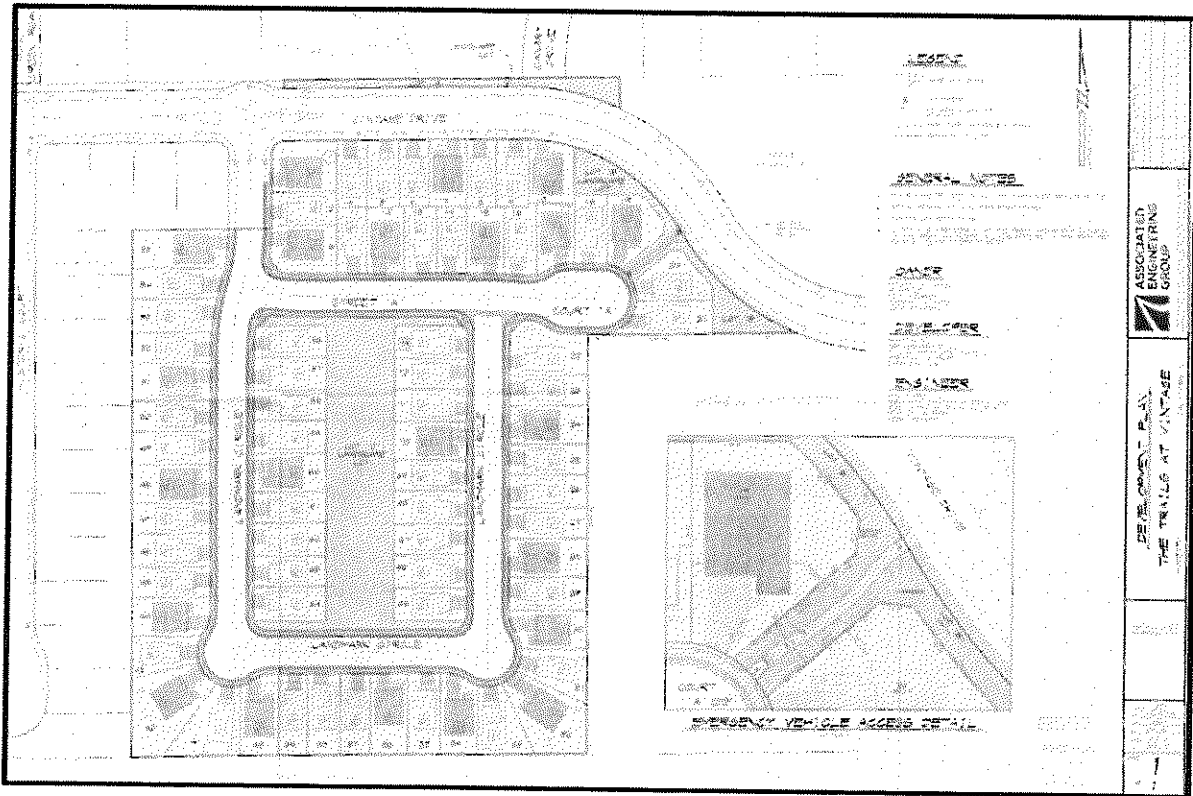
South: Planned Development Zone P-D(109), Vintage Faire Mall
 East: Planned Development Zone P-D(399), Vintage Faire Convalescent Hospital;
 Professional Office (P-O) Zone, Vacant Land
 West: Low Density Residential (R-1) Zone, Single-Family Residential uses; Planned
 Development Zone P-D(166), Residential Condominiums

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):

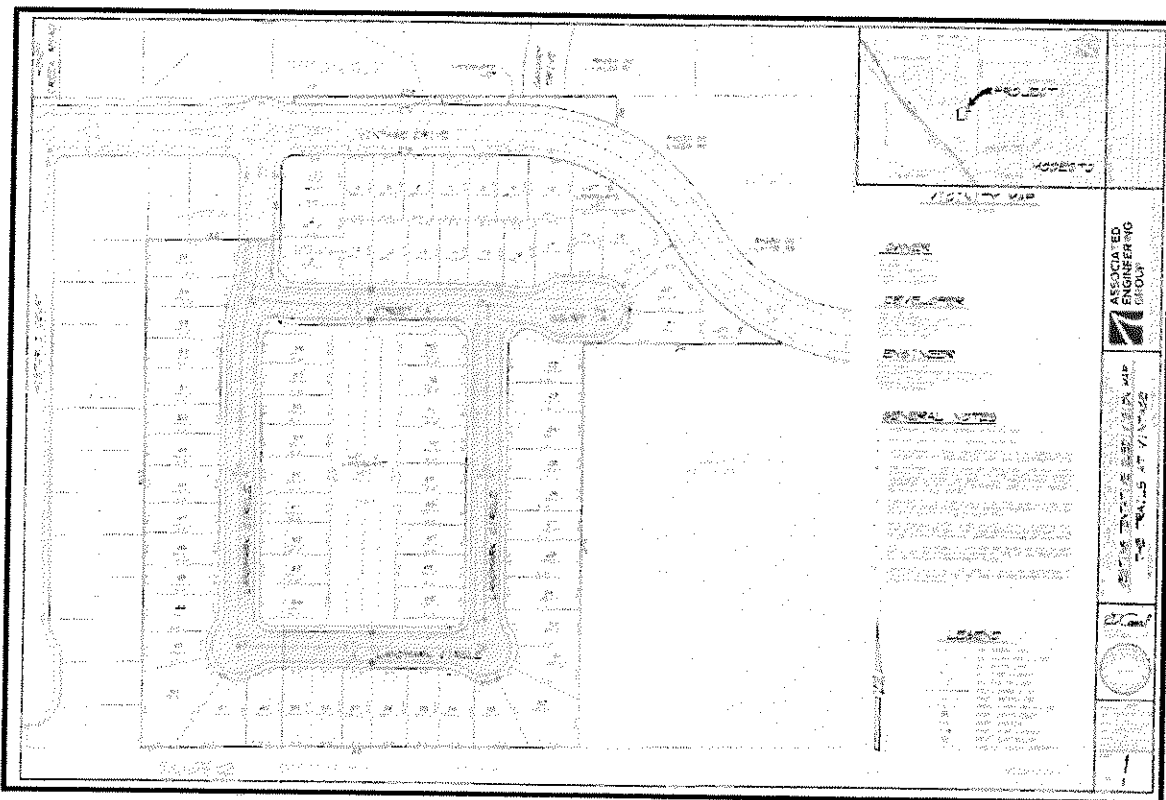
Rezone of 8.9 acres from Low Density Residential (R-1) Zone and Medium-High Density Residential (R-3) Zone to Planned Development (P-D) Zone to allow for a new small-lot residential development, with Vesting Tentative Subdivision Map for a 73 single-family residential lots and three open space lots.



**PDZ-18-002/TSM-18-002
 AREA MAP**



**PDZ-18-002
DEVELOPMENT PLAN**



**TSM-18-002
VESTING TENTATIVE SUBDIVISION MAP**

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 mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
 - E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.
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.
 - D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.
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.
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

Project Manager

Associate Planner

Title

October 31, 2018

Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)	City policies which 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 and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	NO
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)	This 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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other	<input checked="" type="checkbox"/>	<input type="checkbox"/>

mitigation of impacts as a prerequisite to future development.		
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Discussion:

- (1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.
- (2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.
 - (2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.
 - (2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.
 - (2)(c) All policies contained in the MEIR 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 on the environment that was not examined in the Final Master EIR (MEIR) for the 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 MEIR. 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 2025 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-one subject 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 mitigations / policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) 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 and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

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, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

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

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures 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, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes none from the MEIR. 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 a new, significant, project-specific effect 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 criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
basis, in excess of that considered in the Urban Area General Plan MEIR.				

Discussion:

- (1) The project consists of a rezone of 8.9 acres from the existing Medium-High Density Residential (R-3) and Low Density Residential (R-1) Zone to Planned Development to allow for 73 small-lot residential single-family lots. The site is located in the Mixed Use (MU) land use designation of the General Plan, which allows for residential uses. The project was referred to Land Development Engineering, Traffic, who indicated no concerns with the project exceeding traffic generation assumptions in the City's General Plan.
- (2) The rezone would facilitate the development of 73 small-lot single-family residential lots. The project was referred out to Community and Economic Development, Traffic Engineering, who indicated no concerns that the project would exceed a level of service standard established by the county congestion management agency (StanCOG).
- (3) No indication of concern was given by Land Development Engineering, Traffic with regards to level of service, or violations of standards in the Congestion Management Plan, or any increase in automobile vehicle miles or vehicle hours of travel or decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.
- (4) Police and Fire Staff have reviewed the project and indicated no concerns with emergency access.
- (5) Off-street parking spaces of two per dwelling unit will be provided in accordance to the residential requirements of the Modesto Municipal Code.
- (6) The project would not conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan. The project was referred to the City's Transit and Transportation Engineering and Design departments, who indicated no concerns.
- (7) The proposed project would not result in a significant increase in automobile vehicle miles traveled (per capita) in excess of what was considered in the Urban Area General Plan.

2. DEGRADATION OF AIR QUALITY

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 mitigations / policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM₁₀) and 2.5 microns or less in diameter (PM_{2.5}) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

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, PM₁₀, and PM_{2.5}.

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

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-42 through AQ-44, and AQ-46 through AQ-56 from the MEIR. 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO _x , PM ₁₀ , and PM _{2.5} by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) The proposed project does not incorporate the best management practices established by the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
SJVAPCD for CO, ROG, NO _x , PM _{10r} , and PM _{2.5} .				
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The project consists of a rezone to a Planned Development Zone to facilitate the development of 73 single-family residential lots. Emissions associated with the project would result from construction-related activity and residential traffic volumes. The net increase in emissions generated by these activities and other secondary sources would not exceed the thresholds of significance recommended by the San Joaquin Valley Air Pollution Control District or the development assumptions established in the Master EIR.
- (2) The project was referred to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) for comments. Best management practices established by the SJVAPCD for CO, ROG, NO_x, PM₁₀, and PM_{2.5} will be incorporated into the as conditions of approval. The project is required to comply with SJVUAPCD Rule VIII (Fugitive Dust Rules) per MEIR Mitigation Measures MEIR AQ-42 – MEIR AQ-56, which identifies control measures for PM₁₀ emissions during the construction phase, as described above.

In addition, the project is subject to SJVAPCD rule 9510 (Indirect Source Review). This rule fulfills the SJVAPCD's emission reduction commitments in the PM₁₀ and Ozone Attainment Plans through design features or by payment of applicable off-site mitigation fees.

- (3) The project is consistent with the City's policies regarding air quality. Therefore, project-specific effects will be less than significant.
- (4) The project site is surrounded on two sides by single- and multi-family residential uses and a regional commercial shopping mall to the south. The project is not in itself a significant contributor to air pollution levels. The primary source of air pollution associated with the project would be residential traffic related, and would not result in a significant impact. The PM₁₀ emissions created through construction activity will be mitigated as called for by the MEIR with the measures listed above.
- (5) Construction activities for the project could potentially include the application of architectural coatings and asphalt paving materials that could generate localized temporary odors. The use of diesel-powered construction equipment could also generate localized temporary odors. Construction activities will be mitigated as called for by the MEIR with the mitigation measures listed above.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations / policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of 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 MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

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

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes N-3 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 MEIR 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The project would not generate a significant amount of noise. Construction activities could potentially cause a temporary increase in noise levels; however, mitigation measure N-3 will be applied to the project, which would mitigate those impacts to a less than significant level.
- (2) The project would comply with the noise policies of the General Plan.
- (3-4) Aside from temporary construction-related noise which will be mitigated through the application of mitigation measure N-3, the project would not in itself cause an increase in ambient noise above those disclosed in the General Plan MEIR.

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 mitigations / policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide 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 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

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

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures regarding agricultural lands from the MEIR 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 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan’s policies relating to agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan’s planning area boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
agricultural use.				

Discussion:

- (1-2) The project site is vacant land located within the Baseline Urbanized Area and is completely surrounded by urban uses. The project would not be inconsistent with General Plan policies regarding agricultural land, and would not directly or indirectly result in development of land outside of the General Plan boundary.
- (3) The site is predominately zoned for Medium-High Density Residential (R-3) uses (6.5 acres) and the rest zoned for Low Density Residential (R-1) uses. The site is classified as vacant or disturbed land by the California Department of Conservation, is not zoned for agricultural uses and is not subject to a Williamson Act contract.
- (4) The project would not cause changes to the environment that could cause the conversion of farmland to a non-agricultural use. The surrounding properties are developed with single- and multi-family residential uses, a regional shopping mall, and professional office uses.

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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

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

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be

incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the water supply policies in the General Plan.
- (2) The project was referred to the Land Development Engineering Department, who indicated no concerns with water supply demands of the project.
- (3) 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.

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 mitigations / policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; and construction noise. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland caused by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

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

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the wastewater policies in the General Plan.
- (2-3) The project was referred to Land Development Engineering staff, who indicated no concerns with generation of sewer flows or capacity generated by 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 mitigations / policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plant 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 denser 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. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be

incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding wildlife and plant habitat from the MEIR 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially interfere 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1-2) The project site is vacant land within the Baseline Urbanized Area that is surrounded by residential and commercial uses. The project would not be inconsistent with General Plan policies regarding sensitive plant and wildlife habitat. The California Department of Fish and Wildlife were consulted in the course of preparing the General Plan MEIR.
- (3) The project site is not located within a wetland area and does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.
- (4) The project site is a vacant parcel that is not within a biologically sensitive site as defined by Figures V-7-1a through V 7-1e of the MEIR.
- (5) The project would not interfere with local policies or ordinances protecting biological resources.
- (6) 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.

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 mitigations / policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources, in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

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

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes the measures specified in Table V-8-1(b-f) 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 MEIR 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 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological / historical resource policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would modify or demolish a structure more than 50 years old.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The project would adversely affect a Tribal Cultural Resource identified and/or defined by the applicable Tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the archeological and historical resource policies in the General Plan.
- (2-3) The project site is vacant land with no structures.
- (4) The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.
- (5) The project would not conflict with local policies affecting biological 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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto 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. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: SD-9 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 MEIR 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is consistent with the storm drainage policies in the Urban Area General Plan.
- (2) The project was referred to the Land Development Engineering Department who indicated no concerns with storm water runoff. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.
- (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 mitigations / 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

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: FWQ-13 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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
pattern or a watercourse, in such a way as to cause flooding on- or off-site.				
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would violate water quality standards or waste discharge requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of General Plan implementation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.
- (2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.
- (3-4) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA)
- (5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures (MIER Policy SD-11). This will be implemented as a condition of project approval.
- (6) The project will not violate water quality standards or waste discharge requirements.
- (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.
- (8) The City's Land Development Engineering Staff have reviewed the project and indicated no concerns that the project would cause significant flooding or unanticipated sources of runoff. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

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 mitigations / 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

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures 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 MEIR 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.				

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 project is on a vacant site currently zoned for Low- and Medium-High Density Residential uses. The project proposes rezoning to a Planned Development to allow for small-lot single-family residential lots.
- (3) The project would result in an increase in the use of existing park facilities; however, deterioration or other physical changes to the facilities are not expected to occur as a result of the project. The project was referred to the City's Parks Planning Division, who indicated no concerns with impacts to nearby parks.

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 mitigations / 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 of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures 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).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 and the Salida School District, who indicated no opposition to 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 mitigations / 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

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. The project meets City Standards for emergency services access.

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 mitigations / 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

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. The project was referred to the Modesto City Fire Department, who indicated no concerns.
- (3) The project would not significantly impact adjacent fire districts or result in the elimination of fire protection services.

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 mitigations / 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

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures 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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 mitigations / 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

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the hazardous materials policies in the General Plan.

- (2) The project would comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).
- (3) The project area is 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.
- (4) The project site is not known to contain any contaminants.

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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

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

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with policies related 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 or state at the project site.

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 mitigations / policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

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

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures 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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 mitigations / policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

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

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the policies related to the visual resources in the General Plan.
- (2-3) The project site is not in the vicinity of riverside areas and parks, and would not degrade views to riverside areas. The site is completely surrounded by residential and commercial uses. The nearest river is the Stanislaus River, four miles to the north.

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 mitigations / 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 mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The land use for the site is designated as Mixed Use (MU) in the General Plan. The designation provides for residential uses; therefore, the project is consistent with the land use and planning policies in the General Plan.
- (2) The proposed project would not divide an established community. The area is developed with residential uses to the north and west and commercial uses to the south and east. Previous project approvals in the area provided for the continuance of Vintage Drive from Blue Bird Drive to Dale Road, establishing a new collector street connection to Dale Road. The proposed rezone and subsequent tentative subdivision map is consistent with the surrounding uses and would not divide the 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.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations / policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

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

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures 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 climate change. 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) The proposed project would result in average automobile trip lengths or CO ₂ emissions higher than those assumed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
agreed will achieve the goals of AB 32.				

Discussion:

- (1) The project would be consistent with General Plan policies relating to climate change. As part of the development, installation of new street trees and common lot landscaping will be required in accordance to City codes and standards.
- (2-3) The project is consistent with General Plan policies relating to climate change and transportation and is not expected to result in trip lengths greater than those assumed in the General Plan Master EIR. No impacts greater than those assumed in the General Plan MEIR are expected to occur and no mitigation is required.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project 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/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures 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 mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures 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 mitigation measures have been applied to the project (see mitigation measures 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

Degradation of Air Quality:

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit 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.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts(note, these measures are to be implemented in addition to Regulation VIII requirements):

AQ-51: Limit traffic speeds on unpaved roads to 15 mph; and

AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

AQ-54: Install wind breaks at windward side(s) of construction areas.

AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation.

AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

Generation of Noise:

N-3: The project shall comply with the City's noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

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:

Table V-8-1(b-f):

- b. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.
- c. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor's selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.
- d. Reasonable time shall be allowed for the qualified archeologist 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.
- e. If any find is determined to be significant by the qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.
- f. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

Increased Demand for Storm Drainage:

SD-9: 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. (UAGP Policy V-E.3[h])

Flooding and Water Quality:

FWQ-13: 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. (UAGP Policy V.E.3[h])

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

Climate Change:

N/A

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-49**

**RESOLUTION ACCEPTING THE UNITED STATES DEPARTMENT OF
TRANSPORTATION (USDOT) GRANT FUNDS IN THE AMOUNT OF
\$9,000,000 AND APPROVING A GRANT AGREEMENT WITH THE USDOT
FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE
1 PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE NECESSARY GRANT FUND
DOCUMENTS AND GRANT AGREEMENT**

WHEREAS, the purpose of the State Route (SR) 132 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, Phase 1 of the Project is approximately four miles in length and will replace the existing 2-lane highway segment of SR132 along Maze Boulevard from SR99 to Dakota Avenue, and

WHEREAS, the City of Modesto was selected as a recipient for an award of \$9,000,000 under the provisions of the Consolidated Appropriations Act, 2017 (Pub. L. 115-31, May 5, 2017), regarding National Infrastructure Investments, and

WHEREAS, the purpose of the USDOT award is to advance capital investments in surface transportation infrastructure that will have a significant impact on the nation, a metropolitan area, or a region, and

WHEREAS, Counsel recommends and Staff agrees that the City should accept the grants funds and execute the Grant Agreement as presented, and

WHEREAS, this grant funding is essential to support the construction of the project, which is scheduled to start in June 2019, and

WHEREAS, the Federal Highway Administration is requiring execution of the Grant Agreement and will administer the agreement on behalf of the USDOT, and

WHEREAS, to avoid delays and potential loss of funding, Staff recommends that the City Council accept the grant funds and approve the Grant Agreement as presented by USDOT.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the United States Department of Transportation (USDOT) grant funds in the amount of \$9,000,000 and approves a Grant Agreement with the USDOT 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 necessary grant fund documents and Grant Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2019, by Councilmember Ridenour, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

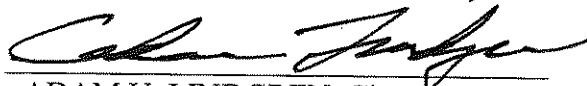
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-50**

RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #101119 UPON RECEIPT OF EXECUTED USDOT GRANT AGREEMENT IN THE AMOUNT OF \$9,000,000 FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY CONSTRUCTION - PHASE 1 PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the purpose of the State Route (SR) 132 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, the City of Modesto was selected as a Recipient for an award of \$9,000,000 under the provisions of the Consolidated Appropriations Act, 2017 (Pub. L. 115-31, May 5, 2017), regarding National Infrastructure Investments, and

WHEREAS, this grant funding is essential to support the construction of the project, which is scheduled to start in June 2019.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018-2019 Capital Improvement Program (CIP) Budget, project #101119 upon receipt of executed USDOT Grant Agreement in the amount of \$9,000,000 for the State Route 132 West Freeway/Expressway - Phase 1 Project.

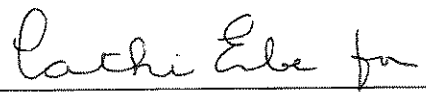
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2019, by Councilmember Ridenour, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

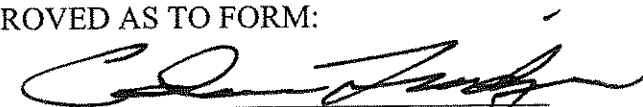
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-51**

RESOLUTION ACCEPTING TRADE CORRIDOR ENHANCEMENT PROGRAM (TCEP) FUNDS FROM THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) IN THE AMOUNT OF \$21,000,000 AND APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF UNDERSTANDING AND THE NECESSARY FUNDING DOCUMENTS

WHEREAS, the purpose of the State Route (SR) 132 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, Phase 1 of the Project is approximately four miles in length and will replace the existing 2-lane highway segment of SR132 along Maze Boulevard from SR99 to Dakota Avenue, and

WHEREAS, Stanislaus Council of Governments (StanCOG) made an application for Trade Corridor Enhancement Program (TCEP) funds for the State Route 132 West project and these funds were awarded by the California Transportation Commission (CTC) in the amount of \$21,000,000, and

WHEREAS, the City is the implementing agency responsible for managing the scope, cost and schedule of Phase 1 of the State Route 132 West project and application of the TCEP funds to the project, and

WHEREAS, the 2018 Trade Corridor Enhancement Program Final Guidelines provide that where the project is to be implemented by an agency other than the

applicant, the allocation request must include a copy of the Agreement between the project applicant and the implementing agency, and

WHEREAS, the CTC will allocate funds only when the City requests an allocation that has been prepared in accordance with the CTC Guidelines, and

WHEREAS, prior to requesting an allocation from the CTC, the City shall provide the allocation request to StanCOG for review and approval, and

WHEREAS, in order to comply with the CTC Guidelines, StanCOG and the City of Modesto desire to enter into this Agreement for phase 1 of the State Route 132 West project, and

WHEREAS, Counsel recommends and Staff agrees that the City should accept the funds and execute the Agreement as written, and

WHEREAS, this funding is essential to support the construction of the project, which is scheduled to start in June 2019, and

WHEREAS, to avoid delays and potential loss of funding, Staff recommends that the City Council accept the TCEP funds and approve the Memorandum of Understanding.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Trade Corridor Enhancement Program (TCEP) Funds from the California Transportation Commission (CTC) in the amount of \$21,000,000 and approves a Memorandum of Understanding with the Stanislaus Council of Governments (StanCOG) 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 and the necessary funding documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

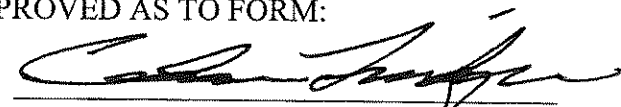
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-52**

RESOLUTION ESTABLISHING AND AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #101119 UPON RECEIPT OF EXECUTED STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) AGREEMENT IN THE AMOUNT OF \$21,000,000 FOR CONSTRUCTION OF THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the purpose of the State Route (SR) 132 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, Stanislaus Council of Governments (StanCOG) made an application for Trade Corridor Enhancement Program (TCEP) funds for the State Route 132 West project and these funds were awarded by the California Transportation Commission (CTC) in the amount of \$21,000,000, and

WHEREAS, the City is the implementing agency responsible for managing the scope, cost and schedule of Phase 1 of the State Route 132 West project and application of the TCEP funds to the project, and

WHEREAS, the California Transportation Commission (CTC) requires execution of the Agreement between the Stanislaus Council of Governments (StanCOG) and the City of Modesto, and

WHEREAS, the 2018 Trade Corridor Enhancement Program Final Guidelines provide that where the project is to be implemented by an agency other than the

applicant, the allocation request must include a copy of the Agreement between the project applicant and the implementing agency, and

WHEREAS, the CTC will allocate funds only when the City requests an allocation that has been prepared in accordance with the CTC Guidelines, and

WHEREAS, prior to requesting an allocation from the CTC, the City shall provide the allocation request to StanCOG for review and approval, and

WHEREAS, the design and PS&E phase of the project is housed under Project #100614 – SR 132 West Expressway, and

WHEREAS, in order to track all construction costs along with each funding source, a new project number is being established for the construction phase of the project, and

WHEREAS, this funding will be in Project #101119 – SR 132 West Expressway – CON, and

WHEREAS, once the agreement is executed, the budget will be established for the Trade Corridor Enhancement grant in the amount of \$21,000,000, and

WHEREAS, this funding is essential to support the construction of the project, which is scheduled to start in June 2019.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes and amends the Fiscal Year 2018-2019 Capital Improvement Program (CIP) Budget, project #101119 upon receipt of executed StanCOG MOU in the amount of \$21,000,000 for construction of the State Route 132 West Freeway/Expressway - Phase 1 Project.

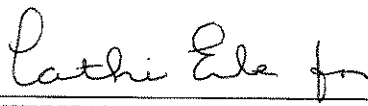
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-53**

**RESOLUTION ENDING EXISTING BROKER SERVICES PROVIDED FOR
THE CITY'S MEDICAL INSURANCE COVERAGE PLANS BY PETER C. FOY
& ASSOCIATES INSURANCE SERVICES, INC.**

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage; and

WHEREAS, Peter C. Foy was recommended by the Employee Benefits Advisory Committee (EBAC) consisting of representatives from each of the City's bargaining groups who reviewed options and made recommendations to City management regarding health insurance coverage; and

WHEREAS, on October 25, 2016 under Resolution 2016-427, Council approved an agreement between the City of Modesto and Peter C. Foy and Associates Insurance Services, Inc.; and

WHEREAS, the City has been experiencing significant delays in health insurance claim payments being paid to our providers, including claims being directed to collection agencies; and

WHEREAS, the City is electing to cease its relationship with Peter C. Foy and Associates Insurance Services, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to end the broker relationship between the City of Modesto and Peter C. Foy & Associates for group medical insurance coverage plans, and authorize the City Manager, or his designee, to execute all necessary notices.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

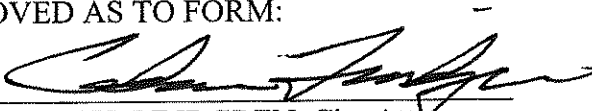
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-54**

RESOLUTION APPROVING AN AGREEMENT WITH ALLIANT INSURANCE SERVICES, INC. FOR INSURANCE BROKER SERVICES FOR THE CITY'S MEDICAL COVERAGE PLAN AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage; and

WHEREAS, the City contacted Alliant Insurance Services immediately following notice of the current health plan provider's failures to obtain alternative coverage options; and

WHEREAS, Alliant Insurance Services obtained quotes directly from the market and from EIA Health through CSAC, a Joint Power Agency (JPA); and

WHEREAS, after reviewing options, EIA Health was determined most comprehensive and affordable; and

WHEREAS, the City's self-insured dental and vision plan designs and administration will remain the same.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement with Alliant Insurance Services, Inc. for participation in group medical insurance coverage.

BE IT FURTHER RESOLVED that the Council hereby approves the continuation of dental and vision coverage through the City's self-insured programs.

BE IT FURTHER RESOLVED that the Director of Human Resources is hereby authorized to serve as the coordinator for the various plans.

BE IT FURTHER RESOLVED that the City Manager is authorized to pay the difference between the old premiums and the new premiums for a period not to exceed 4 months from the Employee Benefits Fund as to minimize the harm or disruption as a result of this unplanned transition in health insurance premiums.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary agreements relating to employee and dependent health care as set forth herein, 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 February, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: *Stephanie Lopez for*
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: *Adam U. Lindgren*
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-55**

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING TO JOIN THE CSAC EXCESS INSURANCE AUTHORITY FOR THE PURPOSE OF JOINTLY FUNDING AND ESTABLISHING EXCESS AND OTHER INSURANCE PROGRAMS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL AGREEMENTS

WHEREAS, on January 15, 2019 the City was notified that one of the City's medical plan providers, Fortress/Riverstone, was cancelling services, effective March 1, 2019 ; and

WHEREAS, the City reacted immediately to identify alternate options in health plan to ensure there is not a lapse in our health plans; one of the options includes to join the CSAC Excess Insurance Authority; and

WHEREAS, Article 1, Chapter 5, Division 7, Title 1 of the California Government Code (Section 6500 et seq.) permits two or more public agencies by agreement to exercise jointly powers common to the contracting parties; and

WHEREAS, the City of Modesto recommends to join together with the members of the CSAC Excess Insurance Authority (Authority) for the purpose of jointly funding and/or establishing excess and other insurance programs as determined; and

WHEREAS, the Authority has determined that it is necessary for each member of the Authority to delegate a position of authority to act on the member's behalf in matters relating to the member and the Authority.

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

1. The City Council hereby approves becoming a member of the CSAC Excess Insurance Authority.

2. Authorizes the City Manager to execute the CSAC Excess Insurance Authority Joint Powers Agreement, in form approved by the City Attorney.

3. Authorizes the City Manager, or his designee, to take all other actions necessary in matters relating to the City being a member of the Authority and to act on the City's behalf.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

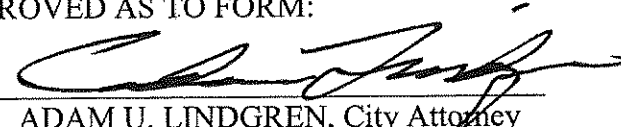
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-56**

RESOLUTION APPROVING A SECOND AMENDMENT TO THE RESTATED LEGAL SERVICES AGREEMENT WITH ARATA, SWINGLE, VAN EGMOND & GOODWIN IN THE AMOUNT OF \$245,000, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$500,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, by Resolution No. 2014-241, Council approved an agreement with Arata, Swingle, Van Egmond & Goodwin, in the amount of \$200,000 to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases; and

WHEREAS, on December 12, 2017, by Resolution No. 2017-500, Council approved a Restated Legal Services Agreement in the amount of \$130,000; and

WHEREAS, on August 14, 2018, by Resolution No. 2018-328, Council approved a First Amendment to the Restated Legal Services Agreement in the amount of \$125,000, for a total agreement amount of \$255,000; and

WHEREAS, the City Attorney's Office is still in need of outside counsel services; and

WHEREAS, the City Attorney's office has drafted a Second Amendment to the Restated Legal Services agreement with Arata, Swingle, Van Egmond and Goodwin.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin, in the amount of \$245,000, for a total amount not to exceed \$500,000 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 in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

SECOND AMENDMENT TO RESTATED LEGAL SERVICES AGREEMENT

This Second Amendment to the Restated Legal Services (this “**Second Amendment**”), is made and entered into on _____ day of _____ 2019 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **ARATA, SWINGLE, VAN EGMOND AND GOODWIN**, 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 “**Party**”.

RECITALS

WHEREAS, City and Attorney entered into a Restated Legal Services Agreement (“**Agreement**”) to provide 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 the Agreement; and

WHEREAS, City and Attorney desire to amend the Restated Agreement for further service by increasing the previously approved amount of fees from \$255,000 to \$500,000.

NOW, THEREFORE, it is hereby agreed that the Restated Legal Services Agreement between the City of Modesto and Arata, Swingle, Van Egmond and Goodwin dated December 12, 2017 authorized by Resolution No. 2017-500, amended by Resolution No. 2018-328 is amended as follows:

1. 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 (hereafter the “**Service**”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of five hundred thousand dollars (\$500,000).”

2. **Entire Agreement.** The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 12, 2017, remain in full force and effect to the extent they are not in conflict with this Second 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 Second Amendment. No alteration to the terms of this Second 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 Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Second 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:

By: _____
Adam U. Lindgren, City Attorney

ATTEST:

By: _____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
ARATA, SWINGLE, VAN EGMOND & GOODWIN,
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. 2019-57**

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR HILLGLEN PARKS SUBDIVISION, LOCATED AT THE INTERSECTION OF HILLGLEN AVENUE AND CADEN 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 STATUTORY PERIODS

WHEREAS, NHC Holdings, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land consisting of 10.56 acres being subdivided into 62 residential lots and 3 Landscaping lots situated in the City of Modesto, known as the Hillglen Parks Subdivision ("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, 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 \$189,444 for SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of \$189,444 for SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of \$170,869.16 for 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 as follows:

1. The said Public Improvements constructed by the SUBDIVIDER are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion.
2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bond in the amount of \$189,444 for SUBDIVISION, upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the Payment Bond in the amount of \$189,444 for SUBDIVISION, sixty (60) days after recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the Warranty Bond in the amount of \$170,869.16 for SUBDIVISION one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-58**

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR LINCOLN PARKS SUBDIVISION, LOCATED IN VILLAGE ONE AT THE SOUTH-WEST CORNER OF THE INTERSECTION OF KODIAK DRIVE AND LINCOLN OAK 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 STATUTORY PERIODS

WHEREAS, Modesto Mable, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land consisting of 9.52 acres, being subdivided into 58 residential lots and 4 landscaping lots known as the Lincoln Park Subdivision ("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 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 \$1,051,231 for SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of \$1,051,231 for SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of \$105,123 for SUBDIVISION, and

WHEREAS, the developer has requested that the improvements be accepted and the Bonds 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 as follows:

1. The said Public Improvements constructed by the SUBDIVIDER are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion.
2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bond in the amount of \$1,051,231 for SUBDIVISION, upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the Payment Bond in the amount of \$1,051,231 for SUBDIVISION, sixty (60) days after recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the Warranty Bond in the amount of \$105,123 for SUBDIVISION one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour, Zoslocki

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-59**

**RESOLUTION AMENDING FISCAL YEAR 2018-2019 ANNUAL OPERATING
AND CAPITAL IMPROVEMENT FUND BUDGETS**

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 2018-19.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2018-19 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 in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

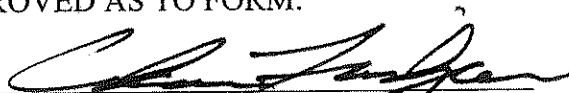
By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2018-19

UTILITIES

A budget adjustment in the amount of \$905,000 is necessary to establish project #101152, Colorado S&R Water Mains, in the Water CIP Fund (Fund 4180). 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. The water line will be installed as a part of the Sutter Trunk realignment project which will install a 16" trunk line down Colorado Avenue. The existing water main along Colorado in this area is an old 4" undersized steel main which is prone to leaking and low pressures. The project will replace the existing system with City Standard water mains, valves and hydrants to improve system reliability, flows and pressures.

A budget adjustment in the amount of \$2,123,700 is necessary to establish project #101153, Well 68 GAC Treatment, in the Water CIP Fund (Fund 4180). This project will install a treatment system for the Del Rio Well 68. The treatment system will be located within the Tank and Well site. The City recently constructed and tested Well 68 with water quality testing performed by the City's design consultants. As a result, the presence of dibromochloropropane (DBCP) was found. Subsequent testing determined the DBCP concentration was above the maximum contaminant level (MCL) and also detected was 123 trichloropropane (TCP). In order to mitigate the two contaminants, a granular activated carbon (GAC) adsorption treatment facility will be required to be constructed at the Del Rio Tank 14, Pump Station and Well 68 site.

A budget adjustment in the amount of \$1,085,000 is necessary to establish project #101154, Sutter Avenue S&R Water Mains, in the Water CIP Fund (Fund 4180). 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. Existing water mains in this area are old, undersized steel mains which are prone to leaking and low pressures. This project will replace the existing system with City standard water mains, valves and hydrants to improve system reliability, flows and pressures.

A budget adjustment in the amount of \$438,000 is necessary to establish project #101155, Litt Road Gas Extension, in the Water CIP Fund (Fund 4180). The project is a critical path project as it will install the required PG&E & Comcast infrastructure to serve the newly Water Corporation Yard Project. The Water Corporation Yard is currently under construction with a completion date of October 3, 2019. The gas line will need to be installed prior to final completion of the Water Corporation Yard where it will be extended approximately 3,300 LF from Sylvan Avenue.

A budget adjustment in the amount of \$490,000 is necessary to establish project #101156, Colorado Sewer Main, in the Wastewater Fund (Fund 4210). This project will construct sewer main improvements along Colorado as part of the overall the River Trunk Realignment project. Stanislaus County is pursuing grant funding to reimburse City for construction costs.

Fund	Fund Name	Account - Revenue/Expense	Current Budget	Increase/ Decrease	Revised Budget
4180	Water Fund – CIP Projects	Project #101152 Expenditures	\$0	\$905,000	\$905,000
4180	Water Fund – CIP Projects	Project #101153 Expenditures	\$0	\$2,123,700	\$2,123,700
4180	Water Fund – CIP Projects	Project #101154 Expenditures	\$0	\$1,085,000	\$1,085,000
4180	Water Fund – CIP Projects	Project #101155 Expenditures	\$0	\$438,000	\$438,000
4210	Sewer Operations Fund (Wastewater)	Project #101156 Expenditures	\$0	\$490,000	\$490,000

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-60**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
MELLIS PARK IMPROVEMENTS PROJECT AND AWARDING THE BID AND
A CONSTRUCTION CONTRACT TO ANV CONTRACTORS, INC. OF
ATWATER, CA, IN THE AMOUNT OF \$323,390 AND AUTHORIZING THE
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A CONTRACT**

WHEREAS, the existing pavilion, constructed in 1996 out of large wooden cross beams, was designed to shade the picnic tables and provide a vibrant area for both large groups and families to enjoy the park, and

WHEREAS, after sustaining 25+ years of weathering, the structure is deteriorating and will soon requiring demolition or replacement, and

WHEREAS, due to the high popularity of the park as a picnic destination, staff proposes to replace the wooden beam shade structure with a lighter and more durable, metal design, and

WHEREAS, the newly designed structure will greatly increase ADA accessibility as well as provide longevity to the shade structure, and

WHEREAS, the Mellis Park renovation is one of the projects approved in the 2018/19 CIP budget, and

WHEREAS, the project was advertised for bids on December 21, 2018, and bids from 8 contractors were publically opened on January 22, 2019 pursuant to City Charter Section 1307, and

WHEREAS, ANV Contractors, Inc. of Atwater, CA, was the responsible bidder with the lowest responsive bid at 4.99% below the Engineer's Estimate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Mellis Park Improvements

Project and awards the bid and a construction contract to ANV Contractors, Inc. of Atwater, CA, in the amount of \$323,390.

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

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-61**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL
IMPROVEMENT PROJECT PROGRAM BUDGET FOR PROJECT #101147 –
MELLIS PARK PICNIC AREA RENOVATION AS OUTLINED IN
ATTACHMENT A AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, certain budgetary transactions are necessary in order to fund construction, contingency, construction administration, City construction forces, and design support during construction plus City staff support for the Mellis Park Improvements Project, and

WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget must be amended as shown 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 approves the amendment of the Fiscal Year 2018-2019 Capital Improvement Program Budget for Project #101147 – Mellis Park Picnic Area Renovation as outlined in **Exhibit A**, attached hereto.

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 in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Attachment A – Budget Adjustment for Capital Project 101147 (Public Facilities Improvements – Mellis Park Project Activity 1321)

Fund 3170 – Capital Grants – HUD CIP Projects:

Expense:

To:

Account	Description	Increase/ (Decrease)	Revised Budget Total
MY-101147 – CA	Construction Admin	\$ 1,547.00	\$ 32,339.00
MY-101147 – CON	Construction	\$ 66,790.00	\$ 323,390.00
MY-101147 – CTGY	Contingency	(\$ 54,609.00)	\$ 32,339.00
MY-101147 – EDA	Engineering/Design/Admin	(\$ 13,728.00)	\$ 51,932.00
Total		\$ 0.00	\$ 440,000.00

Revenues:

No Change

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-62**

**RESOLUTION APPROVING A PAYMENT TO THE CALIFORNIA
DEPARTMENT OF TAX AND FEE ADMINISTRATION FOR STATE AND
LOCAL SALES TAX OF \$415,687 FOR THE PURCHASE OF FIVE ELECTRIC
BUSES AND ASSOCIATED COSTS, AND AUTHORIZING THE FINANCE
DIRECTOR, OR HER DESIGNEE, TO SUBMIT THE PAYMENT**

WHEREAS, in October 2015, the California Air Resources Board (CARB) released a notice to grantees to implement and administer Zero-Emission Truck and Bus Pilot Commercial Deployment Projects under the Air Quality Improvement Program (AQIP) and Low Carbon Transportation Greenhouse Gas Reduction Fund (GGRF) Investments, and

WHEREAS, on January 26, 2016, by Resolution 2016-23, Council approved joining a multi-agency partnership to apply for grant funds under the CARB's Zero-Emission Bus Deployment Project, and

WHEREAS, on June 28, 2016, by Resolution 2016-278, Council accepted the grant award from the San Joaquin Valley Air Pollution Control District (SJVAPCD), and

WHEREAS, on June 26, 2018, by Resolution 2018-273, Council approved a grant agreement with the San Joaquin Valley Air Pollution Control District for \$4,016,188, and

WHEREAS, on September 4, 2018, by Resolution 2018-378, Council approved the agreement with Proterra Inc. for \$5,278,559, and

WHEREAS, the total cost for the agreement is \$5,694,246, and

WHEREAS, the sales tax was inadvertently omitted from the original authorization, and

WHEREAS, the funds have been previously budgeted.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a payment to the California Department of Tax and Fee Administration, for state and local sales tax of \$415,687 for the purchase of five electric buses and associated costs, and authorizing the Finance Director, or her designee, to submit the payment.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-63**

**RESOLUTION APPROVING THE FISCAL YEAR 2017-2018 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 2017-2018 Single Audit report, three audit findings were reported for the Department and Transportation and Housing Urban Development.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2017-2018 Single Audit report for the City of Modesto.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

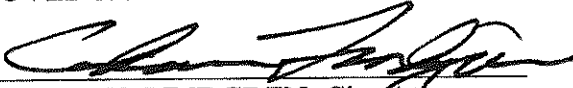
NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-64**

RESOLUTION APPROVING THE AUDITED FINANCIAL STATEMENTS AND VARIOUS AUDIT REPORTS FOR FISCAL YEAR 2017-2018 AUDITED BY EXTERNAL AUDITORS HUDSON HENDERSON & COMPANY, INC. FOR THE CITY'S COMPREHENSIVE ANNUAL FINANCIAL REPORT, ELEVEN COMMUNITY FACILITIES DISTRICTS AND VARIOUS JOINT POWERS 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, 2018, and has provided its opinion on these financial statements based on that audit, and

WHEREAS, the independent auditors also audited financial statements of eleven 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 that it hereby accepts the Fiscal Year 2017-2018 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 2017-2018 annual audit reports for the City of

Modesto and other Joint Power Agencies, as listed in **Exhibit A**, which is incorporated by reference herein.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-64**

**RESOLUTION ACCEPTING THE FISCAL YEAR 2017-2018 ANNUAL AUDIT
REPORTS**

EXHIBIT A

City of Modesto:

1. Comprehensive Annual Financial Report FY 2017-2018
2. GANN Limit Report FY 2017-2018
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)

Other Agencies:

14. Stanislaus Drug Enforcement Agency (SDEA)
15. Abandoned Vehicle Abatement (AVA)
16. Modesto-Ceres Fire Protection Agency Financial Statements
17. Tuolumne River Regional Park (TRRP)
18. Transportation Development Agency (TDA)
19. Transportation Development Agency (TDA) National Transit Database (NTD)
Reporting Forms

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-65**

RESOLUTION APPROVING THE AUDITORS' REPORTS AND SCHEDULE OF PASSENGER FACILITY CHARGE REVENUES AND EXPENDITURES FOR FISCAL YEAR ENDED JUNE 30, 2018, PREPARED BY EXTERNAL AUDITORS HUDSON HENDERSON & COMPANY, INC

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 its Auditors' Report and Schedule of Passenger Facility Charge Revenues and Expenditures, and

WHEREAS, the independent audit is applicable to the City's Passenger Facility Charge program at the Modesto City-County Airport for the year ending June 30, 2018, and

WHEREAS, as part of the Independent Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures, one audit finding was reported.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Independent Auditors' Reports and Schedule of Passenger Facility Charge Revenues and Expenditures for Fiscal Year Ended June 30, 2018 for the City of Modesto.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-66**

RESOLUTION APPROVING THE FISCAL YEAR 2018-19 MAINTENANCE OF EFFORT TO FUND BOTH MEASURE L AND THE ROAD REPAIR ACCOUNTABILITY ACT - ROAD MAINTENANCE AND REHABILITATION ACCOUNT AND AMENDING THE FISCAL YEAR 2018-19 OPERATING BUDGET IN THE AMOUNT OF \$1,538,605 TO BE FUNDED WITH FISCAL YEAR 2017-18 GENERAL FUND CARRYOVER FUNDS

WHEREAS, on November 6, 2016, the County voters approved Measure L, enacting a half-cent sales tax for 25 years to fund transportation improvements, and

WHEREAS, Section 9.03.01 of Measure L includes a Maintenance of Effort (MOE) requirement whereby local jurisdictions must contribute no less than its three-year average of annual expenditures from its general fund during the prior three fiscal years, and

WHEREAS, On April 28, 2017, the Governor approved Senate Bill No. 1, known as the Road Repair and Accountability Act of 2017, and

WHEREAS, the Act establishes a new Road Maintenance and Rehabilitation Account and a percentage of this new funding will be apportioned to eligible cities and counties for basic road maintenance, rehabilitation, and critical safety projects on local streets and roads systems, and

WHEREAS, the Act requires a local agency to meet the MOE requirement in order to receive funding and states that a city must maintain general fund spending for street, road, and high purposes at no less than the average of 2009-10, 2010-11, and 2011-12 fiscal years, and

WHEREAS, the City has confirmed with Stanislaus Council of Governments (StanCOG) regarding the Measure L MOE and confirmed the required amount for FY 2018-19 is \$243,000 to meet the MOE requirement, and

WHEREAS, the City has confirmed with the State Controller's Office regarding the Road Repair Accountability Act-Road Maintenance and Rehabilitation Account MOE and confirmed the required amount for FY 2018-19 is \$1,538,605 to meet the MOE requirement, and

WHEREAS, the Fiscal Year 2018-2019 Operating budget must be amended to appropriate and transfer \$1,538,605 from FY 2017-18 General Fund carryover funds to meet both the Measure L and Road Repair Accountability Act-Road Maintenance and Rehabilitation Account Maintenance of Effort FY 2018-19 requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fiscal Year 2018-19 Maintenance of Effort to fund both Measure L and the Road Repair Accountability Act-Road Maintenance and Rehabilitation Account and amends the Fiscal Year 2018-19 operating budget to appropriate and transfer \$1,538,605 from FY 2017-18 General Fund carryover funds.

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 in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-67**

**RESOLUTION APPROVING A CITY CONTRIBUTION PLAN FOR THE
AWESOME SPOT PLAYGROUND (TASP) IN THE AMOUNT OF \$380,000**

WHEREAS, in 1968 the plot of land located at 3700 Beyer Park Drive was purchased with the intent to develop a community park for the enjoyment of the community, and

WHEREAS, in 1976 Council approved the master plan and the development of Beyer Community Park began in 1978, and

WHEREAS, in 1986, the play equipment at Beyer Community Park was installed, and was used and enjoyed by the community for more than 30 years, and

WHEREAS, in 2017 the City determined that the equipment had become a safety hazard and must be removed for the protection of the public, and

WHEREAS, in 2015, the community members and staff began the planning and design of a playground that would be considered “inclusive,” and provide accessibility to people of all ages with a wide range of physical abilities to be able to play together side-by-side, and

WHEREAS, in March of 2016, by Resolution No. 2016-103, Council approved a Grant and License Agreement with Shane’s Inspiration for the design services related to the development of an inclusive playground at Beyer Community Park that has been since officially titled “The Awesome Spot Playground” (TASP), and

WHEREAS, on June 5, 2018, By Resolution 2018-191, Council approved an updated fiscal sponsorship agreement with Valley Mountain Regional Center (VMRC) to

act as the non-profit sponsor of the project, and fund raising for the project began in earnest, and

WHEREAS, to date The Awesome Spot Playground Team has in hand or committed funding of approximately \$819,000, and

WHEREAS, in June of 2018, at the request of the TASP Team during the budget hearings, City Council recognized the value of this playground for our community and agreed to consider direct funding of the project from the General Fund carryover from FY17/18 once the final budget numbers were determined in fall 2018, and

WHEREAS, at Council's request, each City department considered the most feasible and appropriate way to support TASP development and prepared a contribution plan that would sponsor TASP for a total not to exceed \$380,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a City contribution plan for The Awesome Spot Playground (TASP) in the amount of \$380,000.

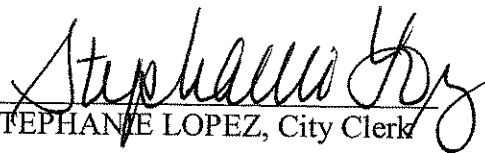
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-68**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL
IMPROVEMENT PROGRAM BUDGET FOR PROJECT #100984 – THE
AWESOME SPOT PLAYGROUND IN BEYER PARK, IN AN AMOUNT NOT TO
EXCEED \$92,000 AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, in June of 2018, during the budget hearings, City Council recognized the value of The Awesome Spot Playground to our community and agreed to consider direct funding of the project from the General Fund carryover from FY17/18 once the final budget numbers were determined in fall 2018, and

WHEREAS, at Council's request, each City department considered the most feasible and appropriate way to support TASP development, and

WHEREAS, staff prepared a contribution plan that would sponsor TASP for a total not to exceed \$380,000, and

WHEREAS, \$288,000 of the approved City contribution is currently budgeted in FY18/19 or will be budgeted in the proposed FY19/20 operating budgets, and

WHEREAS, the Fiscal Year 2018/2019 Capital Improvement Program Budget for Project #100984 – The Awesome Spot Playground in Beyer Park, must be amended in an amount not to exceed \$92,000 as outlined in **Attachment A**.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018/2019 Capital Improvement Program Budget for Project #100984 – The Awesome Spot Playground in Beyer Park, in an amount not to exceed \$92,000.

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 in a regular meeting of the Council of the City of Modesto held on the 12th day of February, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Attachment A

Budget Adjustment Transferring General Fund Carryover to Capital Project 100984 (Awesome Spot)

Fund 0100 - General Fund Carryover Transfer

<u>Expense:</u>	Increase/ <u>(Decrease)</u>
From:	
0100-70100-73130 (Transfer Out to Parks Fund 3130)	<u>\$92,000</u>
Total:	\$92,000

Fund 3130 – Parks Fund:

<u>Revenue:</u>	Increase/ <u>(Decrease)</u>
To:	
3130-39999-60100-100984 (Transfer In from General Fund)	\$92,000

<u>Expense:</u>	Increase/ <u>(Decrease)</u>
To:	
Expense Task: Construction	<u>\$92,000</u>
Total:	\$92,000

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-69**

**RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE 2019-2020
ANNUAL ENGINEER'S REPORT FOR CITY OF MODESTO 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 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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-70**

**RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE 2019-2020
ANNUAL ENGINEER'S REPORT FOR 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 (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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

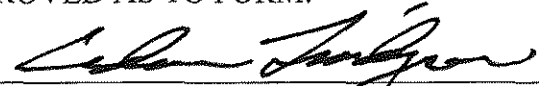
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-71**

**RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE 2019-2020
ANNUAL ENGINEER'S REPORT FOR THE 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 maintaining 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 496 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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-72**

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH JOANNE DEMATTOS, ET AL. FOR ACQUISITION OF 2,606 SQUARE FEET (0.060 ACRES) LOCATED AT 525 CLARATINA AVENUE, IN MODESTO, (APN: 082-009-009), IN THE AMOUNT OF \$10,500, FOR THE HETCH HETCHY AND CLARATINA AVENUE STRUCTURAL CROSSING PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the Hetch Hetchy and Claratina Avenue Structural Crossing Project (Project) intends to widen Claratina Avenue between McHenry Avenue and Coffee Road and to build a structural utility crossing as part of its widening of Claratina Avenue, and

WHEREAS, in order to construct the Project, the City will need to acquire narrow strips of land from properties on the north side of Claratina Avenue, and

WHEREAS, on May 31, 2017, the City Manager approved an agreement with Associated Right of Way Services (ARWS) to provide negotiation and acquisition services, and

WHEREAS, on April 24, 2018, staff received Council authorization to present the Appraisal Summary Statement and Summary of the Basis for Just Compensation to JoAnne DeMattos, et al. (Owner) for a partial acquisition of a 2,606 square foot portion of real property of the affected parcel (A.P.N. 082-009-009) located at 525 Claratina Avenue, and

WHEREAS, the Owner rejected the offer presented by ARWS and submitted a counter offer to the City for consideration, and

WHEREAS, further negotiations were conducted pursuant to authority given by Council, which has been agreed upon by the Owner for Partial Fee Acquisition in the

amount of \$10,000 and Owner Notary Fee expenses in the amount of \$500 for a total amount of \$10,500, and

WHEREAS, estimated closing costs of \$1,351 are in addition to Owner compensation, and

WHEREAS, this item was considered by the Economic Development Committee on February 6, 2019, which recommended it to be forward to Council for approval, and

WHEREAS, 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 JoAnne DeMattos, et al. for acquisition of 2,606 square feet (0.060 acres) located at 525 Claratina Avenue, in Modesto, (APN: 082-009-009), in the amount of \$10,500, for the Hetch Hetchy and Claratina Avenue Structural Crossing Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the agreement and all 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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-73**

RESOLUTION APPROVING THE GRANT DEED FROM JOANNE DEMATTOS, ET AL. CONSISTING OF 2,606 SQUARE FEET (0.060 ACRES) LOCATED AT 525 CLARATINA AVENUE, IN MODESTO, (APN: 082-009-009), FOR THE HETCH HETCHY AND CLARATINA AVENUE STRUCTURAL CROSSING PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED

WHEREAS, the Hetch Hetchy and Claratina Avenue Structural Crossing Project (Project) intends to widen Claratina Avenue between McHenry Avenue and Coffee Road and to build a structural utility crossing as part of its widening of Claratina Avenue, and

WHEREAS, in order to construct the Project, the City will need to acquire narrow strips of land from properties on the north side of Claratina Avenue, and

WHEREAS, a Grant Deed is required from the property owner to transfer the property to the City of Modesto, and

WHEREAS, the Grant Deed requires signatures of the property owner and of the City of Modesto, and

WHEREAS, City staff is recommending the City execute and accept the Grant Deed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant Deed from JoAnne DeMattos, et al. for acquisition of 2,606 square feet (0.060 acres) located at 525 Claratina Avenue, in Modesto, (APN: 082-009-009), for the Hetch Hetchy and Claratina Avenue Structural Crossing Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for acquisition of 2,606 square feet

(0.060 acres) located at 525 Claratina Avenue, in Modesto, (APN: 082-009-009) to be conveyed to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-74**

RESOLUTION FINDING THAT THE “HETCH HETCHY AND CLARATINA AVENUE STRUCTURAL CROSSING” AND “CLARATINA AVENUE WIDENING - MCHENRY TO COFFEE PHASE 2” PROJECTS ARE WITHIN THE SCOPE OF THE PROJECTS COVERED BY THE MODESTO URBAN AREA GENERAL MASTER PLAN ENVIRONMENTAL IMPACT REPORT (SCH#2007072023)

WHEREAS, on October, 14, 2008, Resolution No. 2008-582 certified the Modesto Urban Area General Plan Master Environmental Impact Report (Master EIR) (SCH No. 2007072023), and

WHEREAS, the City of Modesto has proposed the “Hetch Hetchy and Claratina Avenue Structural Crossing” and “Claratina Avenue Widening - McHenry to Coffee Phase 2” projects will widen Claratina Avenue between McHenry Avenue and Coffee Road and build a structural utility crossing as part of its widening of Claratina Avenue, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department has prepared an Environmental Assessment Initial Study C&ED No. 2017-003 (“Initial Study”), which analyzed whether the “Claratina Avenue Widening” 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 its scope, and

WHEREAS, in accordance with CEQA guidelines, beginning on February 25, 2018, the City caused to be published a 10-day notice of the City’s intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a regular meeting

on February 26, 2019, at 5:30 p.m., in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it has reviewed and considered the Initial Study prepared for the proposed Project, a copy of which is **attached** hereto as **Exhibit "A"** and incorporated herein by reference, and based on the substantial evidence included 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 and Tivoli Specific Plan 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 and the Tivoli Specific Plan EIR.
5. All applicable policies, regulations, and mitigation measures identified in the Master EIR and Tivoli Specific Plan EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR and Tivoli Specific Plan EIR was certified as complete, has become available.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

**INITIAL STUDY
EA/C&ED No. 17-003**

City of Modesto

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

**Initial Study Environmental Checklist
C&ED No. EA/CED No. 17-003**

For the proposed:

Claratina Avenue Widening

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

January 26, 2018

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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" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Claratina Avenue widening project is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) and Tivoli Specific Plan EIR (SCH#2005072125) (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)

The Tivoli Specific Plan EIR (SCH #2005072125) is referred to for its traffic analysis, as the Tivoli Specific Plan area lies approximately one mile east of the terminus of this project, the intersection of Claratina Avenue and Coffee Road. San Francisco Public Utilities Commission's Mitigated Negative Declaration for the Rehabilitation of the Existing San Joaquin Pipelines (SCH#2010082008) is referred to for a description of impacts relating to the installation of a portion of pipeline under the proposed bridge and inspection and rehabilitation of the existing pipelines under the proposed bridge. A description of work is on pages A-7 through A-11 and construction practices on pages A-28 through A-29.

II. PROJECT DESCRIPTION

- A. Title: Claratina Avenue widening
- B. Address or Location: Between McHenry Avenue and Coffee Road
- C. Applicant: City of Modesto
- D. City Contact Person: Vickey Dion, City Engineer

Project Manager: Scott Collins
Department: Community & Economic Development
Phone Number: (209) 577-5426
E-mail address: scollins@modestogov.com

- E. Current General Plan Designation(s): Claratina Avenue is designated a six-lane expressway in the General Plan.
- F. Current Zoning Classification(s): Not applicable to a roadway.
- G. Surrounding Land Uses:
North: Car dealerships, entertainment, and small farms in Modesto's Sphere of Influence / Stanislaus County (planned for commercial and residential)
South: Mostly automobile-related businesses and residential development in Modesto
East / West: East of Coffee Road and west of McHenry Avenue, the land uses are similar to that described above. Properties north of Pelandale Avenue / Claratina Avenue are within Modesto's Sphere of Influence.

- 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 project is located at the northern edge of Modesto, just east of McHenry Avenue / State Route 108, as shown on **Figure 1**. Claratina Avenue is the easterly extension of Pelandale Avenue, which is a six-lane expressway from State Route 99 to McHenry Avenue / State Route 108.

The General Plan designates this facility as a six-lane expressway, which allows for, but does not mandate, widening up to six lanes, nor does the General Plan specify a year by which it must be widened. Typically, roads are widened in response to need (traffic volumes and congestion) and available funding. A traffic study will be prepared to help determine how many lanes will be built at this time and whether the intersection of Claratina Avenue and Coffee Road will be built as a roundabout or as a signalized intersection.

This evaluation assumes the worst-case scenario of widening to six lanes unless stated otherwise. Two other options are under consideration: widening to five lanes (three eastbound lanes and two westbound lanes) and widening to four lanes. Widening to six lanes would include purchases of larger pieces of adjoining lots than would be required for widening to four lanes. One dwelling, located at 301 Claratina Avenue (APN 082-009-003), would be demolished as part of the right of way acquisition, displacing the tenants of that building. Road widening to six lanes would encroach on all properties located at the Claratina Avenue / Coffee Road intersection, including the fenced portion of the PG & E substation located near the southwest corner of the intersection of Claratina Avenue and Coffee Road. Additionally, the project would change the Claratina Avenue right-of-way crossing of the San Francisco Public Utilities Commission's (SFPUC) San Joaquin Pipeline System, referred to locally as Hetch Hetchy, requiring additional infrastructure to protect the water transmission pipelines and mitigate potential impacts to operations and maintenance of this system.

The proposed project is comprised of two phases, which are being designed separately, but which may be built either consecutively or concurrently. Typical features include:

- A maximum road width of 135 feet for the six-lane option, 124 feet for the five-lane option, and 124 feet for the four-lane option. (The four-lane option would include a median swale.)
- Travel lanes and turn pockets would typically be 11 to 12 feet wide.
- Sidewalks would typically be 10 feet wide.
- Where turn pockets and acceleration / deceleration lanes are proposed, they would typically be 12 to 14 feet wide.
- A variable-width raised median (typically 16 feet wide) would separate two-way traffic.
- A variable width shoulder (typically eight feet wide) would lie along much of the road.

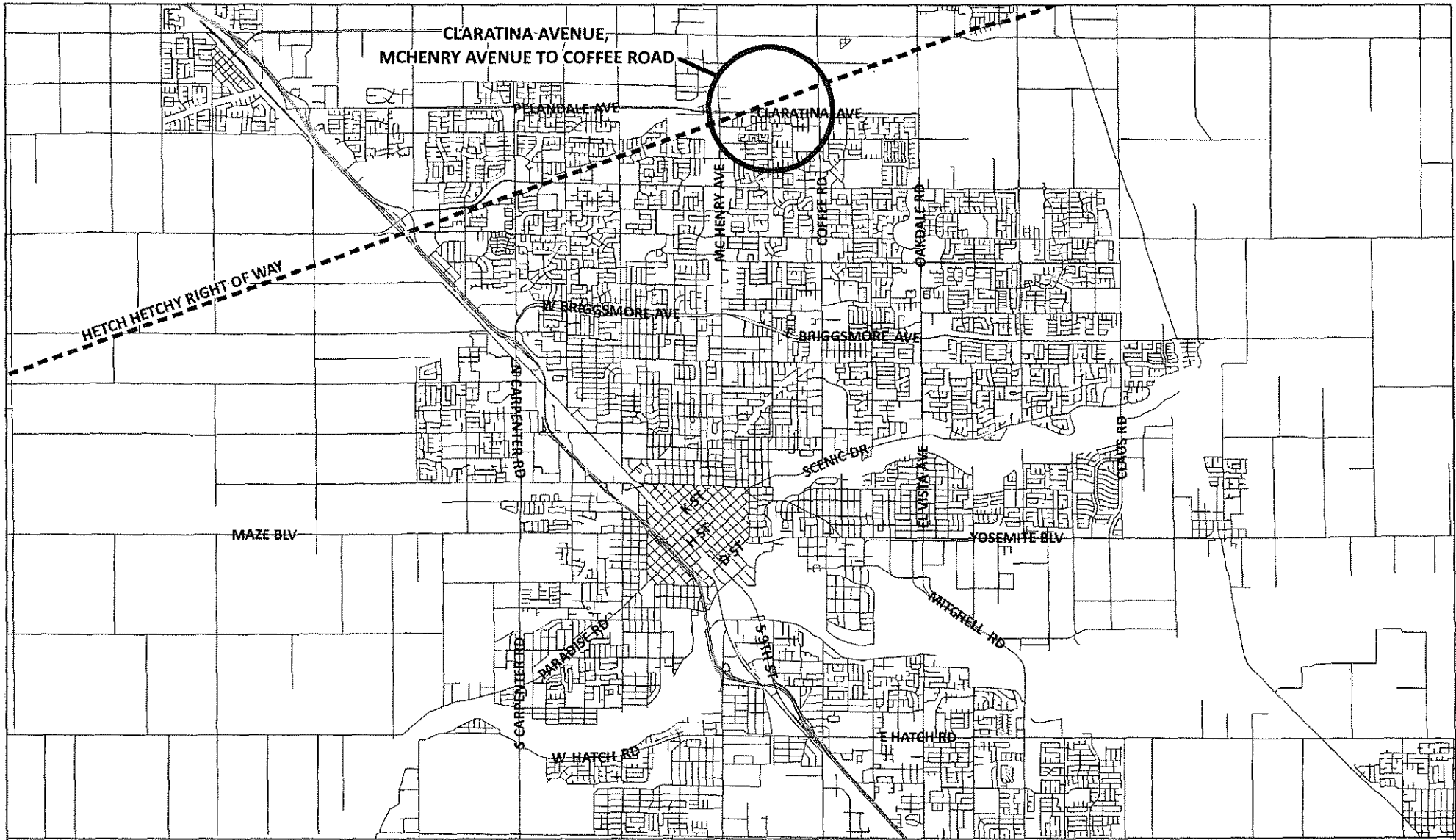


Figure 1: Claratina Avenue Widening, Vicinity Map

City of Modesto
 General Plan Master EIR



Initial Study EA No. 2017-03

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- A Class I bike path (typically 20 to 30 feet with landscaping) would be located on the south side of Claratina Avenue.
- Utilities will be relocated and street lighting, curb and gutter, storm drainage improvements, irrigation, and landscaping.

Studies to consider road widening and intersection design, storm drainage, irrigation, and landscaping will be prepared prior to final design of Phase 2.

Since the Claratina Avenue widening project will expand the roadway and include additional infrastructure (e.g. sidewalk, bike path, lighting) over the SFPUC's San Joaquin Pipelines, the SFPUC must assess the condition of the pipelines, perform necessary repairs arising pursuant to this condition assessment, and install necessary protective infrastructure. Where these subsurface pipelines are crossed by the Claratina Avenue widening project, the City of Modesto will construct a protective bridge structure over the pipelines during Phase 1 of the project. At this time, the SFPUC will excavate the pipelines, perform a condition assessment, re-coat and repair the pipelines as necessary, and install cathodic protection and a redundant pipeline segment. This will eliminate the need to disturb the bridge structure and roadway for pipeline maintenance or in the event there is a failure of one of the San Joaquin Pipelines under the Claratina Avenue crossing.

Phase 1 is the construction of a bridge over the San Joaquin Pipelines, which carry water from Hetch Hetchy Reservoir in the Sierra Nevada Mountains to the San Francisco Bay Area. Currently, there are three pipelines, but a 350-foot segment of pipeline will be installed adjacent to the other pipelines to provide for redundancy. While work on the bridge is under way, the City and County of San Francisco will excavate San Joaquin Pipeline Number 1 and San Joaquin Pipeline Number 3 for inspection and re-coating to prevent corrosion. The excavated trench for each pipe will be approximately 12 feet deep, 30 feet wide, and extend 25 feet beyond the edge of roadway for an approximate length of 350 feet each trench.

The bridge would be about 100 feet wide to allow the construction of a six-lane expressway, compared to the existing approximately 26-foot-wide roadway. Bent and abutment footings will be about three feet deep, but pier depths will be approximately 37.5 to 51 feet deep and the excavated dirt will be hauled off site for disposal. Groundwater has been located at approximately 40 feet in the vicinity, so dewatering may be necessary. The redundant pipeline segment will be installed as part of the bridge widening and the pipeline segment is expected to extend approximately 25 feet beyond the north and south ends of the bridge to avoid disturbing the proposed new bridge and to provide access to the ends of the new pipeline segment under the bridge. The total length of the excavated trench for the redundant pipeline will be approximately 350 feet and will be 12 feet deep and 30 feet wide.

Phase 2 is the widening of Claratina Avenue to either (a) two lanes in each direction, (b) three lanes in each direction, or (c) three lanes eastbound and two lanes westbound, depending upon what is needed at this time. In accordance with the City's adopted roundabout policy (City Council Resolution 2004-451), the City Engineer will recommend road widening and intersection treatment based upon the results of the traffic evaluation.

The intersection of Claratina Avenue and Coffee Road will either be a roundabout or a signalized intersection. A signalized intersection is more likely to have a larger footprint than a roundabout and would require the acquisition of more right of way.

Conceptual roadway cross sections for Claratina Avenue are illustrated on **Figure 2**. **Figure 3** shows the six-lane maximum facility and **Figure 4** shows the maximum roundabout and signalized intersection options for the project.

Impacts for Phase 1 and Phase 2 of the project described in the below analysis are similar unless specified. This analysis assumes the worst-case scenario and the largest area of disturbance.

I. Other Public Agencies Whose Approval is Required:

- ▶ City and County of San Francisco
- ▶ County of Stanislaus: Modesto secured approval from the Board of Supervisors at the Board's November 21, 2017, meeting to allow the City of Modesto to acquire right of way for the widening of Claratina Avenue.

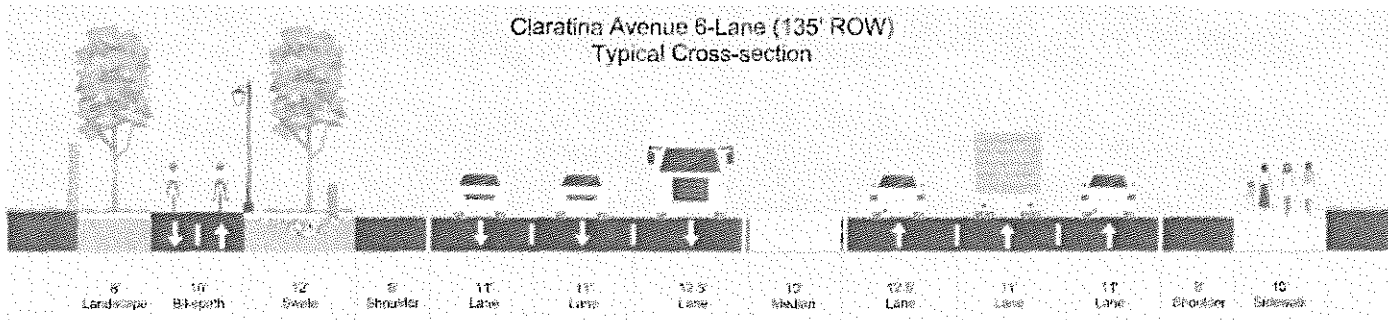
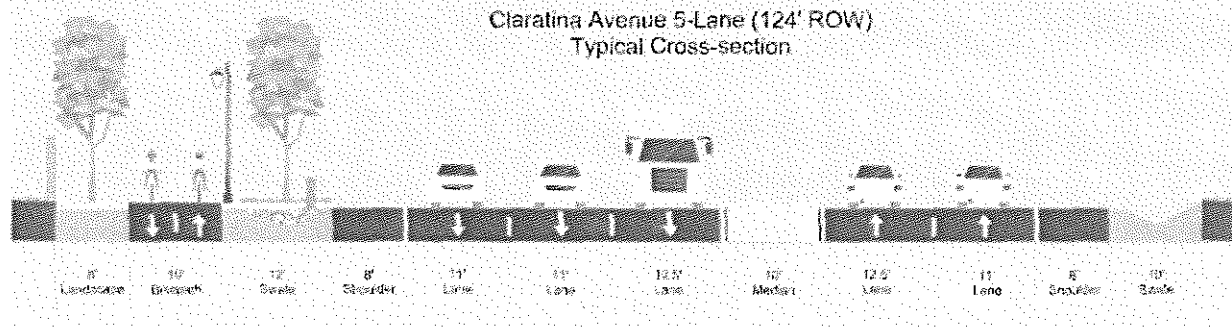
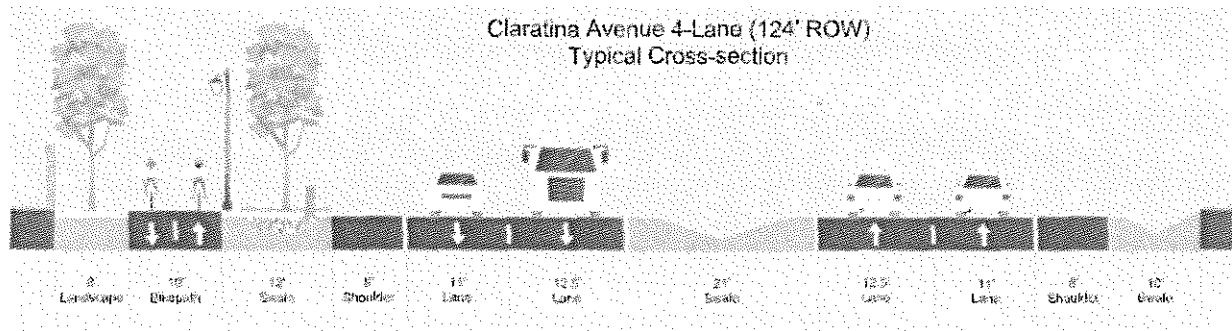


Figure 2A: Cross Sections

Claratina Avenue 6-Lane (135') Typical Cross-section

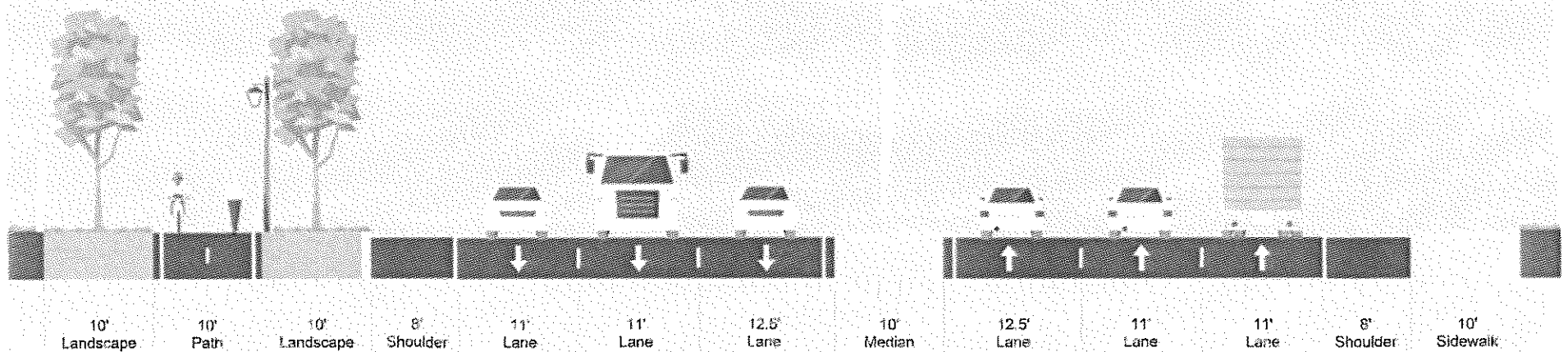


Figure 2B: Cross Sections

Claratina Avenue, McHenry to Coffee 124' ROW

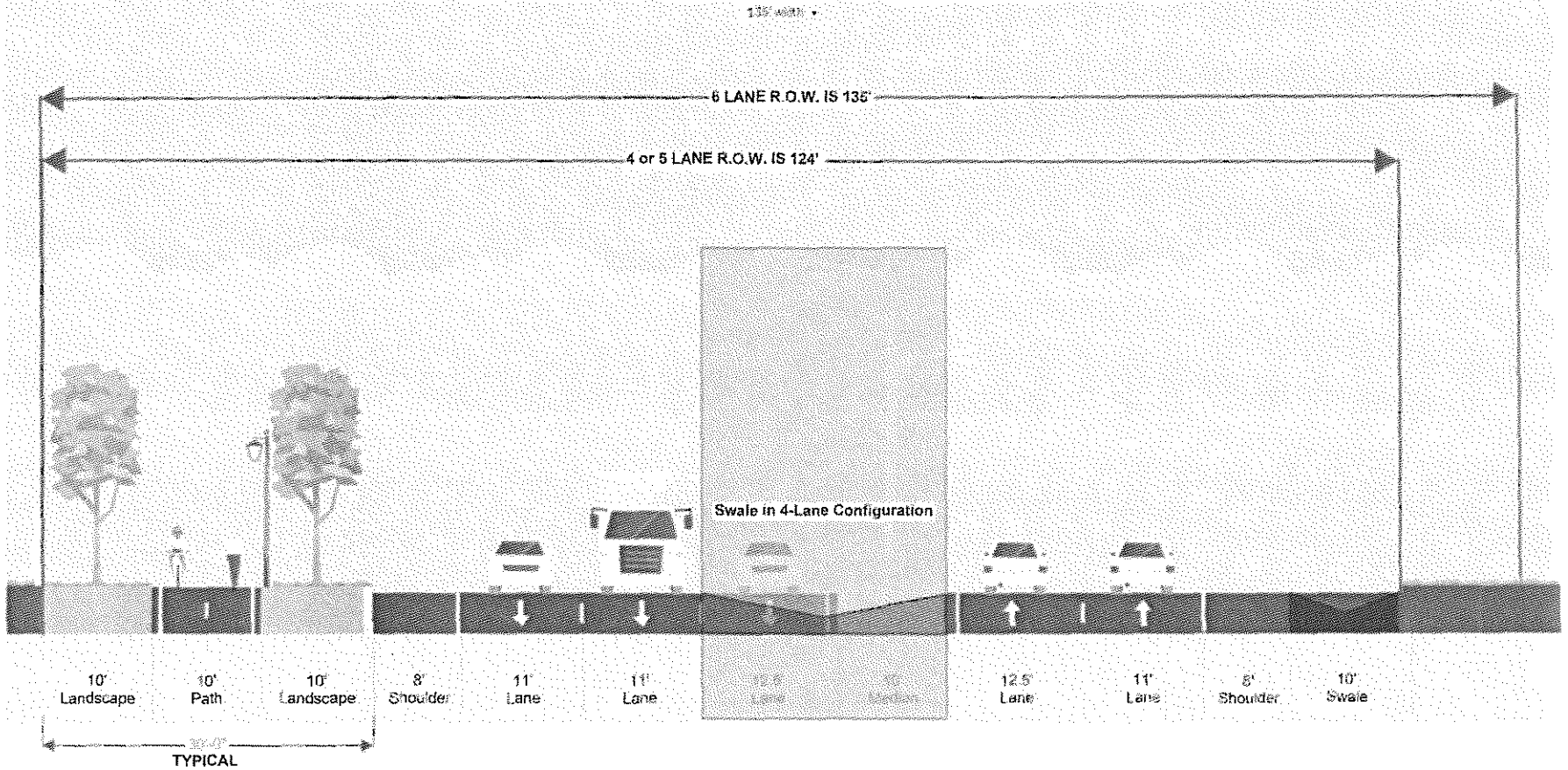


Figure 2C: Cross Sections

Claratina Avenue 4-Lane (124') Typical Cross-section

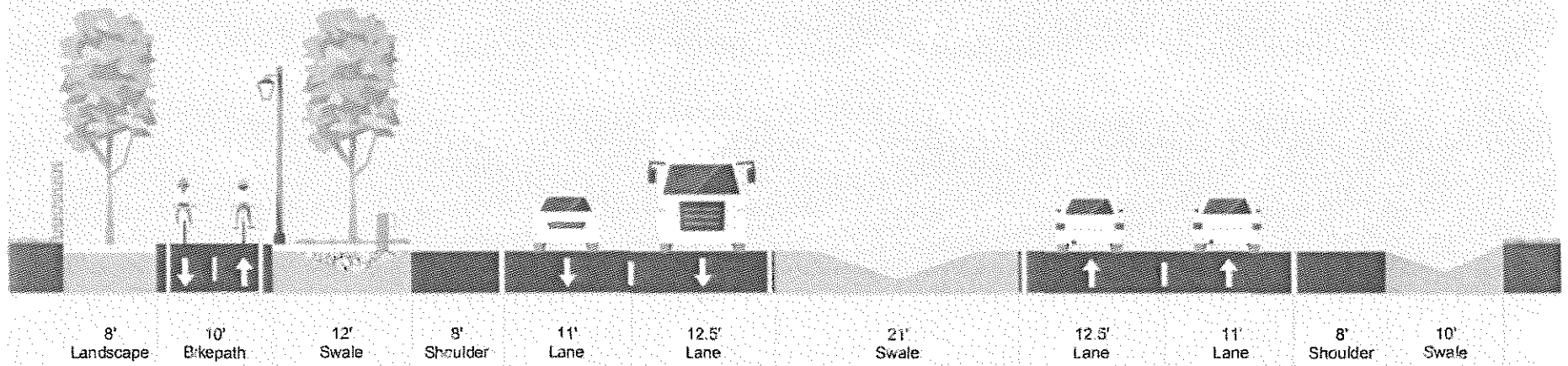


Figure 2D: Cross Sections

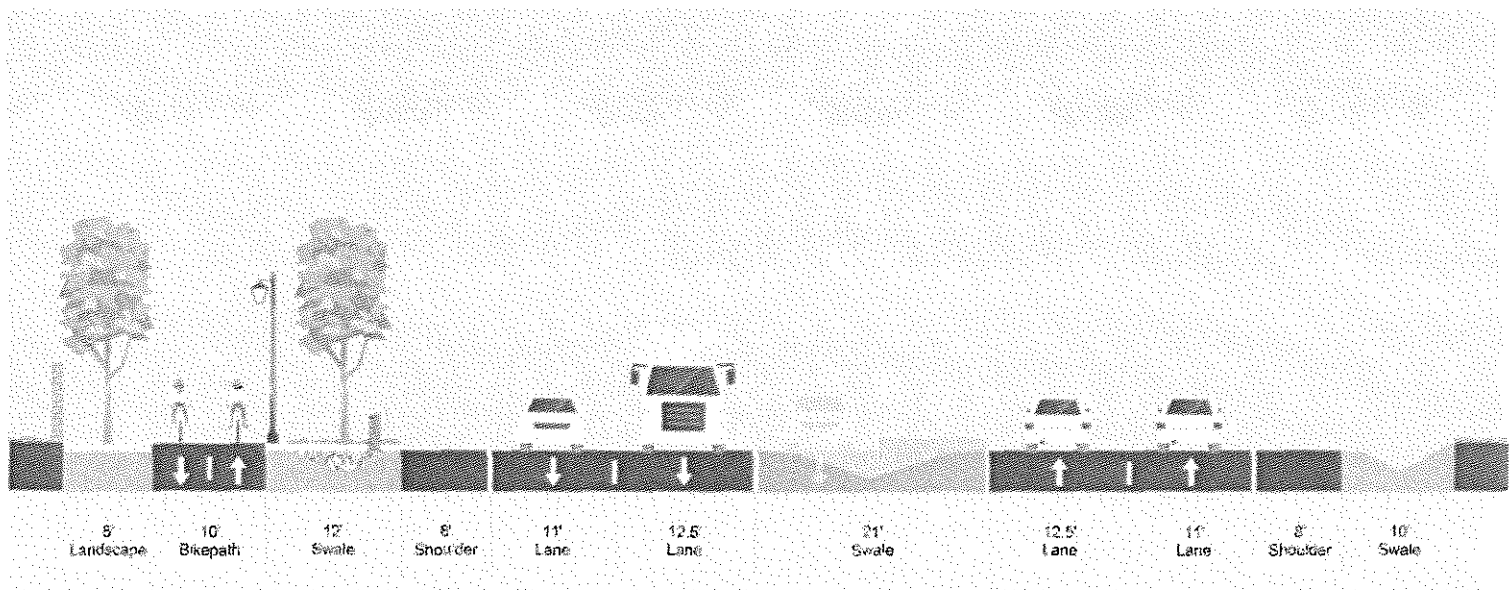


Figure 2E: Cross Sections

Claratina Avenue 6-Lane (135' ROW)

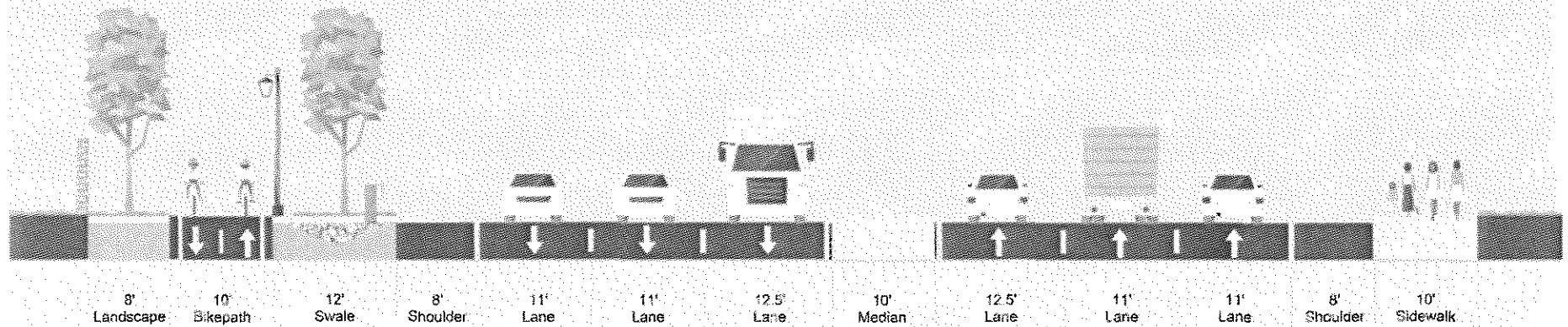


Figure 2F: Cross Sections

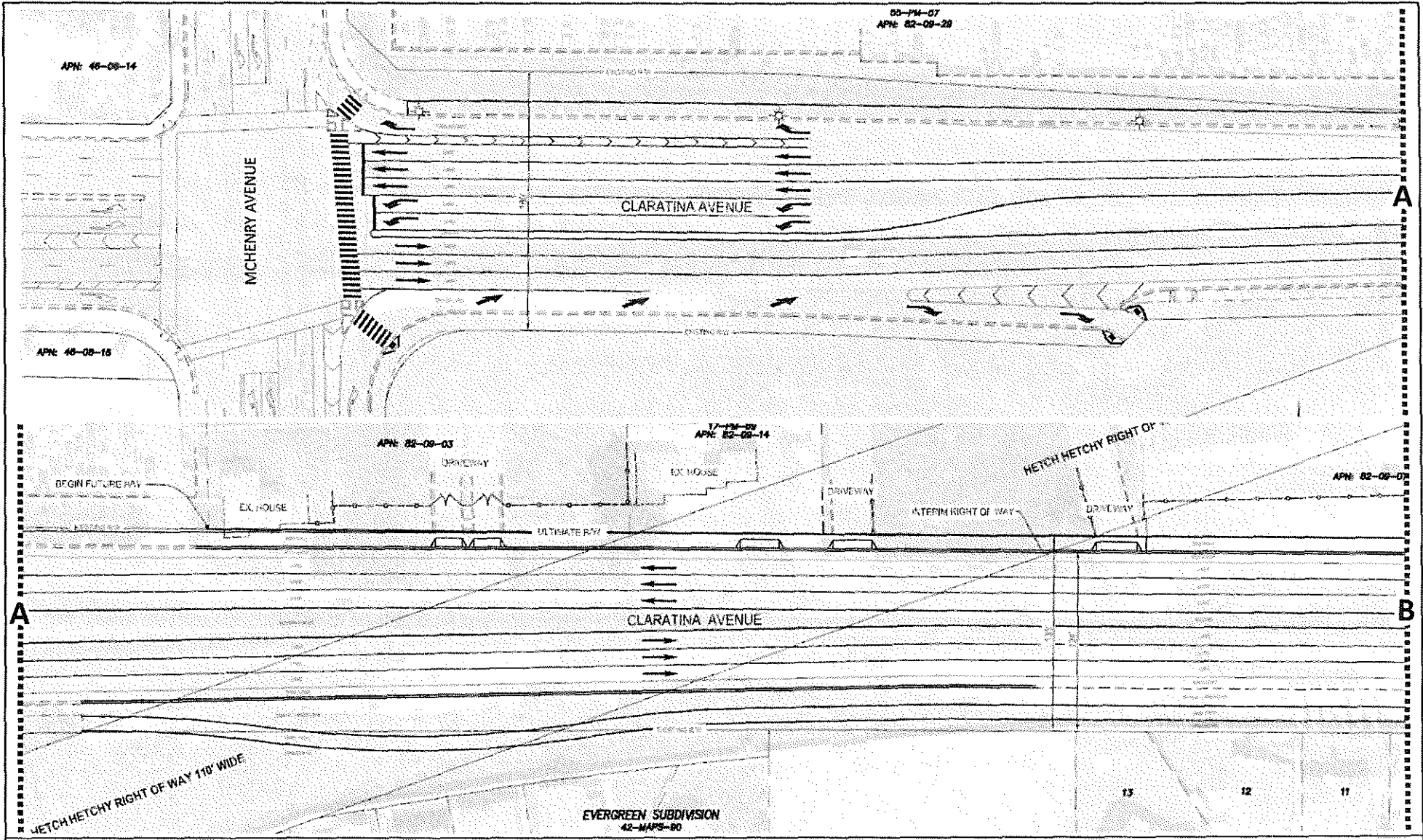


Figure 3A: Claratina Avenue, McHenry Avenue to Coffee Road, 6-Lane Maximum Widening

City of Modesto
General Plan Master EIR

0 25 50 100 Feet
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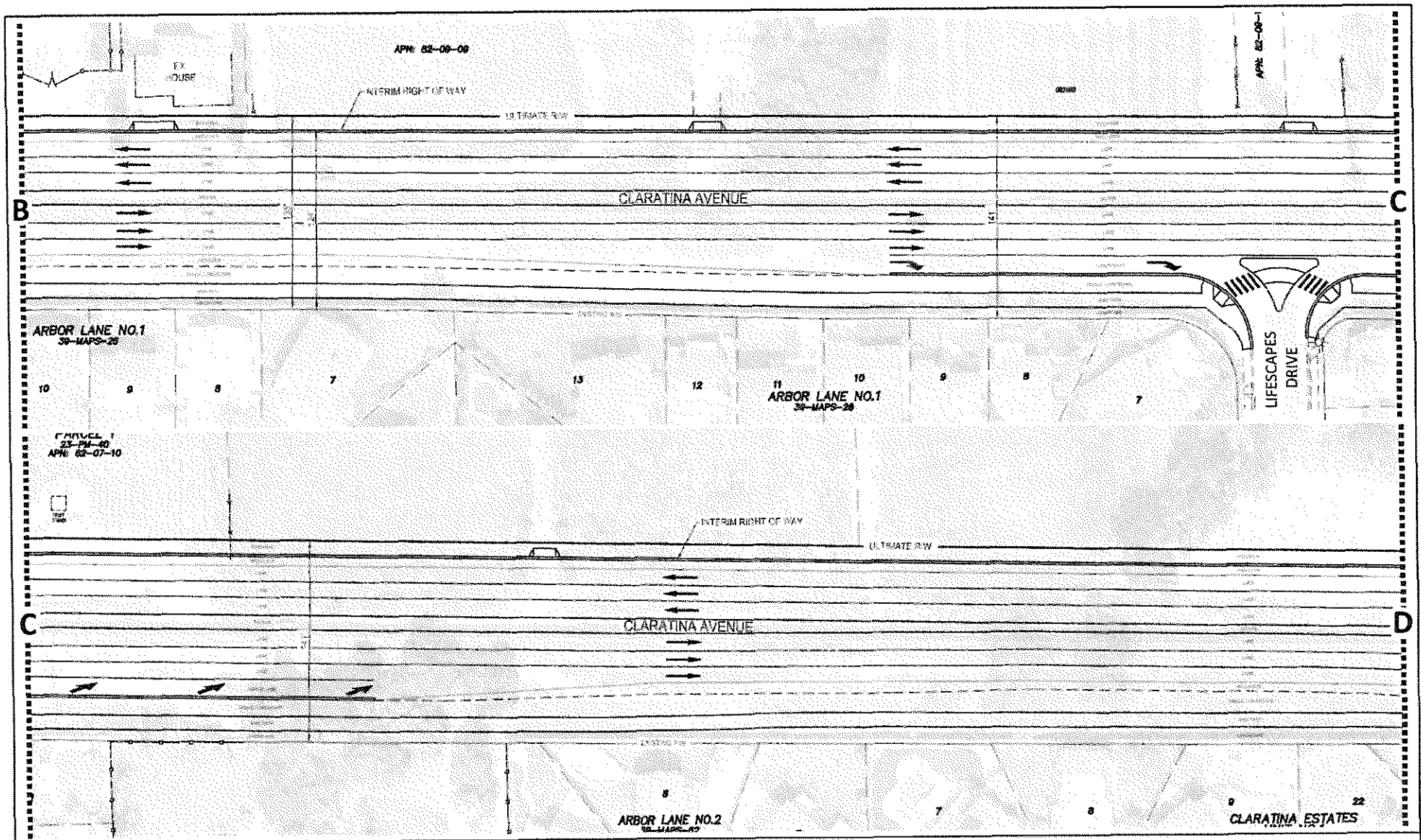
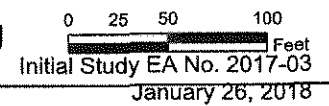


Figure 3B: Claratina Avenue, McHenry Avenue to Coffee Road, 6-Lane Maximum Widening

City of Modesto
General Plan Master EIR



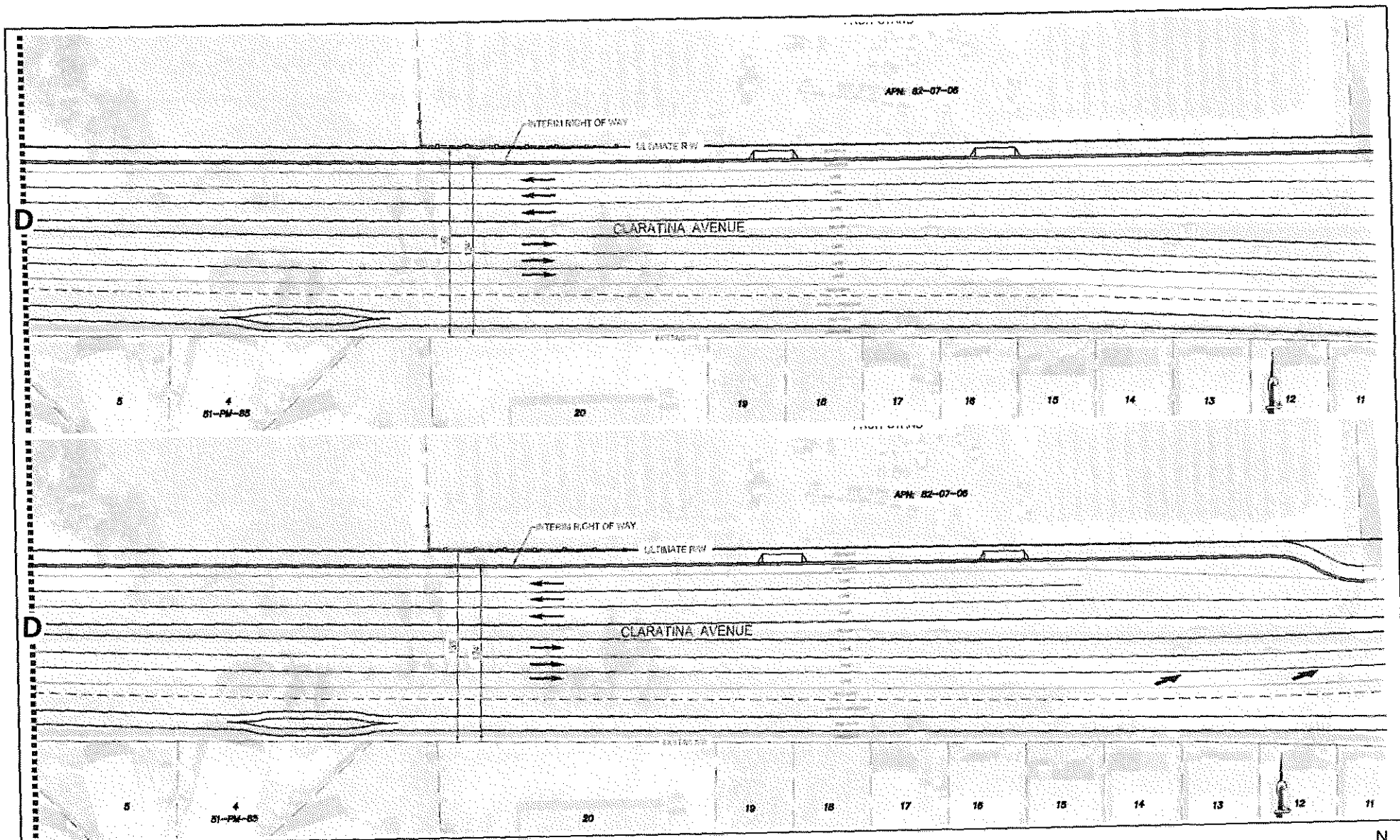


Figure 3C: Claratina Avenue, McHenry Avenue to Coffee Road, 6-Lane Maximum Widening

City of Modesto
 General Plan Master EIR

0 25 50 100 Feet
 Initial Study EA No. 2017-03
 January 26, 2018

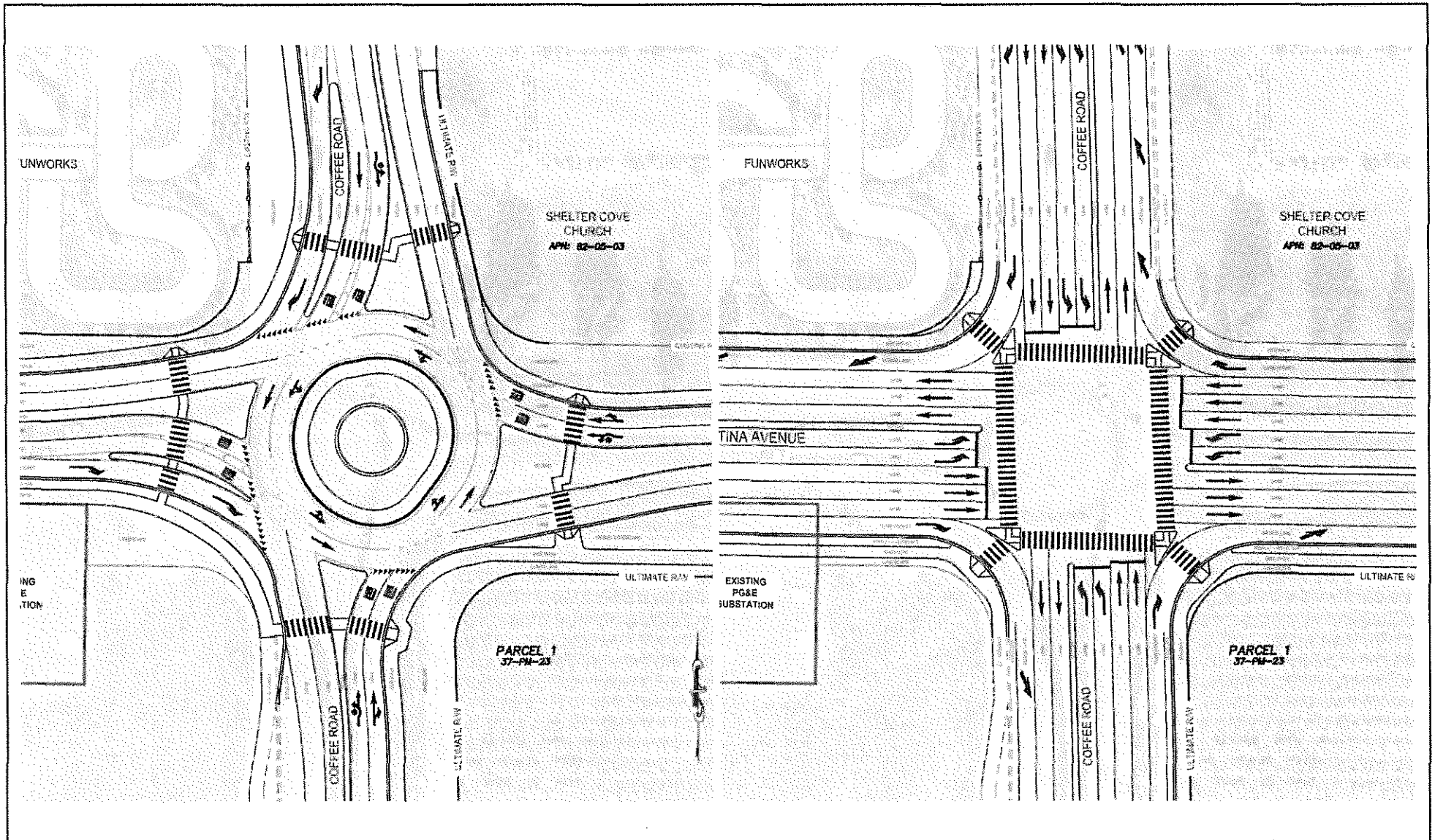
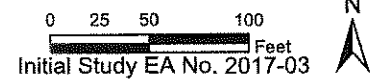


Figure 4: Intersection of Claratina Avenue and Coffee Road

City of Modesto



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

1. **Within the Scope** - The project is within the scope of the Master EIR and Tivoli Specific Plan 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 and Tivoli Specific Plan 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 the Tivoli Specific Plan EIR.
- D. All applicable policies, regulations, and mitigation measures identified in the Master EIR and Tivoli Specific Plan EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
- E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR and Tivoli Specific Plan EIR was certified as complete, has become available.

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.
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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.
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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 MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. 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.	X	<input type="checkbox"/>
(2) City policies which 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 and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	X	<input type="checkbox"/>
(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).	X	<input type="checkbox"/>
(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.	X	<input type="checkbox"/>
(5) The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	X	<input type="checkbox"/>
(6) Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	X	<input type="checkbox"/>

Discussion:

- (1) The City of Modesto is the lead agency for this project, which concerns the widening of a local road.
- (2) Mitigation measures drawn from the General Plan Master EIR and enumerated in this environmental document will be applied to the proposed project.
- (3) No revisions to existing regulations are known to have occurred that would be less restrictive than existing law. Current regulatory protections are similar to those assumed in the General Plan Master EIR.
- (4) There are known significant resources in the vicinity of the road widening project.
- (5) The widening of Claratina Avenue will occur entirely within the corporate limits of the City of Modesto or within the city's Sphere of Influence, as set forth in the General Plan and its Master EIR.
- (6) The proposed project will implement all appropriate mitigation measures from the General Plan Master EIR. The mitigation measures appropriate to this project are included in this environmental document.

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	NO
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)	This 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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.
- (2) The proposed project is described in the General Plan and is consistent with the analysis contained in the General Plan Master EIR. This is documented in the discussion of the individual issue areas of this initial study.
 - (2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.
 - (2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.
 - (2)(c) All policies contained in the MEIR 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 on the environment that was not examined in the Final Master EIR (MEIR) for the 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 MEIR. 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 2025 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-one subject 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 mitigations / policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) 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 and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

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, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

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

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28 and in the Tivoli Specific Plan EIR. All mitigation measures 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, Mitigation Measures Applied to Project.

Discussion:

There is no need to mitigate project impacts beyond what is described in the General Plan Master EIR, as this project was described and was evaluated in the Master EIR. General Plan MEIR policies applied to this project include TC-5 TC-9, TC-25, TC-29, TC-34, TC-35, and TC-36. Tivoli Specific Plan EIR mitigations include D.3 (page IV.D.48) and D.4 (page IV.D.53). 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 a new, significant, project-specific effect 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 criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) The proposed project consists of two phases. Phase 1 is the widening of the bridge over the Hetch Hetchy pipeline to accommodate a fourth pipe and the ultimate widening of Claratina Avenue to six lanes and Phase 2 is the widening of Claratina Avenue to four, five, or six lanes and the construction of either a roundabout or a signalized intersection at the intersection of Coffee Road and Claratina Avenue.

The General Plan identifies Pelandale Avenue / Claratina Avenue as a maximum six-lane expressway. Because this project is described in the General Plan Master EIR and because it is a roadway widening, there would be no increase in traffic generated by the project itself and no increase in traffic on Claratina Avenue or Coffee Road that in excess of what was anticipated in the Master EIR.

The Tivoli Specific Plan was prepared during a period of substantial development activity in Modesto and the Specific Plan EIR assumed that construction in the Specific Plan area would commence in 2007 or 2008 following certification of the EIR. However, the recession that began in 2008 delayed development in the Tivoli Specific Plan area and delayed the construction of roadway improvements that would serve northeast Modesto. As of 2017, no development applications have been received in the Tivoli Specific Plan area.

The Specific Plan EIR anticipated constructing two lanes on Claratina Avenue from Coffee Road to Oakdale Road by 2012, four or five years after development was anticipated to begin in the Tivoli area. On page IV.D.17, the EIR assumes that a two-lane roundabout will be constructed at Claratina Avenue and Coffee Road as part of the Claratina Avenue extension from Coffee Road to Oakdale Road. Widening of Claratina Avenue from two to four lanes is provided in Mitigation Measure D.4, page IV.D.53, expected at 100 percent specific plan completion in 2017. The Tivoli Specific Plan EIR assumed that approximately 75 percent of development, Mitigation Measure D.3g (page IV.D.48) is to be implemented, for a traffic study to determine the adequacy of intersection control (roundabout) at Claratina Avenue and Coffee Road.

- (2,3,4,7) The proposed widening of Claratina Avenue was evaluated in the General Plan Master EIR. No impacts greater than those disclosed in the Master EIR would be anticipated. The potential incremental widening of the road from two to four, five, or six lanes is not expected to result in traffic impacts. The General Plan Master EIR considered widening the roadway to its ultimate capacity, however, the incremental widening of the roadway to accommodate traffic as the need arises without incurring undue expenses of right of way acquisition, road construction, and maintenance is consistent with assumptions made in the Tivoli Specific Plan EIR and with City policy. The incremental widening of Claratina Avenue is being considered in a detailed traffic analysis. This traffic analysis is being prepared consistent with General Plan Master EIR Policy TC-36, which refers to the City's roundabout policy (City Council Resolution 2004-451). A higher rate of growth in background traffic (1.5 percent annually) is being used in that study than the rate of growth assumed in the General Plan Master EIR (1.3 percent annually), which will yield a more conservative set of recommendations. To reduce impacts to a less-than-significant level, recommendations from the traffic study will be followed.
- (5) This issue is not applicable to the proposed widening of Claratina Avenue.
- (6) The widening of Claratina Avenue to four, five, or six lanes includes a Class I bicycle facility on the south side of Claratina Avenue. No conflicts with General Plan Master EIR Policies TC-5, TC-9, TC-29, and TC-35 relating to bicycle and non-motorized transportation are supported by the proposed design. TC-25 and TC-34 relating to a balanced transportation system for all modes are also supported by the proposed design. The widening of Claratina Avenue would present no conflicts for the transit system.

2. DEGRADATION OF AIR QUALITY

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 mitigations / policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM₁₀) and 2.5 microns or less in diameter (PM_{2.5}) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

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, PM₁₀, and PM_{2.5}. The SFPUC identifies worst-case construction impacts, which are temporary.

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

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. The SFPUC identifies mitigation on pages E.7-1 through E.7-9. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-18, AQ-39, AQ-42, AQ-43, AQ-44, AQ-46, AQ-47, AQ-48, AQ-49, AQ-50, AQ-51, AQ-52, AQ-53, AQ-54, AQ-55, and AQ-56 from the General Plan MEIR. SFPUC Mitigation Measure M-AQ-1 will also be applied. 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO _x , PM ₁₀ , and PM _{2.5} by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO _x , PM ₁₀ , and PM _{2.5} .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-5) The proposed widening of Claratina Avenue from two lanes to four, five, or six lanes is anticipated in the General Plan and the Master EIR, in which Claratina Avenue is designated a maximum six-lane expressway. No new impacts are expected to occur, as compared to the impacts disclosed in the Master EIR. The proposed project will incorporate best management practices and comply with air quality policies in the General Plan. No unusual odors are expected to occur. Construction activities will include truck hauling of excavated dirt for off-site disposal due to trenching for pipeline maintenance and the addition of the redundant pipeline stub and for construction of piers and abutments. Groundwater may be encountered during excavation for piers, which may necessitate dewatering. Construction activities are temporary and will result in temporary air quality impacts. None of the necessary construction activities associated with this project is unusual and thus is not expected to exceed construction impacts analyzed in the General Plan Master EIR, which included the widening of Claratina Avenue.

The project has been designed to be consistent with general plan policies AQ-2-2b, AQ-2-2c, AQ-2-2d. Implementation of construction air quality measures AQ-18, AQ-39, AQ-42, AQ-43, AQ-44, AQ-46, AQ-47, AQ-48, AQ-49, AQ-50, AQ-51, AQ-52, AQ-53, AQ-54, AQ-55, and AQ-56 will limit impacts to those anticipated in the General Plan Master EIR. SFPUC's Mitigation Measure M-AQ-1 will be applied to hauling activities.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations / policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of 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 MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

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

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. The SFPUC identifies mitigation on pages E.6-1 through E.6-17. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes N-2 and N-3 from the Master EIR, relating to construction noise. SFPUC Mitigation Measures M-NO-2 and M-NO-3 will also be applied. 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 MEIR 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-4) Modesto’s noise ordinance applies only to stationary sources. As such, construction activity is subject to the noise ordinance, but traffic resulting from project completion is not. Construction activities will comply with the City’s noise ordinance, as expressed in General Plan MEIR mitigations N-2 and N-3. Sources of construction noise are anticipated to result from trucks hauling away excavated dirt, from possible dewatering activities for bridge piers, and from grading and paving equipment. SFPUC’s Mitigation Measures M-NO-2 and M-NO-3 will be applied to reduce the noise from stationary construction equipment through the use of quieter equipment and temporary noise barriers.

Traffic noise impacts on properties adjacent to the south are expected to be similar to those assumed in the Master EIR and have been reduced to the extent possible by the existing block wall. The project does not contain features that are expected to result in noise impacts greater than those evaluated in the Master EIR, therefore, no new mitigation is required.

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 mitigations / policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide 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 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

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

No mitigation measures to reduce impacts on agricultural land will be applied to this project.

Discussion:

No impacts are expected to occur that are greater than the impacts disclosed and evaluated in the General Plan 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 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-4) The General Plan Master EIR disclosed significant unavoidable adverse impacts on agricultural land, as a result of the adoption and development of the Modesto General Plan. The proposed project was included in the General Plan Master EIR and would result in no new impacts, as compared to those identified in the Master EIR. None of the policies relating to development or conversion of agricultural land would be applied to this project, because those policies are intended to be applied to development projects, rather than to infrastructure projects.

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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

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

No mitigation measures to reduce impacts on long-term water supplies will be applied to this project.

Discussion:

No impacts are expected to occur that are greater than the impacts disclosed and evaluated in the General Plan Master EIR. As a roadway widening, long-term water supplies would not be committed in order to build or operate the roadway. Project construction would, however, require some water, primarily for the purpose of minimizing dust. 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-3) Long-term water supplies would not be committed in order to build or operate the widened roadway. Water would be used during construction to minimize dust. As such, no impacts on long-term water supplies are expected to occur as a result of this project.

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 mitigations / policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

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

No mitigation measures to reduce impacts on sewer service will be applied to this project.

Discussion:

No impacts on sewer service are expected to result from the widening of Claratina Avenue.

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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-3) Roadway construction does not create demand for sewer services. Construction crews typically use portable toilets during construction, but that impact is short-term and has no appreciable impact on demand for sewer service. No sewer mitigation will be applied to the proposed 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 mitigations / policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plant 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 density 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. Master EIR and/or New Mitigation Measures Applied to the Project

No mitigation measures to reduce impacts on wildlife and plant habitat will be applied to this project.

Discussion:

No impacts on wildlife and plant habitat are expected to result from the widening of Claratina Avenue. 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would substantially interfere 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-6) There is a mature native oak tree growing on the south side of Claratina Avenue east of Lifescapes Drive in the vicinity of 4228 Riggins Court. Phase 2 of the project, consisting of the widening from east of the bridge over the Hetch Hetchy pipelines to Coffee Road, is being designed to preserve this tree. The area on either side of the existing Claratina Avenue, where the widening would occur, is heavily disturbed and is not known to support any plant or animal life of interest in the Master EIR. The project is consistent with general plan policies relating to biological impacts. There are no wetlands near the proposed project site, nor are streams or rivers affected that could result in an effect on migratory species. Modesto has no policies or ordinances that protect plant or animal species and there is no Habitat Conservation Plan or Natural Community Conservation Plan that would be affected by the project.

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 mitigations / policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources, in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

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

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes AH-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-8.B of the MEIR 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 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological / historical resource policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would modify or demolish a structure more than 50 years old.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The project would adversely affect a Tribal Cultural Resource identified and/or defined by the applicable Tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-3) The proposed widening of Claratina Avenue is consistent with all general plan policies related to archaeological and historic resources. No historic resources or potential historic resources are known to exist in the area that will be affected by the proposed project. No mitigation measures relating to historic resources will be applied to the project.
- (4-5) The project lies in an area where there are no known archaeological or historic resources. Earthwork for road widening tends to be shallow (typically less than three feet). This project will involve slightly more earthwork in order to widen the bridge over the Hetch Hetchy Aqueduct and for placement of utility poles, signage, and similar objects. Should any archaeological resources be inadvertently encountered during construction, Mitigation Measure AH-16 will be applied to reduce any potential impacts to a less-than-significant level.

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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto 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. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes SD-3, SD-4, SD-5, and SD-9 in the Master EIR. Although these measures are listed under "Baseline Developed Area," they are appropriate for roadway construction. 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 MEIR 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-3) The proposed project is consistent with the storm water drainage policies contained in the General Plan. Widening Claratina Avenue would result in a substantial increase in impervious surface between McHenry Avenue and Coffee Road, however, the road widening was anticipated in the General Plan and evaluated in the Master EIR. A storm water drainage study will be prepared after it is determined whether Claratina Avenue will be designed as a six-lane, five-lane, or a four-lane facility. The study will consider how storm drainage from a 100-year, 24-hour storm will be accommodated. Drainage from Phase 1 will likely be at least partially accommodated in a basin just south of the roadway in the Coffee-Claratina Specific Plan area. Drainage from Phase 2 will likely be accommodated using low-impact design solutions, such as swales, near the roadway which will retain water and allow it to percolate into the soil and recharge groundwater. Storm drainage will be consistent with general plan policy and Master EIR measures SD-3, SD-4, SD-5, and SD-9, which will eliminate the potential for new impacts, as compared to impacts anticipated in the General Plan 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 mitigations / 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

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. The SFPUC identifies mitigation on pages E.15-1 through E.15-19. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No General Plan Master EIR mitigation measures will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level. SFPUC Mitigation Measure M-HY-2 will also be applied. The potential for damage to the Hetch Hetchy pipelines related to flooding will be limited or eliminated through an encroachment permit and protocols established by the City and County of San Francisco, as discussed below.

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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would place structures within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or off-site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would violate water quality standards or waste discharge requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of General Plan implementation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) The proposed widening of Claratina Avenue will be designed to be consistent with the flooding and water quality policies contained in the General Plan. No impacts greater than those evaluated in the General Plan MEIR are expected. The project will comply with the Clean Water Act and the Porter-Cologne Act.
- (3-4) The project is located more than one mile from the nearest 100-year flood hazard area and is not expected to have an impact on or be affected by the 100-year flood zone. No mitigation measures addressing the 100-year flood hazard zone will be applied to the proposed project.

- (5-6) Both Phases 1 and 2 of the proposed road widening will be designed to comply with the Guidance Manual for New Development Storm Water Quality Control Measures. No impact on water quality standards or discharge requirements is expected to occur and no mitigation will be applied to the proposed project.

- (7-8) The San Joaquin Pipelines are the only course expected to be affected by the proposed widening of Claratina Avenue. Because the widening project will expand the roadway and include additional infrastructure over the SFPUC's pipelines, the additional infrastructure of a bridge is necessary to protect the pipelines and the SFPUC must assess the condition of the pipelines and perform any necessary maintenance. To avoid duplication of effort, the bridge (Phase 1) will be built wide enough to accommodate the eventual widening of Claratina Avenue to six lanes, regardless of whether Phase 2 consists of four, five, or six lanes. In the Modesto area, the pipelines are completely enclosed and thus do not erode the surrounding soil or pick up silt.

Building a bridge over the San Joaquin Pipelines (Phase 1) requires an encroachment permit from the City and County of San Francisco and close coordination with their staff to ensure the pipelines are not damaged. City staff has been coordinating with San Francisco staff on the plans and specifications that agency will require before work may begin. San Francisco staff will meet with City staff and / or the City's contractor on a daily basis to ensure construction activities are proceeding in accordance with approved plans. The inspector may stop work at any time. Any leaks in or damage to the pipelines during construction must be immediately reported to the inspector, who will take appropriate action to prevent or limit flooding. Adherence to plans and protocols as approved by the City and County of San Francisco will avoid significant impacts.

SFPUC is currently pursuing an inspection and maintenance program for the San Joaquin Valley portion of the pipelines. Crews have not yet reached Modesto, but SFPUC is taking advantage of the opportunity presented by the construction of the new bridge over the pipelines to inspect and maintain the pipelines and install a segment of redundant pipeline. When SFPUC's maintenance crews arrive in Modesto, they will be able to bypass the portion of the pipelines that cross under Pelandale Avenue, thereby reducing traffic disruption. As noted elsewhere, groundwater has been encountered at approximately 40 feet below grade, which should not impact SFPUC's activities, but if groundwater is found at depths that do affect construction, SFPUC's Mitigation Measure M-HY-2 will be implemented.

Because the road widening will increase impervious surface, an increase in runoff is expected to occur. Some of the runoff will be conveyed away from the roadway to a nearby drainage basin south of Claratina Avenue. However, that drainage basin lacks capacity to accommodate all of the runoff from a widened Claratina Avenue, so low-impact solutions that maximize rainwater capture and percolation to groundwater, such as swales, will be explored in a subsequent study prior to final design. Flood control will be designed to accommodate a 100-year, 24-hour event, consistent with City policy. No impact is expected to occur beyond that disclosed in the General Plan Master EIR and no mitigation measures will be applied to the project. This issue is further addressed in Section 9 above.

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 mitigations / 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

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No General Plan Master EIR mitigation measures will be applied to the proposed project. 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 MEIR 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-3) The proposed widening of Claratina Avenue will have no effect on parks and open space. The project will not increase demand for parks because it will have no impact on the size of the population of Modesto greater than that disclosed in the General Plan Master EIR and the project will not reduce parks or open space acreage. Additionally, there is no reason to expect that the road widening will cause an increase in the use of existing parks. No impact greater than that disclosed in the General Plan Master EIR is expected and no mitigation will be applied.

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 mitigations / 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 of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures 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).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No General Plan Master EIR mitigation measures will be applied to the proposed project. 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) The proposed project will have no impact on schools, and is not required to pay school impact fees allowed by SB 50. No impacts greater than those disclosed in the General Plan Master EIR are expected to occur and no mitigation will be applied to 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 mitigations / 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

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No General Plan Master EIR mitigation measures associated with demand for police services will be applied to the proposed project. 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) The widening of Claratina Avenue east to Oakdale Road as a six-lane expressway is a project anticipated in the General Plan and evaluated in the Master EIR. The project is consistent with general plan policies relating to police service and will not result in the need for new or altered police facilities. Response times may decline slightly, as compared to existing conditions. Service ratios (officers to citizens) will not change, as the project will add no new dwellings to Modesto. Impacts from this project are expected to be less than or equal to those anticipated in the General Plan Master EIR. No mitigation related to police services will be applied to the proposed project.

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 mitigations / 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

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No General Plan Master EIR mitigation measures associated with demand for police services will be applied to the proposed project. 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-3) The widening of Claratina Avenue east to Oakdale Road as a six-lane expressway is a project anticipated in the General Plan and evaluated in the Master EIR. The project, the widening of Claratina Avenue from McHenry Avenue to Coffee Road, is consistent with general plan policies relating to fire service and will not result in the need for new or altered fire department facilities. Response times may decline slightly, as compared to existing conditions. Service ratios (firefighters to citizens) will not change, as the project will add no new dwellings to Modesto. Impacts from this project are expected to be less than or equal to those anticipated in the General Plan Master EIR. No mitigation related to fire services will be applied to the proposed project.

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 mitigations / 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

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No General Plan Master EIR mitigation measures associated with the generation of solid waste will be applied to the proposed project. 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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) Solid waste generation related to the project is limited to the incidental waste generated by the construction crews and other staff, such as containers and wrappers from prepared food. This sort of waste is not as much associated with the project itself as it is with the people and is not considered a project impact. No General Plan Master EIR mitigations for solid waste will be applied to the proposed project.

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 mitigations / 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

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No General Plan Master EIR mitigation measures associated with the hazardous materials will be applied to the proposed project. 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) Road maintenance and construction often involves a certain amount of hazardous waste. Some of the striping used to demarcate space on the pavement contains lead. Such material is sent to a special disposal facility equipped to safely handle lead. Because it is largely comprised of petroleum, asphalt is considered a hazardous waste if it is not reused. Asphalt is removed from a road when it is resurfaced or widened. The removed material is usually recycled into new road paving, but if it must be disposed of, it is sent to a special disposal facility that can accommodate the hazardous waste. No impacts greater than those anticipated in the General Plan Master EIR are expected to occur as a result of this project and no mitigation measures are anticipated other than compliance with State law for the handling of the hazardous materials identified herein.
- (3-4) The project site is not on California's list of contaminated sites, nor is the site known to be contaminated with hazardous materials. No mitigation measures associated with hazardous sites will be applied to the project.

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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

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

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No General Plan Master EIR mitigation measures associated with geology, soils, and mineral resources will be applied to the proposed project. SFPUC Mitigation Measure M-GE-1 will be applied, utilizing the geotechnical study prepared for this project. 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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) The proposed roadway widening will be implemented consistent with general plan policies relating to geology, soils, and mineral resources. Within the general plan boundary, impacts associated with these resources are very limited, as there are few known hazards and resources. No general plan policies will be applied to this project.
- (2) Seismic impacts in the Modesto area are very limited, as the risk of fault rupture is considered to be low and risks from seismic shaking are relatively low although shaking does occur. Widening Claratina Avenue will have no impact on exposure of residents or roadway users to seismic impact or reduce the availability of mineral resources, or result in other impacts due to soils and geology. No general plan policies will be applied to this project.

Phase 1 of the proposed project will build a bridge over the Hetch Hetchy pipelines to accommodate the redundant pipeline segment and to accommodate the widening of Claratina Avenue to six lanes. The bridge piers will be 37.5 to 51 feet below grade. The four major soil associations described in the General Plan Master EIR are typically well-drained sandy loams, although some soils contain more clay. These soils are less well-drained than the sandy loams and some may be slightly susceptible to expansion. A geologic report was prepared for the proposed project in order to identify the appropriate design and ensure stability for the bridge and roadway. The results of that report were used in the project design and will be used by SFPUC to develop an excavation, backfilling, and grading plan in accordance with its Mitigation Measure M-GE-1.

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 mitigations / policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

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

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. The SFPUC identifies mitigation on pages E.14-1 through E.14-11. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No General Plan Master EIR mitigation measures associated with energy consumption will be applied to the proposed project. 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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-2) The proposed widening of Claratina Avenue is consistent with the general plan, which anticipates the road widening in the Circulation Element. Energy use associated with construction and use of the road was taken into account in the General Plan Master EIR. Because some or possibly all of the existing asphalt will be reused to construct this project, energy used in the manufacture and transport of asphalt is expected to be somewhat less than anticipated in the Master EIR. The general plan boundaries have not changed and no additional traffic is anticipated to use widened Claratina Avenue than was disclosed in the Master EIR. Consistent with general plan policies, a grade-separated (Class I) bicycle facility will be constructed adjacent to the eastbound (southern segment) Claratina Avenue to encourage and facilitate the use of bicycles for transportation, consistent with General Plan Master EIR mitigations identified in the traffic and circulation and air quality analyses sections. Additionally, this project is designed to comply with General Plan Master EIR energy mitigation E-17. No significant impacts are expected to occur and no mitigation will be applied to the proposed project.

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 mitigations / policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

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

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No General Plan Master EIR mitigations relating to visual resources will be applied to this project, as no impacts are expected that are greater than those anticipated in the Master EIR.

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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-3) The project is consistent with general plan policies related to visual resources. There are no views of riverside areas or parks from this segment of Claratina Avenue, therefore no impacts on views to or from parks or riverside areas would be affected. No impacts are expected to occur.

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 mitigations / 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 mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

The proposed project is consistent with the general plan and proposes no changes to land use designations. No impacts are expected and no mitigation is required.

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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-4) The proposed widening of Claratina Avenue is consistent with the general plan, which has evaluated this facility as a six-lane expressway and does not affect land use designations. The project will have no effect on habitat conservation plans or natural community conservation plans. No impacts are expected to occur that were not addressed in the General Plan MEIR and no mitigation is necessary.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations / policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

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

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

The proposed project is consistent with the general plan and 2014 Sustainable Communities Strategy. No impacts are expected and no mitigation is required.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would result in average automobile trip lengths or CO ₂ emissions higher than those assumed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-3) The widening of Claratina Avenue is consistent with general plan policies relating to climate change and transportation and thus would not result in trip lengths greater than those assumed in the General Plan MEIR. The project was included in StanCOG's 2014 Regional Transportation Plan Sustainable Communities Strategy and is therefore consistent with it. No impacts greater than those assumed in the General Plan MEIR are expected to occur and no mitigation is required.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project 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/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures 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 mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures 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 mitigation measures have been applied to the project (see mitigation measures 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:

General Plan MEIR policies applied to this project include TC-5 TC-9, TC-25, TC-29, TC-34, TC-35, and TC-36. Tivoli Specific Plan EIR mitigations include D.3 (page IV.D.48) and D.4 (page IV.D.53).

Degradation of Air Quality:

The appropriate General Plan MEIR mitigation to be applied to this project includes measures AQ-18, AQ-39, AQ-42, AQ-43, AQ-44, AQ-46, AQ-47, AQ-48, AQ-49, AQ-50, AQ-51, AQ-52, AQ-53, AQ-54, AQ-55, and AQ-56 from the General Plan MEIR.

SFPUC Mitigation Measure M-AQ-1, specifying that vehicles used for off-site hauling will be model year 2000 or new will also be applied.

Generation of Noise:

The appropriate mitigation to be applied to this project includes measures N-2 and N-3. SFPUC Mitigation Measure M-NO-2 relating to the use of quieter stationary construction equipment and M-NO-3 relating to the use of temporary noise barriers to reduce impacts at sensitive receptors will be implemented.

Effects on Agricultural Lands:

None.

Increased Demand for Long-Term Water Supplies:

None.

Increased Demand for Sanitary Sewer Services:

None.

Loss of Sensitive Wildlife and Plant Habitat:

None.

Disturbance of Archaeological/Historic Sites:

The appropriate General Plan MEIR mitigation to be applied to this project is AH-16.

Increased Demand for Storm Drainage:

The appropriate mitigations to be applied to this project are SD-3, SD-4, SD-5, and SD-9 in the Master EIR.

Flooding and Water Quality:

No General Plan Master EIR mitigation measures will be applied to the proposed project. The potential for damage to the Hetch Hetchy pipelines related to flooding will be limited or eliminated through an encroachment permit and protocols established by the City and County of San Francisco. Should SFPUC's maintenance crews encounter groundwater, Mitigation Measure M-HY-2, relating to the preparation of an excavation dewatering and groundwater management plan will be implemented.

Increased Demand for Parks and Open Space:

None.

Increased Demand for Schools:

None.

Increased Demand for Police Services:

None.

Increased Demand for Fire Services:

None.

Generation of Solid Waste:

None.

Generation of Hazardous Materials:

None.

Geology, Soils, and Mineral Resources:

The geotechnical study prepared for this project will be used by SFPUC to develop an excavation, backfilling, and grading plan in accordance with its Mitigation Measure M-GE-1.

Energy:

None.

Effects on Visual Resources:

None.

Land Use and Planning:

None.

Climate Change:

None.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-75**

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH RAVI K. GOGNA AND HARJIT R. GOGNA, TRUSTEES OF THE GOGNA 2017 TRUST DATED SEPTEMBER 26, 2017, FOR ACQUISITION OF 4,735 SQUARE FEET (0.109 ACRES) LOCATED AT 407 CLARATINA, MODESTO, (APN: 082-009-007), IN THE AMOUNT OF \$11,000, FOR THE HETCH HETCHY AND CLARATINA AVENUE STRUCTURAL CROSSING PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the Hetch Hetchy and Claratina Avenue Structural Crossing Project (Project) intends to widen Claratina Avenue between McHenry Avenue and Coffee Road and to build a structural utility crossing as part of its widening of Claratina Avenue, and

WHEREAS in order to construct the Project, the City will need to acquire narrow strips of land from properties on the north side of Claratina Avenue, and

WHEREAS, on May 31, 2017, the City Manager approved an agreement with Associated Right of Way Services (ARWS) to provide negotiation and acquisition services, and

WHEREAS, on April 24, 2018, staff received Council authorization to present the Appraisal Summary Statement and Summary of the Basis for Just Compensation to Ravi K. Gogna and Harjit R. Gogna, (Owners) for a partial acquisition of a 4,735 square foot portion of real property and a 402 square foot Temporary Construction Easement of the affected property (A.P.N. 082-009-007) at 407 Claratina Avenue, and

WHEREAS, the Owner rejected the offer presented by ARWS and submitted a counter offer to the City for consideration, and

WHEREAS, further negotiations were conducted pursuant to authority given by Council which has been agreed upon by the Owner for Partial Fee Acquisition in the

amount of \$7,205, a Temporary Construction Easement in the amount of \$110 and for miscellaneous site improvements in the amount of \$3,685 for a total amount of \$11,000, and

WHEREAS, estimated closing costs of \$1,091 are in addition to Owner compensation.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a Purchase and Sale Agreement with Ravi K. Gogna and Harjit R. Gogna, Trustees of the Gogna 2017 Trust Dated September 26, 2017, for acquisition of 4,735 square feet (0.109 acres) located at 407 Claratina, Modesto, (APN: 082-009-007), in the amount of \$11,000, for the Hetch Hetchy and Claratina Avenue Structural Crossing Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the agreement and all 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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-76**

RESOLUTION APPROVING THE GRANT DEED FROM RAVI K. GOGNA AND HARJIT R. GOGNA, TRUSTEES OF THE GOGNA 2017 TRUST DATED SEPTEMBER 26, 2017 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED, CONSISTING OF 4,735 SQUARE FEET (0.109 ACRES) LOCATED AT 407 CLARATINA, MODESTO, (APN: 082-009-007), FOR THE HETCH HETCHY AND CLARATINA AVENUE STRUCTURAL CROSSING PROJECT

WHEREAS, the Hetch Hetchy and Claratina Avenue Structural Crossing Project (Project) intends to widen Claratina Avenue between McHenry Avenue and Coffee Road and to build a structural utility crossing as part of its widening of Claratina Avenue, and

WHEREAS, in order to construct the Project, the City will need to acquire narrow strips of land from properties on the north side of Claratina Avenue, and

WHEREAS, a Grant Deed is required from the property owner to transfer the property to the City of Modesto, and

WHEREAS, the Grant Deed requires signatures of the property owner and of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant Deed from Ravi K. Gogna and Harjit R. Gogna, Trustees of the Gogna 2017 Trust Dated September 26, 2017 for acquisition of 4,735 square feet (0.109 acres) located at 407 Claratina, Modesto, (APN: 082-009-007), for the Hetch Hetchy and Claratina Avenue Structural Crossing Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for acquisition of 4,735 square feet

(0.109 acres) located at 407 Claratina, Modesto, (APN: 082-009-007) to be conveyed to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-77**

**RESOLUTION APPROVING THE GRANT OF TEMPORARY
CONSTRUCTION EASEMENT FROM RAVI K. GOGNA AND HARJIT R.
GOGNA, TRUSTEES OF THE GOGNA 2017 TRUST DATED SEPTEMBER 26,
2017 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO
SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT OF
TEMPORARY CONSTRUCTION EASEMENT, CONSISTING OF 402 SQUARE
FEET (0.009 ACRES) LOCATED AT 407 CLARATINA AVENUE, IN
MODESTO, (APN: 082-009-007), FOR THE HETCH HETCHY AND
CLARATINA AVENUE STRUCTURAL CROSSING PROJECT**

WHEREAS, the Hetch Hetchy and Claratina Avenue Structural Crossing Project (Project) intends to widen Claratina Avenue between McHenry Avenue and Coffee Road and to build a structural utility crossing as part of its widening of Claratina Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the construction of the Project, and

WHEREAS, the Grant of Temporary Construction Easement is needed for access and construction of the Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant of Temporary Construction Easement from Ravi K. Gogna and Harjit R. Gogna, Trustees of the Gogna 2017 Trust Dated September 26, 2017, consisting of 402 square feet (0.009 acres) located at 407 Claratina Avenue, in Modesto, (APN: 082-009-007), for the Hetch Hetchy and Claratina Avenue Structural Crossing Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for acquisition of 402 square feet (0.009 acres) located at 407 Claratina Avenue, in Modesto, (APN: 082-009-007) to be conveyed to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

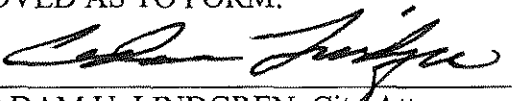
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-78**

RESOLUTION APPROVING SECOND AMENDMENTS TO THE AGREEMENTS WITH GILTON SOLID WASTE MANAGEMENT, INC. AND BERTOLOTTI MODESTO DISPOSAL, INC. TO PERFORM BILLING AND COLLECTION SERVICES FOR CERTAIN SOLID WASTE SERVICE CHARGES FOR SINGLE-FAMILY RESIDENTIAL CUSTOMERS WITHIN THE CITY LIMITS OF MODESTO THROUGH DECEMBER 31, 2019, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Solid Waste Division contracts with Gilton Solid Waste and Bertolotti Modesto Disposal to provide garbage hauling services for the city, both residential and commercial, and

WHEREAS, on April 26, 2005, by Resolution No. 2005-185, Council approved an agreement with the two City contracted garbage haulers, Gilton Solid Waste and Bertolotti Modesto Disposal, to provide billing and collection services on behalf of the two companies with an automatic extension of the agreements each year, and

WHEREAS, on May 26, 2011 a First Amendment was made to the original agreements changing the methodology of the annual cost per bill increase, utilizing the Consumer Price Index for the Bay Area, and

WHEREAS, a comprehensive review of the billing agreement has not been completed since 2011, and

WHEREAS, this Second Amendment will provide an end date of December 31, 2019 and allow time for staff to work with both garbage companies to complete a thorough review of the agreement, completing any necessary revisions as mutually agreed upon by both parties, and

WHEREAS, this item was heard by Finance Committee on January 28, 2018 and forwarded to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Second Amendments to the agreements with Gilton Solid Waste Management, Inc. and Bertolotti Modesto Disposal, Inc. to perform billing and collection services for certain solid waste service charges for single-family residential customers within the City limits of Modesto through December 31, 2019.

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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

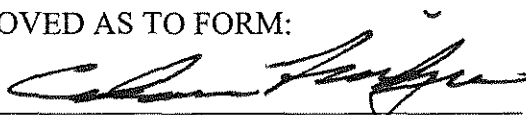
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-79**

RESOLUTION APPROVING A TRANSIENT OCCUPANCY TAX FUNDING AGREEMENT WITH THE MODESTO CONVENTION AND VISITORS BUREAU FOR CONVENTION AND TOURISM SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on June 24, 2003, by Resolution No. 2003-316, Council approved an Agreement with the City to provide convention and visitor services, and

WHEREAS, on August 3, 2005, by Resolution No. 2005-382, Council approved a new agreement, and

WHEREAS, on July 6, 2010, by Resolution No. 2010-285, Council extended the 2005 agreement, and

WHEREAS, funding for all prior agreements was based on Transient Occupancy Tax (TOT) collections received by the City, and

WHEREAS, in June 2015, the City chose not to exercise its option to extend the 2005 agreement another five years, and

WHEREAS, on June 23, 2015, by Resolution Nos 2015-224 through 2015-227, Council approved the transference of the duties, functions, and staffing of the CVB to the Community and Economic Development Department, and

WHEREAS, TOT funding for the duties, functions, and staffing were budgeted in the City's operating budget, and

WHEREAS, on March 13, 2018, by Resolution No. 2018-107, Council accepted an information report on the Destination Modesto Task Force and plans to restore the CVB as an independent agency, and

WHEREAS, in April 2018, the City hired StoryPowered to assist with the CVB transition process, and

WHEREAS, in August 2018, StoryPowered prepared and presented a Tourism Business Plan to the Economic Development Committee, and

WHEREAS, by Resolution No. 2018-189, the Council approved the Mayor and Council as the Interim Board of Directors for the CVB, and

WHEREAS, by Resolution No. 2018-534, Council adopted the amended bylaws for the CVB, and

WHEREAS, the City prepared the terms and conditions for funding the CVB when restored as an independent non-profit agency, and

WHEREAS, on February 6, 2019, the Finance Committee approved the terms and conditions for the funding agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Transient Occupancy Tax Funding Agreement with the Modesto Convention and Visitors Bureau for convention and tourism services.

BE IT FURTHER RESOLVED that the Transient Occupancy Tax Funding Agreement will commence on March 1, 2019.

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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-80**

RESOLUTION APPROVING AN AGREEMENT WITH MARK THOMAS & COMPANY, INC., OF FRESNO, CA FOR THE PREPARATION OF CONSTRUCTION DOCUMENTATION (DESIGN) FOR THE VIRGINIA CORRIDOR PHASE 7 IN THE AMOUNT OF \$523,899, PLUS \$52,389 FOR CONTINGENCY, IF NEEDED, FOR A TOTAL NOT TO EXCEED \$576,288, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Virginia Corridor Trail is the result of conversion of the original Tidewater Southern/Union Pacific Railroad Corridor into a Class I bicycle and pedestrian trail, and

WHEREAS, the long-term plan for the corridor is to provide a Class I trail extending from Modesto Junior College's East Campus at the southern terminus to Kiernan Ave at the northern terminus (approximately 5 miles), and

WHEREAS, phases 1 through 6 are complete and the trail now crosses over Briggsmore Avenue and reaches to Woodrow Avenue, and

WHEREAS, on June 5, 2018 by Resolution 2018-211, Council accepted \$3,193,401 from the California Urban Greening Grant Program to fund construction of the Virginia Corridor Phase 7 Trail, and

WHEREAS, the design of the project was advertised for bids on August 7, 2018, and bids from 3 consultants were opened on September 4, 2018 pursuant to Administrative Directive 3.1, and

WHEREAS, firms were formally interviewed by a selection committee and ranked by qualifications, and

WHEREAS, based on the results of the RFQ/P, staff recommends approval of an agreement with Mark Thomas and Company, Inc., of Fresno, CA to complete the

construction documentation for the Virginia Corridor Phase 7 in the amount of \$523,899,
and

WHEREAS, staff recommends a 10% contingency in the amount of \$52,389 to
allow for change orders due to unforeseen conditions, delays or expenses for an
agreement total not to exceed \$576,288.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it approves an agreement with Mark Thomas & Company, Inc., of Fresno, CA for the
preparation of Construction Documentation for the Virginia Corridor Phase 7 in the
amount of \$523,899, plus \$52,389 for contingency, if needed, for a total not to exceed
\$576,288.

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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-81**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL
IMPROVEMENT PROGRAM BUDGET FOR PROJECT 100813 - VIRGINIA
CORRIDOR PHASE 7 AS OUTLINED IN ATTACHMENT A AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT
THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, certain budgetary transactions are necessary in order to fund construction, contingency, construction administration, City construction forces, and design support during construction plus City staff support for the Virginia Corridor Phase 7 project, and

WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget for Project 100813 - Virginia Corridor Phase 7 must be amended as shown in **Attachment A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2018-2019 Capital Improvement Program Budget for Project 100813 - Virginia Corridor Phase 7 as shown in **Attachment A**, attached hereto.

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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM: .

By: 
ADAM U. LINDGREN, City Attorney

Attachment A – Budget Adjustment for Capital Project 100813 (Virginia Corridor Ph 7)

Fund 3140 – Capital Grants – CIP Projects

Expense:

To:

Account	Description	Increase/ (Decrease)	Revised Budget Total
MY-100813 – EDA	Engineering/Design/Admin	\$197,091	\$750,000
MY-100813 – CON	Construction	(\$224,161)	\$3,435,281
MY-100813 – CTGY	Contingency	\$97,321	\$274,821
MY-100813 – CA	Construction Admin	\$97,321	\$274,821
	TOTAL	\$167,572	\$4,734,923

Revenues:

No Change, revenue budget is currently \$4,734,923 and expense budget is being amended to match the revenue budget.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-82**

**RESOLUTION APPROVING AN AGREEMENT WITH O'DELL
ENGINEERING, INC., OF MODESTO, CA FOR THE PREPARATION OF
CONSTRUCTION DOCUMENTATION FOR THE NEECE DRIVE BOAT
LAUNCH AND RIVER ACCESS FACILITY IN THE AMOUNT OF \$131,574,
PLUS \$13,157 FOR CONTINGENCY, IF NEEDED, FOR AN AGREEMENT
TOTAL NOT TO EXCEED \$144,731, AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT**

WHEREAS, in 1972 the City of Modesto, the City of Ceres and Stanislaus County formed a Joint Powers Authority (JPA) commission to build and operate the Tuolumne River Regional Park (TRRP), and

WHEREAS, the JPA purchased land parcels along the Tuolumne River for the eventual development of the Tuolumne River Regional Park, and

WHEREAS, the City and the JPA partners have put significant effort into developing the land, the waterway itself has been an area that has received very little recreational development over the years, and

WHEREAS, the City of Modesto needs additional boating facilities for recreational and emergency river access, because there are currently no Tuolumne River boat ramp launch facilities within the City of Modesto, and

WHEREAS, on March 13, 2018, by Resolution No. 2018-125, Council accepted \$780,000.00 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, the project was advertised for bids on August 28, 2018, and bids from 2 consultants were opened on September 25, 2018 pursuant to Administrative Directive 3.1, and

WHEREAS, firms were formally interviewed by a selection committee and ranked by qualifications, and

WHEREAS, based on the results of the RFQ/P, staff recommends approval of an agreement with O'Dell Engineering Inc., of Modesto, CA to complete the Construction Documentation for the Neece Drive Boat Launch and River Access Facility in the TRRP in the amount of \$131,574, and

WHEREAS, staff recommends a 10% contingency in the amount of \$13,157 to allow for change orders due to unforeseen conditions, delays or expenses for an agreement total not to exceed \$144,731.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves an agreement with O'Dell Engineering, Inc., of Modesto, CA for the preparation of construction documentation for the Neece Drive Boat Launch and River Access Facility in the amount of \$131,574, plus \$13,157 for contingency, if needed, for an agreement total not to exceed \$144,731.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute a 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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

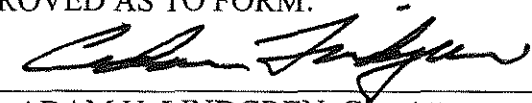
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-83**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL
IMPROVEMENT PROGRAM BUDGET FOR PROJECT 101017 - TRRP NEECE
DRIVE BOAT LAUNCH AS OUTLINED IN ATTACHMENT A AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT
THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, certain budgetary transactions are necessary in order to fund construction, contingency, construction administration, City construction forces, and design support during construction plus City staff support for the Neece Drive Boat Launch and River Access Facility, and

WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget for Project 101017 - TRRP Neece Drive Boat Launch must be amended as shown in **Attachment A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2018-2019 Capital Improvement Program Budget Project for 101017 - TRRP Neece Drive Boat Launch as shown in **Attachment A**, attached hereto.

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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

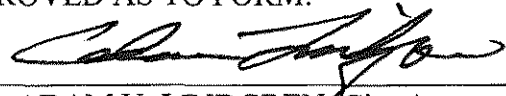
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Attachment A – Budget Adjustment for Capital Project 101071 (TRRP Neece Drive Boat Launch)

Fund 6710 – JPA – TRRP Special Revenue Fund- CIP:

Expense:

To:

Account	Description	Increase/ <u>(Decrease)</u>	Revised <u>Budget Total</u>
MY-101071 – EDA	Engineering/Design/Admin	\$ 49,000	\$ 188,000
MY-101071 – CON	Construction	(\$ 49,582)	\$ 514,168
MY-101071 – CTGY	Contingency	(\$ 84)	\$ 51,416
MY-101071 – CA	Construction Admin	<u>\$ 666</u>	<u>\$ 51,416</u>
	Total	\$ 0	\$805,000

Revenues:

No Change

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-84**

**RESOLUTION APPROVING THE REBRAND OF THE MODESTO AREA
DIAL-A-RIDE TO MAX MOBILITY AND AUTHORIZING THE TRANSIT
MANAGER TO BEGIN IMPLEMENTATION**

WHEREAS, the Transit Division operates the Modesto Area Dial a Ride (MADAR) system that provides ADA paratransit bus service to Modesto and neighboring communities, and

WHEREAS, the rebrand is a component of ADA paratransit enhancements that put MAX on a path to improve public transportation in Modesto by improving the systems, processes and public perception of transit in Modesto, and

WHEREAS, the launch of MAX Mobility in conjunction with a new operations contract provides a fresh new feel to ADA Paratransit while accruing no additional cost to the City, and

WHEREAS, the City's transit staff conducted community outreach meetings reaching several hundred members of the public, at which all attendees were invited to vote on their preferred name with MAX Mobility receiving the majority of all votes, and

WHEREAS, a survey was conducted of all ADA paratransit passengers riding the system on February 7, 2019 resulted in an overwhelming vote for the name MAX Mobility.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves rebranding the City's ADA paratransit system as MAX Mobility.

BE IT FURTHER RESOLVED, that the Transit Manager is authorized to begin implementation of the rebrand.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-85**

RESOLUTION APPROVING THE AWARD OF BID AND A PURCHASING AGREEMENT FOR A GLOBAL POSITIONING SYSTEM (GPS) AND TELEMATICS SYSTEM FOR THE CITY'S FLEET TO ASSETWORKS, LLC, WAYNE, PA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$116,850 AND A TOTAL COST NOT TO EXCEED \$594,236 OVER A FIVE YEAR PERIOD, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASING AGREEMENT

WHEREAS, the Fleet Services Division of the Public Works Department operates and maintains a fleet of 1,060 vehicles and equipment that is used by all City departments in their daily operations while providing essential services to the citizens of Modesto, and

WHEREAS, Fleet Services has been in need of a new Global Positioning System (GPS) system for approximately two years now because the 2G network that most of the current system runs on is obsolete, non-functional and unsupported, and

WHEREAS, on June 12, 2017, the Purchasing Division issued RFP 1617-39 for the purchase of GPS and Telematics System on the City's website under the commodity codes for GIS software, Intelligent Transportation Systems Software, Satellite Global Information Positioning System Services and Telemetry, and

WHEREAS, all prospective bidders were notified online of the bid opportunity, and 26 companies chose to download the bid document and nine companies responded, none of which were local vendors, and

WHEREAS, on July 11, 2017, bids were formally opened in the City Clerk's office, nine companies chose to respond and all companies provided a responsive and responsible bid, and

WHEREAS, an evaluation committee was formed, and evaluated each proposal

based on a list of criteria and the overall highest scoring vendor was selected, based on proposal content, system functionality and online demonstrations, and

WHEREAS, AssetWorks, LLC's GPS system runs on a state-of-the art 4G Network, and this is the only vendor that fully integrates and communicates real-time with our existing AssetWorks Fleet Management System, and

WHEREAS, 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, the Fleet Services Division requests the award of bid for the purchase of GPS and Telematics Systems to AssetWorks, LLC, Wayne, PA, because it was the lowest responsive and responsible bidder, for a total cost not to exceed \$594,239 over a five year period will conform to MMC Section 8-2.203, and

WHEREAS, the Fleet Services Division will purchase 250 units during the first year, which will include the tracking devices, all associated hardware for installation, plus 50% of the annual monitoring fees for a total annual cost not to exceed \$92,632, and year two will consist of purchasing the remaining 250 units, all associated hardware and paying 100% of the monitoring fees for a total annual cost not to exceed \$151,057, and years three through five will consist of monitoring fees for an annual cost not to exceed \$116,850 for a total cost not to exceed \$594,239 over a five year period.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and a purchasing agreement for a Global Positioning System and Telematics System for the City's fleet to AssetWorks, LLC, Wayne, PA for a two year agreement with three one-year extension options.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is

authorized to issue a purchase order for an annual cost not to exceed \$116,850, and a total cost not to exceed \$594,236 over a five year period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-86**

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
(MOU) FOR THE TRANSFER OF A PIERCE LADDER TRUCK TO THE
SALIDA FIRE PROTECTION DISTRICT IN EXCHANGE FOR A 2007
CHEVROLET SILVERADO PICKUP TRUCK, FOR USE BY THE MODESTO
FIRE DEPARTMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto Fire Department (MFD) has a Pierce Ladder Truck valued at approximately \$15,000 that is no longer in service, and

WHEREAS, the MFD'S unit has been in surplus for a year and has been listed on Public Surplus twice and listed continuously on various other fire specific websites for close to a year and the highest bid received was \$7,500, and

WHEREAS, the City would like to do a vehicle exchange transfer with the Salida Fire Protection District for a 2007 Chevrolet Silverado Crew Cab pickup that has a Kelly Blue Book value of \$15,000, and

WHEREAS, the Salida Fire Protection District initiated contact requesting a surplus property transfer of a 2007 Chevrolet Silverado Crew Cab pickup for the Pierce Ladder Truck, and

WHEREAS, this surplus vehicle exchange will satisfy the needs of the division and the Salida Fire District, and

WHEREAS, MMC Section 8-3.501(c) states, "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) 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, by initiating a surplus property transfer with Salida Fire District, the City will be acquiring a pickup with a Kelly Blue Book value almost twice the amount of the highest bid received for the Pierce ladder truck while it was posted on the Public Surplus website, and it will also provide a cost savings to the MFD as they will not have to budget for a new vehicle in the next fiscal year.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding (MOU) for the transfer of a Pierce Ladder Truck to the Salida Fire Protection District in exchange for a 2007 Chevrolet Silverado pickup truck for use by the Modesto Fire Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-87**

RESOLUTION APPROVING AN AGREEMENT WITH ITERIS, SANTA ANA, CA, FOR THE TRAFFIC SIGNAL SYNCHRONIZATION OUTSIDE THE DOWNTOWN PROJECT IN THE AMOUNT OF \$389,384 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$38,938 FOR ADDITIONAL SERVICES (IF NEEDED), FOR AN AGREEMENT TOTAL NOT TO EXCEED \$428,322, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, there are currently 156 signalized intersections outside the Central Business District, and

WHEREAS, Caltrans owns and maintains 32 traffic signals within the City on State Routes 99, 108, and 132, while the City maintains the other 124 traffic signals outside the downtown area, and

WHEREAS, the Federal Highway Administration (FHWA) – Traffic Signal Timing Manual recommends synchronizing the traffic signals every three to five years to improve the traffic flow due to changes in population, construction and traffic flow patterns, and

WHEREAS, the City applied for a Congestion Mitigation and Air Quality (CMAQ) Grant for Traffic Signal Synchronization on April 22, 2010, and was granted approval to proceed with the project, and

WHEREAS, the City requested for a Cooperative Work Agreement (CWA) Extension on October 19, 2017 to revise the lapsing date to utilize funding until June 30, 2020, and

WHEREAS, Caltrans approved the CWA extension request on March 12, 2018, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering

Services for Capital Projects, Staff solicited and formally advertised for a Request for Proposal (RFP) through Planet Bids (#100762) for consulting services to review Traffic Signal System operations, and

WHEREAS, on August 21, 2018, Staff received three proposals for the Traffic Signal Synchronization Outside the Downtown project, and

WHEREAS, from the rating of the three proposals, Iteris received the top score, and

WHEREAS, staff negotiated a final Scope of Services and Cost Proposal with Iteris in an amount not to exceed \$389,384 for the identified scope of services, plus \$38,938 for additional services (if needed), for a maximum amount not to exceed \$428,322.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Iteris, Santa Ana, CA, for the Traffic Signal Synchronization Outside the Downtown project in the amount of \$389,384 for the identified scope of services, plus \$38,938 for additional services (if needed), for an agreement total not to exceed \$428,322.

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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-88**

**RESOLUTION ACCEPTING THE SANDERS AND FREEDOM
NEIGHBORHOOD PARKS RENOVATION PROJECT AS COMPLETE,
AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY
RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS
TOTALING \$423,104 TO DOCON INC., OF MODESTO, CA**

WHEREAS, on September 26, 2017, by Resolution No. 2017-362, Council awarded a contract to Docon Inc., of Modesto, CA, for the Sanders and Freedom Neighborhood Parks Renovation Project, and

WHEREAS, staff provided the construction management, inspection, survey staking, and project administration, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of October, 16, 2017, and

WHEREAS, all contract and administrative work was completed by January 29 2019, and

WHEREAS, the Sanders and Freedom Neighborhoods Parks Renovation project has been completed by Docon Inc., of Modesto, CA in accordance with the contract agreement dated September 26, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts Sanders and Freedom Neighborhood Park Renovation project as complete by, Docon Inc., of Modesto, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and authorize payments totaling \$423,104, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-89**

**RESOLUTION ACCEPTING THE NEW TRAFFIC SIGNALS – 2015 AT
MCHENRY AVENUE AND GRECIAN AVENUE PROJECT AS COMPLETE,
AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY
RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS
TOTALING \$403,492 TO TIM PAXIN’S PACIFIC EXCAVATION INC. OF ELK
GROVE, CA**

WHEREAS, on April 25, 2017, by Resolution No. 2017-147, Council awarded a contract to Tim Paxin’s Pacific Excavation Inc. of Elk Grove, CA, for the New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue project, and

WHEREAS, staff provided the construction management, inspection, survey staking, and project administration, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of August 14, 2017, and

WHEREAS, all contract and administrative work was completed by December 20, 2018, and

WHEREAS, the New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue project has been completed by in accordance with the contract agreement dated April 25, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue project as complete by, Tim Paxin’s Pacific Excavation Inc. of Elk Grove, CA and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and authorize payments totaling \$403,492, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-90**

RESOLUTION APPROVING A PROPOSAL TO UPGRADE HIGH VOLTAGE STREET CIRCUITS TO LOW VOLTAGE BY CONTRACTING \$500,000 OF THE HIGH VOLTAGE WORK TO CONVERT 50 STREET LIGHTS AND ALLOCATING \$500,000 FOR CITY STAFF TO CONVERT 100 STREET LIGHTS

WHEREAS, the City has a total of 11,576 streets lights, of which 539 are high voltage street lights, and

WHEREAS, the 539 high voltage streets lights are on 29 high voltage circuits (HVC) that are between 51 and 117 years old, and

WHEREAS, the estimate cost to replace the 29 high voltage circuits and the 539 street lights with normal voltage Light Emitting Diode (LED) street lights is \$6,000,000, approximately \$11,100 per street light, and

WHEREAS, on March 24, 2015, Council approved \$600,000 in one-time general fund dollars for HVC replacement per Resolution No. 2015-101, and

WHEREAS, staff was able to replace 155 street lights on six HVC which was a cost of \$3,870 per street light, and

WHEREAS, the future of the HVC will include more failures as the HVC continue to age and deteriorate, and

WHEREAS, the recommended approach to replace the HVC is a \$1,000,000 per year program that will replace approximately 150 high voltage street lights each year with completion of the process in five years or less, and

WHEREAS, staff reviewed multiple options to make the HVC street lights more reliable and safer and recommend the following:

1. Contract \$500,000 of the work for construction, contingencies, and construction engineering to convert 50 street lights.
2. Use \$500,000 for city staff consisting of an Electrician, Electrician Assistant, Equipment Operator, Maintenance Worker, and equipment to convert 100 street lights.

WHEREAS, the Safety and Communities Committee recommended the following modification:

1. Contract \$500,000 of the work for construction, contingencies, and construction engineering to convert 50 street lights.
2. Use \$500,000 for city staff consisting of an Electrician, Electrician Assistant, Two Three Year Limited Term Equipment Operators, and equipment to convert 100 street lights.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the proposal to upgrade high voltage street circuits to low voltage by contracting \$500,000 of the high voltage work to convert 50 street lights and by allocating \$500,000 for city staff to convert 100 street lights.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvoid

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-91**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL
IMPROVEMENT PROGRAM BUDGET, IN THE AMOUNT OF \$1,000,000 TO
ESTABLISH A NEW PROJECT AND TRANSFER FUNDS FROM THE GAS
TAX AND SENATE BILL 1-ROAD MAINTENANCE REHABILITATION
ACCOUNT FUNDS TO THE PROJECT**

WHEREAS, the City has a total of 11,576 streets lights, of which 539 are high voltage street lights, and

WHEREAS, the 539 high voltage streets lights are on 29 high voltage circuits (HVC) that are between 51 and 117 years old, and

WHEREAS, the estimate cost to replace the 29 high voltage circuits and the 539 street lights with normal voltage Light Emitting Diode (LED) street lights is \$6,000,000, approximately \$11,100 per street light, and

WHEREAS, the future of the HVC will include more failures as the HVC continue to age and deteriorate, and

WHEREAS, the recommended approach to replace the HVC is a \$1,000,000 per year program that will replace approximately 150 high voltage street lights each year with completion of the process in five years or less.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018-2019 Capital Improvement Program Budget to establish a new capital project and transfer of funds from the Gas Tax Fund reserves and Senate Bill 1 – Road Maintenance Rehabilitation Account funds to the project in the amount of \$1,000,000.

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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-92**

RESOLUTION ALLOCATING TWO FULL-TIME EQUIPMENT OPERATOR POSITIONS TO THE STREETS MAINTENANCE DIVISION FOR A PERIOD OF THREE YEARS, AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2018-2019 AS ADOPTED IN THE OPERATING BUDGETS, AND INCREASING THE STREET MAINTENANCE OPERATING BUDGET BY \$80,605

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 12, 2018, as part of the Annual Budget of the City of Modesto for Fiscal Year 2018-2019 by resolution 2018-244, and

WHEREAS, staff has proposed to replace approximately 150 high voltage street lights each year with completion of the process in five years or less, and

WHEREAS, two additional full-time equipment operator positions for a period of three years are needed to complete the proposed high voltage street light project, and

WHEREAS, position changes will be effective the first full pay period following Council adoption (Pay Period beginning March 5, 2019), and

WHEREAS, the Street Maintenance division operating budget will need to be amended by \$80,605 to fund the positions for the remainder of Fiscal Year 2018-2019.

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 2018-2019 Operating Budget in the amount of \$80,605 to allocate two Equipment Operators in the Streets Maintenance Division of the Public Works Department for a period of three years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-93**

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING, RIGHT OF ENTRY PROCUREMENT AND CONSTRUCTION AGREEMENT WITH THE COUNTY OF STANISLAUS AND SALVATION ARMY OF MODESTO TO PROVIDE INFRASTRUCTURE IMPROVEMENTS AND OPERATIONAL SUPPORT FOR THE SALVATION ARMY LOW-BARRIER SHELTER FACILITY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION AT 9TH STREET AND D STREET, MODESTO, IN AN AMOUNT NOT TO EXCEED \$378,326; AND AN ASSOCIATED GROUND LEASE WITH THE COUNTY OF STANISLAUS FOR A PERMANENT ACCESS CENTER; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE THE AGREEMENTS, AND PROVIDE COUNCIL WITH SEMI-ANNUAL UPDATES FOLLOWING OPENING OF THE SHELTER

WHEREAS, On December 11, 2018, by Resolution No. 2018-564, Council declared a shelter crisis in Modesto, pursuant to SB 850 (Chapter 48, Statutes of 2018 and Government Code 8698.2); and

WHEREAS, homelessness has emerged as a key priority for the State of California and the region as a result of the steady growing population of individuals experiencing homelessness; and

WHEREAS, the City, in partnership with the County of Stanislaus, and public/private sector partners are working diligently to alleviate the concerns from the homeless community by exploring all options for temporary and permanent shelter in addition to pursuing long-term programs; and

WHEREAS, the Salvation Army of Modesto has available property and facilities that will support a low-barrier shelter and associated services in partnership with the County of Stanislaus to provide a permanent access center for homeless outreach and engagement; and

WHEREAS, the County of Stanislaus is committed to providing operational and programming support to facilitate the expansion of the north warehouse and the permanent access center on adjacent property owned by the City; and

WHEREAS, the County of Stanislaus will provide portable buildings, project management, construction services within the north warehouse, and ongoing social services needs to support the operation; and

WHEREAS, the Salvation Army is leasing their existing north warehouse to the County of Stanislaus to provide low-barrier shelter and transitional housing services; and

WHEREAS, it is necessary that the Memorandum of Understanding between the City of Modesto, the County of Stanislaus, and the Salvation Army of Modesto serve as the primary agreement connecting the Right of Entry for Procurement and Construction and Ground Lease agreements together in support of a singular project to provide low-barrier shelter and permanent access center services to the homeless population within the community; and

WHEREAS, the City of Modesto will provide utility infrastructure services as stated within **Exhibit C** of the Memorandum of Understanding to increase parking, water, and sewer infrastructure needed to provide the services as stated in an amount not to exceed \$378,326.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding, Right of Entry Procurement and Construction Agreement with the County of Stanislaus and Salvation Army of Modesto to provide infrastructure improvements and operational support for the Salvation Army low-barrier shelter facility located at the southeast corner of the

intersection at 9th Street and D Street, Modesto, in an amount not to exceed \$378,326; and an associated Ground Lease with the County of Stanislaus for a permanent access center.

BE IT FURTHER RESOLVED, staff will provide semi-annual progress reports to Council following the opening of the shelter facility.

BE IT FURTHER RESOLVED, that the City Manager or his designee, are hereby authorized to negotiate and 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 26th day of February, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

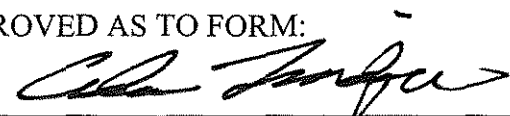
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:



ADAM U. LINDGREN, City Attorney

DRAFT SUBJECT TO FINAL NEGOTIATION

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF STANISLAUS,
THE CITY OF MODESTO, AND
AND THE SALVATION ARMY OF MODESTO
FOR COLLABORATION ON HOMELESS PROGRAMS AND SHELTERING**

This Memorandum of Understanding (this **MOU**) is made effective as of _____, 2019, between the COUNTY OF STANISLAUS, a general law county (**County**), the CITY OF MODESTO, a charter city (**City**), and THE SALVATION ARMY, a California Corporation (**Salvation Army**), individually referred to as a "Party" and collectively referred to as the "Parties", and is for the purpose of collaborating on development of a long-term plan to create a sustainable system of care for the homeless in Stanislaus County, California.

RECITALS

WHEREAS: On October 28, 2014, the County established the Focus on Prevention initiative (**FOP**) to improve the quality of life in Stanislaus County, and Focus on Prevention has initiated a community transformation process in areas critical to quality of life: Homelessness, Strengthening Families, Investing in and Supporting Young Children and Reducing Recidivism; and

WHEREAS: In 2017, the Stanislaus County Housing and Support Services Collaborative/Continuum of Care and the Homelessness Action Council merged efforts. The Stanislaus Community System of Care (**CSOC**) now leads homelessness efforts, led by a 25 member Council representing all major sectors of the community; and

WHEREAS: On August 1, 2017, the County and its partners celebrated the opening of the Initial Outreach and Engagement Center (IOEC) at 825 12th Street. The IOEC serves as a physical entry point that centralizes connections to housing and necessary supports, provides assessments and referrals, and helps individuals navigate the wide range of homelessness services available throughout Stanislaus County; and

WHEREAS: As part of the FOP initiative, an Access Center visioning process was conducted throughout 2017 to create a plan for an Access Center to address the homelessness crisis in Stanislaus County; the Vision of that effort is: "Through Dignity and Respect Empowering People at Risk or Experiencing Homelessness Towards a Hopeful and Independent Life;" and

WHEREAS: On February 27, 2018, the Stanislaus County Board of Supervisors (**Board**) adopted a vision of a Permanent Access Center (**PAC**) strategy to serve those at risk for experiencing homelessness. The vision of the PAC is a "one-stop shop" where coordinated services can be provided along with critical housing supported by a community-wide increase in transitional affordable housing as a key factor to reduce homelessness; and

WHEREAS: On June 26, 2018, the Board and the Modesto City Council (**Council**) adopted a joint CARE Multi-Disciplinary Team Strategy and pilot program to address

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vagrancy and individuals in distress due to severe mental illness, substance use disorders and high risk health issues in Stanislaus County; and

WHEREAS: On September 17, 2018, Beard Brook Park became a temporary camping destination for homeless individuals; and

WHEREAS: On December 11, 2018, the Board declared that a "Shelter Crisis" exists in the unincorporated areas of Stanislaus County under California Government Code Section 8698(d); and

WHEREAS: On December 11, 2018, the Board affirmed CSOC's designation of the County's Community Services Agency as the Administrative Entity to accept and administer \$7.2 million in federal Home Energy Assistance Program (**HEAP**) funds granted by the State of California to the County; and

WHEREAS: On December 11, 2018, the City declared that a "Shelter Crisis" exists in the unincorporated areas of Stanislaus County under California Government Code Section 8698(d); and

WHEREAS: The Salvation Army was founded on March 1, 1890 and offers a multitude of programs to the Greater Modesto community including development of a long-term plan to create a sustainable system of care for the homeless and to strategize the funding of multiple years of operations; and

WHEREAS: The Parties recognize that The Salvation Army is a religious organization that seeks to bring salvation to the poor, destitute, and hungry by meeting both their "physical and spiritual needs." As such, The Salvation Army will be conducting religious programs in their adjacent Shelter, none of which will be mandatory for occupants who are not Salvation Army clients; and

NOW, THEREFORE, the parties hereby agree as follows:

1. Definitions.

Capitalized terms not defined elsewhere in this MOU shall have the following meanings:

Agreement or **MOU** mean this Memorandum of Understanding.

Applicable Codes means the California Building Code applicable to City and County, as those regulations may be amended during the term of this Agreement, including, but not limited to, codes for building, electrical, energy, mechanical, plumbing, fire and safety.

City means the City of Modesto, California.

County means the County of Stanislaus, California.

Emergency Shelter means the County's Emergency Shelter described in paragraph 2(b) of this MOU, and in Exhibit A attached hereto, as modified from time to time pursuant to this MOU.

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Emergency Shelter Operator or **Operator** means the qualified third-party operator (including successors) to operate the Emergency Shelter, whose anticipated duties are generally described in Exhibit B attached hereto.

Existing Shelter Operations means the Salvation Army's existing shelter operations at its Berberian Shelter location.

2. Purpose of MOU. This MOU defines and memorializes each Party's legal obligations with respect to the following various phases, each of which represents a portion of the Parties' overall strategy for addressing homelessness issues in Stanislaus County:

(a) This MOU establishes a framework for ongoing financial support of existing Salvation Army shelter operations as well as those operations created pursuant to this MOU. Financial and non-financial obligations and duties with respect to homelessness-related operations created by the Parties at a future date shall be subject to mutual agreement by the Parties.

(b) The construction by the Salvation Army of upgrades to be funded by others, including but not limited to new beds and kitchen equipment, plumbing systems, utility upgrades, and other infrastructure improvements within the Salvation Army's current existing kitchen facility and shelter located on the south wing of the Salvation Army's property at 330 9th Street, Modesto for the purpose of increasing the Salvation Army's capacity to provide food services to the occupants of the County's Emergency Shelter described in paragraph 2(b) below ("South Wing Phase");

(c) The construction by the County of an Emergency Shelter in the Salvation Army's existing warehouse on the north wing of its 330 9th Street property to accommodate up to 180 occupants that will be operated by the County's separately retained Operator and for whom the Salvation Army will provide food services via a voucher system ("Emergency Shelter Phase");

(d) The County shall procure and install a 6,500 square foot modular facility for Salvation Army administration and programs on the Salvation Army's property at 301 10th Street ("Modular Facility Phase");

(e) The purchase by the County of the Salvation Army's Community Center and parking lots located at 625 I Street, located at the intersection of 7th and I Street in Modesto for the purpose of constructing Transitional Youth / Family Housing ("Family Housing Phase");

(f) The County shall acquire and install modular facilities for use as a Permanent Access Center on adjacent City property (APN 106-046-003) ("PAC Phase"); and

(g) The City shall perform site upgrades on adjacent property at 216 9th Street for the purpose of providing parking and a potential outdoor area per the City of Modesto Worklist attached hereto as Exhibit C ("Site Upgrades Phase").

3. Collectively, the South Wing Phase, Emergency Shelter Phase, Modular Facility Phase, Family Housing Phase, PAC Phase, and Site Upgrades Phase, as respectively set forth in subsections 2(a)-(f) above, shall hereinafter be referred to as the "Project". **Term.** This MOU is effective on mutual execution by the Parties ("Effective Date"), and terminates five years after the date the Emergency Shelter commences operations ("Opening Date") unless extended by written agreement of the Parties or sooner terminated in accordance with the terms hereof.

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4. **Budget and Project Schedule.** The current Project funding sources and uses and timeline are attached hereto as Exhibit D and Exhibit E, respectively. The Parties will update the Exhibits D and E in a mutually agreed upon manner as further information becomes available.

5. **Negotiation and Execution of Agreements Required to Accomplish MOU Objectives**

The Parties agree to negotiate and execute those agreements and other documentation necessary to carry out the objectives of this MOU, including but not limited to the following:

- (a) A rate-based food services contract between the County and the Salvation Army whereby the Salvation Army will upgrade and utilize its kitchen facility (located in the south half of the Salvation Army site at 320 9th Street) to provide meals for the County's Emergency Shelter to be located in the north half of the Salvation Army warehouse located at 330 9th Street and operated by Turning Point. A meal tracking system will be implemented for the provision of daily meals to 180 individuals on an agreed-upon schedule and scope of food services to be provided pursuant to the rate-based food services contract.
- (b) A Facility Lease between the County and the Salvation Army for the lease and tenant improvements by the County of 18,000 square feet inside the north half of the Salvation Army warehouse located at 330 9th Street for the creation of an Emergency Shelter:
 - 1) Lessor: The Salvation Army
 - 2) Lessee: County
 - 3) Purpose: Emergency Shelter
 - 4) County will pay a lease price of \$.75 per square foot
 - 5) County will hire an architect to design the space plan
 - 6) County will hire a contractor to construct the renovations
 - 7) Installation of separate utility meters for the space subject to the Facility Lease and for the Emergency Shelter reception area
 - 8) County will install an emergency generator that will be available as backup power for all Emergency Shelter operations
 - 9) County will be responsible for procuring and constructing the Emergency Shelter pursuant to all laws, regulations, Applicable Codes, the Facility Lease and this MOU
 - 10) The Salvation Army will provide meals to the occupants of the County's Emergency Shelter pursuant to the rate-based food services contract described in paragraph 5(a) above.
 - 11) The County will procure operator services for the County's Emergency Shelter. A general overview of anticipated Operator services is provided in Exhibit B attached hereto.
 - a. The County agrees to ensure the Operator Agreement will include pest control services for the entire Salvation Army facility (north and south sections) that includes but is not limited to a professional bed bug extermination plan. The bed bug extermination plan will be approved by the Salvation Army to ensure the plan meets their requirements to ensure a pest-free facility.
 - b. The County agrees to ensure the Operator Agreement will include on-site private security services. The hours and areas/facilities to be secured will be

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- based on an annual assessment by The Salvation Army, the Emergency Shelter Operator, and the County on a 24 hour per day, 7 day a week basis.
- 12) For the period of the Facility Lease, neither the Lessor nor the Operator will impose barriers on sheltered persons.
 - 13) Parking will be the City of Modesto will construct client parking with 40-50 parking stalls in accordance with the City of Modesto Workplan attached hereto as Exhibit C.
- (c) A Right of Entry granted by the Salvation Army to the County and the City to enter the Salvation Army's property at 301 10th Street [**Administration Facility Site**] for the following purposes:
- 1) Grantor: The Salvation Army
 - 2) Grantees: County and City
 - 3) The County shall be granted a right to enter and construct to perform the Modular Facility Phase work, including procurement and installation of an approximately 6,500 square foot modular facility to be utilized for Salvation Army administration ("Administration Facility")
 - 4) The City of Modesto shall be granted a right to enter and construct to connect sewer and water services to the Administration Facility in accordance with the City of Modesto Workplan attached hereto as Exhibit C The City of Modesto will provide parking adjacent to the Administration Facility Site in accordance with the City of Modesto Workplan attached hereto as Exhibit C
 - 5) The City of Modesto will provide fire riser and connection to a City water main for fire protection services for the Administration Facility in accordance with the City of Modesto Workplan attached hereto as Exhibit C
 - 6) The County will construct the remainder of the site package for the modular facility
 - 7) County and City will install separate utility meters for electricity and natural gas to be utilized by the Administration Facility
- (d) A Purchase and Sale Agreement for purchase by the County for Fair Market Value of The Salvation Army's Community Center and parking lots located at 625 I Street at which site the County will construct a Transitional Youth / Family Housing.
- 1) The County will comply with Government Code noticing requirements regarding this transaction
 - 2) The County has been assured by City staff that its intended use is consistent with the City's zoning code
 - 3) Following the closing of the sale and prior to commencing construction work, the County may lease back the Community Center to the Salvation Army as it transitions to its new Administrative Facility
- (e) A \$1 Ground Lease between the County and the City for that portion of the City's property adjacent to the Salvation Army emergency shelter and north of the water tower (APN 106-046-003) upon which the County will perform the PAC Phase, including installation of modular facilities for the Permanent Access Center, subject to the following exceptions:
- 1) The City of Modesto will demolish and clear the existing structure and fencing from the site and cap off all utilities
 - 2) The City of Modesto provide any and all sewer and water lateral connections

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- 3) The City of Modesto will construct 20-25 parking stalls adjacent to the site
 - 4) The City and County will maintain a lane for Salvation Army delivery trucks north of the County's Permanent Access Center
- (f) A Ground Lease between the County and Stanislaus Foods for Stanislaus Foods' property at 216 9th Street City of Modesto. It is possible this property may also be used for pop up tents and/or picnic tables.

6. Other Commitments of the Parties.

- (a) The County will coordinate the identification and distribution of various grant and donor funds toward the various projects required to carry out the objectives of this MOU.
- (b) The County will construct the specific improvements identified in this MOU.
- (c) The County will draft the various agreements amongst the Parties and others required to carry out the objectives of this MOU.
- (d) The Parties will present this MOU and its objectives to their various governing Boards or Council, with recommendations of approval.
- (e) The City will carry out the commitments enunciated on that certain work list (the "City's Work List") attached hereto and incorporated by reference herein as Exhibit "C" that identifies various approvals, construction work and utility upgrades required for the various phases required to carry out the objectives of this MOU.

7. Grant Funding.

(a) The Parties agree to cooperate in seeking any and all grant funding to be used for the purposes identified in this MOU.

(b) The Parties acknowledge and agree that The Salvation Army shall not under any circumstances be obligated to provide additional funding in the event Grant Funding amounts aren't sufficient for the purposes of this MOU.

8. Creation of Operating Oversight Committee.

(a) The Salvation Army, the County, and the City of Modesto will create an Operating Oversight Committee ("Committee") comprised of representatives of the Salvation Army, the County, the City, the Operator, the FOP, and the CSOC. The County's contract with its Operator will require Operator's participation in the Committee. The purpose of the Committee is to collaborate on activities related to the operations and security of the projects created pursuant to this MOU and to avoid adverse impacts to the other Parties.

(b) The Parties will work together with the Committee to implement, correct and modify joint operations plans to ensure safe and effective operations of the Emergency Shelter and other facilities created pursuant to this MOU.

(c) One of the Committee's priorities will be identifying long term, sustainable funding, including future donor opportunities, to support the system of care for the homeless that is being established by this MOU and the projects described in this MOU.

9. Other Responsibilities.

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(a) Each Party shall use reasonable efforts to obtain the grant funding described in this MOU.

(b) For each of the Phases described in this MOU and for any other projects deemed necessary by the Parties to carry out the objectives of this MOU, each Party shall be responsible for ensuring that all required and reasonable insurance is maintained, and that prevailing wages are paid if required for the projects for which they are responsible.

(c) For the term of this MOU, and three years thereafter, the Parties shall maintain in accordance with their standard record retention procedures (and require any Operator or other third party vendors hired to assist in carrying out the objectives of this MOU to maintain) and permit the other Parties to audit (and require any Operator or other third party vendors hired to assist in carrying out the objectives of this MOU to permit the other Parties to audit) all records pertaining to expenditures of funds relating to the construction and operation of the projects described in this MOU, including correspondence, internal memoranda, calculations, books and accounts, accounting records, and invoices, payrolls, records and all other data related to matters covered by this MOU. The audit rights described herein include the right to audit, examine and make copies, excerpts and transcripts from such records. Such rights shall be specifically enforceable.

(d) Upon completion or termination of this MOU, the Parties will reconcile all relevant accounts to confirm that any contributed funds that have not been spent or encumbered for the authorized purposes under this Agreement are returned to the donors on an equitable basis considering the relative total amount of contributions by a donor during the term of this Agreement.

(e) The Parties will cooperate to obtain and/or provide all required entitlements, permits and approvals for the projects described in this MOU and for any other projects deemed necessary by the Parties to carry out the objectives of this MOU.

(f) The Parties shall reasonably cooperate to ensure their safe and effective coexistence on those sites and/or within those facilities they share.

10. Indemnification.

(a) For this MOU and for each of the agreements the Parties enter into in order to carry out the requirements of this MOU, County shall defend, indemnify and hold harmless the Salvation Army and its members, governing bodies, officers, employees, departments, officials, representatives, inspectors, contractors, consultants and agents from and against all claims, suits, actions, losses and liability of every kind, nature and description, including but not limited to claims and fines of regulatory agencies and attorney's fees and consultant's fees, arising out of, connected with or resulting from the County's negligence, willful misconduct, or breach of this MOU.

(b) For this MOU and for each of the agreements the Parties enter into in order to carry out the requirements of this MOU, City shall defend, indemnify and hold harmless the Salvation Army and its members, governing bodies, officers, employees, departments, officials, representatives, inspectors, contractors, consultants and agents from and against all claims, suits, actions, losses and liability of every kind, nature and description, including but not limited to claims and fines of regulatory agencies and attorney's fees and consultant's fees, arising out

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of, connected with or resulting from the County's negligence, willful misconduct, or breach of this MOU.

(c) For this MOU and for each of the agreements the Parties enter into in order to carry out the requirements of this MOU, the Salvation Army shall defend, indemnify and hold harmless the County, its members, governing bodies, officers, employees, departments, officials, representatives, inspectors, contractors, consultants and agents from and against all claims, suits, actions, losses and liability of every kind, nature and description, including but not limited to claims and fines of regulatory agencies and attorney's fees and consultant's fees, to the extent arising out of, connected with or resulting from the Salvation Army's negligence, willful misconduct, or breach of this MOU.

(d) For this MOU and for each of the agreements the Parties enter into in order to carry out the requirements of this MOU, the Salvation Army shall defend, indemnify and hold harmless the City, its members, governing bodies, officers, employees, departments, officials, representatives, inspectors, contractors, consultants and agents from and against all claims, suits, actions, losses and liability of every kind, nature and description, including but not limited to claims and fines of regulatory agencies and attorney's fees and consultant's fees, to the extent arising out of, connected with or resulting from the Salvation Army's negligence, willful misconduct, or breach of this MOU.

(e) For this MOU and for each of the agreements the Parties enter into in order to carry out the requirements of this MOU, the Parties shall ensure that their contracts with their contractors and vendors including the Operator will require those contractors and vendors to indemnify the other Parties to this MOU for their construction and operation activities. Contractors' and Operator's indemnification obligations shall not be limited to valid and collectible insurance.

11. Termination. This MOU may also be terminated in advance of its expiration date:

(a) If the Parties agree in writing.

(b) If:

(1) One Party fails to perform its material responsibilities for three consecutive months,

(2) The performing Party(ies) notifies the non-performing Party of its failure to perform in writing and provides a reasonable opportunity to cure (not to exceed 90 days), and

(3) The non-performing Party fails to cure within the designated cure period;

(c) If the Salvation Army provides County with ninety (90) days prior written notice that funding is insufficient to continue operations; or

(d) For The Salvation Army's convenience only after The Salvation Army has provided and the Parties have aligned upon a feasible plan for suitable substitute arrangements.

The Parties' insurance and indemnification obligations shall survive the termination of this MOU.

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12. Damages. The Parties hereby agree that, in the event of default, any damages awarded or arising under this MOU shall be exclusively limited to actual direct damages incurred and which have been demonstrated with substantial certainty. In no instance shall the Parties be entitled to special, incidental, indirect, consequential or punitive damages, lost profits or attorney's fees. By acceptance and execution of this MOU, the Parties hereby agree that the only monetary damages contemplated by them as arising from this MOU are actual or direct damages.

13. Ownership of Improvements. The Parties agree that upon the completion or termination of this MOU, all improvements constructed pursuant to this MOU and the agreements this MOU requires at 320 9th Street, 330 9th Street, and 310 10th Street shall become the property of The Salvation Army for improvements on and within The Salvation Army facilities and property. The Right of Entry to the Alley and Abandoned C Street shall remain with the Salvation Army upon completion and/or termination of this MOU.

14. Representations and Warranties.

Each Party represents, warrants and covenants to the other party as follows:

(a) Authority. Such Party has the legal power and authority to execute and deliver this MOU and to perform its obligations under this MOU.

(b) Due Authorization. The approval, execution, and delivery of this MOU, and the performance by such Party of its obligations under this MOU, have been authorized by all requisite actions of such Party.

(c) Due Execution and Delivery. The persons executing this MOU on behalf of such Party are duly authorized to execute and deliver this MOU on behalf of such Party.

(d) No Conflict. The approval, execution, delivery and performance of this MOU does not conflict with any other agreement to which such Party is a party and does not violate or require any action which has not been taken under any law, statute, rule, regulation, ordinance, general plan, tribal law, specific plan or court order or decree applicable to such Party.

15. Notices. Any notices required or permitted hereunder shall be in writing and may be personally delivered, or delivered via the U.S. Postal Services, first class postage prepaid, or by a reputable overnight delivery service (such as U.S. Express Mail, Priority Mail, Federal Express, UPS, or DHL), addressed as follows or to such other place as each Party may designate by subsequent written notice to each other:

For the County:

County of Stanislaus
Chief Executive Office
1010 10th Street, Suite 6400
Modesto, CA 95354

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For the Salvation Army:

President/Chief Executive Officer
Salvation Army of Modesto
320 9th Street
Modesto, CA 95354

For the City of Modesto:

City Manager
1010 10th Street
Modesto, CA 95354

16. General Provisions.

(a) Further Assurances. The Parties shall cooperate with each other and execute such instruments or documents and take such other actions as may reasonably be requested from time to time in order to carry out, evidence or confirm their rights or obligations under this MOU. In addition to the foregoing, the City of Modesto and the County of Stanislaus agree to negotiate and amend this agreement if necessary to address any fees and costs related to this project including, but not limited to:

- One-time utility connection fees (Water/Sewer)
- Change in cost of materials and/or services
- Curb cuts, if approved by CALTRANS

(b) Modification. No provision of this Agreement shall be amended, modified, or waived other than by an instrument in writing signed by an authorized representative of each Party.

(c) Enforceability. This MOU constitutes the legal, valid and binding obligation of each Party, enforceable against such Party, and its successors and assigns, in accordance with its terms, and, once executed and delivered, cannot be invalidated pursuant to any subsequent action of a Party, as applicable.

(d) Waivers. A waiver of any breach of any provision of this MOU shall not constitute or operate as a waiver of any other breach of such provision or of any other provisions, nor shall any failure to enforce any provision operate as a waiver of such provision or of any other provisions.

(e) Governing Law. This MOU shall be governed by, and construed in accordance with, the laws of the State of California, excluding choice of law rules.

(f) Construction of Agreement. This MOU, including all recitals, together with all Exhibits, constitutes the entire agreement between the Parties and supersedes all prior negotiations, representations, drafts regarding this MOU, whether written or oral. In the event of a dispute between the Parties as to the language of this MOU or any amendment to this MOU or the construction or meaning of any term contained in this MOU or any amendment to this MOU, this MOU or any amendment to this MOU shall be deemed to have been drafted by the Parties in equal parts so that no presumptions or inferences concerning its terms or

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interpretation may be construed against, or in favor of, any Party based on the preparation or negotiation of this MOU or any amendment to this MOU. The headings contained in this MOU are for convenience of reference only and shall not effect this MOU's construction or interpretation.

(g) Binding Agreement. This MOU is intended to be, and shall be construed to be, binding upon the Parties and all successors and successors-in-interest of each party, including all officers, agents and employees.

IN WITNESS WHEREOF, the parties have executed this MOU as of the effective date set forth above.

<p>COUNTY OF STANISLAUS</p> <p>By: _____ Jody Hayes Chief Executive Officer County of Stanislaus, State of California</p>	<p>THE SALVATION ARMY OF MODESTO</p> <p>By: _____ [TBD] President/Chief Executive Officer The Salvation Army of Stanislaus County</p>
<p>APPROVED AS TO FORM: John P. Doering, County Counsel</p> <p>By: _____ John P. Doering County Counsel</p>	<p>APPROVED TO FORM: Adam Lindgren City of Modesto, City Attorney</p> <p>By: _____</p>
<p>CITY OF MODESTO</p> <p>By: _____ Joseph P. Lopez City Manager City of Modesto</p> <p>ATTEST: _____, City Clerk</p> <p>By: _____ _____ City Clerk</p>	

EXHIBIT A

Emergency Shelter Description

North Half of SA Building:

The emergency shelter will consist of the following:

1. Reception and lobby area.
2. Staff Offices. Offices can possible be used as interview rooms.
3. Dormitory / Sleeping area for up to 180 clients.
4. Day Room area.
5. Men's Restrooms.
6. Men's Showers including lockers.
7. Women's Restrooms.
8. Women's Showers including lockers.
9. Indoor laundry facility.
10. Office where staff can monitor the dormitory areas.

The tenant improvements to achieve the emergency shelter include but are not limited to; demolition, framing, wood finishes, flooring, paint, windows, acoustical ceiling system, plumbing, heating and ventilation, electrical, fire protection, and fire alarm.

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EXHIBIT B

FORM OF PROFESSIONAL SERVICES AGREEMENT

OPERATOR AGREEMENT

Between

TURNING POINT COMMUNITY PROGRAMS

and

STANISLAUS COUNTY

For the

330 9th Street Emergency Shelter in Modesto, CA

Amount

\$ _____

Dated March ____, 2019

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OPERATOR AGREEMENT BETWEEN
TURNING POINT COMMUNITY PROGRAMS AND STANISLAUS COUNTY

THIS PROFESSIONAL SERVICES AGREEMENT ("**Agreement**") is dated this ____ day of _____, 2019, in the City of Modesto, State of California, by and between **TURNING POINT COMMUNITY PROGRAMS**, hereinafter referred to as ("**Operator**") and **STANISLAUS COUNTY**, hereinafter referred to as ("**County**").

RECITALS

WHEREAS, The Salvation Army, the County, and the City of Modesto (the "Parties") entered into a Memorandum of Understanding for Collaboration on Homeless Programs and Sheltering, dated _____, 2019 ("MOU"). Among other things, the MOU (Section 2(b)) contemplates Operator and the County entering into an agreement for the operation of the emergency shelter located in the north wing of the Salvation Army's 330 9th Street Modesto property; and

WHEREAS, by entering into this Agreement, the County intends to comply with, and perform, its legal obligations under MOU Section 2(b), in furtherance of the Parties' overall strategy for addressing homelessness issues in Stanislaus County.

NOW THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, stipulated and agreed, Operator and County hereby agree as follows:

1. **Scope of Professional Services.** For the Project described in Appendix A ("**Project**"), the Operator shall perform the professional services described in Appendix B ("**Services**") for the compensation set forth in Appendix C ("**Compensation**"), which appendices are attached and made a part of this Agreement.

2. **Term.** This Agreement shall become effective upon its execution by Operator and by County (following approval by the County Board of Supervisors). All Services whenever performed shall be deemed performed under this Agreement, and all compensation whenever paid to Operator on account of the Services shall be deemed as payments of the Compensation and subject to the terms of this Agreement.

3. **Standard of Performance.** Operator represents that it possesses all necessary training, licenses and permits to perform the Services, and that its performance of the Services will conform to the highest standards of practice of a professional having experience and expertise in performing professional services of like nature and complexity of the Services working on similar, successfully completed projects.

4. **Subconsultants.** Operator shall hire only qualified persons or firms who are experienced in performing work of like nature and complexity to the Services, and who agree to be bound to the terms of the Agreement to the extent of their scope of services. Operator shall be fully responsible for the work of its subconsultants.

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5. **Representatives for Both Parties.** Both parties shall designate a representative, authorized to act on the parties' behalf with respect to this Agreement. The parties or such authorized representatives shall render required decisions promptly, to avoid unreasonable delay in the progress of Operator's services. The parties may delegate all or some of the representatives' role and function to some other representative.

6. **Indemnification and Liability.**

6.1 To the fullest extent permitted by law (including, without limitation, California Civil Code Section 2782 *et. seq.*), Operator shall defend (with legal counsel reasonably acceptable to County), indemnify and hold harmless County and its landlords, officers, agents, departments, officials, representatives and employees (collectively "**Indemnitees**") from and against any and all claims, loss, cost, damage, injury (including, without limitation, injury to or death of an employee of Operator or its subconsultants), expense and liability of every kind, nature and description (including, without limitation, incidental and consequential damages, court costs, attorneys' fees, litigation expenses and fees of expert consultants or expert witnesses incurred in connection therewith and costs of investigation) that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of Operator, anyone directly or indirectly employed by Operator, or anyone that Operator may employ, oversee, supervise, or control (collectively "**Liabilities**"). Such obligations to defend, hold harmless and indemnify any Indemnitee shall not apply to the extent that such Liabilities are caused in whole or in part by the active/sole negligence, or willful misconduct of such Indemnitee, but shall apply to all other Liabilities.

6.2 Operator shall defend (with legal counsel reasonably acceptable to County), indemnify and hold harmless Indemnitees from all loss, cost, damage, expense, liability or claims, in law or in equity, including reasonable attorneys' fees, court costs, litigation expenses and fees of expert consultants or expert witnesses, that may at any time arise for any infringement of the patent rights, copyright, trade secret, trade name, trademark, service mark or any other proprietary right of any person or persons in consequence of the use by County, or any of the other Indemnitees, of articles or Services to be supplied in the performance of this Agreement.

6.3 Operator shall place in its subconsulting agreements and cause its subconsultants to agree to indemnities and insurance obligations in favor of County and other Indemnitees in the exact form and substance of those contained in this Agreement.

7. **Notices and Communications.** County and Operator shall provide notices to the other in the form of writing, sent by certified mail return receipt requested, or by overnight courier or delivery service with signature required, as follows:

TURNING POINT COMMUNITY PROGRAMS
(Contact and Address Information)

COUNTY
County of Stanislaus
Chief Executive Office
1010 10th Street, Suite 6400
Modesto, CA 95354

Notices may also be provided to such other place as either party may similarly in writing designate to the other. Notices shall be effective three business days after mailing by certified mail, or upon receipt if delivered by overnight courier or delivery service. All notices and normal project communications must be addressed to and/or copied to the County's Representative

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(_____) or such other person designated in writing by County), including but not limited to notices, payment requests, information requests, approval requests, coordination requests, authorization requests, confirmations of conversations, routine correspondence and deliverables.

8. **Insurance.** Operator shall comply with all requirements of Appendix D, which is attached and made a part of this Agreement.

9. **Independent Contractor.** Operator shall at all times be deemed an independent contractor wholly responsible for the manner in which it performs the Services, and fully liable for the acts and omissions of its employees, subconsultants and agents. Under no circumstances shall this Agreement be construed as creating an employment, agency, joint venture or partnership relationship between County and Operator, and no such relationship shall be implied from performance of this Agreement. Terms in this Agreement referring to direction from County shall be construed as providing for direction as to policy and the result of services only, and not as to means and methods by which such a result is obtained. Operator shall pay all taxes (including California sales and use taxes) levied upon this Agreement, the transaction, or the Services and/or goods delivered pursuant hereto without additional compensation, regardless of which party has liability for such tax under applicable law, and any deficiency, interest or penalty asserted with respect thereto. Operator represents that it will collect, report, and pays all sales and or use taxes to the State Board of Equalization. Upon full payment, the Operator will issue County a receipt pursuant to California Revenue and Taxation Code Section 6203, relieving County of all liability for any tax relating to the scope of this Agreement. The Operator shall pay all other taxes including but not limited to any applicable City of Modesto business license fees and/or taxes, not explicitly assumed in writing by County hereunder. The Operator shall comply with all valid administrative regulations respecting the assumption of liability for the payment of payroll taxes and contributions as above described and to provide any necessary information with respect thereto to proper authorities.

10. **Conflict of Interest; Confidentiality.**

10.1 Operator represents that it is familiar with Section 1090 and Section 87100 et seq. of the Government Code of the State of California, and that it does not know of any facts arising from the execution of this Agreement that constitute a violation of said sections.

10.2 Operator represents that it has completely disclosed to County all facts bearing upon any possible interests, direct or indirect, which Operator believes any member of County, or other officer, agent or employee of County or any department presently has, or will have, in this Agreement, or in the performance thereof, or in any portion of the profits hereunder. Willful failure to make such disclosure, if any, shall constitute ground for termination of this Agreement by County for cause. Operator agrees to comply with all conflict of interest codes adopted by the County and its reporting requirements.

10.3 Operator covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of Services required under this Agreement. Without limitation, Operator represents to and agrees with County that Operator has no present, and will have no future, conflict of interest between providing County the Services hereunder and any interest Operator may presently have, or will have in the future, with respect to any other person or entity (including but not limited to any federal or state wildlife, environmental or regulatory agency) which has any interest adverse or

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potentially adverse to County, as determined in the reasonable judgment of County. The provisions of this Section shall remain fully effective indefinitely after termination of Services to County hereunder.

10.4 Operator acknowledges and agrees that, in the performance of the Services under this Agreement or in the contemplation thereof, Operator may have access to private or confidential information which may be owned or controlled by County and that such information may contain proprietary or confidential details, the disclosure of which to third parties may be damaging to County. Operator agrees that all information disclosed by County to or discovered by Operator shall be held in strict confidence and used only in performance of the Agreement. Operator shall exercise the same standard of care to protect such information as a reasonably prudent Operator would use to protect its own proprietary data, and shall not accept employment adverse to County's interests where such confidential information could be used adversely to County's interests. Operator agrees to notify County immediately in writing if it is requested to disclose any information made known to or discovered by Operator during the performance of or in connection with this Agreement.

10.5 Any publicity or press releases with respect to the Project or Services shall be under County's sole discretion and control. Operator shall not discuss the Services or Project, or matters pertaining thereto, with the public press, representatives of the public media, public bodies or representatives of public bodies, without County's prior written consent. Operator shall have the right, however, without County's further consent, to include representations of Services among Operator's promotional and professional material, and to communicate with persons or public bodies where necessary to perform under this Agreement.

10.6 Operator shall not employ, or attempt to employ, any person who is or was employed by County at any time that this Agreement is in effect, during the term of this Agreement and for a period of six months after the termination of this Agreement or the completion of the Work, without the written consent of the County.

10.7 Operator and County agree that Operator's unique talents, knowledge and experience form a basis for this Agreement and that therefore the services to be performed by Operator under this Agreement are personal in character and neither this Agreement nor any duties or obligations hereunder shall be assigned or delegated by Operator unless approved by written instrument executed and approved in the same manner as this Agreement.

10.8 The provisions of this Section shall remain fully effective indefinitely after termination of Services to County hereunder.

11. Suspension and Termination of Services.

11.1 County may direct Operator to suspend, delay or interrupt Services, in whole or in part, for such periods of time as County may determine in its sole discretion. County may issue such directives without cause. County will issue such directives in writing.

11.2 County may terminate performance of the Services under this Agreement in whole, or from time to time in part, for default, should Operator commit a material breach of this Agreement, or part thereof, and not cure such breach within ten (10) calendar days of the date of County's written notice to Operator demanding such cure. In the event County terminates this Agreement for default, Operator may recover costs expended up to termination,

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but which shall be offset by Operator's liability to County for all loss, cost, expense, damage and liability resulting from such breach and/or termination.

11.3 County may terminate performance of the Services under this Agreement in whole, or from time to time in part, for convenience, whenever County determines that such termination is in County's best interests. In the event County terminates this Agreement for convenience, Operator shall be entitled to recover its costs expended up to the date of termination plus reasonable profit thereon, up to the amount that Operator would have otherwise earned under the Agreement up to the date of the termination, but may recover no other cost, damage or expense. If such part terminated is severable or priced separately in the Agreement, however, then such severable or separate pricing shall determine the deductive price for the termination.

13. Audit/Inspection of Records.

13.1 Operator shall maintain all documents and records prepared by or furnished to Operator during the course of performing the Services for at least three (3) years following completion of the Services. Such records include, but are not limited to, correspondence, internal memoranda, calculations, books and accounts, accounting records documenting its work under its Agreement, and invoices, payrolls, records and all other data related to matters covered by this Agreement. Operator shall permit County to audit, examine and make copies, excerpts and transcripts from such records. The State of California or any federal agency having an interest in the subject of Agreement shall have the same rights conferred to County by this section. Such rights shall be specifically enforceable.

13.2 Operator shall maintain full and adequate records in accordance with County requirements to show the actual costs incurred by the Operator in the performance of this Agreement. If such books and records are not kept and maintained by Operator within a radius of fifty (50) miles from the offices of Stanislaus County, 1010 10th Street, Modesto, CA 95354, Operator shall, upon request of County, make such books and records available to County for inspection at a location within said fifty (50) mile radius or Operator shall pay to County the reasonable, and necessary costs incurred by County in inspecting Operator's books and records, including, but not limited to, travel, lodging and subsistence costs. Operator shall provide such assistance as may be reasonably required in the course of such inspection. County further reserves the right to examine and reexamine said books, records and data during the three (3) year period following termination of this Agreement or completion of all work hereunder, as evidenced in writing by County, and the Operator shall in no event dispose of, destroy, alter, or mutilate said books, records, accounts, and data in any matter whatsoever for three (3) years after County makes the final or last payment or within three (3) years after any pending issues between County and Operator with respect to this Agreement are closed, whichever is later.

14. **Non-discrimination.** Operator shall not discriminate against any employee or applicant for employment, nor against any subconsultant or applicant for a subcontract, because of race, color, religious creed, age, sex, actual or perceived sexual orientation, national origin, disability as defined by the ADA or veteran's status. To the extent applicable, Operator shall comply with all federal, state and local laws (including, without limitation, County of Stanislaus and City of Modesto ordinances, rules and regulations) regarding non-discrimination, equal employment opportunity, affirmative action and occupational-safety-health concerns, shall comply with all applicable rules and regulations hereunder, and shall comply with same as each may be amended from time to time. Operator shall provide all information reasonably requested

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by County to verify compliance with such matters. Operator stipulates, acknowledges and agrees that County has the right to monitor Operator's compliance with all applicable non-discrimination requirements, and may impose sanctions upon a finding of a willful, knowing or bad faith noncompliance or submission of information known or suspected to be false or misleading.

15. **Disputes.** Operator shall continue its work throughout the course of any dispute, and Operator's failure to continue work during a dispute shall be a material breach of this Agreement. Operator shall provide County with written notice of claims for additional compensation within a reasonable time of knowledge thereof (but no later than 20 calendar days after first knowledge), supported by correspondence and written materials evidencing the change in the scope of the Services (within 20 additional days), for the purpose of negotiations of the claim and resolution thereof; otherwise, such claim is waived. Claim negotiations shall occur a minimum of two times, once at the project level, and then at the executive level. Should claim negotiations prove unsuccessful, and if Operator files a Government Code section 910 claim, then pursuant to Government Code Section 930.2, the time period to do so shall be no later than 120 days following completion or termination of the Services (whichever first occurs). The parties must thereafter engage in non-binding mediation using a mediator pre-qualified by the American Arbitration Association for construction industry mediation, as a precondition of any litigation.

16. **No Incidental or Special Damages.** Notwithstanding any other provision of this Agreement, in no event shall County be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits or revenue, arising out of or in connection with this Agreement or the Services performed in connection with this Agreement.

17. **California Law.** This Agreement shall be deemed to have been executed in the City of Modesto, Stanislaus County, California. Enforcement of this Agreement shall be governed by the laws of the State of California, excluding its conflict of laws rules. Any action or proceeding to enforce or interpret any provision of this Agreement, to the extent permitted by law, shall be brought, commenced or prosecuted in the applicable State or federal (including without limitation Eastern District of California) courts in or having jurisdiction over Stanislaus County, California. Should any clause, provision or aspect of this Agreement be determined at any time to be unenforceable or in contravention of law, then the remaining clauses and provisions of this Agreement shall be enforceable to the fullest extent permitted by law and construed to give effect to fullest extent possible the intent of this Agreement.

18. **No Third Party Beneficiaries.** Except as expressly provided in this Agreement, nothing in this Agreement shall operate to confer rights or benefits on persons or entities not party to this Agreement. Time is of the essence in the performance of this Agreement.

19. **Entire Agreement.** This Agreement shall supersede all prior or contemporaneous purchase orders, letter agreements or any other agreements (oral or written) that may apply to Services. This Agreement and any written modification shall represent the entire and integrated agreement between the parties hereto regarding the subject matter of this Agreement, shall constitute the exclusive statement of the terms of the parties' agreement, and shall supersede any and all prior negotiations, representations or agreements, written or oral, express or implied, that relate in any way to the subject matter of this Agreement or written modification. All prior negotiations are merged into this Agreement and shall be inadmissible in any enforcement of this Agreement.

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20. No Waiver. The granting of any payments, and any inspections, reviews, approvals or oral statements by any County representative, or certification by any governmental entity, shall in no way limit Operator's obligations under this Agreement. Either party's waiver of any breach, or the omission or failure of either party, at any time, to enforce any right reserved to it, or to require strict performance of any provision of this Agreement, shall not be a waiver of any other right to which any party is entitled, and shall not in any way affect, limit, modify or waive that party's right thereafter to enforce or compel strict compliance with every provision hereof (including, but not limited to, provisions previously not enforced). This Agreement may not be modified, nor may compliance with any of its terms be waived, except by written instrument executed and approved by fully authorized representatives of County and Operator.

21. Severability. Any provision or portion thereof of this Agreement prohibited by, or made unlawful or unenforceable under any applicable law of any jurisdiction, shall as to such jurisdiction be ineffective without affecting other provisions or portions thereof of this Agreement. If the provisions of such applicable law may be waived, they are hereby waived to the end that this Agreement may be deemed to be a valid and binding agreement enforceable in accordance with its terms to the greatest extent permitted by applicable law.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day first mentioned above.

Dated: _____

COUNTY OF STANISLAUS

By: _____
Jody Hayes
Chief Executive Officer

Dated: _____

TURNING POINT COMMUNITY PROGRAMS

By: _____

APPROVED AS TO FORM:

COUNTY COUNSEL

By: _____
John P. Doering
County Counsel

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**LIST OF APPENDICES, EXHIBITS AND SCHEDULES
TO PROFESSIONAL SERVICES AGREEMENT**

- Appendix A Project Description
- Appendix B Scope of Services to be Provided by Operator
- Appendix C Payments to Operator
 - Exhibit 1 to Appendix C Billing Rates
- Appendix D Insurance

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**APPENDIX A
TO PROFESSIONAL SERVICES AGREEMENT**

PROJECT DESCRIPTION

This is an Appendix attached to, and made a part of and incorporated by reference to the Agreement dated _____, 2019, by and between **TURNING POINT COMMUNITY PROGRAMS**, hereinafter referred to as "**Operator**" and **STANISLAUS COUNTY**, hereinafter referred to as "**County**" for a period of five (5) years commencing on the Commencement Date of (_____) (anticipated to be October 1, 2019)).

1. **PROJECT DESCRIPTION.**

1.1 Operator will provide professional Operator services for the 330 9th Street Emergency Shelter in Modesto, California.

END OF APPENDIX A

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APPENDIX B TO PROFESSIONAL SERVICES AGREEMENT

SCOPE OF SERVICES TO BE PROVIDED BY OPERATOR

This is an Appendix attached to, and made a part of and incorporated by reference to the Agreement dated _____, 2019, by and between **TURNING POINT COMMUNITY PROGRAMS**, hereinafter referred to as "**Operator**" and the **STANISLAUS COUNTY**, hereinafter referred to as "**County**" providing for professional Operator services.

1. GENERAL REQUIREMENTS OF OPERATOR'S SERVICES.

1.1 The Emergency Shelter will have a collaborative approach to providing services. The Operator will oversee the shelter's day-to-day operations and provide direct rehabilitative services, and establish a coordinated services plan to broker services provided through a Stanislaus Community System of Care agency or community partner. Operator will provide or coordinate the following minimum services for Emergency Shelter residents.

1.1.1. Provide low-barrier shelter services such as showers and restrooms, storage, housing for pets, food preparation and dining, laundry, etc., and allowing residents shelter with their partners, pets and possessions.

1.1.2. Provide connection to community supports by mobilizing and organizing community-based homelessness efforts to support residents.

1.1.3. Provide housing readiness training for residents that do not have the skills to live independent and sheltered lives.

1.1.4. Provide intensive case management services for residents with the aim of connecting them to essential community supports and rehabilitative services. The following service providers will be providing on-site case management services to the residents:

1.1.1.1. Behavioral Health and Recovery Services provides mental illness and substance use disorder treatment.

2.1.1.1. Community Services Agency provided access to public aid and basic needs.

3.1.1.1. Workforce Development Services provides access to employment and job trainings services

4.1.1.1. The Homelessness Court Program provides an opportunity for individuals involved in the criminal justice system to address unresolved court issues by participating in rehabilitative services.

5.1.1.1. The Housing Assessment Team provides assessments and coordinated access to supportive services and housing.

6.1.1.1. The Golden Valley Health Center Mobile Medicine Program staff will connect residents with essential healthcare services.

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7.1.1.1. The Community Housing and Shelter Services Housing Specialist and Disability Income Advocate will provide access to permanent disability based income and housing.

1.1.5. Provide immediate and daily cash-based employment opportunities to build job skills and readiness.

1.1.6. The Operator will employ shelter residents to perform daily job duties related to the cleaning of the shelter facilities and grounds. The shelter will actively strive to be the cleanest property in the neighborhood. Residents will be paid cash on a daily basis, following the applicable tax and employment laws.

END OF APPENDIX B

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**APPENDIX C
TO PROFESSIONAL SERVICES AGREEMENT**

PAYMENTS TO OPERATOR

This is an Appendix attached to, and made a part of and incorporated by reference to the Agreement dated _____, 2019, by and between **TURNING POINT COMMUNITY PROGRAMS**, hereinafter referred to as "**Operator**" and **STANISLAUS COUNTY**, hereinafter referred to as "**County**" providing for professional Operator services.

1. **METHODS OF PAYMENT FOR OPERATOR'S SERVICES AND EXPENSES.**

1.1 For Basic Services. County shall pay Operator as basic services are rendered under Appendix B in the following sums: [\$ _____] on a monthly basis as approved by the County.

1.2 For Additional Services.

1.2.1. For Additional Services (and for services of its subconsultants) rendered at the County's request and prior written approval, Operator shall negotiate with County a lump sum amount for each Additional Service sought, which amount shall be paid monthly as earned based upon the Billing Rates of each Operator and subconsultant employee, as provided in Exhibit 1 to Appendix C.

1.2.2. The Billing Rates used as a basis for payment apply to all of Operator's and subconsultants' principals, Operator personnel and others engaged directly on the Project. The Billing Rates shall remain constant throughout this Agreement, including for additional services and shall not be adjusted for inflation, salary adjustments, cost changes, or any other reason.

2. **TIMES OF PAYMENTS.**

2.1 Operator shall submit monthly statements for Basic and any Additional Services rendered in a format acceptable to the County. County shall promptly review Operator's monthly statement, and provided it is acceptable, shall make prompt payment thereon.

3. **DEFINITIONS.**

3.1 "**Additional Services**" mean services beyond the scope of the Services defined in this Agreement, provided that the Additional Services are not due to the errors and/or omissions of Operator.

3.2 The "**Billing Rates**" are the hourly rates indicated on Exhibit 1 to Appendix D attached hereto.

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**EXHIBIT 1 TO APPENDIX C
TO PROFESSIONAL SERVICES AGREEMENT**

BILLING RATES

This is an exhibit attached to, and made a part of, the Agreement dated _____, 2019 by and between **TURNING POINT COMMUNITY PROGRAMS**, hereinafter referred to as "**Operator**" and **STANISLAUS COUNTY**, hereinafter referred to as "**County**" providing for professional Operator services.

1. **BILLING RATES** - The Billing Rates are the following hourly rates:

..... \$.....
..... \$.....

END OF APPENDIX C

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APPENDIX D
TO PROFESSIONAL SERVICES AGREEMENT

INSURANCE

This is an Appendix attached to, and made a part of and incorporated by reference to the Agreement dated _____, 2019, by and between **TURNING POINT COMMUNITY PROGRAMS**, hereinafter referred to as "**Operator**" and **STANISLAUS COUNTY**, hereinafter referred to as "**County**" providing for professional Operator services.

- A. **General Requirements.** Before commencing the performance of services under this Agreement, and at all other times this Agreement is effective, Operator must procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

Type of Insurance	Limits (combined single)
Commercial General Liability	\$2,000,000
Business Automobile Liability	\$1,000,000
Professional Liability	\$2,000,000
Workers Compensation	Statutory Requirement

- B. **Commercial General Liability Insurance.** This policy must meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth above must be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. The insurance must be on an "occurrence" not a "claims-made" basis.
- C. **Business Automobile Insurance.** Automobile coverage must be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto) and Endorsement CA 0025, or equivalent forms subject to the written approval of County.
- D. **Professional Liability Insurance (If Applicable).** Professional liability coverage will be on an "occurrence basis" if such coverage is available, or on a "claims made basis" if not available. When coverage is provided on a "claims made basis," Operator will continue to maintain the insurance in effect for a period of three (3) years after this Agreement expires or is terminated ("extended insurance"). Such extended insurance will have the same coverage and limits as the policy that was in effect during the term of this Agreement and will cover Operator for all claims made by County arising out of any errors or omissions of Operator or its officers, employees or agents during the time this Agreement was in effect.
- E. **Workers Compensation.** Operator must have a State of California approved policy form providing the statutory benefits required by law with employer's liability limits of no less than \$1,000,000 per accident for all covered losses, or Operator must provide evidence of an approved self-insurance program.
- F. **Additional Insureds.** Commercial General Liability Insurance policy must provide that County, its officials, officers, employees, agents and volunteers are "additional insureds" under the terms of the policy, and must provide that an act or omission of one of the insureds will not reduce or avoid coverage to the other insureds.
- G. **Deductibles and Self-Insured Retention.** Any deductibles or self-insured retentions applicable to the insurance policies required under this Agreement must be declared to and approved by County. In no event may any required insurance policy have a

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deductible, self-insured retention or other similar policy provision in excess of \$5,000 without prior written approval by County in its sole discretion. At the option of County, either the insurer will reduce or eliminate such deductibles or self-insured retentions with respect to County's additional insureds or Operator will procure a bond guaranteeing payment of any losses, damages, expenses, costs or settlements up to the amount of such deductibles or self-insured retentions.

- H. **Primary Insurance.** Each of the insurance policies maintained by Operator under this Agreement must state that such insurance will be deemed "primary" so that any insurance that may be carried by County will be deemed excess to that of Operator. This endorsement must be reflected on ISO Form No. CG 20 10 11 85 or 88, or equivalent form as determined by County.
- I. **Certificates of Insurance and Endorsements.** Prior to commencing any services under this Agreement, Operator must file with County certificates of insurance and endorsements evidencing the existence of all insurance required by this Agreement, along with such other evidence of insurance or copies of policies as may reasonably be required by County. These certificates of insurance and endorsements must be in a form approved by the County Counsel. Operator must maintain current certificates and endorsements on file with County during the term of this Agreement reflecting the existence of all required insurance. Each of the certificates must expressly provide that no material change in the policy, or termination thereof, will be effective except upon 30 days' prior written notice to County by certified mail, return receipt requested. The delivery to County of any certificates of insurance or endorsements that do not comply with the requirements of this Agreement will not waive County's right to require compliance.
- J. **Insurance Rating.** All insurance required to be maintained by Operator under this Agreement must be issued by companies licensed by or admitted to conduct insurance business in the State of California by the California Department of Insurance and must have a rating of A or better and Class VIII or better by the latest edition of A.M. Best's Key Rating Guide.
- K. **Aggregate Limits.** The aggregate limits for each insurance policy required under this Agreement must apply separately and solely to the services performed under this Agreement. If the required policies do not have an endorsement providing that the aggregate limit applies separately to the services being performed, or if defense costs are included in the aggregate limit, then the required aggregate limits must be increased to an amount satisfactory to County.
- L. **Waiver of Subrogation Rights.** Operator and each insurer providing any insurance required by this Agreement must waive all rights of subrogation against County, its officials, officers, employees, agents and volunteers, and each insurer must issue a certificate to County evidencing this waiver of subrogation rights.
- M. **Effect of Coverage.** The existence of the required insurance coverage under this Agreement shall not be deemed to satisfy or limit Operator's indemnity obligations under this Agreement. Operator acknowledges that the insurance coverage and policy limits set forth in this Agreement constitute the minimum coverage and policy limits required. Any insurance proceeds available to County in excess of the limits and coverage required by this Agreement, and which is applicable to a given loss, must be made available to County to compensate it for such losses.

END OF APPENDIX D

DRAFT SUBJECT TO FINAL NEGOTIATION

EXHIBIT C

City of Modesto Work List/Cost Estimates

- 1. Access Center - \$31,592**
 - a. Pave parking stalls
 - i. 20 to 25 stalls asphalt paved and striped
 - ii. Does not include utilities to trailers – not included in estimate
 - b. Remove Billboard
 - i. Cost unknown – not included in estimate
 - c. Add bollards to east side of PGE gas lines

- 2. Demo Fence - \$4,197**
 - a. Remove existing fence

- 3. Staff Parking - \$10,198**
 - a. Grade, remove gravel, install base, and pave 30 parking stalls
 - i. Relocate gravel to client parking area

- 4. SA – Administrative Complex - \$24,048**
 - a. 20 to 25 parking stalls
 - i. Estimate is for paving only

- 5. Parking for Clients - \$16,444**
 - a. Grade, install base, and place gravel for 40-50 stalls

- 6. Surface Repair and Treatment on 10th Street \$11,850**
 - a. Recommend section patch, crack seal, and slurry seal

- 7. Upgrade 6" diameter sewer main to 8" sewer main with new service = \$150,000**
 - a. Remove approximately 500 ft. of 6-inch diameter sewer main with 8-inch diameter sewer main
 - b. Trench pavement – approximately 500 ft. long and 4' wide
 - c. Replace sewer connections at main
 - d. Connection to existing manhole on D Street
 - i. Caltrans permit
 - ii. Traffic Control – may require night work and COZEEP (CHP on-site during construction)
 - e. Scope of work may require a Contractor to perform work, which would require formal bidding
 - i. If bid, staff would request expedited process
 - ii. Longer schedule if bid; 3 months which includes design, permitting, bid, Committee, Council
 - iii. Would require creation of a new CIP account to fund costs

DRAFT SUBJECT TO FINAL NEGOTIATION

8. Upgrade existing water service to 4" service and provide 6" fire service = \$40,000

- a. City Water Division to perform
- b. Install 4-inch domestic water meter
- c. Install 4-inch backflow device
- d. Install 6-inch backflow for Fire service
- e. Includes connections to existing water main

9. Inspect existing electrical building at Tank 2 = \$650

- a. Contract with local Site Assessment inspectors to check existing structure for lead and asbestos
- b. Includes taking samples, lab testing and reporting
- c. Would require account to fund contract costs

10. Demo existing structure = \$40,000

- a. Informally bid demolition of existing structure(s) located at Tank 2 site (3 bids)
- b. Existing utilities servicing facilities to be capped and abandoned
- c. Contractor to secure appropriate permits
- d. Would require account to fund contract costs
- e. Does not include septic tank removal

11. Connection Fees = To Be Determined

12. Summary

a. Access Center	\$31,592
b. Demo Fence	\$4,197
c. Staff Parking	\$10,198
d. SA – Admin Complex	\$24,048
e. Parking – Clients	\$16,444
f. Surface Repair 10 th Street	\$11,850
g. Upgrade to 8" Sewer	\$150,000
h. Upgrade Water to 4"/6"	\$40,000
i. Inspect Electrical Building	\$650
j. <u>Demolish Electrical Building</u>	<u>\$40,000</u>
i. Total	\$328,979

EXHIBIT D

Funding Sources and Uses

[to come]

DRAFT SUBJECT TO FINAL NEGOTIATION

EXHIBIT E

Project Timeline

[to come]

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-94**

**RESOLUTION APPROVING THE RESIGNATION OF MARTIN CAMPBELL;
AND THE APPOINTMENTS OF JIM MCKAY, SHANE COOPER, AND STEVE
HATZIGEORGIU TO THE MODESTO CITY-COUNTY AIRPORT
ADVISORY COMMITTEE WITH A TERM EXPIRATION OF MARCH 20, 2021**

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

WHEREAS, Council has considered the resignation of Martin Campbell from position of Commercial Provider / Service Provider on the City of Modesto Airport Advisory Committee, and

WHEREAS, Council has considered the experience and qualifications of candidate, Lt. Steve Hatzigeorgiou, and find that he would be appropriate to fill the position of the Commercial/Service Provider member being vacated by Martin Campbell, and

WHEREAS, Council has considered the experience and qualifications of candidate, Jim McKay, and find that he would be appropriate to fill the position of Public at Large member being vacated by Tim Fischer, and

WHEREAS, Council has considered the experience and qualifications of candidate, Shane Cooper, and find he would be appropriate to fill the position of Business Owner/Service Provider member being vacated by Dick Braner.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the resignation of Martin Campbell from the position of Commercial Provider/Service Provider on the City of Modesto Airport Advisory Committee.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves the appointments of Lt. Steve Hatzigeorgiou, representing a Commercial Provider/Service Provider; Jim McKay, representing the Public at Large; and Shane Cooper, representing a Business Owner / Service Provider to the Airport Advisory Committee for a term of two years with a term expiration of March 20, 2021.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

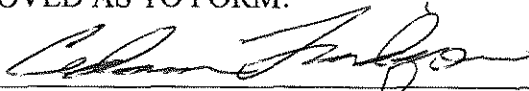
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-95**

**RESOLUTION APPROVING THE APPOINTMENT OF AMIN VOHRA AS THE
2019 PLANNING COMMISSION REPRESENTATIVE TO THE BOARD OF
ZONING ADJUSTMENT WITH A TERM EXPIRATION OF DECEMBER 31,
2019**

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 met on January 28, 2019, and recommended the appointment of Amin Vohra as its representative to the Board of Zoning Adjustment for 2019, and

WHEREAS, Mr. Vohra is qualified and willing to act as the Planning Commission representative to the Board of Zoning Adjustment for 2019.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Amin Vohra is hereby appointed as the 2019 Planning Commission representative to the Board of Zoning Adjustment, with a term expiration of December 31, 2019.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-96**

**RESOLUTION APPROVING THE REAPPOINTMENT OF BRAD WUNGLUCK
TO THE BOARD OF BUILDING APPEALS TO A SECOND FOUR-YEAR
TERM, WITH A TERM EXPIRATION OF FEBRUARY 10, 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, on February 10, 2019, by Resolution Number 2015-33, the City Council approved the appointment of Brad Wungluck with a term ending February 10, 2019, and

WHEREAS, Brad Wungluck has expressed interest in continuing to serve as a member of the Board of Building Appeals.

WHEREAS, the Appointments Committee met on January 24, 2019, and recommended the reappointment of Brad Wungluck 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 of Brad Wungluck to the Board of Building Appeals to a second four-year term, with a term expiration of February 10, 2023.

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 5th day of March, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-97**

**RESOLUTION APPROVING THE APPOINTMENT OF HANK POLLARD AS
THE PLANNING COMMISSION REPRESENTATIVE TO THE CITIZENS
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE (CH&CDC)
WITH A TERM EXPIRATION OF DECEMBER 31, 2019**

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, on January 28, 2019, the Planning Commission recommended Hank Pollard as its representative to the Citizens Housing and Community Development Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Hank Pollard as the 2019 Planning Commission representative to the Citizens Housing and Community Development Committee, with a term expiration of December 31, 2019.

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 5th day of March, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-98**

RESOLUTION APPROVING THE APPOINTMENT OF STEVEN EVANS AS A BOARD MEMBER AND MARGIE JOHNSON AS AN ALTERNATE TO THE DISABLED ACCESS APPEALS BOARD WITH A TERM EXPIRATION OF FEBRUARY 10, 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 Appointments Committee met on January 24, 2019, and recommended the appointment of Steven Evans as a board member, and Margie Johnson as an alternate to the Disabled Access Appeals Board.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the appointment Steven Johnson as a board member and Margie Johnson as an alternate to the Disabled Access Appeals Board to a four-year term, with a term expiration of February 10, 2023.

BE IT FURTHER RESOLVED, that City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Disabled Access Appeals 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 5th day of March, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

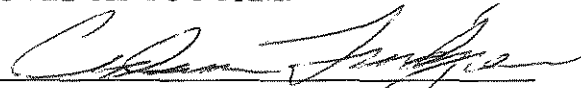
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-99**

RESOLUTION REAPPOINTING SHIRLEY KEYSER AS THE DRYDEN PARK WOMEN'S GOLF CLUB REPRESENTATIVE TO THE CITY OF MODESTO GOLF COURSES ADVISORY COMMITTEE FOR A SECOND TERM WITH A TERM EXPIRATION OF DECEMBER 31, 2022

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 Park Womens's Golf Club, and six members-at-large, and

WHEREAS, Shirley Keyser, representative of the Dryden Park Woman's Golf Club has expressed an interest in serving a second term on the Golf Courses Advisory Committee, and

WHEREAS, the Appointments Committee met on January 24, 2019, and recommended the Golf Courses Advisory Committee reappointment of Shirley Keyser as the Dryden Park Women's Golf Club representative.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the reappointment for a second term of Shirley Keyser as a member of the Golf Courses Advisory Committee representing the Dryden Park Women's Golf Club with a term expiration of December 31, 2022.

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 5th day of March, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-100**

RESOLUTION APPOINTING RICARDO SEMERIA AS THE MODESTO GOLF CLUB REPRESENTATIVE TO THE CITY OF MODESTO GOLF COURSES ADVISORY COMMITTEE FOR A FOUR-YEAR TERM WITH A TERM EXPIRATION OF DECEMBER 31, 2022

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 Park Golf Club, and six members-at-large, and

WHEREAS, the Golf Courses Advisory Committee has a vacancy for one representative from the Modesto Golf Club, and

WHEREAS, the Appointments Committee met on January 24, 2019, and recommended the Golf Courses Advisory Committee appointment of Ricardo Semeria as the Modesto Golf Club representative.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Ricardo Semeria as a member of the Golf Courses Advisory Committee representing the Modesto Golf Club with a term expiration of December 31, 2022.

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 5th day of March, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

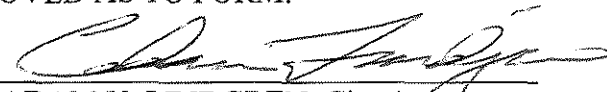
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-101**

**RESOLUTION APPOINTING WILL CREW TO THE CITY OF MODESTO
LANDMARK PRESERVATION COMMISSION WITH A TERM EXPIRATION
OF JANUARY 1, 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, Will Crew meets the requirements of the position and is willing to serve on the Landmark Preservation Commission, and

WHEREAS, the Appointments Committee met on January 24, 2019, and recommended appointment of Will Crew to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby appoints Will Crew to the Modesto Landmark Preservation Commission with a term expiration of January 1, 2023.

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 March, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

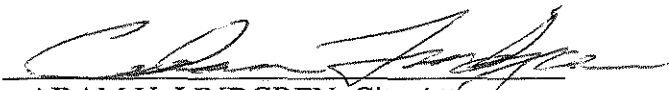
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-102**

**RESOLUTION REAPPOINTING CARMEN MORAD TO THE CITY OF
MODESTO PLANNING COMMISSION WITH A TERM EXPIRATION OF
JANUARY 1, 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, on April 14, 2015, the City Council for the City of Modesto appointed Carmen Morad to the Planning Commission, by Council Resolution 2015-106, and

WHEREAS, Carmen Morad is eligible for a second, four year term, and

WHEREAS, the Appointments Committee met on January 24, 2019, and recommended reappointment of Carmen Morad to the Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby reappoints Carmen Morad to the Modesto Planning Commission with a term expiration of January 1, 2023.

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 5th day of March, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

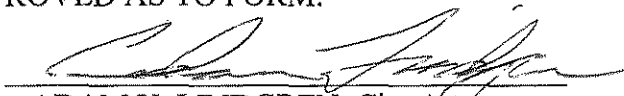
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-103**

**RESOLUTION APPROVING THE REAPPOINTMENT OF CHRIS GUPTILL TO
A SECOND TERM ON THE TUOLUMNE RIVER REGIONAL PARK CITIZENS
ADVISORY COMMITTEE (TRRP CAC) WITH A TERM EXPIRATION OF
JANUARY 1, 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, on February 10, 2015 Chris Guptill was appointed to represent Modesto residents on the TRRP CAC by Resolution 2015-36, and

WHEREAS, Chris Guptill has been an active member in good standing during his term on the Tuolumne River Regional Park Citizens Advisory Committee (TRRP CAC), and

WHEREAS, Chris Guptill has expressed a desire to continue as a member of the Tuolumne River Regional Park Citizens Advisory Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of that it hereby reappoints Chris Guptill to the TRRP CAC with a term expiration of January 1, 2023.

BE IT FURTHER RESOLVED, the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Tuolumne River Regional Park Citizen's 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 5th day of March, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-104**

RESOLUTION APPROVING THE 2020 CENSUS PARTNERSHIP

WHEREAS, the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy, and

WHEREAS, the City of Modesto is committed to ensuring every resident is counted, and

WHEREAS, Federal and State funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing, and

WHEREAS, census data helps determine how many seats each state will have in the U.S. House of Representatives and is necessary for the an accurate and fair redistricting of state legislative seats, county and city councils and voting districts, and

WHEREAS, information from the 2020 Census and American Community Survey are vital tools for economic development and increased employment, and

WHEREAS, the information collected by the census is confidential and protected by law, and

WHEREAS, a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our citizens, and

NOW, THEREFORE, BE IT RESOLVED that City of Modesto is committed to partnering with the U.S. Census Bureau and the California State legislature will:

1. Support the goals and ideals for the 2020 Census and will disseminate 2020

Census information.

2. Encourage all city residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation.

3. Provide Census advocates speaking to city and Community Organizations.

4. Support census takers as they help our city complete an accurate count.

5. Strive to achieve a complete and accurate count of all persons within our borders.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-105**

RESOLUTION APPROVING A FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH OCCU-MED LTD, FRESNO, CA, FOR THE OCCUPATIONAL MEDICINE SERVICES BY \$390,000 FROM \$577,220 TO \$967,220 OVER FIVE (5) YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on an annual basis the City provides over 650 medical exams to employees and applicants in order to properly evaluate and determine whether the physical capabilities and work-related safety requirements of the job, as well as the essential job functions, can be performed by an individual, and

WHEREAS, on May 15, 2015, by Resolution No. 2015-145, Council approved the award of proposal and contract for the furnishing of occupational medicine services for the Human Resources Department to Occu-Med Ltd., Fresno, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$115,444, and over five (5) years of \$577,220 with a scheduled termination date of May 11, 2020 based on the City exercising the remaining options for extension, and

WHEREAS, the annual spending rate of \$115,444 wasn't maintained because HR/Risk did not anticipate the higher utilization rate for occupational medicine citywide, and

WHEREAS, as part of the extensive purchasing review completed in 2017, it had been discovered by City staff the Occu-Med agreement had been established in the City's purchasing system but the supplier invoices were being paid through the non-Purchase Order payment process, and

WHEREAS, due to the necessity of this service, the City has continued to utilize this service to avoid any disruption in these occupational services such as annual physicals, federal and state mandated alcohol and drug testing, and pre-employment physicals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the agreement with Occu-Med LTD, Fresno, CA for occupational medicine services, by \$390,000 from \$577,220 to \$967,220 over five (5) years.

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 5th day of March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

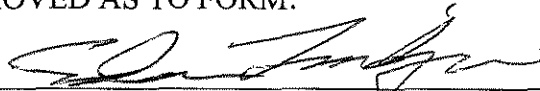
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-106**

**RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT
WITH TROY & BANKS, BUFFALO, NY TO PERFORM A UTILITY AND
TELECOMMUNICATION AUDIT AND AUTHORIZING THE CITY
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT**

WHEREAS, the City of Modesto currently maintains approximately 140 electric and gas accounts, 422 active interdepartmental utility billing accounts and approximately 100 telecommunication accounts which include approximately 1200 numbers, fax lines, alarms, communications, etc., and

WHEREAS, due to the high volume of accounts across both types of services (utilities and telecommunications), the City is in need of an external audit in order to ensure that all of these accounts are accurate and being billed by the various companies in an accurate manner as well as ensuring they are actively being used by the City, and

WHEREAS, the City was able to find a cooperative purchasing agreement that it will be able to piggyback off of from the City of Lafayette, and

WHEREAS, this agreement, if awarded, will allow the City to contract with Troy and Banks, Inc (T&B) to perform a forensic audit of the City's numerous utility and telecommunication accounts, 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 Section 8-3. 204. Specifically, MMC Section 8-3.204(a) permits contracts for professional services, including auditing services, to be exempt from the formal bidding process. Further, MMC Section 8-202(d) encourages the

Purchasing Manager, with Council approval, to join with the State of California and other units of government in cooperative purchasing plans when the best cost saving interest of the City would be served. The proposed agreement with T&B meets the requirements of MMC Section 8-3.204(a).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Professional Services Agreement Troy & Banks, Buffalo, NY to perform a utility and telecommunication audit.

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 March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-107**

RESOLUTION APPROVING THE SOLE SOURCE PURCHASE WITH MCCAIN INC., VISTA, CA, FOR THE PURCHASE OF TRAFFIC SIGNAL CONTROLLERS AND CONFLICT MONITORS TO UPGRADE THE REMAINING 60 TRAFFIC SIGNALS FOR AN ESTIMATED COST NOT TO EXCEED \$149,932, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto currently has 160 traffic signals, and

WHEREAS, the City uses Type 170 traffic signal controllers purchased in the 1980's, which generally last about 30 years, and

WHEREAS, today manufacturers are having a difficult time making Type 170 controllers due to obsolete computer chips and other electronic parts, and

WHEREAS, on July 5, 2017, by Resolution No. 2017-269, Council approved Measure L projects for Fiscal Year 2017/2018 which included the purchase of 100 – 2070 traffic signal controllers in the amount of \$585,000, and

WHEREAS, on February 6, 2018, by Resolution No. 2018-57, Council approved a sole source purchase of 2070 LX traffic signal controllers, 2010 conflict monitors, timing conversions, and Transparency Software from McCain Inc., Vista, CA with a one year Service Agreement in the amount of \$460,570 for the modernization of our Advanced Traffic Management System (ATMS), and

WHEREAS, this was the first step in making our traffic signal network ready for future, traffic adaptive systems, autonomous vehicles and standardized communications with all other devices, and

WHEREAS, the 100 - 2070 LX traffic controllers purchased by Resolution No. 2017-269, cannot replace all the controllers at the 160 intersections within the City, and

WHEREAS, approximately 25 of the remaining 60 locations needing new controllers have 2070 E controllers instead of the old 170's, and

WHEREAS, instead of buying brand new controllers for these locations, the 2070 E units have the capability of converting to a 2070 LX by swapping the Central Processing Unit (CPU) which is much more cost effective than buying brand new controllers, and

WHEREAS, on September 4, 2018, by Resolution No. 2018-380, Council approved Measure L projects for Fiscal Year 2018/2019 which included the replacement of 35 obsolete traffic signal controllers and 25 CPU cards for \$178,250, and

WHEREAS, staff worked with the Purchasing Division to secure a quote from McCain to purchase 35 - 2070 LX controllers, 60 - 2010 IP addressable conflict monitors, 25 CPUs to change 2070E traffic signal controllers to 2070 LX traffic signal controllers for \$149,322, and

WHEREAS, Modesto Municipal Code Section 8-3.204 generally requires all purchases involving an expenditure of City funds in the amount of \$50,000 or less, shall be purchased, when feasible and when in the best interest of the City, and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(b) "Where the Purchasing Agency's requirements can be solely met by a single article or process; and 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, such alternatives may include, but are not limited to, a “two-step” procurement process or a procurement based solely on a technical evaluation, and

WHEREAS, this purchase qualifies for the exemption from the formal bidding process for these reasons.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source purchase agreement with McCain Inc., Vista, CA, for the purchase of traffic signal controllers and conflict monitors to upgrade the remaining 60 traffic signals for an estimated cost not to exceed \$149,932.

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 5th day of March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-108**

RESOLUTION MAKING CERTAIN FINDINGS CONCERNING MITIGATION OF ENVIRONMENTAL IMPACTS, MAKING FINDINGS CONCERNING ALTERNATIVES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND CERTIFYING THE FINAL MASTER ENVIRONMENTAL IMPACT REPORT FOR THE URBAN AREA GENERAL PLAN (SCH NO. 2014042081)

WHEREAS, on October 14, 2008, the Modesto City Council certified the Master Environmental Impact Report (“EIR”) (SCH No. 2007072023) for the Modesto Urban Area General Plan (“UAGP”); and

WHEREAS, the City of Modesto (“City”) has completed a subsequent amendment to the Urban Area General Plan (“Project”); and

WHEREAS, the City, on April 29, 2014, published a Notice of Preparation for the Project, which identified the Project and potentially significant environmental impacts attributable to the Project, on which basis the City determined that an EIR was required for the Project; and

WHEREAS, on May 21, 2014, the City held a public scoping meeting to receive public comments regarding the scope and content of the Master EIR; and

WHEREAS, the City published and distributed a Draft Master EIR for the Project (SCH No. 2014042081) for public comment on June 25, 2018, in accordance with Section 21091 of the California Environmental Quality Act (“CEQA”); and

WHEREAS, the Draft Master EIR was available for public comment for a period of at least 45 days as required by Section 21091 of CEQA, the close of the public comment period being August 10, 2018; and

WHEREAS, during the 45-day public comment period the City received 31 individual written comments, mostly submitted electronically; and

WHEREAS, the City prepared written responses to all written comments received from reviewers of the Draft Master EIR, said responses being contained in a Final Master EIR for the Project (SCH No. 2014042081) (“Final MEIR”) prepared pursuant to Section 15089 of the CEQA Guidelines; and

WHEREAS, the Final Master EIR was published and distributed on January 18, 2019, and consists of the Draft EIR, a list of commenters, copies of all written comments received, responses to those comments, and any revisions to the text of the Draft Master EIR made in response to the comments, as required by Section 15132 of the CEQA Guidelines; and

WHEREAS, CEQA requires that, in connection with the approval of a project for which an EIR has been prepared which identifies one or more significant environmental effects, the lead agency responsible for said project make certain findings regarding those effects; and

WHEREAS, the Final Master EIR identified several potentially significant impacts that will be reduced to a less than significant level due to specified UAGP policies. Approval of the Project by the City Council will therefore require adoption of findings on impacts and mitigating policies; and

WHEREAS, the Final Master EIR identified significant and unavoidable environmental impacts of the project and approval of the Project by the City Council will therefore require adoption of Findings and a Statement of Overriding Considerations; and

WHEREAS, a duly notices public hearing on the Project was held by the Planning Commission on January 28, 2019, at 6:00 p.m. in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, a Staff Report for the Planning Commission, dated January 28, 2019, and incorporated herein by reference, described and analyzed the Project and contained information on the Final Master EIR; and

WHEREAS, the Planning Commission has received and considered the Final Master EIR for the Urban Area General Plan amendment (SCH No. 2014042081) that analyzed the potential environmental effects of the proposed Project; and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2019-01, recommending that the City Council certify the Final Master EIR; and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 5, 2019, 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.

NOW, THEREFORE, BE IT RESOLVED by the Modesto City Council, that it has reviewed and analyzed the Final Master EIR and other information in the record, and taken such other actions as are necessary and appropriate to make the following findings:

1. That the Final Master EIR has been completed in compliance with CEQA and adequately describes the proposed Project, its significant environmental impacts, mitigating policies and a reasonable range of alternatives to the proposed Project; that the City Council has reviewed and analyzed the Final MEIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the Final Master EIR and the Project, prior to acting upon or approving the Project; and that the Final Master EIR represents the independent judgment of the City of Modesto. The Final MEIR provides information to the decision-makers and the public on the environmental consequences of the proposed Project.
2. That the Findings and recommendations set forth in **Exhibit “A,”** and incorporated herein by reference, be made by the City Council as the City’s findings under CEQA (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (Ca. Code Regs., Title 14, §15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of the City Council regarding the Project’s environmental impacts, mitigating policies and alternatives to the Project.
3. That pursuant to Public Resources Code Section 21081 and CEQA Guidelines Sections 15091 *et seq.*, the City Council of the City of Modesto adopts and makes the following statement of overriding considerations regarding the remaining unavoidable impacts of the Project and the anticipated economic, social and other benefits of the Project.

a. Significant Unavoidable Impacts

With respect to the foregoing findings, as set forth in **Exhibit “A,”** and in recognition of those facts which are included in the record, the City has determined the following:

- i. that the Project will cause significant, unavoidable impacts to Traffic and Circulation, Air Quality and GHG Emissions, Generation of Noise, Effects on Agricultural Lands, and Potential Demolition of Significant Historical Structures, as described in **Exhibit “B;”** and,
- ii. that the Project will contribute to significant, unavoidable cumulative impacts to Traffic and Circulation, Air Quality and GHG Emissions, Generation of Noise, Effects on Agricultural Lands, and Loss of Sensitive Wildlife and Plant Habitat, as described in **Exhibit “B.”**

These impacts cannot be avoided or substantially reduced by feasible changes or alterations to the Project, other than the changes or alterations already adopted.

b. Overriding Considerations

The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project includes all feasible measures that would eliminate or substantially lessen the significant impacts of the Project on the environment, and that the

remaining significant, unavoidable impacts of the Project are acceptable in light of the environmental, economic, social and other considerations set forth herein because the benefits of the Project outweigh the significant and adverse impacts of the Project. The City Council finds that each of the overriding considerations set forth below, and each of the overriding considerations set forth in **Exhibit “B,”** constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant adverse environmental impacts and sets forth an overriding consideration warranting approval of the Project. These matters are supported by evidence in the record.

c. Benefits of Proposed Project

The City Council has considered the Final Master EIR, the public record of proceedings on the proposed Project and other written materials presented to the City as well as oral and written testimony at all public hearings related to the Project, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the substantial public benefits described in **Exhibit “B.”**

The City Council has weighed the benefits of the proposed Project against its unavoidable environmental risks and adverse environmental effects identified in the Final Master EIR and hereby determines that those benefits outweigh the risks and adverse

environmental effects and, therefore, further determines that these risks and adverse environmental effects are acceptable;

4. The City Council hereby finds and recognizes that the Final MEIR contains additions, clarifications, modifications and other information in its responses to comments on the Draft Master EIR for the Project and also incorporates information obtained by the City since the Draft Master EIR was issued. This Council hereby finds and determines that such changes and additional information are not significant new information as that term is defined under the provisions of CEQA, because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the Project and do not reflect any substantial increase in the severity of any environmental impact; that no feasible mitigation measures considerably different from those previously analyzed in the Draft Master EIR have been proposed that would lessen significant environmental impacts of the Project; and that no feasible alternatives considerably different from those analyzed in the Draft Master EIR have been proposed that would lessen significant environmental impacts of the Project. Accordingly, this Council hereby finds and determines that recirculation of the Final Master EIR for further public review and comment is not warranted.
5. The City Council does hereby designate the Community and Economic Development Director of the City of Modesto, at his office at 1010 Tenth Street, Modesto, California 95354, as the custodian of documents and record of proceedings on which the decision is based.

6. The City Council does hereby make the foregoing findings with respect to the significant effects on the environment of such Project, as identified in the Final Master EIR, with the stipulations that all information in these findings is intended as a summary of the full administrative record supporting the Final MEIR, which full administrative record should be consulted for the full details supporting these findings, and that any mitigation measures and/or alternatives that were suggested by commenters to the Draft Master EIR and were not adopted as part of the Final Master EIR are hereby expressly rejected for the reasons stated in the responses to the comments set forth in the Final Master EIR and elsewhere in the record which are incorporated herein by reference.

BE IT FURTHER RESOLVED by the City Council that, prior to the approval of the Project, the Final Master EIR for the Urban Area General Plan amendment (SCH No. 2014042081), **attached** as **Exhibit “C”** is certified as complete, adequate and in compliance with CEQA. The City Council hereby makes all environmental findings required under CEQA for Project approval as set forth in **Exhibits “A” and “B,”** and adopts a Statement of Overriding Considerations for the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 2019, by Councilmember Kenoyer, 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: Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: Ah You, Madrigal

ABSENT: Councilmembers: Grewal

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

EXHIBIT A

**STATEMENT OF FINDINGS OF SIGNIFICANT IMPACTS
AND REJECTION OF ALTERNATIVES**

EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS

EXHIBIT C

**FINAL MASTER ENVIRONMENTAL IMPACT REPORT FOR THE URBAN AREA
GENERAL PLAN**

Final documentation on file with the Planning Division of the Community and Economic
Development Department.

STATEMENT OF FINDINGS OF SIGNIFICANT IMPACTS AND REJECTION OF ALTERNATIVES

Pursuant to Public Resources Code Section 21081 and Section 15091 of the State CEQA Guidelines (14 California Code of Regulations 15000, et seq.), the City of Modesto cannot approve a project where its certified Environmental Impact Report (EIR) identifies significant effects on the environment, unless it adopts findings with respect to each significant effect. Prior to approving the project with significant and unavoidable impacts, the City must also find that there are specific considerations that would make infeasible the project alternatives identified in the EIR that would substantially lessen those impacts.

In Section A below, the City will make the following finding for each of the significant effects identified in the Master EIR:

Changes or alterations have been incorporated into the project that would mitigate or avoid the significant effects on the environment.

Section 15091 provides that when a project would have a significant and unavoidable impact, the following finding is to be made relative to mitigation measures:

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible *the mitigation measures identified in the EIR.*
(emphasis added)

This Master EIR contains no discrete mitigation measures. Instead, it relies upon the policies being proposed within the Urban Area General Plan (UAGP) to limit potential impacts. Since there are no mitigation measures identified in the Master EIR, this finding cannot be made.

In Section B below, the City will make the following finding(s) regarding each of the alternatives identified in the Master EIR.

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the Master EIR.

Alternatives can also be rejected if they do not further most of the Project Objectives or would not substantially lessen significant impacts of the proposed Project.

Section 21081 provides that the City may also find that "changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency." That finding does not apply to any of the significant effects identified in the Master EIR.

A. FINDINGS REGARDING SIGNIFICANT IMPACTS

Traffic and Circulation Needs Impact: The project would result in an increase in traffic, with a related reduction in the level of service (LOS) to below LOS D on various streets within the planning area.

Finding:

Changes or alterations have been incorporated into the project that would reduce or avoid the significant effects on the environment. The resulting impact will be significant and unavoidable.

Supporting Evidence:

The City has not adopted discrete mitigation measures as part of the Master EIR. However, proposed UAGP policies described as items TC-14 through TC-72 in Section V-1 of the Master EIR would mitigate these effects. These policies address efficient use of existing roadways, requirements for enhancing and improving roadways to meet increased demand due to growth, and provision and improvement of facilities for non-auto transportation, including walking, biking, and transit to reduce auto trips.

An Initial Study prepared for any subsequent project(s) under the Master EIR (as required by Public Resources Code Section 21157.1) would determine whether the projected traffic from the subsequent project(s) would exceed the applicable LOS standard under the UAGP and, if so, would require an analysis and mitigation of the excess traffic.

City policies identified as items TC-28 through TC-31 in Master EIR Section V-1 require that subsequent projects that would exceed the allowable LOS D standard would be subject to additional analyses. Where the project site is located on a road segment projected for LOS F and would cause further substantial degradation of traffic conditions, or would involve adoption of a Specific Plan within a Comprehensive Planning District (CPD), a comprehensive traffic study would be required if the project would generate more than one hundred (100) peak-hour trips greater than the number of trips expected to occur with development consistent with the UAGP and the MEIR, or if the project would require a general plan amendment, in order to assess the level of impact(s). Under certain circumstances, individual site-specific development would be required to prepare a site access study to identify potential impacts.

These policies would reduce the impact, but not to a less than significant level. No further feasible mitigation is available to reduce this impact to a less than significant level, and the impact remains significant and unavoidable.

The anticipated increase in traffic giving rise to this potential impact is the result of social and economic conditions that favor continued automobile-dependent growth within California and Stanislaus County. State Planning Law, in particular the requirements for housing elements, requires Modesto to plan for its fair share of future housing needs (Government Code Section 65580 et seq.). The

City cannot choose to restrict housing opportunities below those identified in its regional housing need allocation. Accordingly, the City is legally bound to plan for additional growth.

Traffic and Circulation Needs Cumulative Impact: The project would contribute to the substantial cumulative impacts associated with the StanCOG Regional Transportation Plan (RTP) road network improvements.

Finding:

Changes or alterations have been incorporated into the project that would reduce or avoid the significant effects on the environment. The resulting impact will be significant and unavoidable.

Supporting Evidence:

City policies identified as items TC-14 through TC-82 in Section V-1 of the Master EIR would reduce the UAGP's contribution to the cumulative impacts. Nonetheless, there would be a cumulative impact that growth and development outlined in the UAGP would make a considerable contribution to. These policies would reduce the impact, but not to a less than significant level. No feasible mitigation is available to further reduce this cumulative impact, and the impact remains significant and unavoidable.

The UAGP traffic and circulation element and the amendments being proposed are consistent with the RTP. The EIR prepared for StanCOG's 2007 RTP analyzed the potential impacts of the proposed RTP road network improvements. StanCOG analyzed future traffic volumes to 2025 based on its travel demand model. Significance findings were based on whether the RTP projects would result in an LOS in excess of LOS D in urban areas and LOS C in rural areas of the county. StanCOG identified numerous significant and unavoidable impacts that would result from its 2007 RTP.

The anticipated increase in traffic giving rise to this potential cumulative impact is the result of conditions that favor continued automobile-dependent growth within California and Stanislaus County. State Planning Law, in particular the requirements for housing elements, requires the County and its cities, including Modesto, to plan for its fair share of future housing needs (Government Code Section 65580 et seq.). Neither the County nor the City may choose to restrict housing opportunities.

Degradation of Air Quality Cumulative Impact: The San Joaquin Valley Air Basin is an air quality non-attainment area for ozone and particulate matter. Certain contributions to air pollution in a non-attainment area are considered a significant cumulative air quality impact. Motorized traffic from development in the City of Modesto would contribute, with motorized traffic from other new development in the County and region, toward a cumulative increase in roadside air pollutant levels on major roads and highways throughout the County.

Within the City itself, the traffic analysis and corresponding traffic air pollutant analysis takes into account cumulative traffic volumes and is inherently cumulative in nature. The traffic study data includes cumulative traffic volumes which were utilized as an input to the air quality modeling analysis.

Due to the size of Modesto and the future growth projected under its General Plan, it will make a considerable contribution to this cumulative effect. Planned growth in Modesto under the amended UAGP will make a considerable contribution to the cumulative air quality impact within the SJVAB.

Finding:

Changes or alterations have been incorporated into the project that would reduce or avoid the significant effects on the environment. The resulting impact will be significant and unavoidable.

Supporting Evidence:

Activities within the City of Modesto are subject to regulation by the SJVAPCD. These regulations are designed to improve regional air quality over time so that the basin will reach air quality attainment. However, in the shorter term, these measures do not avoid the cumulative effect. The City of Modesto policies described as items AQ-1 through AQ-117 in Section V-2 of the Master EIR would reduce the UAGP's contribution to the cumulative impact, but not to a less than significant level. No further feasible mitigation is available to reduce this impact to a less than significant level, and the impact remains significant and unavoidable.

Generation of Noise Impact: Traffic noise levels under future conditions have the potential to result in exceedances of the City's noise significance standards.

Finding:

Changes or alterations have been incorporated into the project that would reduce or avoid the significant effects on the environment. The resulting impact will be significant and unavoidable.

Supporting Evidence:

The UAGP policies, described as items Noise-3 through Noise-14 in Section V-3 of the Master EIR, would moderate the effects of increased noise from traffic and business or land use activities. These include the Noise Ordinance, which limits noise to daytime hours and prohibits the production of loud noises from stationary engines, and UAGP policies requiring mitigation of noise through setbacks, building standards and noise buffers. These policies are to be implemented through the Initial Study process applied to all proposed discretionary projects.

These policies would reduce the impact, but not to a less than significant level. No further feasible mitigation is available to reduce this impact to a less than significant level, and the impact remains significant and unavoidable.

Generation of Noise Impact: Noise levels resulting from construction activities and certain land uses under future conditions have the potential to result in exceedances of the City's noise significance standards.

Finding:

Changes or alterations have been incorporated into the project that would reduce or avoid the significant effects on the environment. The resulting impact will be significant and unavoidable.

Supporting Evidence:

The UAGP policies, described as items Noise-3 through Noise-14 in Section V-3 of the Master EIR, would moderate the effects of increased noise from traffic and business or land use activities. These include the Noise Ordinance, which limits noise to daytime hours and prohibits the production of loud noises from stationary engines, and UAGP policies requiring mitigation of noise through setbacks, building standards and noise buffers. These policies are implemented through the Initial Study process that is applied to all proposed discretionary projects. These policies would reduce the impact, but not to a less than significant level. No further feasible mitigation is available to reduce this impact to a less than significant level, and the impact remains significant and unavoidable.

Generation of Noise and Vibration Impact: Vibration levels resulting from demolition and construction activities have the potential to result in exceedances of the City's applicable significance standards.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment. The resulting impact will be significant and unavoidable.

Supporting Evidence:

UAGP policies described as items Noise-15 and Noise-16 in Section V-3 of the Master EIR requires demonstration that demolition and/or construction would not exceed Caltrans construction vibration threshold. These policies will reduce the impact, but not to a less than significant level. No further feasible mitigation is available to reduce this impact to a less than significant level, and the impact remains significant and unavoidable.

Generation of Noise Impact: Traffic from development in the City of Modesto would contribute, with traffic from new development in the County and region, toward a cumulative increase in roadside noise levels on major roads and highways throughout the County. Within the City itself, the traffic analysis and corresponding traffic noise analysis take into account cumulative traffic volumes. The traffic study data includes cumulative traffic volumes, which were utilized as an input to the noise modeling analysis. Noise level projections based on the traffic levels anticipated in the UAGP indicate that noise will exceed the UAGP and noise ordinance standards. This is a significant cumulative effect. The development allowable under the UAGP would make a considerable contribution to that effect.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment. The resulting impact will be significant and unavoidable.

Supporting Evidence:

Although UAGP policies will reduce noise impacts, cumulative future noise is projected to exceed UAGP standards, even with implementation of the UAGP policies described as items Noise-3 through Noise-14 in Section V-3 of the Master EIR. No further feasible mitigation is available and the impact remains significant and unavoidable.

As described above in the discussion of air quality impacts, California Planning Law and the County's growth rate combine to limit the ability of the City to restrict growth and avoid increases in noise associated with additional growth (including traffic). Individual project contributions, although moderated by the City Noise Ordinance and General Plan policies described above, would be sufficient to result in a cumulative exceedance of City noise standards in some situations.

Effects on Agricultural Land Impact: Development consistent with the UAGP would convert land from agricultural to urban use, particularly in the Planned Urbanizing Area. This impact would be less than significant in the Downtown and Baseline Developed Area since this conversion has already taken place. Development under the UAGP would convert substantial areas of farmland to urban uses within the Planned Urbanizing Area. This development would also place urban uses in proximity to existing agricultural activities, creating a potential conflict between urban and agricultural land uses, which could indirectly result in the conversion of additional areas of farmlands from agricultural uses to other uses.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the potentially significant effects on the environment. The resulting impact will be significant and unavoidable.

Supporting Evidence:

The UAGP policies described as items AL-12 through AL-21 in Section V-4 of the Master EIR require the orderly conversion of agricultural land as available developable land is occupied within the City. The UAGP reflects policies intended to encourage compact growth, including the policies of UAGP Section III.C.3. These policies would result in development at higher densities than would otherwise occur, thereby reducing the total amount of farmland that would otherwise be converted to meet growth projections. These policies would reduce the impact, but not to a less than significant level. No further feasible mitigation is available to reduce this impact to a less than significant level, and the impact remains significant and unavoidable.

As described above in the discussion of air quality impacts, California Planning Law and the County's growth rate combine to limit the ability of the City to restrict growth and avoid conversion of agricultural land associated with additional growth. Individual project contributions, although moderated by the UAGP policies described above, would result in conversion of agricultural lands.

Effect on Agricultural Land Impact: Modesto's growth would contribute to the cumulative impact of County-wide growth on agricultural lands.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment. The resulting impact will be significant and unavoidable.

Supporting Evidence:

As described above in the discussion of air quality impacts, California Planning Law and the County's growth rate combine to limit the ability of the City to restrict growth and avoid the conversion of agricultural land associated with additional growth (including traffic). The UAGP reflects policies intended to encourage compact growth, including the policies of UAGP Section III.C.3. These policies would result in higher densities of development than might occur without those policies, thereby reducing the total amount of farmland that must be converted to meet growth projections. These policies would reduce the impact, but not to a less than significant level. No further feasible mitigation is available to reduce this impact to a less than significant level, and the impact remains significant and unavoidable.

Increased Demand for Long-Term Water Supplies Impact: Development consistent with the UAGP would contribute to the cumulative impact of future groundwater overdraft within the San Joaquin River basin during drought years.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

The population of Stanislaus County is projected to increase at a rate similar to Modesto. The California Department of Finance (DOF) estimates that the county population, approximately 550,000 persons in 2017 will reach approximately 700,000 persons by 2040. This will result in substantial additional demands on the available water supplies. Cumulative impacts to water supplies could occur from increased groundwater extraction adjacent to the Modesto planning area boundaries that may result in overdrafting of the aquifer.

Starting in 2005, the City began retrofitting single-family, flat-rate customers to meters at a rate of six percent (6%) per year. Based on the City's metering plan, existing single-family flat-rate customers will be gradually converted to metered rates once all non-metered, flat-rate customers have been converted to metered use. Charging customers for their actual water consumption rather than at a flat rate will ultimately decrease the amount of per capita water use.

However, during drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by 2030. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

Implementation of the UAGP policies described as items WS-11 through WS-24 in Section V-5 of the Master EIR, which include requirements for water conservation, obtaining new surface water supplies, and implementing a conjunctive groundwater / surface water management program, will reduce the impact(s) to a less than significant level.

As described above in the discussion of air quality impacts, California Planning Law and the County's growth rate combine to limit the ability of the City to restrict growth and water consumption associated with additional growth. Individual project contributions, although moderated by the UAGP policies described above, would be sufficient to result in this impact.

Increased Demand for Sanitary Sewer Services Impact: Development consistent with the UAGP would contribute to increased demand for sanitary sewer services.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

The UAGP includes policies intended to help manage wastewater collection and treatment. Implementation of these policies described as items SS-4 through SS-25 in Section V-6 of the Master EIR, which include requirements to comply with all applicable state and federal laws – in addition to any permit(s) issued by state and/or federal agencies – would reduce this impact(s) to a less than significant level.

Increased Demand for Sanitary Sewer Services Impact: Development consistent with the UAGP would contribute to the cumulative impact(s) associated with increased demand for sanitary sewer services.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

The UAGP includes policies intended to help manage wastewater collection and treatment. Implementation of these policies described as items SS-4 through SS-25 in Section V-6 of the Master EIR, which include requirements to comply with all applicable state and federal laws – in addition to any permit(s) issued by state and/or federal agencies – would reduce any cumulative impact(s) to a less than significant level.

Loss of Sensitive Wildlife and Plant Habitat Impact: Development consistent with the UAGP would result in the loss or degradation of sensitive wildlife and plant habitat, and may result in impacts to valley foothill riparian, riverine, fresh emergent wetland and vernal pool habitats in the Planned Urbanizing Area.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid these significant effects on the environment.

Supporting Evidence:

Except for lands within the designated riparian corridors (which are generally protected from development by applicable UAGP policies), lands within the Downtown and Baseline Developed Areas are of limited habitat value. Any impacts within these areas are less than significant.

Within the Planned Urbanizing Area, development will be subject to further environmental / CEQA review, as well as the federal Clean Water Act, the state and federal Endangered Species Acts, and the California Fish & Game Code, when Comprehensive Planning Districts (CPDs) are proposed for development. During the preparation of the specific plan for each CPD, appropriate measures will be required, including urban design and development standards, to avoid taking of listed species. Implementation of these policies described as SWPH-11 through SWPH-15 (and requiring implementation of Table 7-1 of the Master EIR) in Section V-7 of the Master EIR and measures in the Tuolumne River Regional Park Master Plan will protect sensitive habitats. With implementation of these policies, the impact is reduced to a less than significant level.

Cumulative Loss of Sensitive Wildlife and Plant Habitat Impact: Development consistent with the UAGP would contribute to the cumulative loss of sensitive wildlife and plant habitat.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment. The resulting impact will be significant and unavoidable.

Supporting Evidence:

Within the Planned Urbanizing Area, development will be subject to further environmental review if required by CEQA, as well as the federal Clean Water Act, the state and federal Endangered Species Acts, and the California Fish & Game Code, when CPDs are proposed for development. During the preparation of the specific plan for each CPD, appropriate measures will be required, including urban design and development standards, to avoid taking of listed species. Implementation of these policies described as SWPH-11 through SWPH-15 (and requiring implementation of Table 7-1 of the Master EIR) in Section V-7 of the Master EIR and measures in the Tuolumne River Regional Park Master Plan will protect sensitive habitats. These policies will reduce the impact, but not to a less than significant level. No further feasible mitigation is available to reduce this impact to a less than significant level, and the impact remains significant and unavoidable.

As described above in the discussion of air quality impacts, California Planning Law and the County's growth rate combine to limit the ability of the City to restrict growth and thereby avoid loss of some habitat lands. The amount of growth and development that is forecast to occur in the San Joaquin Valley, Stanislaus County, and Modesto by the year 2040 portends significant losses of habitat within the region.

Potential Disturbance of Archaeological or Historical Sites Impact: Substantial changes to existing historical resources and structures resulting from Zoning Ordinance requirements such as parking and landscaping, or demolition of such a structure, could have a significant effect.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment. For demolition of historic buildings, the resulting impact will be significant and unavoidable.

Supporting Evidence:

Known historical resources are primarily located within the Baseline Developed Area, which is already developed. Impacts from new construction, therefore, apply to development within 100 feet of a structure more than 50 years old because construction activities may affect that structure. If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years old, the impacts may be significant. The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure which substantially reduce its historical significance. This would be a less than significant impact with the imposition of UAGP policies described as items AH-3 through AH-17 in Section V-8 of the Master EIR. In particular, items AH-4 through AH-8 require protection of existing archaeological and historical resources within the planning area through implementation of existing

federal and state regulations, preparation inventories of significant resources, requiring specific evaluation of potential resources prior to construction, and adopting flexible zoning regulations for historic structures.

Demolition of a significant historic building cannot be mitigated to a less than significant level, and, even with implementation of the policies, the impact would be significant and unavoidable.

Potential Disturbance of Archaeological or Historical Sites Impact: Construction could result in impacts to currently unknown archaeological resources within and outside of riparian corridors.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

Implementation of the UAGP policies described as items AH-3 through AH-21 in Section V-8 of the Master EIR, which require investigation and assessment of potential archaeological or historic resources at the time of application for development involving effects on structures of 50 years of age or more for earthmoving, will reduce this effect to less than significant levels. These UAGP policies require protection of archaeological and historical resources within the planning area.

Increased Demand for Storm Drainage Impact: New development will require improvements to existing stormwater drainage systems.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

The potential impacts from storm drainage that could occur from the project were qualitatively evaluated with respect to several factors, including the extent of the projected increase in urban surface area compared to undeveloped ground, the magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions, the regulatory criteria and guidelines, and professional judgment. Based on the above threshold of significance, the potential impacts of the UAGP on storm drainage are considered less than significant because the UAGP includes policies that require new development in all three sections of the planning area to install approved drainage facilities. These policies are identified as items SD-2 through SD-15 in Section V-9 of the Master EIR.

New development is required under the policies of the UAGP to install storm drainage facilities that restrict the amount of post-development runoff from exceeding predevelopment conditions. Additionally, the UAGP includes policies for the City to maintain and upgrade storm drainage facilities as needed.

Pursuant to the RWQCB's recent directive to the City to incorporate Low Impact Development design elements into new development, small, onsite infiltration will be utilized wherever possible, allowing large, regional basins and other storm drainage structures to be downsized. Implementation of the UAGP policies will reduce the impact to a less than significant level.

Increased Demand for Storm Drainage Impact: Development consistent with the UAGP will contribute to a cumulative impact on the capacity of Modesto Irrigation District and Tuolumne Irrigation District canals to convey drainage waters.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious areas and associated urban storm drainage. Cumulative hydrologic impacts of stormwater flows from Modesto 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 stormwater runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point that would allow 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 impact is considered potentially significant. Implementation of the UAGP policies described above and described as items SD-2 through SD-15 in Section V-9 of the Master EIR will reduce the impact to less than significant.

Flooding and Water Quality Impact: Increased development could contribute to runoff, contributing to flooding problems in the urban area. Development of urban areas could increase discharges of erosion and wastes to surface waters through urban runoff, affecting surface water quality.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid significant effects on the environment.

Supporting Evidence:

UAGP policies described as items FWQ-3 through FWQ-16 in Section V-10 of the Master EIR, including policies to restrict development in the floodplain and thus

avoiding exposing persons and property to flood hazards, and requiring new development under the UAGP install stormwater drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions will reduce this impact to a less than significant level.

City policies and capital improvement projects for stormwater drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES stormwater permit require new development to implement an appropriate selection of permanent pollution control measures. Implementation of the UAGP policies will reduce erosion and water quality impacts to a less than significant level.

Flooding and Water Quality Impact: Cumulative impacts could occur from the project's contributions to runoff and discharges of waste and erosion.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

UAGP policies described as items FWQ-3 through FWQ-16 in Section V-10 of the Master EIR, including policies to restrict development in the floodplain and thus avoiding exposing persons and property to flood hazards, and requiring new development under the UAGP install stormwater drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions will reduce the project's contribution to the cumulative impact to less than cumulatively considerable.

City policies and capital improvement projects for stormwater drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City's implementation policies for the municipal NPDES stormwater permit require new development to implement an appropriate selection of permanent pollution control measures. Implementation of the UAGP policies will reduce the project's contribution to the cumulative impact to less than cumulatively considerable.

Increased Demand for Parks and Open Space Impact: Increased population under the UAGP would increase demand for park and open space facilities, requiring new facilities to be constructed in the Planned Urbanizing Area and contributing to a significant cumulative impact.

Finding:

Changes or alterations have been incorporated into the Project that reduce or avoid significant effects associated with increased demand for parks and open space.

Supporting Evidence:

UAGP goals and policies described as items POS-2 through POS-42 in Section V-11 of the Master EIR, including the goals and policies in UAGP section VI-D, require the provision of park facilities as new development occurs in the Planned Urbanizing Area. The required minimum acreages can be met through the application of existing policies and regulations, including also Government Code Section 66474, which enables the City to require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. With implementation of the UAGP policies, the direct impact on the demand for parks and open space in the Planned Urbanizing Area will be reduced to less than significant and the UAGP's contribution to a cumulative impact will be reduced to less than cumulatively considerable.

Increased Demand for Schools Impact: Additional demand for schools will be created by increased population as development occurs consistent with the UAGP.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

Compliance with UAGP policies described as items S-1 through S-7 in Section V-12 of the Master EIR, including the City's requiring that school impact fees be paid, will reduce impacts related to increased demand for schools to a less than significant level.

Increased Demand for Police Services Impact: Additional demand for police services / facilities will be created by increased population as development occurs consistent with the UAGP.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

Compliance with UAGP policies described as items PS-2 through PS-7 in Section V-13 of the Master EIR, in addition to the policy that requires a long-range financing strategy for each CPD, will allow the City to provide the resources

necessary to extend service to the newly growing Planned Urbanizing Area – and maintain services in the Baseline Developed Area. Implementation of the UAGP policies will reduce impacts related to police services to a less than significant level through increased staffing and better building design and site planning.

Increased Demand for Fire Protection Services Impact: Additional demand for fire services, resulting in the need for new facilities in order to maintain acceptable response times, could cause significant environmental impacts.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

Compliance with UAGP policies described as items FS-1 through FS-14 in Section V-14 of the Master EIR, in addition to the policy that requires a long-range financing strategy for each CPD, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing Area – and maintain services in the Baseline Developed Area. Implementation of the UAGP policies will reduce impacts related to increased demand for fire services to a less than significant level through increased staffing and better building design and site planning.

Generation of Solid Waste Impact: Additional demand for solid waste disposal will be created by increased population as development occurs consistent with the UAGP.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

Compliance with UAGP policies described as items SW-6 through SW-11 in Section V-15 of the Master EIR will reduce impacts related to generation of solid waste to a less than significant level.

Generation of Hazardous Materials Impact: Generation, transportation, storage, and/or disposal of hazardous materials within the Baseline Developed Area and the Planned Urbanizing Area could contribute to significant impacts, similar to of past occurrences where spills or contamination have occurred.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid potentially significant effects on the environment.

Supporting Evidence:

UAGP policies as described as items HM-3 through HM-8 in Section V-16 of the Master EIR require avoidance of impacts in new development through compliance with applicable regulations and preparation of various studies / plans. In addition, federal and state laws regulating the transportation, storage, disposal, and clean-up of hazardous materials and wastes, including those programs administered by Stanislaus County, are described in Section V-16 of the Master EIR. Together, these will reduce the potential impact(s) to a less than significant level.

Geologic Hazards Impact: New development could be subject to hazards related to earthquakes, soils conditions and erosion.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

Impacts related to exposure of new development to earthquake, soils conditions and/or erosion hazards within the UAGP planning area would be assessed through the City's development review process and mitigated through UAGP Policies described as items GSM-1 through GSM-13, which require conformance with the most recent UBC standards and the preparation of site-specific geotechnical studies for new development. With these policies implemented, impacts related to earthquakes, soils conditions and/or erosion would be reduced substantially, and any residual impact is considered less than significant.

Energy Impact: Continued development in the Planned Urbanizing Area would increase demand for energy.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

Continued development within the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2040 as a result of the increase in population of nearly 2x the 2014 current population. UAGP Policies described as items AQ-1 through AQ-30 in Section V-2 of the Master EIR would promote energy-saving strategies and would help to reduce energy-related impacts resulting from continued development of the Modesto planning area. Title 24 CCR (California Building Standards – including energy efficiency standards) would also reduce energy use

and infrastructure impacts by ensuring that continued development in the UAGP would not exceed local, state, and federal energy standards for new construction. Additionally, the City, in partnership with MID, is in a better position to manage its own energy supply portfolio as a result of access to hydroelectric power sources. With the policies described here being implemented, energy-related impacts would be reduced substantially, and any residual impact is considered less than significant and contribution to cumulative impacts would be less than cumulatively considerable.

Visual Resources Impact: Continued development in the Planned Urbanizing Area would alter the visual character of the area.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

The UAGP would allow urban development on currently flat or vacant land, or land that is developed with agricultural uses. Such new development would change the visual character of the land. The UAGP incorporates policies described as items VR-2 through VR-5 in Section V-19 of the Master EIR, which place value on the preservation of visual resources and important vistas and viewsheds. These UAGP policies encourage the visual enhancement of neighborhoods, planning districts, and parks. The UAGP has specific policies guiding the visual quality of riverside parks under the proposed River Greenway Program, which emphasize the preservation of views from these parks, including the City's two river parks (Dry Creek Park and TRRP). With implementation of these policies, the impact is reduced to a less than significant level.

Visual Impact: Continued development in the Planned Urbanizing Area would increase light and glare and contribute to a cumulative impact.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid the significant effects on the environment.

Supporting Evidence:

Adoption of the Growth Strategy Diagram for the Planned Urbanizing Area, as presented in Chapter II of the Master EIR, would lead to new development in areas that are currently vacant or used for agricultural purposes. This would lead to the introduction of light and glare in areas that are not illuminated currently. Additionally, the adoption of proposed UAGP actions and policies that would lead to an expanded street system and enhanced transit system would increase light and glare in the planning area. The City has adopted Guidelines for Small-Lot Single-Family Residential Developments, and Design Guidelines for Commercial & Industrial Development, which include standards for the design of outdoor lighting fixtures. These standards limit the size of fixtures and require that

fixtures focus their light to avoid spilling onto nearby properties. With implementation of these policies, the impact is reduced to a less than cumulatively significant level.

Land Use & Planning: Continued development in the Planned Urbanizing Area would increase the potential for adverse environmental impacts related to land use and planning.

Finding:

Changes or alterations have been incorporated into the project that reduce or avoid potentially significant effects on the environment.

Supporting Evidence:

Adoption of the Growth Strategy Diagram for the Planned Urbanizing Area, as presented in Chapter II of the Master EIR, would lead to new development in areas that are currently vacant or used for agricultural purposes. The UAGP incorporates policies described as items LUP-11 through LUP-25 in Section V-20 of the Master EIR, which place value on high-quality development that integrates well with surrounding neighborhoods and the existing City. The City has adopted Neighborhood Compatibility Guidelines, and Design Guidelines for Commercial & Industrial Development, which include considerations for compatibility of new development with existing development. With implementation of these policies and programs, any residual impact(s) will be less than significant and any contribution to cumulative impacts would be less than cumulatively considerable.

B. FINDINGS SUPPORTING REJECTION OF ALTERNATIVES

The Final MEIR discussed and evaluated a range of alternatives as required by CEQA Guidelines Section 15126.6. In order to reject an alternative, the City must find:

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the Master EIR.

Alternatives can also be rejected if they do not further most of the Project Objectives or would not substantially lessen significant impacts of the proposed Project.

Following are the findings supporting rejection of each of the alternatives.

Alternative 1. No Project Alternative: The No-Project Alternative is the continuation of the 1995 UAGP, as amended. The No-Project Alternative would not include any of the new policies being added to the UAGP with the current project.

Findings for rejection:

Specific legal and fiscal considerations make infeasible the Alternative 1 as identified in the Master EIR. Alternative 1 would also generally not promote the Project objectives, nor would it result in reduced impacts as compared to the proposed Project.

Supporting Evidence:

The California Planning and Zoning Law (Government Code Section 65300, et seq.) requires each City to adopt a long-term general plan for its physical development. The general plan is expected to be comprehensive, internally consistent, and have a long-term perspective (Chapter 1, *State General Plan Guidelines*, Office of Planning and Research, 1998). Furthermore, the provisions of the circulation element must be "correlated" with the land use element (Government Code Section 65302(b)). In addition, in a charter City such as Modesto, subdivisions of land, specific plans, development agreements, capital improvement plans, and comprehensive plans must be consistent with the general plan (Government Code Sections 66474, 65454, 65867.5, 65103, and 65300.5, respectively). Generally, a City is expected to update its general plan at least every ten years. The current UAGP amendment project responds to changes in federal, state, and local policies that have occurred since the UAGP was adopted by the Modesto City Council in 1995 and last amended in 2008.

Since the 1995 adoption of the UAGP, the City has revised its job generation estimates, refined its traffic model, and identified numerous cultural resources, among other things. These will change the way in which the City considers land use projects. Accordingly, these changes must be represented in revisions to the UAGP roadway network (in order to maintain correlation with the land use element), cultural resources section, and other policies in the UAGP so that they may be reflected in the review of subdivisions, specific plans, and other City actions that require consistency with the UAGP. In order to ensure that the UAGP consistently reflects proposed changes to the City's roadway network, cultural resources preservation policies, and other policies described in Chapter III (Project Description) of the Master EIR, the City is required to incorporate these proposed changes into the UAGP itself.

The California Environmental Quality Act provides that a Master EIR should be examined within five years of its last certification date to ensure that it continues to reflect the environment and current information about environmental effects (Public Resources Code Section 21157.6). Since the certification of the Master EIR for the UAGP in 1995, the City has consistently cross-referenced new information from later environmental analyses, such as the EIR prepared for the Kaiser Medical Center and the Master EIR for the Wastewater Master Plan, to the UAGP Master EIR. Furthermore, the "No Project" alternative would not allow the City to address climate change, environmental justice and other State legislative actions through implementation of certain proposed new policies. In order to ensure that its Master EIR meets the spirit – and the letter – of the law, Modesto is updating the UAGP and certifying this update of its Master EIR.

Alternative 2. Increased Density: Under Alternative 2, the UAGP land use diagram would reflect higher density / intensity “nodes” of mixed-use, transit-oriented development, at major intersections (arterial-arterial or higher). Revisions to land use designations along major transportation corridors, to accommodate mixed-use development between major intersections, would also occur. The growth and development contemplated under this alternative would largely occur within the most urbanized parts of the existing city. Other features and assumptions associated with Alternative 2 would be the same as the proposed Project.

Findings for Rejection:

Specific legal and technical considerations make infeasible the Alternative 2 identified in the Master EIR. Furthermore, Alternative 2 would not result in reduced impacts as compared to the proposed Project.

Supporting Evidence:

Alternative 2 would generally meet both the land use- and transportation-related objectives for the proposed UAGP amendment, as all the proposed policy language would remain. The potential impacts associated with Alternative 2 are very similar in scope and magnitude as compared to those of the proposed Project.

This alternative would increase the density / intensity of UAGP development along mixed-use corridors and at major intersections. Under this alternative greater transportation impacts along those roads could occur than under the proposed project (the draft UAGP), which could exacerbate impacts associated with traffic, air quality and noise. Alternative 2 would also conflict with certain project objectives and policies of the UAGP amendment.

Government Code Section 65300.5 states that “the general plan and elements and parts thereof [must] comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.” Alternative 2 is rejected because it would not provide for future growth consistent with UAGP amendment Figure III-1, which reflects new development at certain thresholds and densities. This would result in and internally inconsistent UAGP.

Alternative 3. Reduced Density: Under Alternative 3, development in the Downtown area would feature *reduced* density / intensity as compared to the proposed Project, essentially maintaining the status quo. Residential densities and non-residential intensities (e.g. Floor Area Ratio) would be reduced within the Planned Urbanizing Area, and the proposed “BCR” land use designation would not be proposed. Under this scenario, the City would expand at the expense of more Farmland on a unit-per-acre basis than the proposed Project, resulting in a less efficient use of resources. Similarities between Alternative 3 and the proposed Project include the maintenance and enhancement of existing neighborhoods, and the transportation network design / layout.

Findings for Rejection:

Specific legal and technical considerations make infeasible the Alternative 2 identified in the Master EIR. Furthermore, Alternative 3 would not result in reduced impacts as compared to the proposed Project.

Supporting Evidence:

Alternative 3 would not meet the stated project objectives of providing adequate land for economic development. Otherwise, the potential impacts associated with Alternative 3 would be similar to those of the proposed Project, although inefficiencies associated with lower-density sprawl-type development would result in somewhat increased adverse environmental impacts related to air quality, agricultural land conversion, biological resources and energy.

This alternative would reduce the density / intensity of UAGP development in the Downtown area, and would also result in more segregated land uses. Under this alternative, due to increased vehicle miles traveled, potentially greater impacts related to transportation and air quality could be expected. Alternative 3 would also conflict with certain project objectives, policies and certain other UAGP content (e.g. Exhibit III-1).

Government Code Section 65300.5 states that "the general plan and elements and parts thereof [must] comprise an integrated, internally consistent and compatible statement of policies for the adopting agency." Alternative 3 is rejected because it would not provide for future growth consistent with UAGP amendment Figure III-1, which reflects new development at certain thresholds and densities. This would result in an internally inconsistent UAGP.

STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081 and Section 15093 of the State CEQA Guidelines (14 California Code of Regulations 15000, et seq.), the City of Modesto cannot approve a project for which an Environmental Impact Report (EIR) has been certified that identifies significant unavoidable effects on the environment, unless it adopts a statement of overriding considerations finding that specific overriding economic, legal, social, technological or other benefits of the project outweigh its significant effects on the environment.

A. SIGNIFICANT UNAVOIDABLE IMPACTS

The Draft Master EIR identifies the following adverse effects of the project that cannot be mitigated below a level of significance:

- Traffic and Circulation (direct and cumulative impacts)
- Air Quality and GHG Emissions (direct and cumulative impacts)
- Generation of Noise (direct and cumulative impacts)
- Effects on Agricultural Lands (direct and cumulative impacts)
- Loss of Sensitive Wildlife and Plant Habitat (cumulative impact)
- Potential Demolition of Significant Historical Structures (direct impact)

B. STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council has determined that the Modesto Urban Area General Plan Amendment 2040 should be approved and that any remaining unmitigated environmental impacts attributable to the Modesto Urban Area General Plan Amendment 2040 are outweighed by the following specific benefits. This includes a description of certain policies and outcomes associated with the General Plan Amendment that reduce identified potentially significant impacts, although not necessarily to a less than significant level.

Overriding Considerations Relating to Significant and Unavoidable Impacts (both direct and cumulative impacts)

California Planning and Zoning Law requires the City to adopt a general plan for its long-range physical development (Government Code Section 65300 et seq.). Substantial population increases are projected to occur in Stanislaus County and the City of Modesto during the planning period. The California Department of Finance projects that the population of Stanislaus County will increase by more than 25 percent by 2040, increasing to 699,000 from its current population of 558,000 (*State of California, Department of Finance, Population Projections for California Counties 2010 – 2060, September, 2018*). The policies and other content within the proposed Urban Area General Plan amendment offer the planning benefit of directing the expected population increase to efficient locations through compact development guidance, and of providing direction for providing future infrastructure and other needs. State law and the countywide growth rate both limit the ability of the City to restrict growth. The contributions of individual projects to cumulative impacts, although moderated by policies discussed here, would still result in environmental impacts.

Development associated with the Urban Area General Plan would result in approximately 120,000 new employment opportunities in total within the planning area boundary. The increased number of local jobs has the benefit of reducing local unemployment levels that are currently at 6.5 percent (*United States Department of Labor – Bureau of Labor*

Statistics, Civilian labor force and unemployment by metropolitan area, August 29, 2018), which is more than 50 percent higher than the 2018 statewide average of approximately 4.2 percent. The increase in housing will economically, socially and legally benefit the community by helping it meet its future regional fair share housing allocations, as required under Government Code Section 65580 et seq.

The proposed Urban Area General Plan amendment contains goals and policies that promote intensified development in the downtown area, which would be more difficult to achieve without the promotion of significant employment opportunities. The proposed project would benefit the City economically by enabling the creation of more than 40,000 employment opportunities and new housing opportunities for 8,700 residents in the downtown area.

Additional Overriding Considerations Relating to Traffic and Circulation Needs, Noise, and Air Quality / GHG Emissions (direct and cumulative impacts)

The proposed Urban Area General Plan amendment circulation element and the other amendments being proposed are consistent with the Stanislaus County Regional Transportation Plan. Thus, although the project will exceed Level of Service standards along numerous road segments within the planning area and contribute to regional cumulative traffic impacts, it will also contribute to improvements in the movement of goods and people throughout the region and ensure internal consistency within the General Plan and correlation of the Circulation and Land Use elements, as required under Government Code Section 65300.5.

Development consistent with the proposed Urban Area General Plan amendment will, as it increases vehicle travel and energy use, contribute to the cumulative impact(s) associated with generation of greenhouse gases and resulting climate change. The Urban Area General Plan amendment includes policies designed to reduce the City's use of energy and to reduce auto trips. Given the existing setting and available technology, new development, including construction of housing and public services, and economic activity, will necessarily increase trips and energy use.

Overriding Considerations Relating to Loss of Productive Agricultural Land (direct and cumulative impact)

Agriculture is a leading industry in Stanislaus County. The value of Stanislaus County's agricultural commodities totaled approximately \$3.65 billion in 2017 (County of Stanislaus 2018). The agriculture, forestry, and fishing industries rank second only to the public sector in the number of jobs in the San Joaquin Valley. In 2016, Stanislaus County ranked as the sixth most agriculturally productive county in California, based on the value of agricultural products sold (California Department of Food and Agriculture 2017). Nonetheless, agriculture is a seasonal occupation and is one reason for Stanislaus County's relatively high unemployment rate.

As explained above, the project has the social and economic benefits of encouraging significant new employment opportunities outside of agriculture, as the business parks identified in the Urban Area General Plan are developed. At buildout, the plan would allow up to 120,000 new employment opportunities in total within the planning area. This will create a more diversified job market. It will also enable the City to meet the economic development goals of its general plan calling for diversification of its economic base and provision of economic development opportunities (see General Plan Chapter 1, Section D, and Chapter II, Section C).

Additional Overriding Considerations Relating to Loss of Sensitive Wildlife and Plant Habitat (cumulative impact)

The policies contained within the Urban Area General Plan amendment that relate to protection of special status species within riparian corridors and the Planned Urbanizing Areas offer the benefit of enabling the City to undertake a comprehensive planning approach to major greenfield development proposals. This will provide opportunities for programmatic, large-scale approaches to the protection of special status species and their habitats.

Additional Overriding Considerations Relating to Potential Demolition of Significant Historical Structures (direct impact)

Urban Area General Plan policies described as items AH-3 through AH-21 in Section V-8 of the Master EIR require protection of archaeological and historical resources within the planning area through implementation of existing federal and state regulations, preparation inventories of significant resources, requiring specific evaluation of potential resources prior to construction, and adopting flexible zoning regulations for historic structures. The identified impact is associated only with those future projects that may affect existing historic structures. Most historic structures in the City are located in the downtown urban core and immediate vicinity. Effects to existing historic structures would likely occur as a part of the redevelopment and intensification of the existing urban core, consistent with Urban Area General Plan policies directed toward creating more compact development, reducing auto travel, and encouraging non-motorized travel modes such as bicycle and pedestrian.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-109**

**RESOLUTION APPROVING AN URBAN AREA GENERAL PLAN
AMENDMENT FOR LAND USE AND CIRCULATION ELEMENTS**

WHEREAS, on October 14, 2008, the City Council certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2007072023) for the Modesto Urban Area General Plan; and

WHEREAS, a new General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan,” as recommended by the Modesto City Planning Commission, was adopted by the Council by Resolution No. 95-409 on August 15, 1995; and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 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 and 2017-21, copies of which are on file in the office of the City Clerk; and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body; and

WHEREAS, the City of Modesto Community and Economic Development Department (“Applicant”) desires to amend the Urban Area General Plan (“Project”) to:

1. Revise the land use and circulation elements policies and diagrams to be more consistent and compatible;

2. Address new laws enacted since the prior Urban Area General Plan amendment in 2008, and document compliance with said new laws;

3. Update the Master EIR for the Urban Area General Plan; and

WHEREAS, a Final Master Environmental Impact Report was prepared for the UAGP amendment (SCH No. 2014042081), which analyzed the potential environmental effects of the proposed Project; and

WHEREAS, on January 28, 2019, 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; and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2019-02, recommending to the City Council an amendment to the Modesto Urban Area General Plan; and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 5, 2019, 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.

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 adopts 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 the Community and Economic Development Department Director 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 March, 2019, by Councilmember Kenoyer, 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: Kenoyer, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: Ah You, Madrigal

ABSENT: Councilmembers: Grewal

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

CITY OF MODESTO URBAN AREA GENERAL PLAN AMENDMENT 2040

Final documentation on file with the Planning Division of the Community and Economic
Development Department.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-110**

RESOLUTION APPROVING A LEASE AGREEMENT WITH BEARD LAND IMPROVEMENT COMPANY FOR THE MODESTO FIRE DEPARTMENT ADMINISTRATION BUILDING LOCATED AT 409 12TH STREET, MODESTO, CA, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$102,960 ANNUALLY AND A TOTAL AMOUNT NOT TO EXCEED \$706,074 OVER A SEVEN-YEAR TERM; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Modesto Fire administration staff has been working out of multiple locations since returning to the City from the dissolution of Modesto Regional Fire Authority in 2014; and

WHEREAS, Fire Prevention, Training, and Administrative staff currently occupy four different sites and expend approximately \$90,000 per year; and

WHEREAS, in January 2019, the Fire Chief and City Manager decided to move the firefighters out of Fire Station 1 due to the continued degradation of the building and numerous roof leaks; and

WHEREAS, the decision was made to vacate the administration building adjacent to Station 1 and move the firefighters into the Station 1 building; and

WHEREAS, the property located at 409 12th street will accommodate the needs of the organization as well as provide fiscal efficiency with a minimum long term fiscal impact; and

WHEREAS, the expense will be funded with existing appropriations for Fiscal Year 2018-2019 Operating budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Lease Agreement with Beard Land Improvement Company for the Modesto Fire Department Administration building located at 409 12th Street,

Modesto, CA., for an amount not to exceed, \$102,960 annually and \$706,074 over a seven-year term.

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.

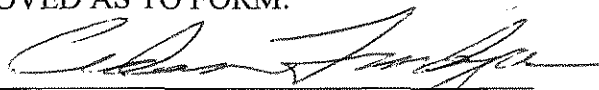
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-111**

RESOLUTION APPROVING A THIRD AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED DECEMBER 21, 2016 WITH NORTON ROSE FULBRIGHT US LLP IN AN AMOUNT NOT TO EXCEED \$80,000 , FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$415,000 TO CONTINUE REPRESENTING THE CITY IN FINANCE MATTERS, 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 that relate to finance matters; and

WHEREAS, Norton Rose Fulbright US LLP has represented the City in finance matters since December of 2016; and

WHEREAS, additional essential legal work needs to be performed that will result in fees exceeding the agreed upon budget of \$335,000; and

WHEREAS, the City Attorney's Office desires to extend the agreement with Norton Rose Fulbright US LLP; and

WHEREAS, the City Attorney's office has drafted a Third Amendment to the Legal Services agreement with Norton Rose Fulbright US LLP to continue services.

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 Norton Rose Fulbright US LLP in an amount not to exceed \$80,000, for a total agreement amount of \$415,000 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 in a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvoic

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

THIRD AMENDMENT TO LEGAL SERVICES AGREEMENT

This Third Amendment for Legal Services (this “**Third Amendment**”), is made and entered into on _____ day of _____ 2019 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **NORTON ROSE FULBRIGHT US LLP**, a Texas limited liability partnership (“**Attorney**”), located at 580 California Street, Floor 16, San Francisco, California 94104. 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**”) for services for legal advice, representation and assistance on matters involving finance 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 the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees by \$80,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Norton Rose Fulbright US LLP, dated December 21, 2016, and amended by Resolution No. 2017-308 and Resolution No. 2017-499 is amended as follows:

1. 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 (hereafter the “**Service**”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of four hundred and fifteen thousand dollars (\$415,000).”

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 December 21, 2016, 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 below.

CITY OF MODESTO,
A Municipal Corporation

By: _____

Print name: Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

Adam U. Lindgren, City Attorney

ATTEST:

Stephanie Lopez, City Clerk

[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
- Partnership
- Corporation
- Limited Liability Company
- Other (*please specify:* _____)

Signature of Authorized Person

Title

Additional Signature (*if required*)

Title

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-112**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT PROJECT FUND BUDGETS**

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 2018-19.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2018-19 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 March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL) ATTEST: 
STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2018-19

COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment in the amount of \$700,000 is needed to budget the revenue and expense associated with the Downtown Modesto Community Benefit District special assessment (Fund 1210 – Downtown Modesto Community Benefit District).

FIRE DEPARTMENT

During the budget development process for this fiscal year, the Modesto Fire Department's Safer Grant was budgeted for 6 month since the grant was only going to be through December with the balance of those positions costs moved to General Fund. Since the City was not going to be able to spend the balance of the grant by December, an extension was requested and word was received on February 13, 2019 that the extension was approved until the funds run out or by May 13, 2019. Due to the extension of the grant a budget adjustment is needed to move Salary, Benefits and ISF cost back to the 2015 FEMA Safer Grant cost center within the Grants Operation Grants Reimbursed Fund in the amount of \$346,129 from the Suppression cost center within the General Fund.

POLICE DEPARTMENT

A budget adjustment is necessary to reduce Consultant Charges, Equipment Acquisition and Other Costs CIP by \$127,632 in the MPD Scheduling and Timekeeping Management Software System Project (101007) and establish a transfer out of the project to General Fund in the same amount as the invoices were paid out of the MPD Field Operations cost center. This is being processed as a transfer since the invoices were paid out of a prior fiscal year and will reimburse General Fund for the expense that it incurred.

PUBLIC WORKS DEPARTMENT

A budget adjustment is necessary to establish the budget for capital improvement project 101161- PW-Bus Turnout S.R. 132/Maze Boulevard in the amount of \$90,720 funded with Local transportation funds. This project will install a new bus turnout on Maze Boulevard by Franklin Elementary School. Funds for this project were originally budgeted in non-capital project 101023 but because of the nature of the project it was determined a new CIP should be created. This budget adjustment also reduces the budget for project 101023-PW - Bus Stops Improv/Repairs 2017 in the same amount.

Fund	Fund Name	Account - Revenue/Expense	Current Budget	Increase/ (Decrease)	Revised Budget
1210	Downtown Modesto Community Benefit District	DID Special Assessment (Revenue)	\$0	\$700,000	\$700,000
1210	Downtown Modesto Community Benefit District	Intergovernmental Services (Expenses)	\$0	\$700,000	\$700,000
1341	Grants – Operations Grants Reimbursed	2015 FEMA SAFER Grant Expenditures	\$553,267	\$346,129	\$899,396
0100	General Fund	MFD – Suppression Expenditures	\$25,315,474	(\$346,129)	\$24,969,345
3120	Special Funds for Capital Outlay	Project #101007 Expenditures	\$137,363	(\$127,632)	\$9,731
3120	Special Funds for Capital Outlay	Project #101007 Transfer Out to General Fund (0100)	\$0	\$127,632	\$127,632
0100	General Fund	Transfer In from Fund 3120 (Revenue)	\$0	\$127,632	\$127,632
4510	Bus Fixed Route Fund	Improv/Repairs	\$0	\$90,720	\$90,720

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-113**

RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH THE CALIFORNIA STATE DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE PREPARATION OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) FOR THE STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION – PHASE 2 PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project is a project to increase safety, relieve congestion, and enhance traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, in an effort to accelerate the planning and construction of the interchange, the City Council in their Fiscal Year 2005-06 Capital Improvement Program approved 1.3 million and subsequently approved staff's request to explore the City taking the lead on the State Route 99/Pelandale Avenue Interchange Reconstruction Project improvements, Project Approval and Environmental Document, and

WHEREAS, on February 3, 2009, by Resolution No. 2009-058, Council approved Cooperative Agreement No. 10-321 between the City of Modesto and Caltrans for the PS&E as one phase for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City's consultant and submitted to Caltrans for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, in December 2011, StanCOG adopted the 2012 Regional Transportation Improvement Program (STIP), which added \$4.336 million in right-of-way funds for FY 15/16 to the project ,and

WHEREAS, in early 2012, the City was informed that State Proposition 1B Saving Funds would be available in 2013 for construction of the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, acquiring the “Carl’s Jr.” property (APN 135-029-022) in the timeframe necessary to accept the construction funds would not be achievable, and

WHEREAS, on May 17, 2012, a Supplemental Project Report #2 was issued indicating the right-of-way requirements for Phase 1 of the project are less than the necessary project right-of-way described in the December 2009 approved Project Report, and

WHEREAS, acquisition of the “Carl’s Jr.” property was deferred to a later date and STIP funds were reprogrammed by StanCOG to FY 16/17, and

WHEREAS, in June 2016, the \$4.336 million in Right-of-Way funds were programmed out by StanCOG from FY 16/17 to FY 17/18 due to a negative STIP fund balance, and

WHEREAS, on October 19, 2017, the California Transportation Commission approved \$4,336,000 of the STIP funds to complete right-of-way acquisition for the Project’s second phase, and

WHEREAS, this Cooperative Agreement for PS&E is required by Caltrans and formalizes the City’s Lead Agency status and outlines the agreement between the agencies for the Project’s second phase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Cooperative Agreement with Caltrans for the preparation of PS&E for the State Route 99/Pelandale Avenue Interchange Reconstruction – 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 12th day of March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

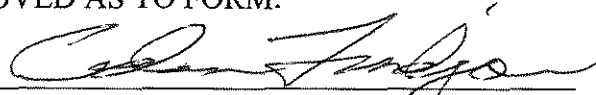
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-114**

RESOLUTION APPROVING A COOPERATIVE AGREEMENT WITH THE CALIFORNIA STATE DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR ACQUISITION OF RIGHT-OF-WAY FOR THE STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION – PHASE 2 PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project is a project to increase safety, relieve congestion, and enhance traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, in an effort to accelerate the planning and construction of the interchange, the City Council in their Fiscal Year 2005-06 Capital Improvement Program approved 1.3 million and subsequently approved staff's request to explore the City taking the lead on the State Route 99/Pelandale Avenue Interchange Reconstruction Project improvements, Project Approval and Environmental Document, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City's consultant and submitted to Caltrans for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on June 9, 2011, the City Manager approved Cooperative Agreement No. 10-322 between the City of Modesto and Caltrans for the acquisition of right-of-way as one phase for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, in December 2011, StanCOG adopted the 2012 Regional Transportation Improvement Program (STIP), which added \$4.336 million in Right-of-Way funds for FY 15/16 to the project, and

WHEREAS, in early 2012, the City was informed that State Proposition 1B Saving Funds would be available in 2013 for construction of the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, acquiring the “Carl’s Jr.” property (APN 135-029-022) in the timeframe necessary to accept the construction funds would not be achievable, and

WHEREAS, on May 17, 2012, a Supplemental Project Report #2 was issued indicating the right-of-way requirements for Phase 1 of the project are less than the necessary project right-of-way described in the December 2009 approved Project Report, and

WHEREAS, acquisition of the “Carl’s Jr.” property was deferred to a later date and STIP funds were reprogrammed by StanCOG to FY 16/17, and

WHEREAS, in June 2016, the \$4.336 million in right-of-way funds were programmed out by StanCOG from FY 16/17 to FY 17/18 due to a negative STIP fund balance, and

WHEREAS, on October 19, 2017, the California Transportation Commission approved \$4,336,000 of the STIP funds to complete right-of-way acquisition for the Project’s second phase, and

WHEREAS, this Cooperative Agreement for acquisition right-of-way is required by Caltrans and formalizes the City’s Lead Agency status and outlines the agreement between the agencies for the Project’s second phase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Cooperative Agreement with Caltrans for acquisition of right-of-way for the State Route 99/Pelandale Avenue Interchange Reconstruction – 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 12th day of March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

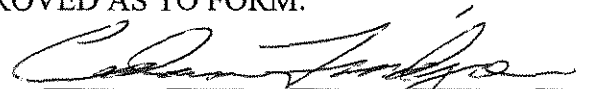
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-115**

RESOLUTION ACCEPTING STATE TRANSPORTATION IMPROVEMENT PROGRAM FUNDS ALLOCATED BY THE CALIFORNIA TRANSPORTATION COMMISSION IN THE AMOUNT OF \$4,336,000 FOR THE STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION – PHASE 2 PROJECT

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project is a project to increase safety, relieve congestion, and enhance traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, in an effort to accelerate the planning and construction of the interchange, the City Council in their Fiscal Year 2005-06 Capital Improvement Program approved 1.3 million and subsequently approved staff's request to explore the City taking the lead on the State Route 99/Pelandale Avenue Interchange Reconstruction Project improvements, Project Approval and Environmental Document, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City's consultant and submitted to Caltrans for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on June 9, 2011, the City Manager approved Cooperative Agreement No. 10-322 between the City of Modesto and Caltrans for the acquisition of right-of-way as one phase for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, in December 2011, StanCOG adopted the 2012 Regional Transportation Improvement Program (STIP), which added \$4.33 million in Right-of-Way funds for FY 15/16 to the project, and

WHEREAS, in early 2012, the City was informed that State Proposition 1B Saving Funds would be available in 2013 for construction of the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, acquiring the “Carl’s Jr.” property (APN 135-029-022) in the timeframe necessary to accept the construction funds would not be achievable, the project was forced to split into two phases, and

WHEREAS, on May 17, 2012 a Supplemental Project Report #2 was issued indicating the right-of-way requirements for Phase 1 of the project are less than the necessary project right-of-way described in the December 2009 approved Project Report, and

WHEREAS, acquisition of the “Carl’s Jr.” property was deferred to a later date and STIP funds were reprogrammed by StanCOG to FY 16/17, and

WHEREAS, in June 2016, the \$4.336 million in right-of-way funds were programmed out by StanCOG from FY 16/17 to FY 17/18 due to a negative STIP fund balance, and

WHEREAS, on October 19, 2017, the California Transportation Commission approved \$4,336,000 of the STIP funds to complete right-of-way acquisition for the project’s second phase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the State Transportation Improvement Program Funds allocated by the California Transportation Commission in the amount of \$4,336,000 for the State Route 99/Pelandale Avenue Interchange Reconstruction – Phase 2 Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGRÉN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-116**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL
IMPROVEMENT PROGRAM BUDGET, PROJECT #101063 IN THE AMOUNT
OF \$4,336,000 FOR STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE
RECONSTRUCTION - PHASE 2 PROJECT UPON RECEIPT OF
AUTHORIZATION TO PROCEED (E-76) FROM CALTRANS**

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project is a project to increase safety, relieve congestion, and enhance traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, in an effort to accelerate the planning and construction of the interchange, the City Council in their Fiscal Year 2005-06 Capital Improvement Program approved 1.3 million and subsequently approved staff's request to explore the City taking the lead on the State Route 99/Pelandale Avenue Interchange Reconstruction Project improvements, Project Approval and Environmental Document, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City's consultant and submitted to the Caltrans for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on June 9, 2011, the City Manager approved Cooperative Agreement No. 10-322 between the City of Modesto and Caltrans for the acquisition of right-of-way as one phase for the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, in December 2011, StanCOG adopted the 2012 Regional Transportation Improvement Program (STIP), which added \$4.336 million in Right-of-Way funds for FY 15/16 to the project, and

WHEREAS, in early 2012, the City was informed that State Proposition 1B Saving Funds would be available in 2013 for construction of the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, acquiring the “Carl’s Jr.” property (APN 135-029-022) in the timeframe necessary to accept the construction funds would not be achievable, the project was forced to split into two phases, and

WHEREAS, on May 17, 2012 a Supplemental Project Report #2 was issued indicating the right-of-way requirements for Phase 1 of the project are less than the necessary project right-of-way described in the December 2009 approved Project Report, and

WHEREAS, acquisition of the “Carl’s Jr.” property was deferred to a later date and STIP funds were reprogrammed by StanCOG to FY 16/17, and

WHEREAS, in June 2016, the \$4.336 million in right-of-way funds were programmed out by StanCOG from FY 16/17 to FY 17/18 due to a negative STIP fund balance, and

WHEREAS, on October 19, 2017, the California Transportation Commission approved \$4,336,000 of the STIP funds to complete right-of-way acquisition for the project’s second phase, and

WHEREAS, authorization to proceed (E-76) from Caltrans is needed for expenditure of STIP funds, and

WHEREAS, amending the Fiscal Year 2018/19 Capital Improvement Program Budget for project #101063 in the amount of \$4,336,000 for State Route 99/Pelandale Avenue Interchange Reconstruction - Phase 2 project upon receipt of authorization to proceed (E-76) from Caltrans is necessary.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2018/19 Capital Improvement Program Budget, project #101063 in the amount of \$4,336,000 for the State Route 99/Pelandale Avenue Interchange Reconstruction – Phase 2 project upon receipt of authorization to proceed (E-76) from Caltrans.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-117**

RESOLUTION APPROVING THE AGREEMENT WITH THE PUBLIC GROUP FOR AN ONLINE AUCTION SERVICE FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$18,000 AND A TOTAL AMOUNT NOT TO EXCEED \$90,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City utilizes an online application for auctioning the City's obsolete, unused or surplus property items, and

WHEREAS, The Public Group's online application, which is called Public Surplus, is an online auction system that address the needs of public agencies. The agencies can use the Public Surplus system to organize, automate, and manage their entire surplus inventory operations which allows for significant returns from the sale of excess property while minimizing associated costs, and

WHEREAS, the Public Surplus system's capabilities include:

1. Helping agencies comply with state and local regulations and policies by automatically maintaining audit records
2. Ability to attract specialty buyers from across the United States
3. Allow for out of state sales due to new regulations regarding the sale of diesel-fueled vehicles

WHEREAS, The Public Group is the City's current vendor for online auction services since January 2007. Current agreement with Public Group will end on April 30, 2019, and

WHEREAS, in reviewing the competitive bidding process for the City of Tucson, they awarded a competitive Request for Proposal (RFP) for online auction services which resulted in the award of a contract to The Public Group, and

WHEREAS, Modesto Municipal Code authorizes entities to rely on terms that have already been competitively bid “piggybacking” in certain situations; based on the review of the bidding process for the City of Tucson, the City will “piggybacking” on their bid, and

WHEREAS, the Purchasing Manager has determined, pursuant to Section 8-3.204(d) of the MMC, 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, current estimated annual online auction services costs are approximately \$18,000 and vary each year depending on the number of items sold. There is a 5% surcharge fee payable only when items sell, and which is included as part of the overall cost to the buyer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an agreement with The Public Group LLC for a term of two-years with three one-year extension options, for an anticipated annual cost not to exceed \$18,000 and a total amount not to exceed \$90,000 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 March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-118**

RESOLUTION APPROVING PURCHASE AGREEMENTS WITH VARIOUS VENDORS AS DEFINED UNDER ATTACHMENT A; APPROVING TERMINATION DATES FOR THE SERVICES STATED HEREIN; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE IDENTIFIED ANNUAL PURCHASE AGREEMENTS TERMINATION DATES APPROVED BY COUNCIL

WHEREAS, on January 23, 2018, City staff presented to City Council the modification and extension request of various purchasing agreements which exceeded City Council's authority, and

WHEREAS, City staff has continued to work diligently in monitoring all purchasing agreements and towards implementing recommendations to establish improvements with the City's purchasing controls, and

WHEREAS, the Finance Department has implemented bi-monthly purchasing training to educate City Staff about the standards which govern the City's purchases, including the City's Charter, Municipal Code, and the implementation of Administrative Directive 7.5 Purchasing Policy, and

WHEREAS, the Finance Department has worked with the departments to address the backlog of competitive bids that need to be completed and have been working to strategize the best solution to ensure new agreements can be approved by the time existing agreements expire, and

WHEREAS, the Finance Department, via the Purchasing Division, has identified a number of agreements that require further time extensions of their termination dates (as shown in **Attachment A – Purchasing Agreement Extension Dates**), and

WHEREAS, the extension of these term dates for existing agreements will not alter the dollar amount of said agreements nor the terms and conditions of the agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchasing agreements with various vendors as **attached**; and approves the term dates for the services stated herein.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to issue the identified Annual Purchase Agreements terms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

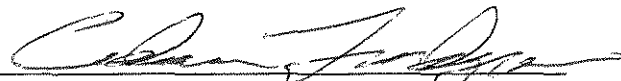
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Attachment A - Purchasing Agreement Extension Dates

No.	Description	Supplier	Agreement Amount	Vendor Invoices Paid or Pending Payment - 02/19/19	Amount Remaining on Agreement	Original Start Date	Original Term Date	Current Term Date	Revised Term Date
1	Annual Agreement for Office Supplies Citywide	OFFICE DEPOT	\$ 8,395,861	\$ 8,299,311	\$ 96,550	1993	Evergreen	31-Mar-19	30-Jun-19
2	Annual Agreement For City Wide Document Storage/Records	PACIFIC STORAGE COMPANY	\$ 681,239	\$ 262,806	\$ 418,433	20-Dec-2002	31-Dec-18	30-Jun-19	31-Dec-19
3	Annual Agreement For Radio & Communication Equipment Service/Repair (A09510)	DELTA WIRELESS INC	\$ 236,596	\$ 226,109	\$ 10,487	1-Apr-2011	30-Sep-18	31-Mar-19	30-Sep-19
4	Annual Agreement for Landscape Maintenance Services for WQC Reso 2013-432	GROVER LANDSCAPING SERVICES	\$ 381,380	\$ 306,214	\$ 75,166	3-Dec-2013	4-Feb-19	31-Mar-19	30-Sep-19
5	Annual Agreement - Temporary Employee Labor Services - Reso 2013-439 RFP 2013-13	NELSON FAMILY OF COMPANIES	\$ 3,475,395	\$ 1,256,698	\$ 2,218,697	3-Dec-2013	2-Dec-18	31-Mar-19	31-Dec-19
6	Annual Agreement - Temporary Employee Labor Services - Reso 2013-439 - RFP 1213-13	PRIDESTAFF	\$ 1,015,000	\$ 433,709	\$ 581,291	3-Dec-2013	2-Dec-18	31-Mar-19	31-Dec-19
7	Annual Agreement - Temporary Employee Labor Services - Reso 2013-439 - RFP 1213-13	EXACT STAFF	\$ 143,465	\$ 26,575	\$ 116,890	3-Dec-2013	2-Dec-18	31-Mar-19	31-Dec-19
8	Annual Agreement For Asphalt Materials Secondary Vendor, RFB No. 1314-01, Reso 2013-356	CALAVERAS MATERIALS INC	\$ 310,000	\$ 246,022	\$ 63,978	31-Oct-2013	30-Oct-18	31-Mar-19	30-Sep-19
9	Annual Agreement For Asphalt And Emulsion RFB No. 1314-01 Reso 2013-356	MUNN AND PERKINS	\$ 2,190,000	\$ 1,883,603	\$ 306,397	31-Oct-2013	30-Oct-18	31-Mar-19	30-Sep-19

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-119**

RESOLUTION APPROVING A SERVICE AGREEMENT WITH LOOMIS ARMORED US, LLC HOUSTON, TEXAS FOR ARMORED CAR TRANSPORT FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$48,000 FOR THE FIRST YEAR OF SERVICE, WITH ANNUAL INCREASES ESTIMATED AT TEN PERCENT OVER THE FIVE YEAR PERIOD, AND A TOTAL AMOUNT NOT TO EXCEED \$294,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City uses armored car transport to increase safety and lower risk of theft; this service eliminates City staff from making trips to the bank, lowers risk to both staff and customers of theft at various City facilities and to provide an economical way of getting cash deposits to the bank, and

WHEREAS, in December 2017, a bid authorization to issue a formal Request for Proposal (RFP) was approved and forwarded to the Purchasing Division, and

WHEREAS, on May 24, 2018, the Purchasing Division issued Request for Proposal (RFP) 1718-55 through PlanetBids with a proposal response due June 26, 2018, and

WHEREAS, no suppliers responded to the RFP; the Purchasing Division reached out to suppliers including the existing supplier, Loomis to understand why no response was made to the RFP, and

WHEREAS, the Purchasing Division negotiated a new Service Agreement with Loomis to provide armored car services with an initial term of two years with three one-year renewal options, 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; however, MMC 8-3.204(c) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Manager determines that calling for bids on a competitive basis is undesirable due to exigent circumstances; the City completed the formal bidding requirements but due to no response the City is moving forward with continuing services with the existing provider, Loomis Armored.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Service Agreement with Loomis Armored US, LLC Houston, Texas for armored car transport for a two-year agreement with three one-year extension options, for an annual cost not to exceed \$48,000 for the first year of service, with annual increases estimated at ten percent over the five year period, and a total amount not to exceed \$294,000 over five years.

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 March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

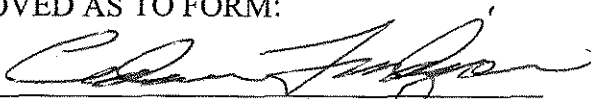
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-120**

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH AVIATE ENTERPRISES, INC., MCCLELLAN, CA FOR THE PURCHASE OF A GENIE Z-30/20N RJ BOOM LIFT FOR A TOTAL COST NOT TO EXCEED \$60,817, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto Bus Maintenance Facility performs a variety of maintenance items required by the Federal Transit Administration (FTA) both inside and outside the facility, and

WHEREAS, the Bus Maintenance Facility currently does not have a boom lift to efficiently perform maintenance operations around the facility, and

WHEREAS, this boom lift will be utilized to maintain external lighting in the parking lots, and exterior of the facility; along with providing safe access to roof areas, solar panels, interior shop lighting, HVAC service, gutters, and security camera maintenance without the use of a ladder, and

WHEREAS, this unit was approved to support operational needs and is needed to avoid renting or outsourcing all maintenance activities, and

WHEREAS, this will also enhance the maintenance of the facility and keep it in superior condition and reducing operating costs in the future, and

WHEREAS, on October 9, 2018, the Purchasing Division issued RFB 1819-10 for the purchase of a boom lift on the City's website, and

WHEREAS, on November 13, 2018, bids were formally opened in the City Clerk's Office, with one company choosing to respond and providing a responsive and responsible bid, and

WHEREAS, sufficient funds for this unit are budgeted in the State of Good

Repair Grant awarded to the Transit Division (Fund No: 101022-PW.Transit Services-Vehicles>\$5,000-Appr.Unit C).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase agreement with Aviate Enterprises, Inc., McClellan, CA for the purchase of one Genie Z-30/20N RJ Boom Lift.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to issue a purchase order for a total cost not to exceed \$60,817.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-121**

**RESOLUTION APPROVING THE PURCHASE OF A REPLACEMENT
FORKLIFT FOR UNLOADING SUPPLIES FROM JM EQUIPMENT,
MANTECA, CA, FOR A TOTAL AMOUNT NOT TO EXCEED \$36,982, AND
AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO
EXECUTE THE AGREEMENT**

WHEREAS, a replacement forklift for the Traffic Operations Division will replace their current 1999 model, and will assist them with unloading supplies as part of their daily duties, and

WHEREAS, replacement units are essential in maintaining current operations, facilities, and/or services, and

WHEREAS, on December 27, 2018, the Purchasing Division issued RFB 1819-38 for the purchase of a 6,000 pound forklift, and

WHEREAS, on January 20, 2019, bids were formally opened in the City Clerk's Office and two companies chose to respond, providing responsive and responsible bids, and

WHEREAS, funds have been collected, approved and allocated in the budget adoption for Fiscal Year 2016-2017 in the Fleet Replacement Fund, and

WHEREAS, funding for this unit was collected through the Internal Service Fund for Surface Transportation Fund – Traffic Operations via straight-line depreciation over the life of the vehicles.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a replacement forklift from JM Equipment, Manteca, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is

authorized to issue a purchase order for a total cost not to exceed \$36,982.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-122**

**RESOLUTION APPROVING AN AGREEMENT WITH GROUP SEVEN
LABORATORY SERVICES, STOCKTON, CA FOR LABORATORY TRAINING
SERVICES FOR THE ELAP TO TNI STANDARDS TRANSITION, IN THE
AMOUNT OF \$96,000, AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Utilities Department owns and operates the Water Quality Control Laboratory (WQC Lab), located at 1221 Sutter Avenue, and

WHEREAS, the WQC Lab analyzes compliance and investigative samples of water, wastewater and storm water for the City, and

WHEREAS, the WQC Lab is equipped for general physical, mineral, inorganic, bacteriological and biological testing, and

WHEREAS, California's Environmental Laboratory Accreditation Program (ELAP) recently added the requirement for all laboratories that were previously certified under ELAP to transition to the National Environmental Laboratory Accreditation Conference (NELAC) Institute standards, and

WHEREAS, the first draft of the new regulation was published in July of 2017 with a deadline for compliance of January 1, 2022, and

WHEREAS, the Utilities Department Water Division must be in compliance due to the State Water Resources Control Board Drinking Water Regulations and due to the existing partnership with MID for the purchase of surface water, MID must transition to NELAC Institute Standards requirements when testing drinking water that is supplied to the City of Modesto for our customers, and

WHEREAS, considering the specialized nature and specific requirements associated with the NELAC Institute (TNI) standards, consultant services are needed to

provide, train and assist the City and Modesto Irrigation District laboratory staff in understanding and interpreting the TNI standards for compliance, 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, May 22, 2018, staff issued a Request for Qualifications and Request for Proposal through PlanetBids for consultant services to provide training and transitional services from ELAP to TNI standards, and

WHEREAS, one Statement of Qualifications and Proposal was submitted by Group Seven Laboratory Services of Stockton, CA, and

WHEREAS, a selection committee comprised of Utilities Department Water and Wastewater staff, as well as Modesto Irrigation District laboratory staff, reviewed the qualification and proposal package and determined that Group Seven Laboratory Services were responsive and qualified to provide ELAP to TNI transitional services, update the existing quality manuals and standard operating procedures in a TNI compliant format and assist with the implementation of TNI policies, practices and procedures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Group Seven Laboratory Services, Stockton, CA for Laboratory Training Services for the ELAP to TNI Standards Transition in an amount not to exceed \$96,000.

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 12th day of March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

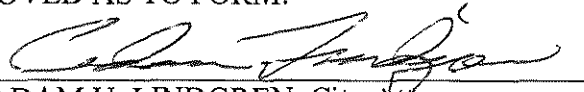
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-123**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WELL 72 (REPLACING WELL 229) PROJECT, ACCEPTING THE BID, AND AWARDING A CONSTRUCTION CONTRACT TO NOR-CAL PUMP & WELL DRILLING, INC., OF YUBA CITY, CA IN THE AMOUNT OF 556,906, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Well 72 (Replacing Well 229) Project, and

WHEREAS, the five bids received for the Well 72 (Replacing Well 229) Project were opened at 11:00 a.m. on November 13, 2018 pursuant to Modesto Municipal Code section 8-3.403 and Charter section 1307, and

WHEREAS, the Director of Utilities has recommended that the bid of \$556,906 received from Nor-Cal Pump & Well Drilling, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Nor-Cal Pump & Well Drilling, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Well 72 (Replacing Well 229) Project, accepts the bid of \$556,906 and awards Nor-Cal Pump & Well Drilling, Inc., of Yuba City, CA, the contract for the Well 72 (Replacing Well 229) 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 March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-124**

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, PLEASANTON, CA FOR HYDROGEOLOGICAL AND ENGINEERING DESIGN SERVICES DURING CONSTRUCTION FOR THE WELL 72 (REPLACING WELL 229) PROJECT, IN AN AMOUNT NOT TO EXCEED \$209,800 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$20,980 FOR ADDITIONAL SERVICES (IF NEEDED), FOR AN AMOUNT NOT TO EXCEED \$230,780, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, City Well 229 is strategically important to the City's water supply infrastructure, and

WHEREAS, the drilling method used originally in 1950 was not able to isolate specific water layers allowing contaminants to travel into the pumped water source, and

WHEREAS, a new, deeper replacement well, built to current well construction standards is proposed to be drilled on the existing site, and

WHEREAS, during the bidding of Well 229, staff was informed by the Department of Water Resources that well number 229 could not be re-used; Therefore, the project became Well 72 (Replacing Well 229), and

WHEREAS, given the unique and specialized expertise required for design of municipal wells, and consideration of the amount of work that was previously completed satisfactorily, the Utilities Director determined to have final subsurface design services provided by West Yost Associates, and

WHEREAS, it was determined that it was both fiscally and efficiently prudent to move forward with an agreement for Hydrogeological and Engineering Services During Construction with West Yost Associates, 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 bidding requirements of Modesto Municipal Code 8-3.203. However, the consultant was selected through the review processes outlined in the City's Administrative Directive 3.1.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with West Yost Associates, Pleasanton, CA for Hydrogeological and Engineering Design Services During Construction for the Well 72 (Replacing Well 229) Project in an amount not to exceed \$209,800, for the identified scope of services, plus \$20,980 for additional services, if needed, for an amount not to exceed \$230,780.

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 March 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-125**

**RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S
AUTHORITY TO ISSUE CHANGE ORDERS FOR THE WELL 72 (REPLACING
WELL 229) PROJECT FROM 10 PERCENT (\$55,691) TO 25 PERCENT
(\$139,227) OF THE CONSTRUCTION CONTRACT AMOUNT**

WHEREAS, on March 12, 2019, the City Council is concurrently awarding a \$556,906 contract to Nor-Cal Pump & Well Drilling, Inc., of Yuba City, CA for the construction of the Well 72 (Replacing Well 229) Project, and

WHEREAS, given the nature of the project, additional work may be needed to address unexpected conditions that require changes in project scope, and

WHEREAS, the additional costs may exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443.

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 the Well 72 (Replacing Well 229) Project from 10 percent (\$55,691) to 25 percent (\$139,227) of the construction contract price of \$556,906 with Nor-Cal Pump & Well Drilling, Inc., of Yuba City, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-126**

RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$88,172 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE WELL 72 (REPLACING WELL 229) 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 \$88,172 in order to fund construction, contingency, construction administration, City construction forces, and design support during construction plus City staff time in support of the Well 72 (Replacing Well 229) Project, and

WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget must be amended as shown 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 approves the amendment of the Fiscal Year 2018-2019 Capital Improvement Program Budget as shown in **Exhibit A**, attached hereto.

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 March, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

100853 - Well 72 (Replacing Well 229)

	<u>PJTD Budget</u>	<u>PJTD Actual</u>	<u>PJTD Commitment</u>	<u>PJTD Actual</u>	<u>AR Request</u>	<u>Budget Adjustment</u>
CA	\$ 90,000.00	\$ 4,342.89	\$ -	\$ 85,657.02	\$ 55,691.00	\$ (28,966.01)
CCF	\$ 35,000.00	\$ -	\$ -	\$ 35,000.00	\$ 17,000.00	\$ (18,000.00)
CC	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
CON	\$ 484,673.00	\$ -	\$ -	\$ 484,673.00	\$ 556,906.00	\$ 122,233.00
CTGY	\$ 150,000.00	\$ -	\$ -	\$ 150,000.00	\$ 159,227.00	\$ (40,773.00)
EDA	\$ 1,030,327.00	\$ 613,418.57	\$ 240,669.75	\$ 176,258.69	\$ 255,780.00	\$ 79,541.32
ENV	\$ 25,000.00	\$ 135.73	\$ -	\$ 24,864.27	\$ -	\$ (24,864.27)
	\$ 1,795,000.00	\$ 617,897.29	\$ 240,669.75	\$ 936,432.96	\$ 1,024,604.00	\$ 88,171.04

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-127**

**RESOLUTION APPROVING AMENDMENT #2 TO THE CITY OF MODESTO
PROGRAM YEAR 2018-2019 ANNUAL ACTION PLAN, AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE 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 is required to develop an 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, an amendment to an Annual Action Plan describes the proposed changes and planned activities to address the needs and priorities established in the Consolidated Plan, and

WHEREAS, the City of Modesto is conducting an Amendment #2 to the Program Year 2018-2019 Annual Action Plan, and

WHEREAS, the purpose of Amendment #2 to the City of Modesto's Program Year 2018-2019 Annual Action is to address the U.S. Department of Housing and Urban Development (HUD) Department's reduction of the City of Modesto 2018-2019 Community Development Block Grant allocation, and

WHEREAS, the CDBG Program has a timely expenditure requirement per 24 CFR 570.902, where at 60 days prior to the end of the program year, the grantee may only have a balance of 1.5 times their annual allocation, and

WHEREAS, the City had an excess of \$385,135 on May 2, 2018 when HUD reviewed the balance, and

WHEREAS, therefore the 2018-2019 CDBG grant allocation was reduced from \$2,003,752 to \$1,618,617 which reflects a reduction of \$385,135, and

WHEREAS, a proposed amendment must be made available for public review through which the public is provided an opportunity to comment for a minimum of 30 days, and

WHEREAS, staff held eight community meetings as part of the Amendment #2 Citizen Participation process, and

WHEREAS, a 30-day public period to review and comment on the draft Amendment #2 opened February 9, 2019 and will close with a public hearing at the City Council meeting on March 12, 2019, and

WHEREAS, any comments received during the public review period or during the March 12, 2019, City Council meeting will be incorporated into the Amendment #2 to the Program Year 2018-2019 Annual Action Plan that is submitted to HUD, and

WHEREAS, there is no impact to the General Fund and Amendment #2 will address HUD's entitlement funding reduction to the CDBG program and allocate program income and revolving loan funds throughout several Annual Action Plan activities, and

WHEREAS, on February 14, 2019, the City's Citizens Housing and Community Development Committee recommended forwarding Amendment # 2 to the Program Year 2018-2019 Annual Action Plan to the City Council for consideration and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment #2 to City of Modesto Program Year 2018-2019 Annual Action Plan.

BE IT FURTHER RESOLVED by the Council of the City of Modesto 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 March, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

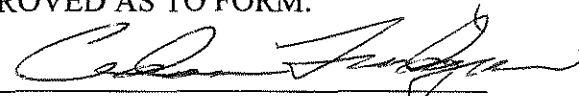
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-128**

RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 OPERATING, CAPITAL AND MULTI-YEAR PROJECT BUDGETS TO RE-ALLOCATE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AS PROPOSED IN THE PROGRAM YEAR 2018-2019 ANNUAL ACTION PLAN AMENDMENT #2 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 June 12, 2018, by Resolution 2018-238, City Council approved the Program Year 2018 Annual Action Plan, and

WHEREAS, on October 9, 2018, by Resolution 2018-455, City Council approved Amendment I to the Program Year 2018 Annual Action Plan, 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 2018-19 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, and

WHEREAS, a new Multi-Year Project 101163 is being established for Acquisition activities with Revolving Loan Funds in the amount of \$443,629.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of

Modesto that it hereby approves the amendment of the Fiscal year 2018-19 Budget as shown in **Exhibit A attached** hereto.

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 12th day of March, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Amendment II Program Year 2018 Annual Action Plan

FUND	CC	Activity	Account	IDIS Activity	Budget	Adjustment	Revised Budget	Funding Source	PY
1130	14010	01291	54500	1291	\$ 400,950.00	\$ (77,027.00)	\$ 483,323.00	EN	2018
						\$ 180,000.00		PI	2018
1130	14015	01300	54706	1300	\$ 22,899.00	\$ (22,899.00)	\$ -	EN	2018
1130	14015	01319	54706	1319	\$ 180,000.00	\$ (180,000.00)	\$ -	EN	2018
	Project 101107		Direct Loa	1298	\$ 454,677.00	\$ 106,595.00	\$ 561,272.00	RLF	
	Project 101146		Direct Loa	1264	\$ 339,477.00	\$ (139,477.00)	\$ 200,000.00	RLF	
	Project 101163		Direct Loa	1329	\$ -	\$ 443,629.00	\$ 443,629.00	RLF	
					<u>\$ 1,397,405.00</u>	<u>\$ 290,821.00</u>	<u>\$ 1,688,224.00</u>		

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-129**

**RESOLUTION ACCEPTING THE RESIGNATION OF RICHARD DANIELS
FROM THE CITY OF MODESTO'S CITIZENS' HOUSING AND COMMUNITY
DEVELOPMENT COMMITTEE**

WHEREAS, the Citizens' Housing and Community Development Committee was established to make policy and funding recommendations regarding the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnership Grant programs; and

WHEREAS, on May 2, 2017, by Resolution No. 2017-163, Richard Daniels was appointed to the City of Modesto's Citizens' Housing and Community Development Committee; and

WHEREAS, Mr. Daniels submitted his resignation on December 11, 2018 as he will no longer be able to serve on the committee due to personal reasons.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto accepts the resignation of Richard Daniels from the City of Modesto's Citizens' Housing and Community Development Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

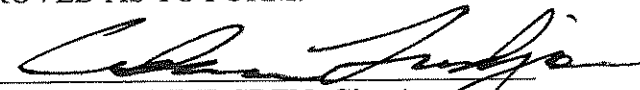
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-130**

**RESOLUTION ACCEPTING THE RESIGNATION OF GABRIELLA FIERRO
FROM THE CITY OF MODESTO HOUSING REHABILITATION LOAN
COMMITTEE**

WHEREAS, the City's Housing Rehabilitation Loan Committee was established to develop administrative procedures and policies for the City's housing rehabilitation loans and grants and its down payment assistance program; and

WHEREAS, on August 8, 2018, by Resolution No. 2018-321, Gabriella Fierro was appointed to the City's Housing Rehabilitation Loan Committee; and

WHEREAS, after several attempts Ms. Fierro could not be reached to serve on the Committee; staff is recommending her resignation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto accepts the resignation of Gabriella Fierro from the City of Modesto Housing Rehabilitation Loan Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-131**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASING AGREEMENT FOR CLEAN UP OR BOARD UP OF NUISANCE AND UNSAFE PROPERTIES TO SCOTT REDDENBAUGH CONSTRUCTION OF MODESTO, CALIFORNIA FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS FOR AN ANNUAL AMOUNT NOT TO EXCEED \$40,000 AND A TOTAL NOT TO EXCEED \$200,000 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, in January 2018 the City Manager authorized the issuance of a request for bids (RFB 1819-13) for the labor and materials to complete clean ups and board ups of nuisance and unsafe properties, and

WHEREAS, bids were publicly opened on January 10, 2018 pursuant to Modesto Municipal Code Section 8-3.403 and Modesto Charter Section 1307 and two responsive bids were received, and

WHEREAS, Scott Reddenbaugh Construction of Modesto, California, is the lowest responsive and responsible bidder, and

WHEREAS, the Director of Community and Economic Development has recommended that the agreement for clean ups and board ups of nuisance and unsafe properties be awarded to Scott Reddenbaugh Construction as the lowest responsible and 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. An award of bid and agreement for clean-up and board-ups of nuisance properties for the Community and Economic Development Department use to Scott Reddenbaugh, Construction, Modesto, CA, conforms to the

Modesto Municipal Code because the City complied with the formal bid procedures and Scott Reddenbaugh Construction 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 scope of work, accepts the bid, and awards the two-year agreement to Scott Reddenbaugh Construction of Modesto, California in the amount not to exceed \$40,000 per year for two years with three one-year extensions, total amount not to exceed \$200,000, for clean ups and board ups of nuisance and unsafe properties.

BE IT FURTHER RESOLVED that the Purchasing 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 April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

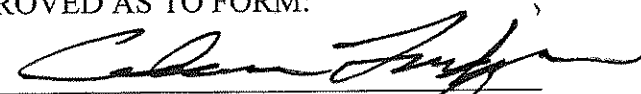
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-132**

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR HILLGLEN ROSELLE SUBDIVISION, LOCATED IN VILLAGE ONE AT THE SOUTH-EAST CORNER OF THE INTERSECTION OF HILLGLEN AVENUE AND 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, Modesto Roselle, LLC, a California limited liability company (“SUBDIVIDER”), is the subdivider of a tract of land consisting of 8.39 acres, being subdivided into 43 residential lots and 2 landscaping lots known as the HILLGLEN ROSELLE SUBDIVISION (“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 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 \$1,559,525 for SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Payment Bond in the amount of \$1,559,525 for SUBDIVISION, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of \$155,952.50 for SUBDIVISION, and

WHEREAS, the developer has requested that the improvements be accepted and the Bonds 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 as follows:

1. The said Public Improvements constructed by the SUBDIVIDER are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion.
2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bond in the amount of \$1,559,525 for SUBDIVISION, upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the Payment Bond in the amount of \$1,559,525 for SUBDIVISION, sixty (60) days after recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the Warranty Bond in the amount of \$155,952.50 for SUBDIVISION one year and one day after the effective date of this resolution, provided no claim is made thereon.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-133**

RESOLUTION APPROVING A FIFTH AMENDMENT TO THE AGREEMENT WITH DOKKEN ENGINEERING FOR THE PREPARATION OF THE PLANS, SPECIFICATIONS, AND ESTIMATES AND RIGHT OF WAY ACQUISITION FOR THE STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT PHASE 2 PROJECT TO INCREASE THE EXISTING AGREEMENT BY \$181,495 FOR A TOTAL AGREEMENT AMOUNT OF \$3,550,327, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIFTH AMENDMENT

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project is a project to increase safety, relieve congestion, and enhance traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, on March 9, 2010, by Resolution No. 2010-90, Council approved an agreement with Dokken Engineering to prepare the plans, specifications, and estimate (PS&E) for the State Route 99/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 with Dokken Engineering 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, City Manager approved the second amendment to the agreement with Dokken Engineering 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 for the State Route 99/Pelandale Avenue Interchange Reconstruction Project in an amount not to exceed \$338,000, and

WHEREAS, in late 2012, the City was informed that State Proposition 1B saving funds would be available in 2013 for construction of the State Route 99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, acquiring the “Carl’s Jr.” property (APN 135-029-022) in the timeframe necessary to accept the construction funds would not be achievable, the project was forced to split into two phases, and

WHEREAS, on January 22, 2013, by Resolution No. 2013-40, Council approved the fourth amendment to the agreement with Dokken Engineering to exclude the acquisition of the “Carl’s Jr.” property (APN 135-029-022) 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. The amount of \$64,000 excludes the remaining contract credited amount of \$45,000, for an net increase of \$19,000 and a total contract amount of \$3,368,832, and

WHEREAS, on October 19, 2017, the California Transportation Commission approved \$4,336,000.00 of the State’s Transportation Improvement Program funds to complete the right-of-way acquisition phase for the second phase of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fifth Amendment to the Agreement with Dokken Engineering for land acquisition services and preparation of the Plans, Specifications, and Estimates

for the second phase of the State Route 99/Pelandale Avenue Interchange Reconstruction Project to increase the existing agreement by \$181,495 for a total agreement amount of \$3,550,327.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to 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 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-134**

RESOLUTION APPROVING THE PURCHASE OF 60 SAMSUNG GALAXY TABLETS INCLUDING A ONE-YEAR DATA PLAN WITH AT&T IN ASSOCIATION WITH THE USE OF THE COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEMS FROM LUCITY, INC., OVERLAND PARK, KS FOR THE UTILITIES DEPARTMENT WATER DIVISION IN THE AMOUNT OF \$73,496, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, on January 12, 2016 by Resolution 2016-08, Council approved an agreement with Lucity Inc. for the purchase and implementation of a Computerized Maintenance Management System (CMMS) for the Utilities Department, and

WHEREAS, in March 2017 the implementation of the Lucity CMMS was completed and included the use of Lucity Mobile which provides crews within the Utilities Department the ability to receive, create, and complete work orders in real time at the work locations, and

WHEREAS, at the time of the software purchase, the Utilities Department was still working with the Information Technology Department to determine the type of tablet that would work best with the Lucity software, and

WHEREAS, after thorough specification review and testing it was determined that a windows-based tablet would be more efficient and effective for use with the software, especially for employees in the field, and that a data plan would be required to accompany the purchase of tablets for said employees, and

WHEREAS, the final specifications led to the selection of the Samsung Galaxy tablets, and

WHEREAS, the analysis performed in coordination with the Utilities Department and the Information Technology Department has determined that 60 Samsung Galaxy

Tablets along with the required data plan from AT&T for one year are necessary to make use of the mobile features of the Lucity CMMS.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of 60 Samsung Galaxy Tablets including a one-year data plan with AT&T in association with the use of the Computerized Maintenance Management Systems from Lucity, Inc., Overland Park, KS for the Utilities Department Water Division in the amount of \$73,496.

BE IT FURTHER RESOLVED, the Purchasing Manager, or her designee, is hereby authorized to execute the purchase order.

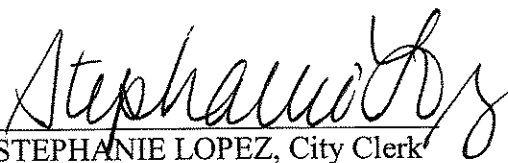
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-135**

RESOLUTION APPROVING AN AMENDMENT TO THE PURCHASING AGREEMENT WITH ALL SEASON LAWN LANDSCAPING FOR LAWN MAINTENANCE SERVICES FOR WATER WELLS AND TANK SITES TO INCREASE THE COSTS IN THE FIRST YEAR BY AN AMOUNT OF \$5,200 AND \$10,400 FOR YEARS TWO THROUGH FIVE FOR A TOTAL FIVE-YEAR INCREASE AMOUNT NOT TO EXCEED \$46,800 AND THE REVISED TOTAL AMOUNT OF THE AGREEMENT NOT TO EXCEED \$357,671 OVER FIVE YEARS; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on April 4, 2018, the Purchasing Division issued RFB 1718-49 for lawn maintenance services for water wells and tanks under commodity codes for landscape architecture, grounds maintenance, mowing, edging plant trimming, tree trimming and pruning services, and

WHEREAS, on June 26, 2018, by Resolution No. 2018-263, Council approved an agreement with All Season Lawn Landscaping for an annual cost not to exceed \$38,327 in Year One, \$63,828 in Year Two, with three additional sites and services added, and a total amount not to exceed \$310,871 over five years, and

WHEREAS, Council's approval of the lawn maintenance agreement with All Season Lawn Landscaping, the supplier has recommended that additional sites be treated with pre-emergent to control weeds; by not applying pre-emergent, well and tank sites will require the use of a larger amount of herbicide as well as additional man hours which could increase the agreement cost significantly for future years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the Purchasing agreement with All Season Lawn Landscaping for lawn maintenance services for water wells and tank sites to increase the costs in the first year by an amount of \$5,200 and \$10,400 for years two

through five for a total five-year increase amount not to exceed \$46,800 and the revised total amount of the agreement not to exceed \$357,671 over five years.

BE IT FURTHER RESOLVED, the Purchasing Manager, or her 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 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

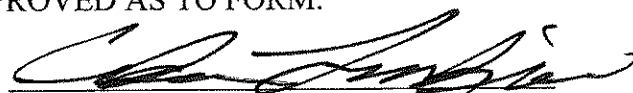
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-136**

RESOLUTION AMENDING THE POSITION ALLOCATION PLAN TO RECLASSIFY ONE ENVIRONMENTAL REVIEW SPECIALIST TO ONE HOUSING REHABILITATION SUPERVISOR IN THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT AND ELEVEN POLICE DETECTIVES TO ELEVEN POLICE OFFICERS IN THE POLICE DEPARTMENT

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on July 10, 2018, by Resolution No. 2018-283, 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 classification, and

WHEREAS, position changes will be effective the pay period in which April 2, 2019 falls, (Pay Period beginning April 2, 2019).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation Plan for Fiscal Year 2018-19 for various departments as follows:

1. Reallocate one (1) Environmental Review Specialist in the Community and Economic Development Department to one (1) Housing Rehabilitation Supervisor in the Community and Economic Development Department.

2. Reallocate eleven (11) Police Detectives in the Modesto Police Department to eleven (11) Police Officers in the Modesto Police Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-137**

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF 33 - 2019 HALF-TON TRUCKS WITH VARIOUS CONFIGURATIONS, TO BIG VALLEY FORD, STOCKTON, CA, FOR A TOTAL COST NOT TO EXCEED \$965,695, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE A PURCHASE ORDER

WHEREAS, 33 half-ton trucks with various configurations will be used by various departments, and

WHEREAS, 23 trucks are replacement units and have been evaluated based on their age, condition, mileage and maintenance costs, and

WHEREAS, every year a Fleet Replacement List is submitted to Council and is approved as part of the new fiscal year's Fleet Replacement budget, and

WHEREAS, the addition of ten new units are for various departments and were approved by the City Manager and City Council with the adopted Fiscal Years 2016-2017, 2017-2018, 2018-2019, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment through various competitive processes, and

WHEREAS, on December 12, 2018, the Purchasing Division used RFB 1819-29 for the purchase of 32 half-ton pickup trucks with various configurations on the City's website under commodity codes for automotive vehicles and related transportation equipment, automobiles, and automobile and other passenger vehicles maintenance and repair, automobiles and other passenger vehicles and trucks, and

WHEREAS, prospective bidders were notified online of the bid opportunity and 17 companies chose to download the RFB document, and

WHEREAS, on January 22, 2019, bids were formally opened in the City Clerk's office and four companies chose to respond, none were local vendors and all four companies provided responsive and responsible bids, and

WHEREAS, the award of bid and agreement for the purchase of 33 – 2019 half-ton pickup trucks with various configurations, to Big Valley Ford, Stockton, CA conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Big Valley Ford, Stockton, CA was the lowest responsive and responsible bidder, and

WHEREAS, sufficient funds for 23 half-ton pickup trucks with various configurations are budgeted in Fiscal Year's 2016-2017, 2017-2018, 2018-2019 in the Fleet Replacement fund, in account 5409-53246-57003, and

WHEREAS, sufficient funds for ten new additions are budgeted in Fiscal Year's 2016-2017, 2017-2018, 2018-2019 in the following accounts: (two) 0100-14220-57003, (one) 4100-45010-57003, (three) 4100-45065-57003, (three) 4210-44312-57003 and (one) 1700-53540-57003.

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 33 - 2019 half-ton pickup trucks with various configurations to Big Valley Ford, Stockton, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to issue a purchase order for a total cost not to exceed \$965,695.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-138**

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF SIX FORD POLICE INTERCEPTOR AWD UTILITY VEHICLES AND ONE FORD RESPONDER SUPERCREW 4X4 TO BIG VALLEY FORD, STOCKTON, CA, FOR A TOTAL COST NOT TO EXCEED \$285,172, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER

WHEREAS, six police Interceptor All Wheel Drive (AWD) utility vehicles and one Ford Police Responder Supercrew 4x4 are replacement units and will be used by the Modesto Police Department, and

WHEREAS, these units will replace various police patrol vehicles that will reach their mileage cap of 125,000 miles during this fiscal year and will replace units that have been involved in a collision and considered a total loss, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment through various competitive processes, and

WHEREAS, on December 5, 2018, the Purchasing Division issued RFB 1819-27 for the purchase and delivery of six Ford Police Interceptor AWD utility vehicles and one Ford Police Responder Supercrew 4x4 pick-up on the City's website under the commodity codes for automotive vehicles and related transportation equipment, automobiles and automobile and other passenger vehicles repair and maintenance, and

WHEREAS, on January 15, 2019, bids were formally opened in the City Clerk's Office, and two companies chose to respond, both provided a responsive and responsible bid, and

WHEREAS, based on providing the overall lowest responsive and responsible

bid, staff recommends the award of bid for the purchase of six Police Interceptor AWD utility vehicles and one Ford Police Responder Supercrew 4x4 pick-up to Big Valley Ford, Stockton, CA for a total cost of \$285,170, and

WHEREAS, six of these vehicles will be standard black and white patrol vehicles at a cost of \$37,589 per unit before taxes and fees, and one black and white Supercrew 4x4 pick-up at a cost of \$38,762 before taxes and fees will be for the Modesto Police Department, and

WHEREAS, sufficient funds for six Ford Police Interceptor AWD utility vehicles and one Ford Responder Supercrew 4x4 pick-up have been encumbered in the Fleet Replacement Fund: 5409-53246-57003.

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 six Ford Police Interceptor AWD utility vehicles and one Ford Responder Supercrew 4x4 to Big Valley Ford, Stockton, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to issue a purchase order for an estimated total cost of \$285,172.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

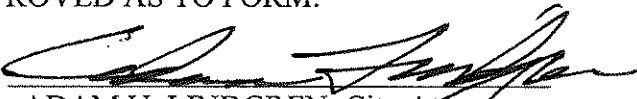
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-139**

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF FOUR 2019 MEDIUM DUTY UTILITY TRUCKS WITH VARIOUS CONFIGURATIONS TO TOWNE FORD, REDWOOD CITY, CA, FOR A TOTAL COST OF \$489,063, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services, and

WHEREAS, funds have been collected through the Internal Service Fund (ISF) via straight-line depreciation over the life of the vehicles, approved and allocated in the budget adoption for FY 2016-2017 for the purchase of replacement units and have been encumbered and budgeted for Fiscal Year 2018-2019, and

WHEREAS, one medium duty utility truck 19,000 Gross Vehicle Weight Rating (GVWR) will be used by the Public Works Department - Electrical Division and is a replacement unit, and

WHEREAS, three new additions will be used by the Utilities Department, two were approved by the City Manager and Council with the adopted FY 2016-2017 budget and one new unit was approved with the adopted FY 2017-2018 budget, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment through various competitive processes, and

WHEREAS, on December 28, 2018, the Purchasing Division issued RFB 1819-33 for the purchase of four 19,000 GVWR utility trucks with various configurations on the City's website under the commodity codes for automotive accessories for automobiles, buses trailers, trucks; automotive and trailer bodies, body accessories and

parts; bodies, utility; van truck bodies; automotive vehicles, vehicles and related transportation equipment (including trailers); automobiles; class 5 trucks/ automobile and other passenger vehicles maintenance and repair, and

WHEREAS, on January 29, 2019, bids were formally opened in the City Clerk's Office and one company chose to respond and provided a responsive and responsible bid, and

WHEREAS, sufficient funds for one 19,000 GVWR utility truck was encumbered in Fiscal Year's 2016-2017 (Fleet Replacement Fund: 5409-53246-57003) and are currently encumbered and budgeted for Fiscal Year 2018-2019, and

WHEREAS, sufficient funds for two new additions were approved by the City Manager and Council with the adopted FY 2016-2017 Budget in the following accounts (Wastewater – Sutter Plant Maintenance, account no: 4210-44313-57003; Wastewater – Stormwater Collections, account no: 4480-44222-57003) and are currently encumbered and budgeted for Fiscal Year 2018-2019, and

WHEREAS, sufficient funds for one new addition was approved by the City Manager and Council with the adopted FY 2017-2018 budget in the following account (Wastewater – Sewer Collections, acct no: 4210-44211-57003) funds have been collected through the Internal Service Fund (ISF) via straight-line depreciation over the life of the vehicles and are currently encumbered and budgeted for Fiscal Year 2018-2019.

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 four 19,000 GVWR utility trucks with various configurations to Towne Ford, Redwood City, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is

authorized to issue a purchase order for an estimated total cost of \$489,063.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-140**

RESOLUTION APPROVING A COMPOST FACILITY FLEXIBLE SALES PRICING PILOT PROGRAM TO BECOME EFFECTIVE APRIL 15, 2019, FOR A ONE-YEAR TRIAL PERIOD, WHEREIN THE INTEGRATED WASTE PROGRAM MANAGER WOULD BE ABLE TO ADVERTISE AND OFFER DISCOUNTED PRICING SUCH AS SEASON OR OVERSUPPLY SPECIALS OF UP TO 50% OFF OF THE COMPOST PRODUCT FOR SALE

WHEREAS, the City of Modesto Compost Facility began operation in January 1997 due to the City's waste being comprised of a high level of compostable materials and the City being designated as a City of Trees, and the Compost Facility would provide a way for the City to handle its own greenwaste and forestry materials, and

WHEREAS, the City also rolled out a two-can residential garbage and recycling collection program which provided a green can for all residential waste, and

WHEREAS, over time that green can functionality has expanded to include all yard waste, paper waste and food waste, and

WHEREAS, the Compost Facility's primary and state mandated purpose is to process the City's diverted yard waste, paper waste, and food waste materials into a reusable soil amendment, this keeping materials from the landfill and lowering our disposal rate, and

WHEREAS, compost is also donated to community gardens and landscape projects, parks, schools, churches, and for use in our own City projects, and

WHEREAS, annually the Facility receives approximately 65,000 tons of raw compostable waste materials and processes it into about 35,000 tons of compost, and

WHEREAS, in Fiscal Year 2017-2018 SCS Engineers, Inc. was hired to conduct a comprehensive review of the City's solid waste system, including the compost facility and its operations, and

WHEREAS, one of the findings discussed the changes in state law that made organic recycling and composting mandatory, and the demands that would have on the facility operationally and financially, but there was no discussion on what the impacts of the new influx of materials would be, or what would happen to the quality of the compost or the market conditions, and

WHEREAS, AB1826 and SB1383 mandate organics recycling resulting in a 75% diversion of organics materials out of landfills and into composting facilities, yet there are no laws mandating the public or private sectors purchase the finished product back, and

WHEREAS, the new supply of material is estimated to be over 20 million tons annually which creates an overabundance of product inventory statewide and the competition makes pricing and materials quality key factors for moving the project, and

WHEREAS, the new supply of incoming organics material is heavily contaminated with glass, plastics, and trash, and

WHEREAS, an increase in public education and enforcement will help over time, but expensive machinery and labor intensive efforts are needed long term to separate out the contamination, and

WHEREAS, due to the contamination levels, compost sales have dropped by 40% and created an oversupply of product at the facility and storing the material can lead to permit violations, and

WHEREAS, this product needs to be moved in order to continue processing incoming material, and while some of the product can be spread on City land, due to the glass it is not feasible to use it in City parks or sports fields, and nut farmers have even diminished their use of the product, and

WHEREAS, in July 2018, by Resolution No. 2018-240, Council approved the pricing for compost product sales with an annual Consumer Price Index (CPI) adjustment each year, however in order to move product so we can continue to process material, staff is requesting a flexible pricing pilot program for one year to help with the oversupply of product, and

WHEREAS, under the flexible pricing pilot program, the Integrated Waste Program Manager would be able to advertise and offer discounted pricing such as seasonal or oversupply specials up to 50% off the product as necessary to make room on the site and stay in compliance with state law, and

WHEREAS, the compost budget includes revenues from compost sales and all revenue generated as a result of the flexible pricing would help to balance the Compost Fund budget.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a Compost Facility Flexible Sales Pricing Pilot Program to become effective April 15, 2019, for a one-year trial period, wherein the Integrated Waste Program Manager would be able to advertise and offer discounted pricing such as seasonal or oversupply specials up to 50% off of the compost product for sale.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

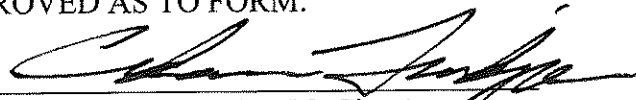
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-141**

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE
EMPIRE SANITARY SEWER TRUNK PROJECT, ACCEPTING THE BID, AND
APPROVING A CONSTRUCTION CONTRACT WITH ROLFE
CONSTRUCTION COMPANY, ATWATER, CA, IN THE AMOUNT OF
\$3,866,093 PLUS \$463,931 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL
AMOUNT OF \$4,330,024 AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, specifications have been prepared for the Empire Sanitary Sewer Trunk Project, and

WHEREAS, on February 12, 2019 staff received bids from four companies that were responsible and responsive, including a bid from Rolfe Construction Company, and

WHEREAS, MMC 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, and the award of bid for the Empire Sanitary Sewer Trunk 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 \$4,330,024 received from Rolfe Construction Company, be accepted as the lowest responsible and responsive bid and the contract be awarded to Rolfe Construction Company.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Empire Sanitary Sewer Trunk Project and accepts the bid of \$3,866,093 plus \$463,931 for contingency (if needed) for a total amount of \$4,330,024 and Awards Rolfe Construction Company, of Atwater, CA, the contract for the Empire Sanitary Sewer Trunk 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 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-142**

**RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S
AUTHORITY TO ISSUE CHANGE ORDERS FOR THE EMPIRE SANITARY
SEWER TRUNK PROJECT FROM 8% (\$309,287) TO 12% (\$463,931) OF THE
CONSTRUCTION CONTRACT PRICE OF \$3,866,093 WITH ROLFE
CONSTRUCTION, ATWATER, CA**

WHEREAS, on April 2, 2019, Council is concurrently awarding a \$3,866,093 contract to Rolfe Construction, of Atwater, CA for the construction of the Empire Sanitary Sewer Trunk Project, and

WHEREAS, given the nature of the project, additional work may be needed to address unexpected conditions that require changes in project scope, and

WHEREAS, the additional costs may exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443.

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 the Empire Sanitary Sewer Trunk Project from 8 percent (\$309,287) to 12 percent (\$463,931) of the construction contract price of \$3,866,093 with Rolfe Construction, of Atwater, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

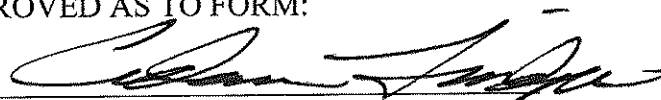
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-143**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$2,806,661 TO
BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES
TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION
ADMINISTRATION, CITY CONSTRUCTION FORCES AND DESIGN
SUPPORT DURING CONSTRUCTION FOR THE EMPIRE SANITARY SEWER
TRUNK PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of \$2,806,661, in order to fund construction, contingency, construction administration, design support during construction plus City staff support for the Empire Sanitary Sewer Trunk Project, and

WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget must be amended as shown 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 approves the amendment of the Fiscal Year 2018-2019 Capital Improvement Program Budget as shown in **Exhibit A**, attached hereto.

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 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

A total of \$2,806,661 is being requested from Wastewater Reserves to revise the budget of CIP project 100641 – Empire Sanitary Sewer Trunk Project.

100641 - Empire Trunk

	PJTD Budget	PJTD Actual	PJTD Commit	PJTD Available	AR Request	Budget Adjustment
CA	\$ 221,125.00	\$ 25,673.74	\$ -	\$ 195,451.26	\$ 463,931.00	\$ 268,480
CCF	\$ 55,000.00	\$ -	\$ -	\$ 55,000.00	\$ 55,000.00	\$ -
CON	\$ 1,704,543.00	\$ -	\$ -	\$ 1,704,543.00	\$ 3,866,093.00	\$ 2,161,550
CTGY	\$ 179,258.00	\$ -	\$ -	\$ 179,258.00	\$ 463,931.00	\$ 284,673
EDA	\$ 313,742.00	\$ 286,546.12	\$ 3,154.07	\$ 24,041.81	\$ 116,000.00	\$ 91,958
	\$ 2,473,668.00	\$ 312,219.86	\$ 3,154.07	\$ 2,158,294.07	\$ 4,964,955.00	\$ 2,806,661

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-144**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
GROUNDWATER MONITORING WELLS PROJECT, ACCEPTING THE BID,
AND AWARDING A CONSTRUCTION CONTRACT WITH GREGORY
DRILLING, INC., OF REDMOND, WA, IN THE AMOUNT OF \$634,307 AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE CONTRACT**

WHEREAS, specifications have been prepared for the Groundwater Monitoring Wells Project, and

WHEREAS, on January 8, 2019 staff received bids from three companies that were responsible and responsive, including a bid from Gregory Drilling, and

WHEREAS, MMC 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, and the award of bid for the Groundwater Monitoring Wells 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 \$634,307 received from Gregory Drilling, be accepted as the lowest responsible and responsive bid and the contract be awarded to Gregory Drilling.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby consider approving the plans and specifications for the Groundwater Monitoring Wells Project, accepting the bid and awarding a construction contract with Gregory Drilling of Redmond, WA in the amount of \$634,307.

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 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

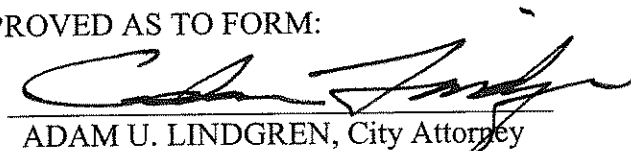
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-145**

RESOLUTION APPROVING AN AGREEMENT WITH GROUND ZERO ANALYSIS, INC., MODESTO, CA, FOR HYDROGEOLOGICAL DESIGN SUPPORT DURING CONSTRUCTION FOR THE GROUNDWATER MONITORING WELLS PROJECT IN AN AMOUNT NOT TO EXCEED \$75,454 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$7,545 IN ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL NOT TO EXCEED AMOUNT OF \$82,999 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the cities of Modesto, Riverbank, Oakdale, the Modesto Irrigation District, the Oakdale Irrigation District, and Stanislaus County formed the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) to oversee and coordinate groundwater management activities in the Modesto Groundwater Subbasin, and

WHEREAS, in accordance with the Sustainable Groundwater Management Act of 2014, STRGBA is developing a Groundwater Sustainability Plan (GSP), and

WHEREAS, one of the key elements of the GSP will be to continually monitor the groundwater levels via dedicated monitoring wells, and

WHEREAS, this project provides for groundwater monitoring wells at five different locations within the City limits and throughout the City's contiguous water service area, and

WHEREAS, hydrogeological services are needed during the construction phase to evaluate subsurface data and determine well screening depths, 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 through a RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, five proposals were received on January 11th 2019, and were reviewed by a selection committee that consisted of Utilities Department staff, and

WHEREAS, the selection committee determined that Ground Zero Analysis Inc., a local firm, was the most responsive and qualified firm to provide hydrogeological services during construction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Ground Zero Analysis Inc., Modesto, CA, for hydrogeological design support during construction services for the Groundwater Monitoring Wells Project in the amount of \$75,454 for the identified scope of services, plus \$7,545 in additional services (if needed), for a total amount not to exceed \$82,999.

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 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

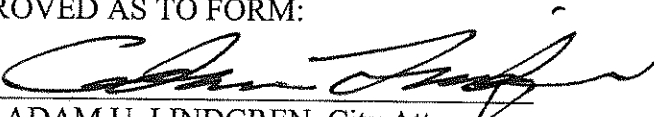
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-146**

**RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S
AUTHORITY TO ISSUE CHANGE ORDERS FOR THE GROUND WATER
MONITORING WELLS PROJECT FROM 10 PERCENT (\$63,431) TO 20
PERCENT (\$126,861) OF THE CONSTRUCTION CONTRACT AMOUNT**

WHEREAS, on April 2, 2019, the City Council is concurrently awarding a \$634,307 contract to Gregory Drilling, Inc. of Redmond, WA for the construction of the Groundwater Monitoring Wells Project, and

WHEREAS, given the nature of the project, additional work may be needed to address unexpected conditions that require changes in project scope, and

WHEREAS, the additional costs may exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443.

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 the Groundwater Monitoring Wells Project from 10 percent (\$63,431) to 20 percent (\$126,861) of the construction contract price of \$634,307 with Gregory Drilling, Inc. of Redmond, WA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

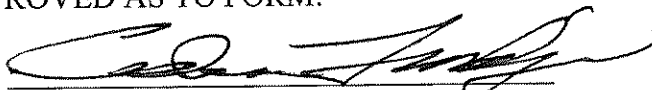
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-147**

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH S&S HEALTHCARE STRATEGIES, LTD. TO NEGOTIATE AND SETTLE MEDICAL CLAIMS, INCLUDING THE REIMBURSEMENT OF EMPLOYEES FOR CLAIMS PAYMENTS MADE PRIOR TO MARCH 1, 2019 THAT WERE THE RESPONSIBILITY OF RIVERSTONE AND AUTHORIZING AN AMOUNT OF \$2,626,000 TO FUND CLAIMS SETTLEMENTS, FEES AND EMPLOYEE REIMBURSEMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage; and

WHEREAS, the City contacted S&S Healthcare Strategies, Ltd. following notice of the current health plan provider's failures to pay outstanding claims; and

WHEREAS, S&S Healthcare Strategies, Ltd. offered negotiation services; and

WHEREAS, after reviewing options, S&S Healthcare Strategies, Ltd. was determined most comprehensive and affordable; and

WHEREAS, the City may fund claims settlement through the Employee Benefit Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement with S&S Healthcare Strategies, Ltd. for negotiation of unpaid medical claims.

BE IT FURTHER RESOLVED that the Council hereby approves the full reimbursement of employees who paid claims on or before March 1, 2019 that should have been paid by Riverstone Capital.

BE IT FURTHER RESOLVED that the Council hereby approves initial funding of employee reimbursement, claims negotiation and settlement in the amount of \$2,626,000.

BE IT FURTHER RESOLVED that the Director of Human Resources is hereby authorized to serve as the coordinator for the various plans.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary agreements relating to employee and dependent health care to fulfill the intent of this Resolution, in a form approved by Legal Counsel, including such provisions as may be necessary to meet requirements of the Independent Fiduciary.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 2019, by Councilmember Ridenour who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-148**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS**

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 2018-19.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2018-19 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 9th day of April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

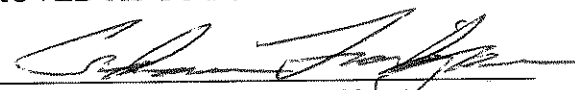
By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2018-19

HUMAN RESOURCES

On February 05, 2019, the Council approved ending existing broker services provided for the City's medical insurance coverage plan and authorized the City Manager to pay the difference between the old premiums and the new premiums for a period not to exceed 4 months from the Employee Benefits Fund. This was done to minimize the harm or disruption as a result of the unplanned transition in health insurance premiums. As a result, a budget adjustment in the amount of \$1,079,811 is needed to establish a transfer from the Employee Benefits Fund (5510) to various the funds listed below, to increase the "Health Insurance" expense budget by \$1,079,811 for the funds listed below, increase the "Insurance Premiums" expense budget and "Assessments Other" revenue budget in the Health Insurance Fund (Fund 5360) by \$1,079,811.

Fund	Amount
0100 - General Fund	\$503,310
1133 - HUD Administration	\$11,676
1185 - Community System of Care	\$2,680
1300 - Capital Improvement Support	\$21,638
1342 - Grants - Police	\$10,095
1610 - Traffic Offender Fund	\$2,025
1700 - Surface Transportation Fund	\$61,070
3220 - Infrastructure Financing Program Admin	\$10,924
4000 - Parking Fund	\$6,950
4100 - Water Fund	\$135,622
4210 - Sewer Operations Fund	\$145,593
4310 - Airport Operating Fund	\$9,000
4480 - Storm Drainage Fund	\$6,765
4520 - Bus Service Fund - DAR	\$2,521
4540 - Bus Fixed Route Max Operations Fund	\$23,200
4700 - Community Center Operations Fund	\$4,271
4890 - Compost Fund	\$345
4891 - Solid Waste Fund	\$8,128
4892 - Green Waste Fund	\$37,338
5120 - Mail Services ISF Fund	\$2,521
5230 - Information Technology Fund	\$40,619
5310 - Insurance - Administration Fund	\$10,085
5400 - Fleet Management Fund	\$21,177
5520 - Employee Benefits Admin Fund	\$1,768
5800 - P/R Building Services Fund	\$475
5810 - 10th Street Place Building Services	\$14
Total	\$1,079,811

A budget adjustment in the amount of \$57,000 is needed to budget the revenue and expense of the voluntary insurance plans in the Insurance – Other Employee Fund (Fund 5380).

PUBLIC WORKS

A budget adjustment is necessary to establish the revenue and expense budget in the amount of \$102,025 for the Geer Road Landfill fund. This is for a new fee added to the Maximum Rate schedule approved on January 22, 2019 that did not include a budget adjustment to establish the Geer Road Landfill budget.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-149**

RESOLUTION APPROVING THE PURCHASE OF 45 ETHERNET SWITCHES FROM WESTERN PACIFIC SIGNAL, LLC, SAN LEANDRO, CA, IN THE AMOUNT OF \$74,248 TO MODERNIZE TRAFFIC SIGNAL COMMUNICATIONS TO OUR ADVANCED TRAFFIC MANAGEMENT SYSTEM, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, on July 5, 2017, by Resolution No. 2017-269, Council approved Measure L Projects which included the purchase of Type 2070LX traffic signal controllers and Ethernet switches, and

WHEREAS, Council awarded the purchase of 100 - 2070LX Traffic Controllers to McCain Inc. and awarded the purchase of 35 Ethernet switches and a rack mounted master Ethernet switch to GDI Communications, and

WHEREAS, ethernet switches will provide better and faster communication to our traffic signals; this will allow video to be transmitted back to our ATMS system for live observations of traffic flow and to the Modesto Police Department's real time crime view center, and

WHEREAS, On January 2, 2019, the Purchasing Division issued RFB 1819-31 for the purchase of 45 ethernet switches, and

WHEREAS, on February 12, 2019, bids were formally opened in the City Clerk's office; four companies provided responsive and responsible bids, and Western Pacific Signal, LLC was the apparent low bidder, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of 45 ethernet switches to Western Pacific Signal, LLC for a total cost of \$74,248.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of 45 ethernet switches from Western Pacific Signal, LLC, San Leandro, CA, in the amount of \$74,248 to modernize traffic signal communications to our Advanced Traffic Management System,

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 9th day of April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

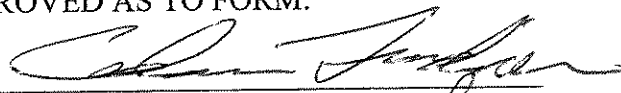
ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-150**

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH VARSITY FACILITY SERVICES, RANCHO CORDOVA, CA, FOR THE FURNISHING OF CUSTODIAL SERVICES FOR CITY-WIDE USE BY \$567,497 FROM \$ 1,991,770 TO \$2,559,267, AND EXTENDING THE TERM OF THE AGREEMENT FROM JULY 7, 2019 TO JANUARY 7, 2020; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on July 8, 2014 by Resolution No. 2014-288, Council approved the award of proposal and contract for the furnishing of furnishing of custodial services for Citywide use to Varsity Facility Services, Rancho Cordova, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and for an estimated annual cost of \$398,354, and over five (5) years of \$1,991,770 with the termination date scheduled for of July 7, 2019, and

WHEREAS, in 2011, the City entered into an agreement for custodial services for Modesto Centre Plaza with Pacific Maintenance Company, however in May of 2018, they exercised their contractual right to terminate services per section 10 of the contract, and

WHEREAS, Modesto Centre Plaza needed immediate coverage in order to continue to properly operate serving the public and the ability to provide safe and clean facilities And the only existing agreement within the City was the agreement between the City of Modesto and Varsity Facility Services, and

WHEREAS, the agreement with Varsity Facility Services did not contemplate the increases in costs for minimum wage rate increases resulting in a shortage of approved funds to cover the original scope detailed in the RFB executed in 2014; in order to accommodate the services required to maintain Modesto Centre Plaza and properly fund

the wage increases, staff is requesting an increase in the agreement amount and extension of termination date.

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 Varsity Facility services, Rancho Cordova, CA, for the furnishing of custodial services for City-wide use by \$567,497 from \$ 1,991,770 to \$2,559,267, and extending the term of the agreement from July 7, 2019 to January 7, 2020.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is 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 April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-151**

RESOLUTION APPROVING THE SUBMISSION OF AN ALLOCATION REQUEST FOR THE LOW CARBON TRANSIT OPERATIONS PROGRAM IN THE AMOUNT OF \$865,323 FOR FREE TRANSIT FARES FOR SPECIFIC DATES AND EVENTS TO ENCOURAGE MORE RIDERSHIP ON MODESTO AREA EXPRESS (MAX) BUSES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT AGREEMENT DOCUMENTS

WHEREAS, the City was allocated a grant from the California Department of Transportation (Caltrans) in the amount of \$865,323 in local and regional funding under the Low Carbon Transit Operations Program (LCTOP), and

WHEREAS, these funds will be used to provide free fare days on specific dates to everyone riding the Modesto Area Express (MAX) system, and

WHEREAS, this project will provide people an incentive for using the bus more often, thus increasing ridership, and

WHEREAS, these funds will be used as fare revenue to supplement the total local revenue for the system, and

WHEREAS, these funds will enable the City of Modesto to achieve the fare box revenue requirement.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the submission of an allocation request for the LCTOP in the amount of \$865,323 for free transit fares for specific dates.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute all grant agreement documents, and 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 April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

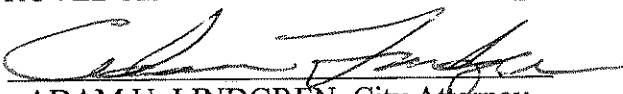
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-152**

RESOLUTION APPROVING AN AGREEMENT WITH BLACKWATER CONSULTING ENGINEERS, INC., MODESTO, CA FOR ENGINEERING DESIGN SERVICES FOR THE COLORADO WATER MAIN PROJECT, IN AN AMOUNT NOT TO EXCEED \$78,588 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$7,859 IN ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL NOT TO EXCEED AMOUNT OF \$86,447, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Utilities Engineering is currently managing the River Trunk Realignment Project which will reroute major portions of the sewer trunk line away from the Tuolumne River and into public right-of- way, and

WHEREAS, this current City/County project presents an opportunity to construct and coordinate needed water main improvements along Colorado Avenue, and

WHEREAS, the coordinated effort will be less disruptive to the neighborhood and result in construction cost savings, and

WHEREAS, BlackWater Consulting Engineers, Inc. has prepared sections of the River Trunk Realignment sewer trunk design and has rendered satisfactory services with the City on previous projects, 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 bidding requirements of 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 BlackWater Consulting Engineers Inc., Modesto, CA for Engineering Design Services for the Colorado Water Main Project in an amount not to exceed \$78,558, for the identified scope of services, plus \$7,859 for additional services, if needed, for a maximum total amount of \$86,447.

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 April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

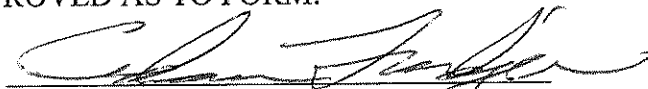
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-153**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$96,447 TO BE
TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES TO
FUND ENGINEERING DESIGN SERVICES FOR THE COLORADO WATER
MAIN PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of \$96,447, in order to fund engineering design services plus City staff time in support of the Colorado Water Main Project, and

WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget must be amended as shown 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 approves the amendment of the Fiscal Year 2018-2019 Capital Improvement Program Budget as shown in **Exhibit A**, attached hereto.

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 April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

The purpose of this action is to establish the Engineering/Design/Administration (EDA) budget of Capital Improvement Program Project 101152 - Colorado Ave S&R Water Main to cover expenses associated with an engineering design services agreement with BlackWater Consulting Engineers, Inc. and the City staff time associated with administering the agreement.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-154**

RESOLUTION ACCEPTING THE HAHN AND RUMBLE LIFT STATION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$3,129,828 TO MOUNTAIN CASCADE, INC. OF LIVERMORE, CA

WHEREAS, on March 13, 2007 by Resolution 2007-179, Council approved the 2007 WWMP which identified deficiencies for the Rumble Lift station which included site access and security issues as well as hydraulic and mechanical deficiencies, and

WHEREAS, the improvements consisted of hydraulic and access upgrades including new pumping equipment, pipe gallery, wet pit, electrical controls, and perimeter fencing. The design was completed by engineering staff, and

WHEREAS, the Hahn Lift Station was relocated to the southwest corner property, 3200 Nightingale Drive, which was purchased by the City for this purpose, and

WHEREAS, the new site allows for safer and more efficient access for City Utilities Maintenance staff, and

WHEREAS, the Rumble Lift station was identified in the WWMP for improvements due to site access and security issues as well as hydraulic and mechanical deficiencies in the station, and

WHEREAS, bids were advertised on June 20, 2016, and

WHEREAS, six bids were publicly opened on July 16, 2016, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, Mountain Cascade, Inc. of Livermore, CA was the apparent low bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Hahn and Rumble Lift Station project is hereby accepted as complete from said

contractor Mountain Cascade, Inc., of Livermore, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and authorize payments totaling \$3,129,828, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

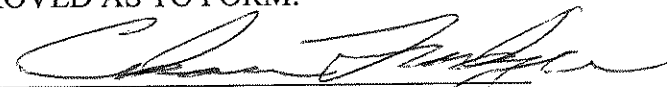
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-155**

RESOLUTION APPROVING THE PREQUALIFIED CONSULTANT LIST, CONSISTING OF CRAWFORD & ASSOCIATES, INC., KRAZAN & ASSOCIATES, INC., MOORE TWINNING ASSOCIATES, INC., AND GEOCON CONSULTANTS, INC. FOR GEOTECHNICAL ENGINEERING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR A PERIOD OF ONE YEAR, WITH THE POSSIBILITY OF THREE ADDITIONAL ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE DEPARTMENT 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, as-needed list of consultants allows the Utilities Department to have accelerated access to specific Geotechnical Engineering Services, when needed, and

WHEREAS, this will 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 the Modesto Municipal Code 8-3.204(a), Exceptions to Formal Bidding Requirements, this prequalified list is for professional services and, therefore, exempt from the bid requirement. However, staff proceeded with the RFP process pursuant to Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for environmental site assessment services, and

WHEREAS, staff received seven (7) Statements of Qualifications (SOQs) for Geotechnical Engineering Services, two (2) of which are considered local firms, and

WHEREAS, after careful review of the SOQs by Utilities Department staff, the following firms, two of which are considered local, were selected as the most qualified: 1) Crawford & Associates, Inc., Modesto, CA; 2) Krazan & Associates, Inc., Modesto, CA; 3) Moore Twining Associates, Inc., Fresno, CA and 4) GEOCON Consultants, Inc., Livermore, CA, and

WHEREAS, when Geotechnical Engineering Services are required for CIP projects with a total budget of \$2 million or less, a Request for Proposals (RFP) with a specific scope of work may be issued to one or all of these firms, and

WHEREAS, an agreement for Geotechnical Engineering Services will then be presented to City Council for approval, and

WHEREAS, this prequalified consultant list will be active for one year from the date of Council approval, at which time the City may extend the list for three additional one-year extensions at the written approval of the Department Director, and

WHEREAS, in the event the firms listed on the pre-qualified list are deemed to lack experience or expertise for specific projects, the City retains the right to recruit consultants for individual projects and not be restricted to the approved list, and

WHEREAS, a formal process will be conducted should this situation occur.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified consultant list, consisting of 1) Crawford & Associates, Inc., Modesto, CA; 2) Krazan & Associates, Inc., Modesto, CA; 3) Moore Twining Associates, Inc., Fresno, CA and 4) GEOCON Consultants, Inc., Livermore,

CA for Geotechnical Engineering Services for various CIP projects for a period of one year, with three optional additional one-year extensions at the written approval of the Department Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-156**

RESOLUTION APPROVING AN AGREEMENT WITH CRAWFORD & ASSOCIATES, INC., MODESTO, CA FOR ON-CALL GEOTECHNICAL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH THREE ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED \$75,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO THREE ONE-YEAR EXTENSION OPTIONS

WHEREAS, Geotechnical Engineering Services are regularly needed as part of Capital Improvement Projects, 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 RFQ/RFP process pursuant to Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, and

WHEREAS, responses were received from seven firms and reviewed by a selection committee who chose one firm as the most qualified to provide On-Call Geotechnical Engineering Services to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an on-call agreement with Crawford & Associates, Inc., Modesto, CA for Geotechnical Engineering Services for one year, with three one-year extension options at the sole discretion of the City in an amount not to exceed \$75,000 per year, with a total cost for three years not to exceed \$300,000.

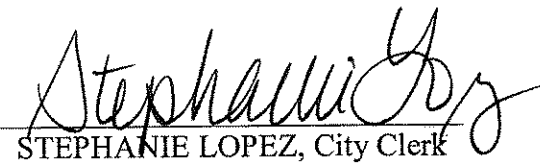
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-157**

**RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(605)**

WHEREAS, a verified application for an amendment to Section 12-3-8 of the Zoning Map was filed by Ali Properties LLC and the Angel Family Trust on June 29, 2018, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(605) to allow a new 50-unit apartment complex on property located at the northwest corner of Rumble Road and Conant Avenue, described as follows:

R-1 to P-D(605)

All that portion of Lot 1 of McKinney Colony, according to the Official Map or Plat thereof on file and of record in the Recorder's Office of Stanislaus County, California, and particularly described as follows, to wit:

Beginning at the southeast corner of Lot 10 of McKinney Colony; thence North along the easterly line of said Lot 240 feet to a point in said line; thence running West parallel with the southerly line of said Lot 10, 372.31 feet to a point; thence South parallel with the easterly line of said Lot 10, 240 feet to a point in the south line of said Lot 10; thence easterly along the southerly line of said Lot 10, 372.31 feet to the point of commencement.

Also including the west one-half of Conant Avenue and the north one-half of Rumble Road, being immediately adjacent to this description.

Totaling 2.25 acres, more or less.

APN: 076-042-007

WHEREAS, after a public hearing held on December 3, 2018, 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. 2018-15, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the proposed development will conform to City standards, the requested zone

change will result in an orderly planned use of land because the conditions of approval will ensure that the proposed project is compatible with the adjacent residential uses, and there are other apartment complexes located on this section of Rumble Road in close proximity to the proposed development, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the proposed change to Planned Development allowing for new multi-family residential uses is consistent with the Modesto Urban Area General Plan, which designates the property as Mixed Use (MU), which allows for multi-family residential uses, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 5, 2019, 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, said meeting was continued to a date certain by the City Council to allow staff and the applicant the opportunity to address concerns raised regarding traffic and the neighboring school, and

WHEREAS, a continued public hearing of the City Council was held on April 9, 2019, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, after said public hearing the Council found and determined that the application of Ali Properties LLC and the Angel Family Trust for a Planned Development Zone 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. 2018-15 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3693-C.S. on the 9th day of April 2019, reclassifying the above-described property from R-1 Zone, to Planned Development Zone, P-D(605),

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

1. Prior to the issuance of a building permit, all development shall conform to the Development Plan and building elevations titled "Rumble Road Multi-Family Housing" stamped approved by the City Council.
2. The wall along the north and west property lines shall be a 7-foot high solid decorative masonry wall as shown in red on the site plan, and be constructed prior to occupancy of any structure.
3. Screen landscaping shall be installed along the north and west property lines of the project site, as approved by the Parks, Recreation and Neighborhoods, prior to certificate of occupancy for the first building.
4. Prior to issuance of a building permit, the developer and/or developer's landscape architect, landscape contractor, architect, or engineer landscape architect shall confer with the property owners of those parcels immediately adjacent to the site on the design of the screen landscaping to be implemented and the timing of installation. The screen landscaping and the timing of installation shall be to the satisfaction of the Director of Community and Economic Development or designee. Record of said conference(s) shall be noted on the landscape plans prior to submittal to the City for review.
5. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors and finishes which are consistent or compatible with those used for the residential buildings, as approved by

the Community and Economic Development Director. Climbing vines shall be included in the landscape surrounding the trash enclosures to discourage tagging.

6. The design of light fixtures and their structural supports should be architecturally compatible with the main structures on the site. Light fixtures should be architecturally integrated into the design of a structure to the satisfaction of the Director of Community and Economic Development.
7. Along pedestrian corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be used. Steps and ramps should be illuminated wherever possible, with built-in light fixtures to the satisfaction of the Director of Community and Economic Development.
8. All signs shall comply with the sign requirements of the R-3 Zone.
9. Sizing and number of monument signs shall be in accordance to the requirements of the R-3 Zone. Placement of such signs shall be seventeen (17) feet back from the flow line of the street to ensure clear line of sight for vehicles exiting the development.
10. Prior to issuance of a sign permit, individual sign plans for the project shall be submitted for separate review and approval prior to installation.
11. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers and HVAC equipment shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development. Equipment shall be placed underground or adequately screened through the use of landscaping or masonry walls.
12. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.
13. Construction drawings shall demonstrate that all building drainage gutters, down spouts, vents, etc. located on exterior walls, are be completely concealed from public view or designed to be architecturally compatible (decorative) with the exterior building design and color to the satisfaction of the Director of Community and Economic Development.
14. Prior to occupancy of any structure, striping of parking stalls, aisles and driveways shall conform to the provisions of MMC Section 10-5.105, Parking Lot Design Standards.

15. Parking lot shade trees shall be provided in all new parking areas to meet current parking lot shading requirements (1 tree per 8 stalls, 50% coverage within 10 years).
16. All improvements shall be designed and constructed per City standards in accordance with City Code (Article 7-1.701). Such improvements will include, but not be limited to roadway, storm drainage, curb and 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 permit.
17. Prior to issuance of a building or encroachment permit, ten-feet of right-of-way along the Rumble Road frontage shall be dedicated.
18. Prior to issuance of a building or encroachment permit, ten-foot-wide public utility easements shall be dedicated along the frontages of Rumble Road and Conant Avenue.
19. Prior to the issuance of a Certificate of Occupancy for the first building, the crosswalks of the Conant Avenue/Rumble Road intersection shall be improved with new “ladder” striping and new solar-powered school-proximity speed-limit signs shall be installed on Conant Avenue and Rumble Road to the satisfaction of the City Engineer and City Traffic Engineer.
20. There is an existing 39-in sewer trunk in Rumble Rd, an existing 6-in sewer fly-line main in Rumble Rd and, a 6-in sewer main in Conant Ave. The existing 6-in mains are not available for new services. The 39-in trunk conveys flow to a 48-in trunk in Conant Ave. The 39-in sewer trunk and downstream sewer facilities have adequate capacity for the anticipated sewer flow demands from this proposed 50-unit apartment project. A new manhole would be required on the Rumble Rd sewer trunk to extend a new service to this proposed project.
21. The project shall manage storm water runoff on-site according to current City standards. Calculations and percolation test shall be submitted to the City for review and approval with the submittal of the improvement plans, prior to issuance of a building permit.
22. 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 City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.

23. 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 run-off on site, and incorporate pervious landscape features into the project design wherever possible.
24. 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.
25. 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. Floor of enclosures shall be graded to drain into adjacent landscape areas.
26. 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.
27. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall obtain coverage for project under the State Water Resources Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ.
28. The Construction General Permit requires the Property Owner to develop a Stormwater Pollution Prevention Plan (SWPPP) for the project. The SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement. Prior to issuance of a Grading, Demolition, or Building Permit, provide one paper copy of SWPPP to Land Development Engineering, Stormwater.
29. Prior to issuance of a building permit, applicant shall submit Landscape and Irrigation plans for review and approval by the City's Parks Planning and Development Division. L&I plans shall meet current State of California water use requirements, MMC requirements and City of Modesto standards at time of submittal.

30. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Code.
31. Applicant shall provide street trees along Rumble Road and Conant Avenue to the satisfaction of the Parks Planning and Development Manager.
32. LID control and treatment measures shall be vegetated for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Provide total square feet of landscape in project information.
33. 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.
34. 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.
35. Prior to issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development.
36. Prior to Certificate of Occupancy for any structure, the applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department.
37. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
38. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
39. 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.

40. 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.
41. 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.

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that shall be applied to the project:

42. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
43. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
44. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
45. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
46. All operations shall limit 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.)
47. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively

stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

48. Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
49. Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reductions:

50. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
51. Install wind breaks at windward side(s) of construction areas.
52. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation).
53. Limit the area subject to excavation, grading, and other construction activity at any one time.
54. The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."
55. Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):
 - a. A hammer, or any other device or implement used to pound or strike an object.
 - b. An impact wrench, or other tool or equipment powered by compressed air.
 - c. A hand-powered saw.

- d. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
 - e. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
 - f. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), piledriving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
 - g. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
56. The project shall comply with the City's noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.
57. New development shall comply with City requirements for conveyance, retention and detention. New development shall include onsite storage of Stormwater as necessary. Rockwells shall not be allowed for new development except at infill areas smaller than three acres where no other feasible alternative is available.
58. 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.

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(605):

The entire construction program be accomplished in one phase, construction to begin on or before April 9, 2021, and completion to be not later than April 9, 2023.

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(605), 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 April 9, 2019, 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.

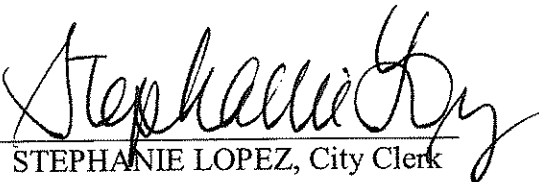
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:



STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: 
Community & Economic Development Department
Planning Division

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-158**

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. 2007072023): AMENDMENT TO SECTION 12-3-8 OF THE ZONING MAP TO REZONE 2.25 ACRES FROM R-1 ZONE TO PLANNED DEVELOPMENT ZONE P-D(605), PROPERTY LOCATED ON THE NORTHWEST CORNER OF RUMBLE ROAD AND CONANT AVENUE

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, Ali Properties LLC and the Angel Family Trust has proposed to rezone 2.25 acres from Low Density Residential Zone, R-1 to Planned Development Zone P-D(605), to allow for the development of a 50-unit apartment complex, property located at the northwest corner of Rumble Road and Conant Avenue, 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 2018-20 (“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 January 16, 2019, 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 February 5, 2019, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, said meeting was continued to a date certain by the City Council to allow staff and the applicant the opportunity to address concerns raised regarding traffic and the neighboring school, and

WHEREAS, a continued public hearing of the City Council was held on April 9, 2019, 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 to Planned Development Zone P-D(605), 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.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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 9th day of April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2018-20

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2018-20

For the proposed:

PDZ-18-001

**Rezone of 2.25 Acres from Low Density Residential (R-1)
Zone to Planned Development Zone, P-D(605)
for new 50-Unit Apartment Complex
2531 Rumble Road**

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

August 1, 2018

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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" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the rezone from the R-1 Zone to Planned Development Zone ("project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (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: PDZ-18-001: Rezone of 2.25 Acres from Low Density Residential (R-1) Zone to Planned Development Zone, P-D(605)
- B. Address or Location: 2531 Rumble Road, Modesto CA
- C. Applicant(s): Ali Properties LLC, PO Box 615, Salida CA 95368
Angel Family Trust, 1384 Merle Ct., Ripon, CA 95366
- D. City Contact Person: Katharine Martin, Associate Planner

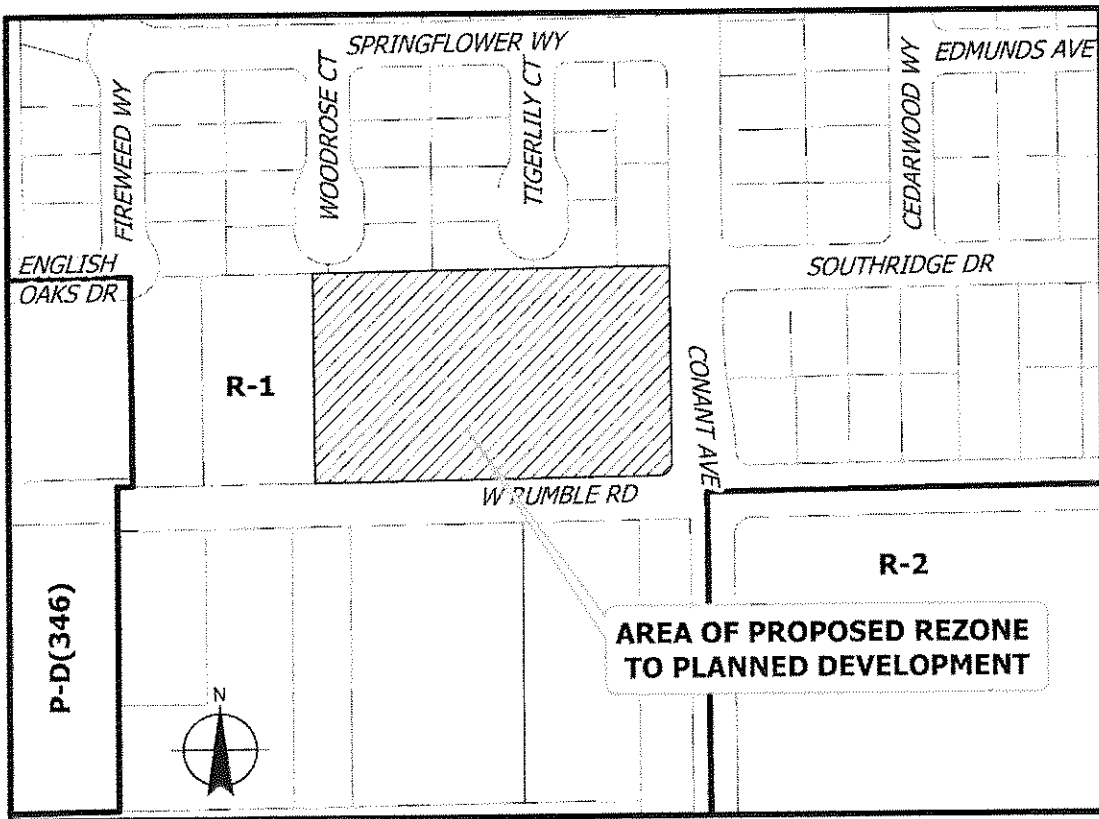
Project Manager: Katharine Martin
Department: Community & Economic Development, Planning Division
Phone Number: 209-577-5465
E-mail address: kamartin@modestogov.com

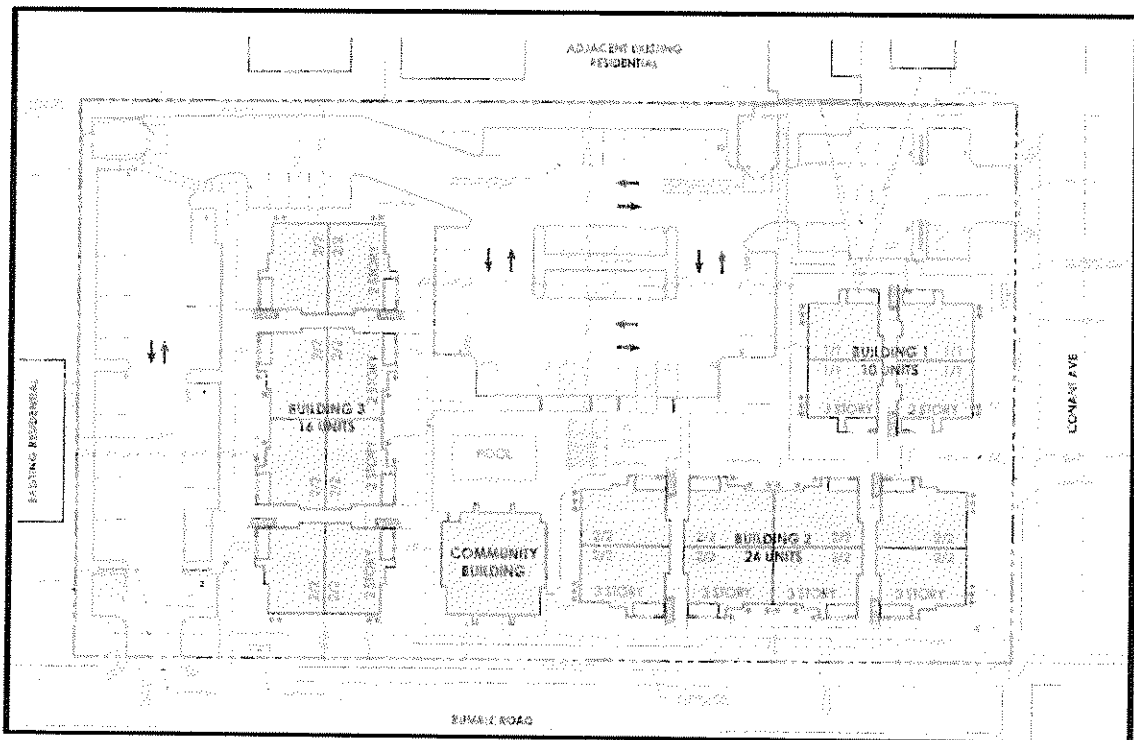
- E. Current General Plan Designation(s): Mixed Use (MU)
- F. Current Zoning Classification(s): Low Density Residential (R-1) Zone
- G. Surrounding Land Uses:
North: Low Density Residential (R-1) Zone, single-family residential

South: Low Density Residential (R-1) Zone, single-family residential; Medium Density Residential (R-2) Zone, Chrysler Elementary School
 East: Residential (R-1) Zone, single-family residential
 West: Residential (R-1) Zone, single-family residential; Planned Development P-D(346), Convalescent Hospital

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):

Rezone of 2.25 acres of semi-vacant land within the Low Density Residential (R-1) Zone to Planned Development Zone P-D(605) to allow for a 50-unit apartment complex with associated off-street parking areas and community building/pool amenities.





**SITE PLAN
PDZ-18-001**

I. Other Public Agencies Whose Approval is Required: None.

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

1. **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 mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
- E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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.
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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.
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

	Associate Planner	September 7, 2018
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 MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)	City policies which 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 and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	NO
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)	This 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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 a new, significant, project-specific effect 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 criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
basis, in excess of that considered in the Urban Area General Plan MEIR.				

Discussion:

- (1) The project consists of a rezone of 2.25 acres in the Baseline Developed Area from the Low Density Residential (R-1) Zone to Planned Development to allow for a 50-unit apartment complex. The project was referred to Land Development Engineering, Traffic, who indicated no concerns with traffic volumes exceeding 100 trips.
- (2) The rezone would facilitate the construction of 50 new apartment dwelling units. The project was referred out to Community and Economic Development, Traffic Engineering, who indicated no concerns that the project would exceed a level of service standard established by the county congestion management agency (StanCOG).
- (3) No indication of concern was given by Land Development Engineering, Traffic with regards to level of service, or violations of standards in the Congestion Management Plan, or any increase in automobile vehicle miles or vehicle hours of travel or decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR. The project will provide for improvements along both street frontages including new curb, gutter and sidewalk, provide for two gated entrances for residences with the main gate for residents and visitors, and transit stops to the Modesto Area Express (MAX) are available at the intersection of Rumble and Conant and further north on Conant Avenue.
- (4) Police and Fire Staff have reviewed this proposal and have indicated that there is no emergency access problem.
- (5) The proposed apartment complex will provide parking in accordance with the Municipal Code.
- (6) Traffic Staff have reviewed this proposal and indicated no issues with adopted plans for alternative transportation. Bus stops exist at the opposite corner of Rumble Road and Conant Avenue, and on Conant Avenue 570-feet north of the complex's main entrance.
- (7) The proposed project would not result in a significant increase in automobile vehicle miles traveled (per capita) in excess of what was considered in the Urban Area General Plan.

2. DEGRADATION OF AIR QUALITY

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 mitigations / policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM₁₀) and 2.5 microns or less in diameter (PM_{2.5}) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

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, PM₁₀, and PM_{2.5}.

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

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-42 through AQ-50 and AQ-53 through AQ-56 from the MEIR. 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO _x , PM ₁₀ , and PM _{2.5} by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project does not incorporate the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
best management practices established by the SJVAPCD for CO, ROG, NO _x , PM ₁₀ , and PM _{2.5} .				
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The project consists of a rezone of 2.25 acres in the Baseline Developed Area from the Low Density Residential (R-1) Zone to Planned Development to allow for a 50-unit apartment complex. The subsequent 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.
- (2) Development of the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.
- (3) The project would comply with the air quality policies in the Modesto Urban Area General Plan.
- (4-5) The project upon completion would not expose sensitive receptors to pollutant concentrations or odors in excess of those expected to occur as a result of implementation of the Urban Area General Plan. Construction activities may create dust or odors but would be temporary and reduced to a less than significant level with implementation of the mitigation measures above.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations / policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of 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 MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

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

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes N-1 through N-3 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 MEIR 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
those disclosed in the Master EIR.				
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The project consists of a rezone of 2.25 acres in the Baseline Developed Area from the Low Density Residential (R-1) Zone to Planned Development to allow for a 50-unit apartment complex. The subsequent development would be required to adhere to the City's noise ordinance.
- (2-4) The subsequent residential use would not be inconsistent the noise policies of the General Plan, nor result in ambient noise levels above those assumed by the General Plan for a residential use. Any increase in ambient noise levels would be construction-related and temporary in the process of developing the apartment complex after adoption of the rezone.

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 mitigations / policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide 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 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

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

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation 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 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan’s policies relating to agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan’s planning area boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is a semi-vacant infill area within the Baseline Developed Area that is not in agricultural production, and is completely surrounded by urbanized area consisting of residential uses including single- and multi-family housing, a convalescent hospital and an

elementary school. The project would therefore not be inconsistent with the General Plan's policies related to agricultural land.

- (2-4) 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.

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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

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

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the water supply policies in the General Plan.
- (2) 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.
- (3) 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.

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 mitigations / policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; and construction noise. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland caused by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

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

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures 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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project consists of a rezone of 2.25 acres in the Baseline Developed Area from the Low Density Residential (R-1) Zone to Planned Development to allow for a 50-unit apartment complex. 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 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 mitigations / policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plant 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 denser 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. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially interfere 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project consists of a rezone of 2.25 acres in the Baseline Developed Area from the Low Density Residential (R-1) Zone to Planned Development to allow for a 50-unit apartment complex. The project would not be inconsistent with General Plan policies pertaining to wildlife and plant habitat.
- (2-4) The project site is semi-vacant land with a single-family residence located within the Baseline Developed Area, and is completely surrounded by urban 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.

- (5-6) 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.

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 mitigations / policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources, in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

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

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures 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-8.B of the MEIR 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 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological / historical resource policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would modify or demolish a structure more than 50 years old.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The project would adversely affect a Tribal Cultural Resource identified and/or defined by the applicable Tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project consists of a rezone of 2.25 acres in the Baseline Developed Area from the Low Density Residential (R-1) Zone to Planned Development to allow for a 50-unit apartment complex. The project would not be inconsistent with General Plan policies pertaining to archaeological or historic resources.
- (2-4) The project would demolish an existing single-family residence that according to County Assessor records was built in 1954. However, the residence is not listed as a local cultural resource nor is eligible for listing. The residence is not classified as a building of state or federal historic status nor is eligible for listing for such status.
- (5) The project does not conflict with local policies affecting biological 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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto 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. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: SD-7 and SD-9 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 MEIR 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.				
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the storm drainage policies of the General Plan.
- (2-3) The project site is a semi-vacant infill parcel. The project will be required to handle and treat storm water runoff on-site in accordance to City Standards.

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 mitigations / 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

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: FWQ-12 and FWQ-13 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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or off-site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would violate water quality standards or waste discharge requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of General Plan implementation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.
- (2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.
- (3-4) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA).
- (5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.
- (6) The project will not violate water quality standards or waste discharge requirements.
- (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.
- (8) The development will be required to treat and store on-site storm water drainage. The project was referred to Land Development Engineering who indicated no concerns with the project creating or contributing to runoff in excess of what is expected as part of the General Plan's implementation.

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 mitigations / 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

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

There are no applicable mitigation measures 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 MEIR 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the parks and open space policies in the General Plan.
- (2-3) The project will not impact parks or open space, or cause an increase in the use of existing parks. The project was referred to the Parks Planning Division of Parks, Recreation and Neighborhoods, who indicated no concerns with impact to existing parks.

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 mitigations / 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 of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures 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).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
measures which state that compliance results in less-than-significant impacts on schools.				

Discussion:

- (1) The project will not conflict with policies related to schools in the General Plan.
- (2) The project would not conflict with SB50/Proposition 1A funding provisions, or succeeding measures.

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 mitigations / 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

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. The project was referred to the City Police Department, who indicated no concerns.

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 mitigations / 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

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The rezone to Planned Development and subsequent development of the apartment complex 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.
- (3) The project would not cause the erosion or elimination of fire protection services. Development of the apartment complex will meet City Standards for emergency services access.

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 mitigations / 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

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures 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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
County's disposal capacity.				

Discussion:

- (1) The project is consistent with the solid waste policies in the General Plan.
- (2) The project would not cause an impact to the disposal capacity of solid waste facilities in the County.

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 mitigations / 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

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the hazardous materials policies in the General Plan.
- (2) The project will comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).
- (3) The project is not 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.
- (4) The project site is not known to contain any contaminants.

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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

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

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures 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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.
- (2) The project site is not 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 mitigations / policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

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

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures 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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 mitigations / policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

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

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the policies relating the visual resources in the General Plan.
- (2-3) The project would not impact views from riverside areas and parks, nor would degrade views of riverside areas and parks from public roadways.

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 mitigations / 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 mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with land use and planning policies in the General Plan.

- (2) The project would not divide an established community. The site is a 2.25 acre infill property surrounded by urban uses.
- (3) The project is consistent 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.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations / policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

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

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures 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 climate change. 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in average automobile trip lengths or CO ₂ emissions higher than those assumed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the policies relating to climate change in the Urban Area General Plan. The project would not have a significance effect on climate change.
- (2) The project would not affect automobile trip lengths or CO₂ emissions.
- (3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project 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/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures 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 mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures 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 mitigation measures have been applied to the project (see mitigation measures 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

Degradation of Air Quality:

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit 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.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reductions:

AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site; (General Plan Policy VII-H.2[vv])

AQ-54: Install wind breaks at windward side(s) of construction areas; (General Plan Policy VII-H.2[ww])

AQ-55: Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation); (General Plan Policy VII-H.2[xx])

AQ-56: Limit the area subject to excavation, grading, and other construction activity at any one time. (General Plan Policy VII-H.2[yy])

Generation of Noise:

N-1: The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

N-2: Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

A hammer, or any other device or implement used to pound or strike an object.

1. An impact wrench, or other tool or equipment powered by compressed air.
2. A hand-powered saw.
3. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
4. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

5. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), piling equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

6. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

N-3: The project shall comply with the City's noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

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:

SD-7: New development shall comply with City requirements for conveyance, retention and detention. New development shall include onsite storage of Stormwater as necessary. Rockwells shall not be allowed for new development except at infill areas smaller than three acres where no other feasible alternative is available. (UAGP Policy V-E.3 [f])

SD-9: 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.
(UAGP Policy V.E.3 [h])

Flooding and Water Quality:

FWQ-12: New development shall comply with City requirements for conveyance, retention and detention. New development shall include onsite storage of Stormwater as necessary. Rockwells shall not be allowed for new development except at infill areas smaller than three acres where no other feasible alternative is available. (UAGP Policy V-E.3 [f])

FWQ-13: 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. (UAGP Policy V.E.3 [h])

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

Climate Change:

N/A

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-159**

**RESOLUTION ABANDONING 11TH STREET BETWEEN D STREET AND
MORTON BOULEVARD, 12TH STREET BETWEEN B STREET AND MORTON
BOULEVARD, AND B STREET BETWEEN 10TH AND 12TH STREETS
(STANISLAUS FOOD PRODUCTS)**

WHEREAS, a verified application by the Stanislaus Food Products requesting the abandonment (vacation) of 11th Street between D Street and Morton Boulevard, 12th Street between B Street and Morton Boulevard, and B Street between 10th and 12th Streets was received by the City of Modesto, a copy of which is **attached** hereto as **Exhibit A** and shown in **Exhibit B**, and incorporated herein by reference, and

WHEREAS, California Streets and Highways Code Section 8320 et seq. prescribes the procedures to vacate public right-of-way, and

WHEREAS, a title report was submitted with the vacation request which discloses that fee title of the street right-of-way is vested in Stanislaus Food Products, Beard Land and Investment Company, Modesto Terminal Company, and Modesto Interurban Railway, and

WHEREAS, the proposed vacation has been referred to affected City departments and local utility companies, and no objection to the proposed vacation has been received, and

WHEREAS, Government Code Section 65402(a) requires that prior to vacating a public right-of-way, the Planning Commission shall make a determination as to whether the vacation is consistent with the General Plan, and

WHEREAS, a hearing was held by the Planning Commission on March 4, 2019, in the Tenth Street Chambers, located at 1010 Tenth Street, Modesto, California, at which

hearing evidence both oral and documentary was received and considered regarding whether the proposed vacation conforms to the City's Urban Area General Plan, and

WHEREAS, by Planning Commission Resolution No. 2019-07, the Planning Commission rendered a report finding that the proposed vacation is in conformance with the Modesto Urban Area General Plan, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, April 9, 2019, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, notices no more than 300 feet apart were posted along the line of the proposed right-of-way to be vacated for two successive weeks prior to the hearing, and notice was published in the Modesto Bee for two successive weeks prior to the hearing, per California Streets & Highways Code Sections 8323 and 8322, respectively, and,

WHEREAS, all things and acts necessary to be done as required by California Streets and Highways Code Sections 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law, in order to vacate the subject right-of-way have been done and accomplished,

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

1. The streets to be vacated are not necessary to serve present or future traffic needs in the area.
2. 11th, 12th, and B Streets are considered local streets and are not designated as Collector Streets or higher in the Circulation Element of the General Plan; therefore, the street vacation is in conformance with the General Plan.

BE IT FURTHER RESOLVED by the City Council hereby orders and declares the vacation of 11th Street between D Street and Morton Boulevard, 12th Street between B

Street and Morton Boulevard, and B Street between 10th and 12th Streets, as shown in

Exhibits below, subject to the following conditions:

- a. Construct a minimum six-foot high fence across the four openings of the vacated streets with signs identifying the closed road. The fence may include gates.
- b. Prior to recordation of the street vacation, public utility easements shall be reserved along the vacated streets, with the location and width of the easements as approved by City Engineer or designee and utility companies.

BE IT FURTHER RESOLVED that 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 vacation (File No. ABD-17-003), 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

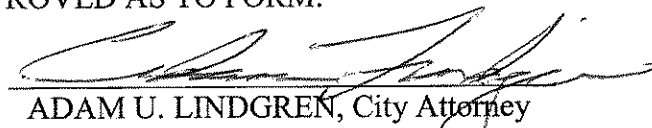
NOES: Councilmembers: None

ABSENT: Councilmembers: None

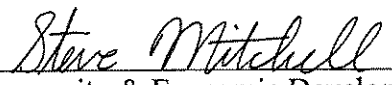
ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

BY: 
Community & Economic Development Department
Planning Division

Exhibits "A"

Vacated Property Legal Description

Exhibit A-1: B Street

Exhibit A-2: 12th Street

Exhibit A-3: 11th Street (between D Street and B Street)

Exhibit A-4: 11th Street (between Morton Boulevard and B Street)

Exhibits “B”

Vacated Property Exhibit

Exhibit B-1: B Street

Exhibit B-2: 12th Street

Exhibit B-3: 11th Street (between D Street and B Street)

Exhibit B-4: 11th Street (between Morton Boulevard and B Street)

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-160**

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE LAND EXCHANGE AGREEMENT BETWEEN THE CITY AND STANISLAUS FOOD PRODUCTS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the City is the fee owner of certain real property (the “**City Property**”), known as 11th Street between D Street and Morton Blvd., 12th Street between B Street and Morton Blvd., and B Street between 12th Street and 10th Street, located in the City; and

WHEREAS, Stanislaus Food Products (SFP) is the fee owner of certain real property (the “**Stanislaus Property,**”) located in the City, formerly known as a portion of 10th Street between B Street and D Street, and strips of land bordering 10th Street between B Street and Morton Blvd., and a strip of land from 11th Street to Morton Blvd. on both sides of 11th Street, and a strip of land along 9th and B Streets; and

WHEREAS, SFP owns the property adjacent to the City Property and desires to acquire ownership of the City Property with no restrictions in order to close 11th Street between D Street and Morton Blvd, 12th Street between B Street and Morton Blvd., and B Street between 12th Street and 10th Street, and to make permanent improvements that will benefit SFP; and

WHEREAS, the City desires to purchase the SFP Property for future public purposes; and

WHEREAS, the City and SFP have negotiated a land exchange agreement (the “**Land Exchange Agreement**”) that was approved by the City Council on October 10, 2017 by Resolution No. 2017-404; and

WHEREAS, the City and SFP desired the First Amendment to the land exchange agreement (the “Land Exchange Agreement”) to extend the time of compliance for certain conditions related to closing escrow that was approved by the City Council on October 23, 2018 by Resolution No. 2018-481; and

WHEREAS, the City and SFP now desire a Second Amendment to the Land Exchange Agreement to allow both parties an additional two (2) months to meet conditions related to closing escrow.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to the Land Exchange Agreement between the City and Stanislaus Food Products, a copy of which is **attached** hereto as **Exhibit A**.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Second Amendment to the Land Exchange Agreement, in a form approved by the City Attorney, and to take all other actions and execute all other documents that are necessary to carry out the intent of this Resolution and to exchange the properties, as set forth in the Land Exchange Agreement and the Second Amendment thereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

2nd Amendment to the Land Exchange Agreement between
the City of Modesto and Stanislaus Foods Products

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-161**

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. 2007072023): DEVELOPMENT AGREEMENT AND STREET ABANDONMENT REGARDING THE 10TH AND 11TH STREETS LAND EXCHANGE FOR STANISLAUS FOOD PRODUCTS AND CITY OF MODESTO

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, Stanislaus Food Products and City of Modesto has proposed the development agreement and street abandonment regarding the 10th and 11th Streets land exchange for Stanislaus Food Products and City of Modesto, 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 2019-02 (“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 20, 2019, 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 9, 2017, 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 development agreement and street abandonment regarding the 10th and 11th Streets land exchange for Stanislaus Food Products and City of Modesto, 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.
6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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 9th day of April, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2019-02

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2019-02

For the proposed:

**Development Agreement and Street Abandonment Regarding
the 10th and 11th Streets Land Exchange for Stanislaus Food
Products and City of Modesto**

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

1/25/19

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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" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed development agreement and street abandonment regarding 10th and 11th Streets for Stanislaus Food Products is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (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)

A traffic study (Appendix A) was completed to analyze the project impacts and determine if there are new additional effects not previously identified in the Master EIR or new required mitigation measures.

II. PROJECT DESCRIPTION

- A. Title: DEV-17-001, Development Agreement between Stanislaus Food Products and City of Modesto for the Land Exchange of 10th and 11th Streets between D Street and Morton Boulevard. ABD-17-003, Abandonment of Portions of 11th, 12th, and B Streets between D Street and Morton Boulevard.
- B. Address or Location: 10th and 11th Streets between D Street and Morton Boulevard, 12th Street between B Street and Morton Boulevard, and B Street between 10th and 12th Streets.
- C. Applicant: Stanislaus Food Products and City of Modesto
- D. City Contact Person: Paul Liu, Senior Planner

Project Manager: Paul Liu
Department: Community and Economic Development
Phone Number: (209) 577-5267
E-mail address: pliu@modestogov.com

- E. Current General Plan Designation(s): Redevelopment Planning District (RPD)
- F. Current Zoning Classification(s): Light Industrial (M-1)
- G. Surrounding Land Uses:
 - North: Industrial and Commercial
 - South: Tuolumne River Regional Park
 - East: Beard Brook Park
 - West: Industrial and Commercial
- 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 development agreement is based on land exchange of streets between Stanislaus Food Products and the City of Modesto. Stanislaus Food Products would acquire 11th Street between D Street and Morton Boulevard, 12th Street between B Street and Morton Boulevard, and B Street between 10th and 12th Streets as shown on Exhibit A. The City of Modesto would acquire land from Stanislaus Food Products through dedication to allow construction of 10th Street from D Street to Morton Boulevard as shown on Exhibit B. The south end of 10th Street will curve to the east and intersect with 11th Street instead of continuing straight and intersect with Morton Boulevard. Portions of B and 9th Streets would also be provided to the City for some minor widening. The development agreement include terms that the City will agree to provide to SFP City services that allow and facilitate ongoing operations or "quiet enjoyment" and the right to further develop during the 15 years term of the agreement. SFD agrees to reimburse the City for processing the development agreement, land cost, police service, area traffic study, and improvements. The street abandonment portions of 11th Street, 12th Street, and B Street described above that would be acquired by Stanislaus Food Products.

The project deals with the area around Stanislaus Food Products existing tomato manufacturing and distribution facility in the southern downtown area north of Tuolumne River. The project would allow Stanislaus Food Products to consolidate properties and plant operations and increase overall efficiency. The project would allow the City to establish a direct connection from the downtown core to the Tuolumne River along 10th Street.

- 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 mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
- E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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.
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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.
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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 MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2)	City policies which 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 and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	NO
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)	This 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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.
- (2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.
 - (2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.
 - (2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.
 - (2)(c) All policies contained in the MEIR 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 on the environment that was not examined in the Final Master EIR (MEIR) for the 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 MEIR. 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 2025 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-one subject 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 mitigations / policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) 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 and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

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, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

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

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures 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, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes none from the MEIR. 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 a new, significant, project-specific effect 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 criteria:

1. TRAFFIC AND CIRCULATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1-3) Traffic pattern in the south downtown area will change due to the closure of 11th Street and opening of 10th Street from D Street to Morton Boulevard.

A traffic study ("Traffic Impact Analysis for 11th Street – B Street Closure Project, Modesto CA", dated February 1, 2019 (Appendix A) has been prepared by KD Anderson & Associates (KDA). The study considered specific and cumulative traffic impacts associated with the project, and included existing traffic conditions and seasonal conditions. The study analyzed current traffic conditions based on daily traffic volumes a.m. and p.m. peak hour volumes. The study found at the B Street / 10th Street intersection an all-way stop would be adequate during off-peak season but could be problematic during harvest. However, the overall Level of Service at this intersection will be adequate, but could result in queues that extend back to 9th Street during harvest if trucks are concentrated into a short time period. The study concluded that immediate and cumulative traffic impacts associated with development of the project will not result in a significant impact, and that no further mitigation is required.

- (4) The project would not cause emergency response time to exceed acceptable standards.
- (5) Any new development resulting from the project would have to meet city parking requirements.
- (6) The project would not conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan. The project was referred to the Transportation Engineering and Design Division, who indicated no concerns.
- (7) Based on the findings of the above-mentioned traffic study, the proposed project would not result in a significant increase in automobile vehicle miles traveled (per capita) in excess of what was considered in the Urban Area General Plan.

2. DEGRADATION OF AIR QUALITY

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 mitigations / policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM₁₀) and 2.5 microns or less in diameter (PM_{2.5}) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

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, PM₁₀, and PM_{2.5}.

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

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-42, AQ-43, AQ-44, and AQ-46 through AQ-56 from the MEIR. 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. DEGRADATION OF AIR QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO _x , PM ₁₀ , and PM _{2.5} by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO _x , PM ₁₀ , and PM _{2.5} .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project includes the closing the portion of 11th Street while opening 10th Street between D Street and Morton Boulevard. This Stanislaus Food Products to combine their lots into one larger site but no new developed included as part of this project. While the traffic pattern is slightly altered, the traffic study found there would not be any significant impact. Emissions from street construction-related activity will be addressed by mitigation measures provided in the Master EIR. Consequently, the proposed project would not have a significant effect on the ambient air quality.
- (2) There is no new development or other activity associated with the project that would affect air quality.
- (3) The project does not conflict with the air quality policies in the Urban Area General Plan.
- (4) The project would not result in pollutant concentrations in excess of those expected to occur as a result of the implementation of the Urban Area General Plan.
- (5) The proposed project will not produce objectionable odors.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations / policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of 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 MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

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

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes N-1, N-2, and N-3 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 MEIR 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. GENERATION OF NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1-4) The project involves the abandonment and closure of 11th street and the dedication and opening of 10th Street. The project would not cause noise above levels already existing as part of the operations businesses in the vicinity. Street construction activities could potentially cause a temporary increase in noise levels; however, mitigation measure from the Master EIR would mitigate those impacts to a less than significant level.

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 mitigations / policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide 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 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

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

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation 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-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 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 LANDS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1-4) The project site and surrounding area is developed with urban uses and is located within the Baseline Developed Area of the General Plan. The site is not zoned for agricultural uses, nor is subject to a Williamson Act contract. The project would not cause the conversion of farmland to a non-agricultural use.

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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020.

Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

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

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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-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. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project does not include any new development or changes to existing development that would have an effect on water supply, nor would be inconsistent with the Water Supply policies of the General Plan.

- (2) No new development or expansion of the existing businesses is proposed with this project. Water demand for the project will not be impacted.
- (3) The proposed project is consistent with the land uses and 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.

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 mitigations / policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; and construction noise. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland caused by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

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

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project would not be inconsistent with the water supply policies in the General Plan.
- (2) The proposed project will not generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.
- (3) The proposal will not generate sewage flows. Existing sewer lines in the street portion to be abandoned will be protected with an easement.

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 mitigations / 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 denser 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. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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-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 SENSITIVE WILDLIFE AND PLANT HABITAT	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially interfere 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Conflict with local policies or ordinances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
protecting biological resources, such as a tree preservation policy or ordinance.				
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat.
- (2) The project site is not a biologically sensitive site as defined by Figures V-7-1, sheet 2, 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.
- (3) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.
- (4) The project site is not a biologically sensitive site as defined by Figures V-7-1, sheet 2, of the MEIR. The movement of fish or birds or other wildlife would not be effected by the project.
- (5) There is no conflict with any local policies or ordinances protecting biological resources.
- (6) There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved 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 mitigations / policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources, in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

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

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation 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-8.B of the MEIR 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 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:

8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the archaeological / historical resource policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would modify or demolish a structure more than 50 years old.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The project would adversely affect a Tribal Cultural Resource identified and/or defined by the applicable Tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is consistent with the archeological and historical resource policies in the General Plan.
- (2-3) The project proposes the abandonment of portions of 11th, 12th, and D Streets, to allow consolidation of property for Stanislaus Food Products. Street dedication will be provided to allow the construction of 10th Street from D Street to Morton Boulevard. No buildings are proposed to be demolished, and no City landmarks exist at the site.
- (4) The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.
- (5) The project does not conflict with local policies affecting 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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto 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. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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-9.B of the MEIR 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is consistent with the storm drainage policies in the Urban Area General Plan.
- (2) The proposal will not contribute additional water runoff that would exceed the capacity of the storm drainage system.
- (3) The proposed project does not include any specified new development. The construction of 10th Street will comply with city standards regarding storm drainage and address low impact strategies.

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 mitigations / 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

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes FWQ-13 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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10. FLOODING AND WATER QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
pattern or a watercourse, in such a way as to cause flooding on- or off-site.				
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would violate water quality standards or waste discharge requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of General Plan implementation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project consists of existing roads in the southern portion of the downtown. Portions of 11th, 12th, and B Streets will be abandoned and closed to the public. 10th Street between D Street and Morton Boulevard will be improved and opened to the public. 10th Street improvements will comply with the flooding and water quality policies in the General Plan. No specified new development is included with this project.
- (2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.
- (3-5) The project is not located within a 100-year flood plain. The site is an existing industrial uses with no new development proposed.
- (6) The project will not violate water quality standards or waste discharge requirements. Street construction will need to comply with water quality standards provided in the Master EIR.
- (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. There is no new development associated with the proposed project.
- (8) The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system or provide substantial additional sources of polluted runoff. There is no new development associated with the proposed project.

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 mitigations / 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

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation 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-11.B of the MEIR 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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

11. INCREASED DEMAND FOR PARKS AND	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.				

Discussion:

- (1) The project is consistent with the parks and open space policies in the General Plan.
- (2) The project will not impact parks or open space.
- (3) There is no development proposed as part of the project.

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 mitigations / 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 of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures 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).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not conflict with the policies relating to school in the Urban Area General Plan.
- (2) There is no new development associated with the project. The project would not conflict with SB50/Proposition 1A funding provisions, or succeeding measures.

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 mitigations / 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

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not conflict with the policies relating to police services in the Urban Area General Plan.
- (2) The project would result in the closure of 12th Street and opening 10th Street from D Street to Morton Boulevard. This would not impact police services. The project would not result in the need for construction of new or significantly altered police 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 mitigations / 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

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

14. INCREASED DEMAND FOR FIRE SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
performance objectives.				
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the fire service policies in the General Plan.
- (2) The project does not propose construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable fire service ratios, response times or other performance objectives.
- (3) The project would not impact fire protection services in adjoining fire districts.

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 mitigations / 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

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the solid waste policies in the General Plan.
- (2) There is no new development proposed with the project.

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 mitigations / 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

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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-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. GENERATION OF HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the hazardous materials policies in the General Plan.
- (2) The project does not impact applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. No hazardous materials will be involved with this project.
- (3) The project is not located on a site 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.
- (4) The site is not known to contain any contaminants.

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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

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

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures 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-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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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; result in the loss of topsoil; location on soils incapable of adequately supporting the use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

17. GEOLOGY, SOILS, AND MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.				

Discussion:

- (1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.
- (2) The project site is not 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 mitigations / policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

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

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 mitigations / policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

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

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation 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-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:

19. EFFECTS ON VISUAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the policies relating the visual resources in the General Plan.
- (2) The project would not degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan. Views to the Tuolumne Regional River Park and Beard Brook Park will remain the same.
- (3) There is no development associated with the project. Surrounding views will not be impacted by the project.

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 mitigations / 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 mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project conflicts with a land use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

20. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the Industrial land use designations in the General Plan.
- (2) The abandonment of portions of 11th, 12th, and B Streets would allow Stanislaus Food Products to consolidate their properties and business operations. Access to Tuolumne River Regional Park would be from D Street would be provided opening 10th Street. This would not divide the downtown area as the City recognizes 10th Street as a better access corridor to the river. There is no development proposed by the project.
- (3) The project is consistent 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.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations / policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

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

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project

will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation 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-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. 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:

21. CLIMATE CHANGE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in average automobile trip lengths or CO ₂ emissions higher than those assumed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- 1) The project is consistent with the policies relating to climate change in the Urban Area General Plan. The project would not have a significance effect on climate change.
- (2) The project would change traffic to Morton Boulevard from 11th Street to 10th Street would not have a significant effect on automobile trip lengths or CO₂ emissions.
- (3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project 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/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures 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 mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures 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 mitigation measures have been applied to the project (see mitigation measures 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

Degradation of Air Quality:

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit 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.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):

AQ-51: Limit traffic speeds on unpaved roads to 15 mph; and

AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

AQ-54: Install wind breaks at windward side(s) of construction areas.

AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation.

AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

Generation of Noise:

N-1: The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal combustion engine."

N-2: Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):
A hammer, or any other device or implement used to pound or strike an object.

1. An impact wrench, or other tool or equipment powered by compressed air.
2. A hand-powered saw.
3. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.

4. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
5. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
6. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

N-3: The project shall comply with the City's noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

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:

FWQ-13: 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.

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

Climate Change:

N/A

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-162**

RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION FOR THE MCHENRY CORALWOOD REORGANIZATION CONSISTING OF ANNEXATION TO THE CITY OF MODESTO AND SIMULTANEOUS DETACHMENT FROM THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT OF APPROXIMATELY 12.7 ACRES LOCATED EAST OF MCHENRY AVENUE AND NORTH OF CORALWOOD ROAD (OWNER-INITIATED—INHABITED)

WHEREAS, the CTC Investors, LLC (“Applicant”) is the owner of approximately 11.7 acres of real property at 4024 McHenry Avenue, located east side of McHenry Avenue and north of Coralwood Road, and

WHEREAS, the City has received a request from the Applicant to initiate reorganization of the property at 4024 McHenry Avenue and adjacent right-of-way on McHenry Avenue, a total of 12.7 acres (“Property”), to annex the Property to the City of Modesto and simultaneously detach the Property from the Stanislaus Consolidated Fire Protection District under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the Resolution of Application is proposed pursuant to the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the Property proposed for reorganization is inhabited as defined by Government Code Section 56046 (twelve or more registered voters), and a description of the boundaries of the subject Property is set forth in **Exhibits “A” and “B”, attached hereto and by this reference incorporated herein, and**

WHEREAS, the Property is an unincorporated island that meets the special criteria set forth in Government Code Section 56375.3 and qualifies for streamlined processing through Stanislaus Local Agency Formation Commission (“LAFCO”), and

WHEREAS, the Property proposed for reorganization is within Stanislaus County, is contiguous to the existing City limits, and is within the Sphere of Influence of the City of Modesto as adopted by LAFCO, and

WHEREAS, the property was rezoned to Specific Plan (P-SP) with a Regional Commercial designation as part of the Coffee Claretina Specific Plan adopted in 1998, and

WHEREAS, the proposed Property is not subject to a Williamson Act contract, and

WHEREAS, the proposed Property is covered by the North McHenry Corridor Agreement that addresses tax sharing entered into between the County of Stanislaus and City of Modesto which was approved on December 8, 1998, and

WHEREAS, the reorganization area received a Measure M advisory vote approval in November 2015, and

WHEREAS, the reasons for this proposed reorganization are as follows:

1. Staff received an application for the proposed reorganization from the Applicant;
2. The proposed reorganization is consistent with the Urban Area General Plan and can be serviced by City services;
3. The proposed reorganization will result in planned, orderly and efficient development of the area and provision for services; and

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

WHEREAS, on March 4, 2019, City of Modesto Planning Commission held a duly noticed public hearing in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which time both oral and documentary evidence were received and considered, and

WHEREAS, after said public hearing, the City of Modesto Planning Commission adopted Resolution No. 2019-05, recommending to the City Council that they adopt the Resolution of Application for an reorganization to annex the Property to the City of Modesto and simultaneously detach the Property from the Stanislaus Consolidated Fire Protection District, and

WHEREAS, said matter was set for public hearing of the City Council to be held on April 9, 2019, 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 annexation.

NOW, THEREFORE, the Council of the City of Modesto hereby finds and determines as follows:

1. The reorganization area is part of the Coffee Claratina Specific Plan approved in 1998 which provided a comprehensive plan consistent with the Modesto Urban Area General Plan Policy III.D. The requested reorganization implements the Coffee Claratina Specific Plan by annexing the last area of the Coffee Claratina Specific Plan into the City and is consistent with the General Plan.
2. The Property was rezoned to Specific Plan (P-SP) with a Regional Commercial designation as part of the Coffee Claratina Specific Plan adopted in 1998
3. The requested reorganization will result in an orderly and logical addition of land because it will extend the boundary of the City to eliminate an unincorporated island.

4. The Property is located within Stanislaus County, within the City's adopted Sphere of Influence, is contiguous to the existing City limits and can be most efficiently served with City services.
5. The Property proposed to be annexed to the City of Modesto is inhabited as defined by Government Code Section 56046 (twelve or more registered voters) and a description of the boundaries of the subject Property is set forth in **Exhibits "A" and "B", attached** hereto and by this reference incorporated herein.
6. The Property is an unincorporated island that meets the special criteria set forth in Government Code Section 56375.3 and qualifies for streamlined processing through LAFCO.
7. The Property is covered by the North McHenry Corridor Agreement for the sharing of property tax, sales tax, business and mill tax, and utility tax between the County of Stanislaus and City of Modesto which was approved December 8, 1998.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution Authorizing Application for reorganization to annex the Property to the City of Modesto, and simultaneously detach of the Property from the Stanislaus Consolidated Fire Protection District.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this Resolution of Application includes annexation of the Property to the Modesto Sewer District No. 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, pursuant to Government Code section 56653, the City Council submit the Plan for Services as set forth in **Exhibit "C", attached** hereto and by this reference incorporated herein.

BE IT FURTHER RESOLVED that 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 reorganization for the Property. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By:



Community & Economic Development Department
Planning Division

EXHIBIT "A"

LEGAL DESCRIPTION

**MCHENRY-CORALWOOD REORGANIZATION TO THE CITY OF
MODESTO**

All that portion of the Remainder Parcel of the Parcel Map filed on March 18, 1977 in Volume 24 of Parcel Maps at Page 76, Stanislaus County Records, described as follows:

Beginning at the northeast corner of said Remainder Parcel; thence South 0° 25' 30" East 799 feet; thence North 88° 53' 30" West 504.53 feet; thence North 0° 25' 30" West 444.1 feet; thence North 88° 53' 30" West 319.34 feet; thence North 1° 17' 30" West 346.23 feet; thence South 89° 33' 30" East 828.92 feet to the point of beginning.

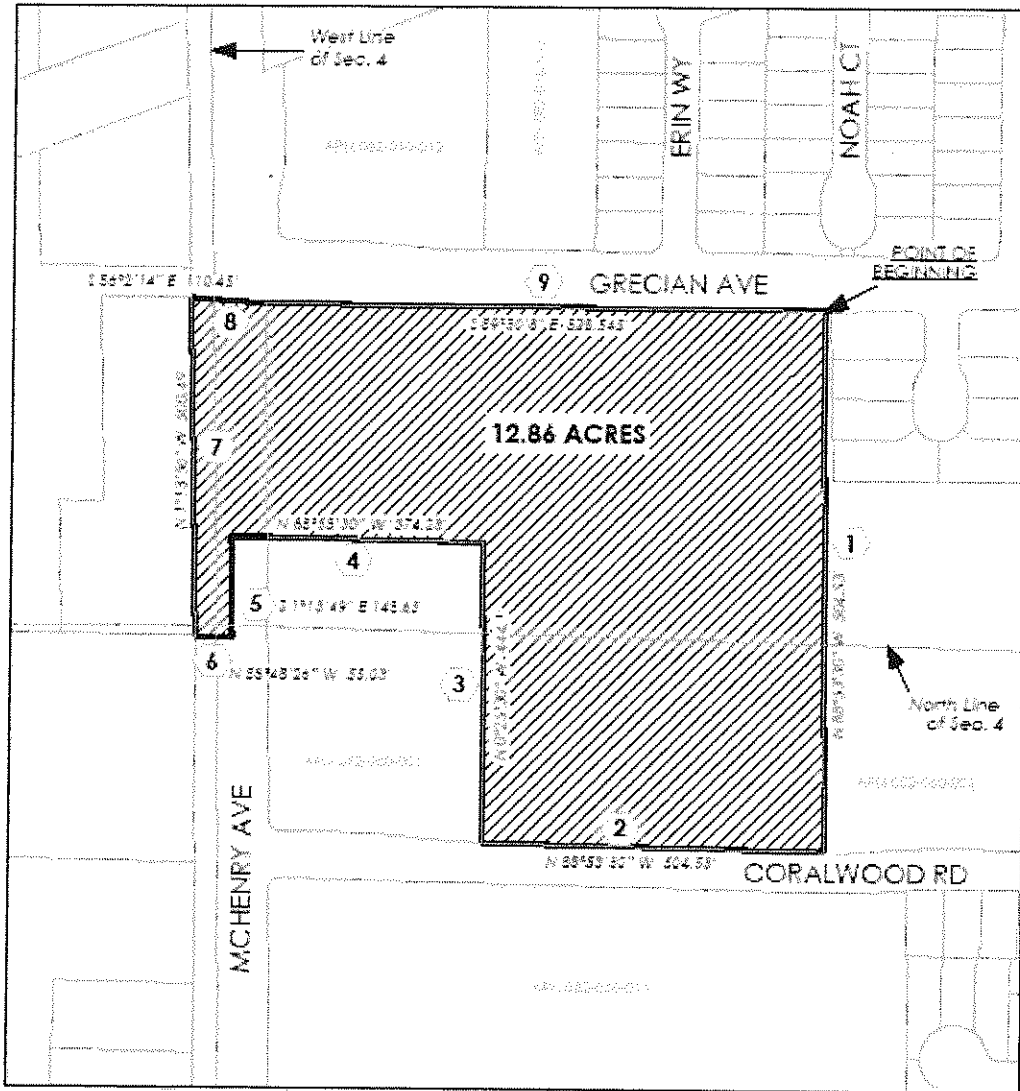
Also including the easterly 345.5 feet of Right of Way of McHenry Avenue and the westerly 500.5 feet of Right of Way of McHenry Avenue, being adjacent to the above-described land.

Containing 12.86 acres, more or less.

APN 052-060-002

EXHIBIT "B"

**MAP FOR LEGAL DESCRIPTION
MCHENRY-CORALWOOD REORGANIZATION TO THE CITY OF
MODESTO**



**PLAT TO ACCOMPANY LEGAL DESCRIPTION
EXHIBIT "B"**

Being a portion of the Southwest 1/4 of Section 4,
and a portion of the North 1/2 of the Northwest 1/4
of Section 9, Township 3 South, Range 9 East,
Mount Diablo Meridian.



Community and Economic Development
Planning Division
March 12, 2019

EXHIBIT "C"

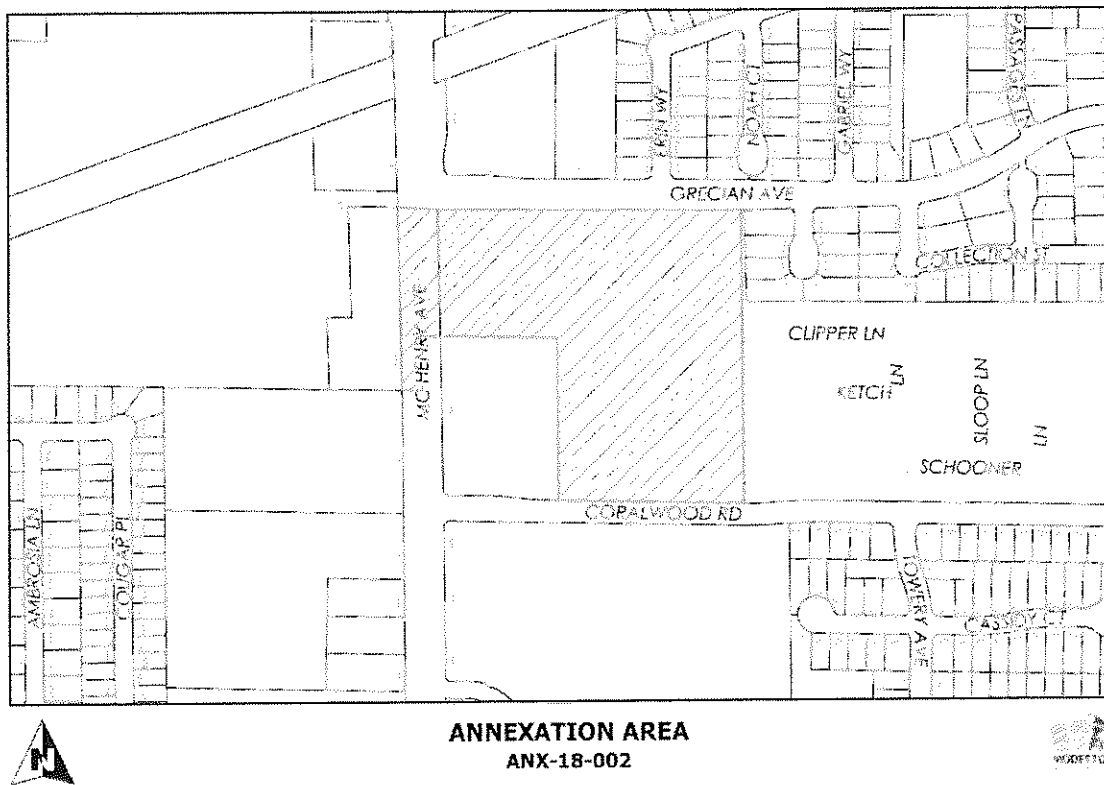
PLAN FOR SERVICES

MCHENRY CORALWOOD ANNEXATION TO THE CITY OF MODESTO

Background:

The McHenry Coralwood Annexation proposes to annex the Modesto Mobile Home Park located at 4024 McHenry Avenue. The annexation area consists of one parcel with 11.7 acres located on the east side of McHenry Avenue and north of Coralwood Road, as shown on the map below. This is an existing mobile home park with 150 spaces. Including adjacent street right-of-way, the annexation area is 12.7 acres total. The proposed annexation area was rezoned as Specific Plan (P-SP) as part of the Coffee Claratina Specific Plan adopted in 1998

The purpose of the annexation is to connect to city sewer because the private septic system is failing. The parcel is fully developed as a mobile home park and no new development is proposed.



Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the McHenry Coralwood Annexation to the City of Modesto:

A. Project Area and Service Agreements

1. Traffic and Circulation: The annexation area is bounded by City of Modesto jurisdiction to the north, east and south and is identified as an unincorporated island. No roadway dedication or improvements are required as a part of the annexation. Transit services are provided by the Modesto Area Express (MAX), which has a bus stop on McHenry Avenue adjacent to the site.
2. Waste Water Collection: Sewer service to the Modesto Mobile Home Park would be provided via the 8-inch sewer line along Coralwood Road that that will connect to a 10-inch sewer line on McHenry Avenue. The lines have adequate capacity to serve the site.
3. Water Delivery: Modesto Mobile Home Park is currently served by a private well and is not connected to the City water system. Future connection to the City water system would be to the existing 10-inch water main on Coralwood Road or the 10-inch water main on McHenry Avenue. There is adequate capacity in either of the two water mains.
4. Storm Water Drainage: Modesto Mobile Home Park addresses its onsite storm drainage with onsite dry wells. Offsite storm drainage drains to offsite catch basins.
5. Solid Waste Disposal: The annexation area is currently serviced by the Bertolotti Disposal Company but will change to Gilton after annexation. No change to the level of service already provided is anticipated.
6. Fire Protection: The annexation area will detach from the Stanislaus Consolidated Fire District and will be served by the City of Modesto Fire Department after annexation. Two stations are located less than two miles from the annexation area. Station No. 7 is located at 1800 Mable Avenue is approximately 1.9 miles east of the annexation area. Station No. 11 is located at 4225 Carver Road is approximately 1.75 miles to the west. No adverse impacts to staffing or response times would be anticipated with the annexation.
7. Police Protection: Upon annexation, the area will be served by the City of Modesto Police Department. The Police Department has not expressed any concerns with impacts to staffing or response times upon annexation.

B. Level and Range of Services

The City of Modesto is a full service provider of municipal services. The City will provide full services to the area upon annexation.

C. When Can Services Be Provided?

The services described above will be provided or available upon the effective date of annexation.

D. Improvements Required as a Condition of Annexation

No improvements are required as a condition of annexation.

E. How Will Services be Financed?

Services will be financed through applicable utility and service fees and permit fees provided by property, as well as by property tax revenues and general fund resources.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-163**

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. 2007072023): MCHENRY CORALWOOD REORGANIZATION CONSISTING OF ANNEXATION TO THE CITY OF MODESTO AND SIMULTANEOUS DETACHMENT FROM THE STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT OF APPROXIMATELY 12.7 ACRES LOCATED EAST OF MCHENRY AVENUE AND NORTH OF CORALWOOD ROAD

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, CTC Investors, LLC has proposed the McHenry Coralwood Reorganization consisting of annexation to the City of Modesto and simultaneous detachment from the Stanislaus Consolidated Fire Protection District of approximately 12.7 acres located east of McHenry Avenue and north of Coralwood Road, 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 2019-09 (“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 20, 2019, 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 9, 2019, 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 McHenry Coralwood Reorganization, 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.
6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

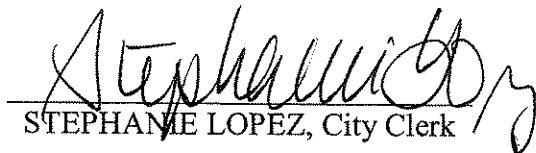
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2019-09

City of Modesto

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

**Initial Study Environmental Checklist
C&ED No. 2019-09**

For the proposed:

McHenry Coralwood Annexation

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

January 30, 2019

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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" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether McHenry Coralwood Annexation is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (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: McHenry Coralwood Annexation
- B. Address or Location: 4024 McHenry Avenue
- C. Applicant: Margot Roen
- D. City Contact Person: Paul Liu, Senior Planner

Project Manager: Paul Liu
Department: Community and Economic Development Department
Phone Number: 209 577 5282
E-mail address: pliu@modestogov.com

- E. Current General Plan Designation(s): Regional Commercial
- F. Current Zoning Classification(s): Prezone Specific Plan
- G. Surrounding Land Uses:
 - North: Commercial and residential
 - South: Commercial
 - East: Residential

West: Commercial

- 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):

This is a proposal to annex approximately 12.7 acres into the City of Modesto and Modesto Municipal Sewer District No. 1 and simultaneously detach the area from the Stanislaus Consolidated Fire District. This site includes an 11.7 acre parcel located on the east side of McHenry Avenue and north of Coralwood Road plus approximately one acre of McHenry Avenue street right-of-way. The parcel has been occupied by the Modesto Mobile Home Park since 1963 with 150 existing spaces. The property was rezoned to Specific Plan (P-SP) with a Regional Commercial designation as part of the Coffee Claratina Specific Plan adopted in 1998. No new development is proposed. The main reason for annexation is to connect to City Sewer due to a failing private septic system.

- I. Other Public Agencies Whose Approval is Required:
Stanislaus County Local Agency Formation Commission

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

1. **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 mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
- E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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.
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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.
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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 MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) City policies which 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 and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6) Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

	YES	NO
(1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) This 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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.
- (2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.
 - (2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.
 - (2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.
 - (2)(c) All policies contained in the MEIR 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 on the environment that was not examined in the Final Master EIR (MEIR) for the 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 MEIR. 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 2025 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-one subject 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 mitigations / policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) 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 and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

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, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

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

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures 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, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes none from the MEIR. 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 a new, significant, project-specific effect 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 criteria:

1. TRAFFIC AND CIRCULATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1-3) The proposed project to annex an existing mobile home park into the City is for the purpose of connecting to City sewer. No new development is proposed. Therefore, there will be no increase in traffic.
- (4) Police and Fire Staff have reviewed the project and indicated no concerns with emergency access.
- (5) There will be no impact to parking because no change is proposed to the existing development.
- (6) The project would not conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan.
- (7) The project will not be any increase in vehicle miles traveled.

2. DEGRADATION OF AIR QUALITY

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 mitigations / policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM₁₀) and 2.5 microns or less in diameter (PM_{2.5}) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

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, PM₁₀, and PM_{2.5}.

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

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes none from the MEIR. 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. DEGRADATION OF AIR QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO _x , PM ₁₀ , and PM _{2.5} by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO _x , PM ₁₀ , and PM _{2.5} .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposal to annex the project site is consistent with the Urban Area General Plan policies. There is no development or change proposed that would increase traffic volumes and emissions.
- (2) There is no new development or other activity associated with the project that would affect air quality.
- (3) The project does not conflict with the air quality policies in the Urban Area General Plan.

- (4) The project would not result in pollutant concentrations in excess of those expected to occur as a result of the implementation of the Urban Area General Plan.
- (5) The project will not produce objectionable odors.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations / policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of 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 MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

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

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation 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-3.B of the MEIR 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. GENERATION OF NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1-4) The project would not cause noise above levels already existing as part of the existing mobile home park.

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 mitigations / policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide 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 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

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

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation 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-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 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 LANDS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan’s policies relating to agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan’s planning area boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1-4) The project site and surrounding area is developed with urban uses. The site is not zoned for agricultural uses, nor is subject to a Williamson Act contract. The project would not cause the conversion of farmland to a non-agricultural use.

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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

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

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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-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. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would be consistent with the Water Supply policies of the General Plan.
- (2) The existing mobile home park is presently served by a private water well and there has not been a request to connect to City water. When there is a request to connect to City water, there will be adequate capacity to serve the existing mobile home park. Water demand for the project will not exceed estimates anticipated in the General Plan.
- (3) The proposed project is consistent with the land uses and 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.

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 mitigations / policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; and construction noise. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland caused by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin

River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

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

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The proposed project would be consistent with the wastewater supply policies in the General Plan.
- (2-3) The mobile home park owner has requested connection to the City sewer system. The City sewer system has sufficient capacity to serve this property. Sewer connection can occur to an existing line on McHenry Avenue or Coralwood Road. The proposed project will not generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.

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 mitigations / policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plant 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 denser 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. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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-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 SENSITIVE WILDLIFE AND PLANT HABITAT	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially interfere 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat. The site has been developed since 1963.
- (2) The project site is not a biologically sensitive site as defined by Figures V-7-1, sheet 2, 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.
- (3) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.
- (4) The project site is not a biologically sensitive site as defined by Figures V-7-1, sheet 2, of the MEIR. The movement of fish or birds or other wildlife would not be effected by the project.

- (5) There is no conflict with any local policies or ordinances protecting biological resources.
- (6) There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved 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 mitigations / policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources, in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

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

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation 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-8.B of the MEIR 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 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:

8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the archaeological / historical resource policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would modify or demolish a structure more than 50 years old.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The project would adversely affect a Tribal Cultural Resource identified and/or defined by the applicable Tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is consistent with the archeological and historical resource policies in the General Plan.
- (2-3) No buildings are proposed to be demolished, and no City landmarks exist at the site.
- (4) The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.
- (5) The project does not conflict with local policies affecting 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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface

area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto 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. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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-9.B of the MEIR 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is consistent with the storm drainage policies in the Urban Area General Plan.
- (2-3) The proposed project does not include any new development. The proposal will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

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 mitigations / 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

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation 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-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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or off-site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would violate water quality standards or waste discharge requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of General Plan implementation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan. No new development is included with this project.
- (2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.
- (3-5) The project is not located within a 100-year flood plain.
- (6) The project will not violate water quality standards or waste discharge requirements.
- (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.

- (8) The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system or provide substantial additional sources of polluted runoff. There is no new development associated with the proposed project.

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 mitigations / 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

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation 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-11.B of the MEIR 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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the parks and open space policies in the General Plan.
- (2) The project will not impact parks or open space.
- (3) There is no development proposed as part of the project.

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 mitigations / 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 of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures 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).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not conflict with the policies relating to school in the Urban Area General Plan.
- (2) There is no new development associated 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 mitigations / 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

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The project would not conflict with the policies relating to police services in the Urban Area General Plan.

- (2) The proposed annexation was referred to the City Police Department, who indicated no concerns. The project would not result in the need for construction of new or significantly altered police 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 mitigations / 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

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

14. INCREASED DEMAND FOR FIRE SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The project is consistent with the fire service policies in the General Plan.
- (2) The project does not propose construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable fire service ratios, response times or other performance objectives. The project was referred to the Modesto Fire Department, who indicated no concerns regarding need for increased services or effects upon response times.
- (3) The Stanislaus Consolidated Fire Protection District has indicated there will be a loss in special assessment revenue with detachment from the District. No substantial evidence has been provided to show the District would have a significant erosion or elimination of fire service. The annexation to the City and detachment from the District would transfer the fire service responsibility to the City and reducing the service responsibility from the District.

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 mitigations / 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

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the solid waste policies in the General Plan.
- (2) There is no new development proposed with the project.

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 mitigations / 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

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures 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-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. GENERATION OF HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the hazardous materials policies in the General Plan.

- (2) The project does not impact applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. No hazardous materials will be involved with this project.
- (3) The project is not located on a site 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.
- (4) The site is not known to contain any contaminants.

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 mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

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

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures 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-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 with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.
- (2) The project site is not 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 mitigations / policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

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

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 mitigations / policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

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

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation 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-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:

19. EFFECTS ON VISUAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the policies relating the visual resources in the General Plan.

- (2) The project would not degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.
- (3) There is no development associated with the project.

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 mitigations / 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 mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation 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-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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
1.) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

20. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project site is designated for Regional Commercial on the General Plan and in the Coffee Claratina Specific Plan approved in 1998. The existing mobile home park was developed in 1963 and would be a legal non-conforming use upon annexation. As such, the project would be considered consistent land use regarding the Zoning and General Plan.
- (2) There is no development proposed by the project.
- (3) The project is consistent 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.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations / policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

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

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation 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-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. 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:

21. CLIMATE CHANGE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in average automobile trip lengths or CO ₂ emissions higher than those assumed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the policies relating to climate change in the Urban Area General Plan. The project would not have a significance effect on climate change.
- (2) The project does not include any new development and would not have an effect on automobile trip lengths or CO₂ emissions.
- (3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project 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/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures 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 mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures 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 mitigation measures have been applied to the project (see mitigation measures 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

Degradation of Air Quality:

N/A

Generation of Noise:

N/A

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

Climate Change:

N/A

MODESTO CITY COUNCIL
RESOLUTION NO. 2019-164

RESOLUTION APPROVING A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND MODESTO CITY FIRE FIGHTERS ASSOCIATION (MCFFA) FOR A TERM OF JULY 1, 2018 TO JUNE 30, 2021, RESCINDING RESOLUTION NUMBER 2017-78 AND AUTHORIZING THE CITY MANAGER OR HIS 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 Fire Fighters Association (MCFFA) expired on June 30, 2018, and

WHEREAS, representatives of the CITY and the MCFFA 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 MCFFA have reached agreement on language changes for a successor MOU which shall be **attached** hereto and made a part hereof as **Exhibit “A”**, and

WHEREAS, the MOU provides some of the following terms:

ARTICLE 2. TERM. The term of the MOU shall be from July 1, 2018 to June 30, 2021.

ARTICLE 4. SALARY.

- a. Effective April 16, 2019 - Increase base salary ranges for all classes by 3.0% as shown in **attached Exhibits “B” through “D”**.
- b. Effective June 25, 2019 - Increase base salary ranges for all classes by 3.0% as shown in **attached Exhibits “E” through “G”**.

- c. Effective June 23, 2020 - Increase base salary ranges for all classes by 3.0% as shown in **attached Exhibits “H” through “J”**.

ARTICLE 11. EDUCATIONAL INCENTIVE PAY. Changes shown in **attached Exhibit “A”** to be effective June 30, 2018.

NEW ARTICLE. LONGEVITY INCENTIVE PAY. Changes shown in **attached Exhibit “A”** to be effective June 30, 2018.

ARTICLE 12. UNIFORMS AND UNIFORM ALLOWANCES. Employees shall receive a uniform allowance of \$100.00 per month, paid twice monthly at \$50.00.

ARTICLE 20. CAFETERIA PLAN. Effective the pay period that includes the PERs rate changes for calendar year, 2020 and 2021 the City shall increase the monthly rate increase to medical, dental and vision insurance premiums as described below. The City contribution for 2019 shall take effect the first full pay period following City Council approval of this agreement.

	2019	2020	2021
Employee only	\$776	\$791	\$807
Employee plus 1	\$1,158	\$1,181	\$1,205
Employee plus family	\$1,459	\$1,488	\$1,516

ARTICLE 21. RETIREE HEALTH INSURANCE. Effective July, 2017, MCFFA members and the City will each contribute \$75.00 per pay period towards the member’s account.

ARTICLE 30. HOLIDAYS. Proposed language change to Section a.2

- a. For employees assigned to fire suppression, there shall be 3 holiday boards, separate from vacation boards, for the purpose of selecting holiday time off.

ARTICLE 31. VACATION.

- a. Section j. Eliminate the language regarding current formula to determine the number of vacation boards. The number of vacation boards per work shift shall be 4 with the exception of all holidays listed in Article 30 where the available vacation boards shall be 5. This provision will take effect upon Council approval.

CHANGES AND REMAINING PROVISIONS. Other changes and remaining provisions of the July 1, 2013 through June 30, 2018 MOU and Letters of Agreements through June 30, 2018 between the CITY and MCFFA shall continue in the new MOU. The exact language of all provisions shall be set forth in the MOU between the CITY and MCFFA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the successor Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters Association, which covers a term from July 1, 2018 through June 30, 2021, **attached** hereto as **Exhibit "A"**, and upon execution of same, a copy of the MOU will be on file in the office of the City Clerk.

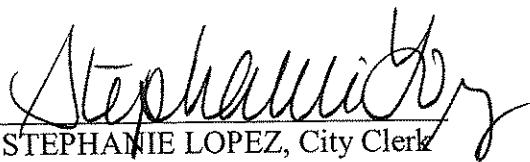
BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2017-78 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

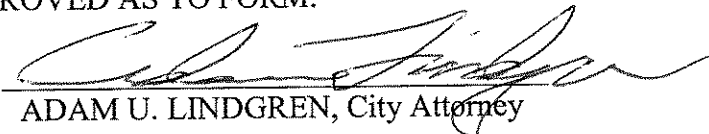
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Clarified Tentative Agreement Between

City of Modesto

and

Modesto City Firefighters Association

March 19, 2019

Article 2. TERM OF MEMORANDUM

- a) The term of this Memorandum of Understanding shall be the period of July 1, 2018 through June 30, 2021, inclusive.
- b) The CITY and MCFFA agree to begin subsequent negotiations no later than January 15, 2021.

Article 4. SALARY RATES AND STEP ADVANCES

Section C:

Effective the first full pay period following adoption by the City Council, the salary ranges shall be adjusted upward by three percent (3.0%) as provided in Exhibit A of this Agreement. Effective June 25, 2019, the salary ranges shall be further adjusted upward by an additional three percent (3.0%) as provided in Exhibit B of this Agreement. Effective June 23, 2020, said ranges will be further adjusted upward an additional three percent (3.0%) as provided in Exhibit C of this Agreement.

Effective the first full pay period following adoption by the City Council, each employee shall contribute one percent (1.0%) of salary to an agreed upon Base as noted in the CalPERS Schedule of Amortization.

Article 11. EDUCATIONAL INCENTIVE PAY

EDUCATIONAL INCENTIVE PAY

- a) Effective July 1, 2018, employees shall be eligible for Educational Incentive Pay for designated certifications or degrees, as follows:
 - 1) Fire Science/Fire Officer 1%
 - 2) AA/AS 2%
 - 3) BA/BS 3.5%

b) Qualifying certificates and degrees:

- 1) Fire Science or Fire Technology certificate from a community college accredited by the Western Association of Schools and Colleges OR completion of Fire Officer Certification from the Office of the California State Fire Marshal.
- 2) 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.

(New Article) LONGEVITY INCENTIVE PAY

- a) Effective July 1, 2018, employees shall be eligible for Longevity Incentive Pay for the following years of service
 - a. 10 years of service 1.5%
 - b. 15 years of service 3%
 - c. 20 years of service 4%

Longevity incentives are not stackable or cumulative. Employees receive pay for the highest years of service for which they qualify.

Article 12. UNIFORMS AND UNIFORM ALLOWANCES

- a) All employees shall wear uniforms in accordance with the Fire Department's Rules and Regulations.
- b) The CITY shall purchase one pair of CalOSHA approved safety boots for each newly hired employee covered by the Agreement. The actual boot purchased shall be as agreed to by the CITY and MCFFA. Any replacement of the safety boots initially purchased by the CITY shall be at the sole expense of each employee.
- c) Employees shall receive a uniform allowance of \$100.00 per month, paid twice monthly at \$50.00. Newly hired employees shall receive an allowance prorated from the date of hire.

All employees are required to obtain a department approved "Class A" uniform within thirty (30) days of completing their Firefighter probationary period. Current employees who were eligible to retire (age 50) prior to January 1, 2005 were not required to purchase a "Class A" uniform.

Article 20. CAFETERIA PLAN

- a) All employees in regular positions budgeted for forty (40) hours or more per pay period shall be eligible to participate in the Cafeteria Plan described in this Article. Each such employee may select among the following options and specify what portion of the amount designated below will be applied. The cafeteria allowance amounts listed in (b) (1) below, include the required minimum health contribution, as set forth by Government Code Section 22825.
- b) Eligible employees shall be entitled to the following monthly allowances:

1) Total Allowance (monthly) – Health & Cafeteria Plan

	2019	2020*	2021*
Employee Only	\$776	\$791	\$807
Employee + 1	\$1,158	\$1181	\$1,205
Family	\$1,459	\$1,488	\$1,516
Opt Out	\$525	\$525	\$525

**The rates in 2020 and 2021 shall take effect in the pay period that includes PERS rate changes for the applicable calendar year. The City contribution for 2019 shall take effect the first full pay period following City Council approval of this agreement.*

- 2) The City's contribution and the employee deduction (if any) shall be processed for payment two (2) pay periods in advance of the dates listed above.
 - 3) The Opt Out allowance applies to employees who waive health, dental and vision coverage, or who waive health but continue to carry dental and vision coverage.
- c) The Cafeteria Plan shall include the following options:
 - 1) Health, Dental and Vision Insurance. This option provides a monthly allowance toward the combined total premium for the health, dental and vision insurance program provided by the CITY not to exceed the stated monthly maximum benefit of the Cafeteria Plan. All employees shall select this option at least to the level that provides for health, vision and dental coverage for the individual employee, provided that employees may request a waiver of the health coverage from the Human Resources Department. Such waiver shall only be granted if the employee shows proof of other health insurance coverage. Effective August 1, 2002, an employee who has waived health coverage may also elect to waive

dental and vision coverage, provided that the employee shows proof of other dental coverage. Dental and vision coverage may only be waived together, and may not be separately waived. Should an employee who has obtained a waiver to this provision lose such alternative coverage, the employee shall notify the Human Resources Department within five (5) work days and enroll in a CITY provided insurance program. The election to waive coverage may only be exercised during the City's open enrollment period or in coordination with spouse/registered domestic partner's open enrollment period, or within thirty (30) days of a qualifying life change event.

- 2) Additional Insurance Programs. This option provides a monthly allowance toward payment of premiums for additional insurance programs sponsored by MCFFA or the CITY.
- 3) Cash. That portion of the allowance not utilized for option (1) or (2) above shall be paid to the employee as cash. Such cash shall be subject to all applicable provisions of the tax code.

d) 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.

Article 21. RETIREE HEALTH INSURANCE

a) Retiree Medical Coverage

Employees may elect on a one-time basis at retirement to continue to participate in the dental and/or vision insurance program at their own cost. Upon the death of a retired employee, surviving dependents retain eligibility for continued participation in the dental and/or vision insurance programs.

Retired employees may continue to participate in the PERS Health Plans at their own cost, except that the CITY shall contribute toward their health premium an amount not to exceed the minimum employer contribution as designated in Government Code Section 22825. During calendar year 2016, the designated minimum employer contribution is \$125.00. Commencing January 1, 2017, the designated minimum employer contribution will be adjusted annually by the CalPERS Board of Administration.

b) MCFFA Retiree Medical Trust

Effective December 1, 2008, the City and MCFFA implemented a retiree health savings plan through the Central Valley Retiree Medical Trust (the "CVRMT"). Participation in the CVRMT is mandatory for all MCFFA members. Employees who separate from City service for any reason shall have all earned but unused vacation hours cashed out and will have the value of these hours deposited into the CVRMT on their behalf. Employees shall have no option to receive cash for these hours.

Any and all funds from a buyout, (golden handshake) shall be deposited into the CVRMT.

Effective July 1, 2017, MCFFA members and the City will each contribute seventy-five dollars (\$75.00) per pay period towards the member's account.

Article 30. HOLIDAYS

a) Fire Suppression Assignments

- 1) All employees assigned to fire suppression shall earn holiday time credit at the rate of one hundred thirty-two (132) hours per year, or one-half (1/2) of a twenty-four (24) hour shift per holiday. During the first two (2) years of employment, the holiday time credit may be used only as accrued. For those employees accruing holiday time, holiday credit in-lieu of Admissions Day shall be accrued in January. Thereafter, holiday time credit is advanced during the pay period in which January 1 falls. All holiday time credit shall be used, or cashed out, during the year in which it is accrued.
- 2) For employees assigned to fire suppression, there shall be three (3) holiday boards, separate from vacation boards, for the purpose of selecting holiday time off.
- 3) All employees assigned to fire suppression shall have the option to cash out holiday time at time and one-half pay. Holiday time may be cashed out at twelve (12) or more hours each pay period. Notification of the Fire Department timekeeper shall be no later than the Friday preceding the end of the pay period. Cash out shall be limited to the amount of holiday time the employee has in the account. In the event an employee terminates CITY service, pay for holiday time that has been cashed out in excess of holidays that have occurred to that point will be deducted from the employee's final compensation.

b) Non-shift Assignments

- 1) The following days shall be paid holidays for all employees working 40-hour non-shift assignments:
 - a) New Year's Day
 - b) Dr. Martin Luther King Jr. Day
 - c) Presidents' Day
 - d) Memorial Day
 - e) Independence Day
 - f) Labor Day
 - g) Veterans' Day
 - h) Thanksgiving Day
 - i) Day after Thanksgiving

j) Christmas Day

In addition, non-shift employees shall accrue eight (8) hours of holiday time during the pay period in which January 1 falls.

- 2) Holidays which fall on a Saturday shall be observed on the previous Friday. Holidays which fall on a Sunday shall be observed on the following Monday. When a non-shift employee is required to work on a holiday that falls within their regularly scheduled work week, they shall be paid eight (8) hours of regular holiday pay, plus time and one-half for hours actually worked on the holiday.
 - 3) For employees in long-term non-shift assignments (excludes temporary and modified duty assignments), a total of eighty-eight (88) hours of holiday time credit shall be advanced annually during the pay period in which January 1 falls. These employees in long-term non-shift assignments shall have the option to cashout holiday time at time and one-half pay.
 - 4) For those non-shift employees eligible for cashout of holiday time, the time may be cashed out at eight (8) or more hours per pay period. Notification of the Fire Department timekeeper shall be no later than the Friday preceding the end of the pay period. Cash out shall be limited to the amount of holiday time the employee has in the account. Employees who have cashed out holiday time shall either work the holiday(s) or take the holiday(s) off using their accrued vacation or CTO. In the event an employee terminates CITY service, pay for holiday time that has been cashed out in excess of holidays that have occurred to that point will be deducted from the employee's final compensation.
 - 5) All holiday time shall be taken as time off or cashed out during the year in which it is accrued.
- c) All other administrative policies and procedures shall be as contained in the Personnel Rules and Personnel Administrative Orders.

Article 31. VACATION

The number of vacation boards available per work shift shall be four (4) with the exception of all holidays listed in Article 30 where the available vacation boards shall be five (5).

SCHEDULE - W
GENERAL FIRE CLASS - 80 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE APRIL 16 2019

112 hr Step A	19.48
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	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0701	27.27	28.64	30.07	31.57	33.15	2,181.46	2,290.53	2,405.06	2,525.31	2,651.58	4,742.49	4,979.61	5,228.60	5,490.02	5,764.53
0702	27.95	29.35	30.82	32.36	33.98	2,235.99	2,347.79	2,465.18	2,588.44	2,717.86	4,861.04	5,104.10	5,359.30	5,627.27	5,908.63
0703	28.65	30.09	31.59	33.17	34.83	2,291.89	2,406.49	2,526.81	2,653.15	2,785.81	4,982.57	5,231.71	5,493.28	5,767.95	6,056.35
0704	29.37	30.84	32.38	34.00	35.70	2,349.19	2,466.65	2,589.98	2,719.48	2,855.46	5,107.14	5,362.50	5,630.62	5,912.15	6,207.77
0705	30.10	31.61	33.19	34.85	36.59	2,407.92	2,528.32	2,654.73	2,787.47	2,926.84	5,234.82	5,496.57	5,771.38	6,059.96	6,362.95
0706	30.86	32.40	34.02	35.72	37.51	2,468.12	2,591.52	2,721.10	2,857.16	3,000.01	5,365.69	5,633.96	5,915.67	6,211.47	6,522.02
0707	31.63	33.21	34.87	36.61	38.44	2,529.82	2,656.31	2,789.13	2,928.59	3,075.01	5,499.83	5,774.82	6,063.57	6,366.75	6,685.07
0708	32.42	34.04	35.74	37.53	39.40	2,593.07	2,722.72	2,858.86	3,001.80	3,151.89	5,637.33	5,919.19	6,215.16	6,525.91	6,852.21
0709	33.23	34.89	36.63	38.47	40.39	2,657.89	2,790.79	2,930.33	3,076.84	3,230.69	5,778.25	6,067.18	6,370.54	6,689.05	7,023.52
0710	34.06	35.76	37.55	39.43	41.40	2,724.34	2,860.56	3,003.59	3,153.77	3,311.45	5,922.72	6,218.86	6,529.80	6,856.30	7,199.09
0711	34.91	36.66	38.49	40.41	42.43	2,792.45	2,932.07	3,078.68	3,232.61	3,394.24	6,070.79	6,374.32	6,693.05	7,027.69	7,379.08
0712	35.78	37.57	39.45	41.42	43.49	2,862.26	3,005.37	3,155.64	3,313.43	3,479.10	6,222.55	6,533.67	6,860.36	7,203.40	7,563.56
0713	36.68	38.51	40.44	42.46	44.58	2,933.82	3,080.51	3,234.53	3,396.26	3,566.07	6,378.12	6,697.03	7,031.87	7,383.47	7,752.64
0714	37.59	39.47	41.45	43.52	45.70	3,007.16	3,157.52	3,315.40	3,481.17	3,655.23	6,537.57	6,864.45	7,207.68	7,568.06	7,946.47
0715	38.53	40.46	42.48	44.61	46.84	3,082.34	3,236.46	3,398.28	3,568.20	3,746.61	6,701.01	7,036.06	7,387.86	7,757.27	8,145.13
0716	39.50	41.47	43.55	45.72	48.01	3,159.40	3,317.37	3,483.24	3,657.40	3,840.27	6,868.54	7,211.96	7,572.56	7,951.19	8,348.75
0717	40.48	42.51	44.63	46.87	49.21	3,238.39	3,400.31	3,570.32	3,748.84	3,936.28	7,040.26	7,392.27	7,761.88	8,149.98	8,557.47
0718	41.50	43.57	45.75	48.04	50.44	3,319.35	3,485.31	3,659.58	3,842.56	4,034.69	7,216.27	7,577.06	7,955.93	8,353.73	8,771.42
0719	42.53	44.66	46.89	49.24	51.70	3,402.33	3,572.45	3,751.07	3,938.62	4,135.55	7,396.67	7,766.51	8,154.83	8,562.56	8,990.69
0720	43.60	45.78	48.07	50.47	52.99	3,487.39	3,661.76	3,844.84	4,037.09	4,238.94	7,581.59	7,960.67	8,358.68	8,776.63	9,215.46
0721	44.69	46.92	49.27	51.73	54.32	3,574.57	3,753.30	3,940.97	4,138.01	4,344.91	7,771.12	8,159.67	8,567.67	8,996.03	9,445.83
0722	45.80	48.09	50.50	53.02	55.67	3,663.94	3,847.13	4,039.49	4,241.46	4,453.54	7,965.41	8,363.66	8,781.85	9,220.93	9,682.00
0723	46.95	49.30	51.76	54.35	57.07	3,755.54	3,943.31	4,140.48	4,347.50	4,564.88	8,164.54	8,572.76	9,001.40	9,451.47	9,924.05
0724	48.12	50.53	53.05	55.71	58.49	3,849.42	4,041.89	4,243.99	4,456.19	4,679.00	8,368.64	8,787.07	9,226.43	9,687.76	10,172.15
0725	49.33	51.79	54.38	57.10	59.95	3,945.66	4,142.94	4,350.09	4,567.59	4,795.97	8,577.86	9,006.75	9,457.10	9,929.94	10,426.44

SCHEDULE - B
GENERAL FIRE CLASS - 112 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE APRIL 16 2019

Old Step A	18.91
Increase	3.00%

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0201	19.48	20.46	21.48	22.55	23.68	2,181.46	2,290.53	2,405.06	2,525.31	2,651.58	4,742.49	4,979.61	5,228.60	5,490.02	5,764.53
0202	19.97	20.97	22.02	23.12	24.27	2,235.99	2,347.79	2,465.18	2,588.44	2,717.86	4,861.04	5,104.10	5,359.30	5,627.27	5,908.63
0203	20.47	21.49	22.57	23.69	24.88	2,291.89	2,406.49	2,526.81	2,653.15	2,785.81	4,982.57	5,231.71	5,493.28	5,767.95	6,056.35
0204	20.98	22.03	23.13	24.29	25.50	2,349.19	2,466.65	2,589.98	2,719.48	2,855.46	5,107.14	5,362.50	5,630.62	5,912.15	6,207.77
0205	21.50	22.58	23.71	24.89	26.14	2,407.92	2,528.32	2,654.73	2,787.47	2,926.84	5,234.82	5,496.57	5,771.38	6,059.96	6,362.95
0206	22.04	23.14	24.30	25.52	26.79	2,468.12	2,591.52	2,721.10	2,857.16	3,000.01	5,365.69	5,633.96	5,915.67	6,211.47	6,522.02
0207	22.59	23.72	24.91	26.15	27.46	2,529.82	2,656.31	2,789.13	2,928.59	3,075.01	5,499.83	5,774.82	6,063.57	6,366.75	6,685.07
0208	23.16	24.32	25.53	26.81	28.15	2,593.07	2,722.72	2,858.86	3,001.80	3,151.89	5,637.33	5,919.19	6,215.16	6,525.91	6,852.21
0209	23.74	24.92	26.17	27.48	28.85	2,657.89	2,790.79	2,930.33	3,076.84	3,230.69	5,778.25	6,067.18	6,370.54	6,689.05	7,023.52
0210	24.33	25.55	26.82	28.16	29.57	2,724.34	2,860.56	3,003.59	3,153.77	3,311.45	5,922.72	6,218.86	6,529.80	6,856.30	7,199.09
0211	24.94	26.18	27.49	28.87	30.31	2,792.45	2,932.07	3,078.68	3,232.61	3,394.24	6,070.79	6,374.32	6,693.05	7,027.69	7,379.08
0212	25.56	26.84	28.18	29.59	31.07	2,862.26	3,005.37	3,155.64	3,313.43	3,479.10	6,222.55	6,533.67	6,860.36	7,203.40	7,563.56
0213	26.20	27.51	28.88	30.33	31.84	2,933.82	3,080.51	3,234.53	3,396.26	3,566.07	6,378.12	6,697.03	7,031.87	7,383.47	7,752.64
0214	26.85	28.20	29.61	31.09	32.64	3,007.16	3,157.52	3,315.40	3,481.17	3,655.23	6,537.57	6,864.45	7,207.68	7,568.06	7,946.47
0215	27.53	28.90	30.35	31.86	33.46	3,082.34	3,236.46	3,398.28	3,568.20	3,746.61	6,701.01	7,036.06	7,387.86	7,757.27	8,145.13
0216	28.21	29.62	31.11	32.66	34.29	3,159.40	3,317.37	3,483.24	3,657.40	3,840.27	6,868.54	7,211.96	7,572.56	7,951.19	8,348.75
0217	28.92	30.36	31.88	33.48	35.15	3,238.39	3,400.31	3,570.32	3,748.84	3,936.28	7,040.26	7,392.27	7,761.88	8,149.98	8,557.47
0218	29.64	31.12	32.68	34.31	36.03	3,319.35	3,485.31	3,659.58	3,842.56	4,034.69	7,216.27	7,577.06	7,955.93	8,353.73	8,771.42
0219	30.38	31.90	33.50	35.17	36.93	3,402.33	3,572.45	3,751.07	3,938.62	4,135.55	7,396.67	7,766.51	8,154.83	8,562.56	8,990.69
0220	31.14	32.70	34.33	36.05	37.85	3,487.39	3,661.76	3,844.84	4,037.09	4,238.94	7,581.59	7,960.67	8,358.68	8,776.63	9,215.46
0221	31.92	33.52	35.19	36.95	38.80	3,574.57	3,753.30	3,940.97	4,138.01	4,344.91	7,771.12	8,159.67	8,567.67	8,996.03	9,445.83
0222	32.72	34.35	36.07	37.88	39.77	3,663.94	3,847.13	4,039.49	4,241.46	4,453.54	7,965.41	8,363.66	8,781.85	9,220.93	9,682.00
0223	33.54	35.21	36.97	38.82	40.76	3,755.54	3,943.31	4,140.48	4,347.50	4,564.88	8,164.54	8,572.76	9,001.40	9,451.47	9,924.05
0224	34.37	36.09	37.90	39.79	41.78	3,849.42	4,041.89	4,243.99	4,456.19	4,679.00	8,368.64	8,787.07	9,226.43	9,687.76	10,172.15
0225	35.23	37.00	38.85	40.79	42.83	3,945.66	4,142.94	4,350.09	4,567.59	4,795.97	8,577.86	9,006.75	9,457.10	9,929.94	10,426.44

SCHEDULE - Z
FIRE FIGHTER TRAINEE - 80 HOURS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE APRIL 16 2019

Old Step A	25.07
Increase	3.00%

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0901	25.83	27.12	28.47	29.90	31.39	2,066.40	2,169.60	2,277.60	2,392.00	2,511.20	4,492.35	4,716.71	4,951.50	5,200.21	5,459.35
0902	26.47	27.80	29.19	30.64	32.18	2,117.60	2,224.00	2,335.20	2,451.20	2,574.40	4,603.66	4,834.98	5,076.72	5,328.91	5,596.75
0903	27.13	28.49	29.92	31.41	32.98	2,170.40	2,279.20	2,393.60	2,512.80	2,638.40	4,718.45	4,954.98	5,203.69	5,462.83	5,735.88
0904	27.81	29.20	30.66	32.20	33.81	2,224.80	2,336.00	2,452.80	2,576.00	2,704.80	4,836.72	5,078.46	5,332.39	5,600.22	5,880.24
0905	28.51	29.93	31.43	33.00	34.65	2,280.80	2,394.40	2,514.40	2,640.00	2,772.00	4,958.46	5,205.43	5,466.31	5,739.36	6,026.33
0906	29.22	30.68	32.21	33.83	35.52	2,337.60	2,454.40	2,576.80	2,706.40	2,841.60	5,081.94	5,335.87	5,601.96	5,883.71	6,177.64
0907	29.95	31.45	33.02	34.67	36.40	2,396.00	2,516.00	2,641.60	2,773.60	2,912.00	5,208.90	5,469.78	5,742.84	6,029.81	6,330.69
0908	30.70	32.23	33.85	35.54	37.31	2,456.00	2,578.40	2,708.00	2,843.20	2,984.80	5,339.34	5,605.44	5,887.19	6,181.12	6,488.96
0909	31.47	33.04	34.69	36.43	38.25	2,517.60	2,643.20	2,775.20	2,914.40	3,060.00	5,473.26	5,746.32	6,033.28	6,335.91	6,652.44
0910	32.25	33.87	35.56	37.34	39.20	2,580.00	2,709.60	2,844.80	2,987.20	3,136.00	5,608.92	5,890.67	6,184.60	6,494.17	6,817.66
0911	33.06	34.71	36.45	38.27	40.18	2,644.80	2,776.80	2,916.00	3,061.60	3,214.40	5,749.80	6,036.76	6,339.38	6,655.92	6,988.11
0912	33.89	35.58	37.36	39.23	41.19	2,711.20	2,846.40	2,988.80	3,138.40	3,295.20	5,894.15	6,188.07	6,497.65	6,822.88	7,163.76
0913	34.73	36.47	38.29	40.21	42.22	2,778.40	2,917.60	3,063.20	3,216.80	3,377.60	6,040.24	6,342.86	6,659.40	6,993.32	7,342.90
0914	35.60	37.38	39.25	41.21	43.27	2,848.00	2,990.40	3,140.00	3,296.80	3,461.60	6,191.55	6,501.13	6,826.36	7,167.24	7,525.52
0915	36.49	38.32	40.23	42.24	44.35	2,919.20	3,065.60	3,218.40	3,379.20	3,548.00	6,346.34	6,664.61	6,996.80	7,346.38	7,713.35
0916	37.40	39.27	41.24	43.30	45.46	2,992.00	3,141.60	3,299.20	3,464.00	3,636.80	6,504.61	6,829.84	7,172.46	7,530.74	7,906.40
0917	38.34	40.25	42.27	44.38	46.60	3,067.20	3,220.00	3,381.60	3,550.40	3,728.00	6,668.09	7,000.28	7,351.60	7,718.57	8,104.67
0918	39.30	41.26	43.32	45.49	47.76	3,144.00	3,300.80	3,465.60	3,639.20	3,820.80	6,835.06	7,175.94	7,534.21	7,911.62	8,306.42
0919	40.28	42.29	44.41	46.63	48.96	3,222.40	3,383.20	3,552.80	3,730.40	3,916.80	7,005.50	7,355.08	7,723.79	8,109.89	8,515.12
0920	41.29	43.35	45.52	47.79	50.18	3,303.20	3,468.00	3,641.60	3,823.20	4,014.40	7,181.16	7,539.43	7,916.84	8,311.64	8,727.31
0921	42.32	44.43	46.65	48.99	51.44	3,385.60	3,554.40	3,732.00	3,919.20	4,115.20	7,360.29	7,727.27	8,113.37	8,520.34	8,946.44
0922	43.38	45.54	47.82	50.21	52.72	3,470.40	3,643.20	3,825.60	4,016.80	4,217.60	7,544.65	7,920.32	8,316.85	8,732.52	9,169.06
0923	44.46	46.68	49.02	51.47	54.04	3,556.80	3,734.40	3,921.60	4,117.60	4,323.20	7,732.48	8,118.59	8,525.56	8,951.66	9,398.64
0924	45.57	47.85	50.24	52.75	55.39	3,645.60	3,828.00	4,019.20	4,220.00	4,431.20	7,925.53	8,322.07	8,737.74	9,174.28	9,633.43
0925	46.71	49.05	51.50	54.07	56.78	3,736.80	3,924.00	4,120.00	4,325.60	4,542.40	8,123.80	8,530.78	8,956.88	9,403.85	9,875.18

SCHEDULE - W
GENERAL FIRE CLASS - 80 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE JUNE 25 2019

112 hr Step A	20.07
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	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0701	28.10	29.50	30.97	32.52	34.15	2,247.21	2,359.57	2,477.55	2,601.43	2,731.50	4,885.43	5,129.71	5,386.19	5,655.51	5,938.28
0702	28.80	30.24	31.75	33.34	35.00	2,303.39	2,418.56	2,539.49	2,666.47	2,799.79	5,007.57	5,257.95	5,520.85	5,796.91	6,086.74
0703	29.52	30.99	32.54	34.17	35.88	2,360.98	2,479.03	2,602.98	2,733.13	2,869.78	5,132.77	5,389.41	5,658.88	5,941.82	6,238.90
0704	30.26	31.77	33.36	35.02	36.77	2,420.00	2,541.00	2,668.05	2,801.46	2,941.53	5,261.08	5,524.13	5,800.34	6,090.37	6,394.89
0705	31.01	32.56	34.19	35.90	37.69	2,480.50	2,604.53	2,734.75	2,871.49	3,015.07	5,392.61	5,662.25	5,945.35	6,242.62	6,554.76
0706	31.79	33.38	35.04	36.80	38.64	2,542.52	2,669.64	2,803.12	2,943.28	3,090.44	5,527.44	5,803.80	6,093.98	6,398.69	6,718.62
0707	32.58	34.21	35.92	37.72	39.60	2,606.08	2,736.38	2,873.20	3,016.86	3,167.70	5,665.62	5,948.89	6,246.34	6,558.65	6,886.58
0708	33.40	35.06	36.82	38.66	40.59	2,671.23	2,804.79	2,945.03	3,092.28	3,246.90	5,807.25	6,097.61	6,402.50	6,722.62	7,058.76
0709	34.23	35.94	37.74	39.62	41.61	2,738.01	2,874.91	3,018.66	3,169.59	3,328.07	5,952.43	6,250.05	6,562.57	6,890.69	7,235.22
0710	35.09	36.84	38.68	40.62	42.65	2,806.46	2,946.78	3,094.12	3,248.83	3,411.27	6,101.24	6,406.30	6,726.62	7,062.96	7,416.10
0711	35.96	37.76	39.65	41.63	43.71	2,876.62	3,020.45	3,171.48	3,330.05	3,496.55	6,253.77	6,566.46	6,894.80	7,239.53	7,601.50
0712	36.86	38.70	40.64	42.67	44.80	2,948.54	3,095.96	3,250.76	3,413.30	3,583.97	6,410.13	6,730.62	7,067.15	7,420.51	7,791.55
0713	37.78	39.67	41.66	43.74	45.92	3,022.25	3,173.36	3,332.03	3,498.63	3,673.57	6,570.37	6,898.88	7,243.83	7,606.02	7,986.34
0714	38.73	40.66	42.70	44.83	47.07	3,097.81	3,252.70	3,415.33	3,586.10	3,765.40	6,734.64	7,071.37	7,424.93	7,796.18	8,185.98
0715	39.70	41.68	43.76	45.95	48.25	3,175.25	3,334.02	3,500.72	3,675.75	3,859.54	6,902.99	7,248.16	7,610.57	7,991.08	8,390.64
0716	40.69	42.72	44.86	47.10	49.46	3,254.63	3,417.37	3,588.23	3,767.65	3,956.03	7,075.57	7,429.36	7,800.81	8,190.87	8,600.41
0717	41.71	43.79	45.98	48.28	50.69	3,336.00	3,502.80	3,677.94	3,861.84	4,054.93	7,252.46	7,615.09	7,995.84	8,395.64	8,815.42
0718	42.75	44.88	47.13	49.48	51.96	3,419.40	3,590.37	3,769.89	3,958.38	4,156.30	7,433.78	7,805.46	8,195.74	8,605.52	9,035.80
0719	43.82	46.01	48.31	50.72	53.26	3,504.89	3,680.13	3,864.14	4,057.34	4,260.21	7,619.63	8,000.60	8,400.64	8,820.66	9,261.70
0720	44.91	47.16	49.51	51.99	54.59	3,592.51	3,772.13	3,960.74	4,158.78	4,366.71	7,810.12	8,200.61	8,610.65	9,041.19	9,493.23
0721	46.03	48.34	50.75	53.29	55.95	3,682.32	3,866.44	4,059.76	4,262.75	4,475.88	8,005.36	8,405.64	8,825.92	9,267.22	9,730.56
0722	47.18	49.54	52.02	54.62	57.35	3,774.38	3,963.10	4,161.25	4,369.31	4,587.78	8,205.50	8,615.78	9,046.56	9,498.88	9,973.83
0723	48.36	50.78	53.32	55.99	58.79	3,868.74	4,062.17	4,265.28	4,478.55	4,702.47	8,410.64	8,831.16	9,272.72	9,736.37	10,223.17
0724	49.57	52.05	54.65	57.39	60.26	3,965.46	4,163.73	4,371.91	4,590.51	4,820.04	8,620.91	9,051.95	9,504.53	9,979.77	10,478.77
0725	50.81	53.35	56.02	58.82	61.76	4,064.59	4,267.82	4,481.21	4,705.27	4,940.54	8,836.42	9,278.24	9,742.15	10,229.26	10,740.73

SCHEDULE - B
GENERAL FIRE CLASS - 112 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE JUNE 25 2019

Old Step A	19.48
Increase	3.00%

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0201	20.07	21.07	22.13	23.23	24.39	2,247.21	2,359.57	2,477.55	2,601.43	2,731.50	4,885.43	5,129.71	5,386.19	5,655.51	5,938.28
0202	20.57	21.60	22.68	23.81	25.00	2,303.39	2,418.56	2,539.49	2,666.47	2,799.79	5,007.57	5,257.95	5,520.85	5,796.91	6,086.74
0203	21.09	22.14	23.25	24.41	25.63	2,360.98	2,479.03	2,602.98	2,733.13	2,869.78	5,132.77	5,389.41	5,658.88	5,941.82	6,238.90
0204	21.61	22.69	23.83	25.02	26.27	2,420.00	2,541.00	2,668.05	2,801.46	2,941.53	5,261.08	5,524.13	5,800.34	6,090.37	6,394.89
0205	22.15	23.26	24.42	25.64	26.93	2,480.50	2,604.53	2,734.75	2,871.49	3,015.07	5,392.61	5,662.25	5,945.35	6,242.62	6,554.76
0206	22.71	23.84	25.03	26.28	27.60	2,542.52	2,669.64	2,803.12	2,943.28	3,090.44	5,527.44	5,803.80	6,093.98	6,398.69	6,718.62
0207	23.27	24.44	25.66	26.94	28.29	2,606.08	2,736.38	2,873.20	3,016.86	3,167.70	5,665.62	5,948.89	6,246.34	6,558.65	6,886.58
0208	23.86	25.05	26.30	27.61	29.00	2,671.23	2,804.79	2,945.03	3,092.28	3,246.90	5,807.25	6,097.61	6,402.50	6,722.62	7,058.76
0209	24.45	25.67	26.96	28.30	29.72	2,738.01	2,874.91	3,018.66	3,169.59	3,328.07	5,952.43	6,250.05	6,562.57	6,890.69	7,235.22
0210	25.06	26.32	27.63	29.01	30.46	2,806.46	2,946.78	3,094.12	3,248.83	3,411.27	6,101.24	6,406.30	6,726.62	7,062.96	7,416.10
0211	25.69	26.97	28.32	29.74	31.22	2,876.62	3,020.45	3,171.48	3,330.05	3,496.55	6,253.77	6,566.46	6,894.80	7,239.53	7,601.50
0212	26.33	27.65	29.03	30.48	32.00	2,948.54	3,095.96	3,250.76	3,413.30	3,583.97	6,410.13	6,730.62	7,067.15	7,420.51	7,791.55
0213	26.99	28.34	29.76	31.24	32.80	3,022.25	3,173.36	3,332.03	3,498.63	3,673.57	6,570.37	6,898.88	7,243.83	7,606.02	7,986.34
0214	27.66	29.05	30.50	32.02	33.62	3,097.81	3,252.70	3,415.33	3,586.10	3,765.40	6,734.64	7,071.37	7,424.93	7,796.18	8,185.98
0215	28.36	29.77	31.26	32.82	34.47	3,175.25	3,334.02	3,500.72	3,675.75	3,859.54	6,902.99	7,248.16	7,610.57	7,991.08	8,390.64
0216	29.06	30.52	32.04	33.64	35.33	3,254.63	3,417.37	3,588.23	3,767.65	3,956.03	7,075.57	7,429.36	7,800.81	8,190.87	8,600.41
0217	29.79	31.28	32.84	34.49	36.21	3,336.00	3,502.80	3,677.94	3,861.84	4,054.93	7,252.46	7,615.09	7,995.84	8,395.64	8,815.42
0218	30.54	32.06	33.66	35.35	37.11	3,419.40	3,590.37	3,769.89	3,958.38	4,156.30	7,433.78	7,805.46	8,195.74	8,605.52	9,035.80
0219	31.30	32.86	34.51	36.23	38.04	3,504.89	3,680.13	3,864.14	4,057.34	4,260.21	7,619.63	8,000.60	8,400.64	8,820.66	9,261.70
0220	32.08	33.68	35.37	37.14	38.99	3,592.51	3,772.13	3,960.74	4,158.78	4,366.71	7,810.12	8,200.61	8,610.65	9,041.19	9,493.23
0221	32.88	34.53	36.25	38.07	39.97	3,682.32	3,866.44	4,059.76	4,262.75	4,475.88	8,005.36	8,405.64	8,825.92	9,267.22	9,730.56
0222	33.70	35.39	37.16	39.02	40.97	3,774.38	3,963.10	4,161.25	4,369.31	4,587.78	8,205.50	8,615.78	9,046.56	9,498.88	9,973.83
0223	34.55	36.27	38.09	39.99	41.99	3,868.74	4,062.17	4,265.28	4,478.55	4,702.47	8,410.64	8,831.16	9,272.72	9,736.37	10,223.17
0224	35.41	37.18	39.04	40.99	43.04	3,965.46	4,163.73	4,371.91	4,590.51	4,820.04	8,620.91	9,051.95	9,504.53	9,979.77	10,478.77
0225	36.30	38.11	40.02	42.02	44.12	4,064.59	4,267.82	4,481.21	4,705.27	4,940.54	8,836.42	9,278.24	9,742.15	10,229.26	10,740.73

SCHEDULE - Z
FIRE FIGHTER TRAINEE - 80 HOURS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE JUNE 25 2019

Old Step A	25.83
Increase	3.00%

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0901	26.61	27.94	29.34	30.80	32.34	2,128.80	2,235.20	2,347.20	2,464.00	2,587.20	4,628.01	4,859.32	5,102.81	5,356.74	5,624.57
0902	27.28	28.64	30.07	31.57	33.15	2,182.40	2,291.20	2,405.60	2,525.60	2,652.00	4,744.54	4,981.07	5,229.77	5,490.65	5,765.45
0903	27.96	29.35	30.82	32.36	33.98	2,236.80	2,348.00	2,465.60	2,588.80	2,718.40	4,862.80	5,104.55	5,360.21	5,628.05	5,909.80
0904	28.66	30.09	31.59	33.17	34.83	2,292.80	2,407.20	2,527.20	2,653.60	2,786.40	4,984.55	5,233.25	5,494.13	5,768.93	6,057.63
0905	29.37	30.84	32.38	34.00	35.70	2,349.60	2,467.20	2,590.40	2,720.00	2,856.00	5,108.03	5,363.69	5,631.53	5,913.28	6,208.94
0906	30.11	31.61	33.19	34.85	36.59	2,408.80	2,528.80	2,655.20	2,788.00	2,927.20	5,236.73	5,497.61	5,772.40	6,061.11	6,363.73
0907	30.86	32.40	34.02	35.72	37.51	2,468.80	2,592.00	2,721.60	2,857.60	3,000.80	5,367.17	5,635.01	5,916.76	6,212.42	6,523.74
0908	31.63	33.21	34.87	36.61	38.45	2,530.40	2,656.80	2,789.60	2,928.80	3,076.00	5,501.09	5,775.88	6,064.59	6,367.21	6,687.22
0909	32.42	34.04	35.74	37.53	39.41	2,593.60	2,723.20	2,859.20	3,002.40	3,152.80	5,638.49	5,920.24	6,215.90	6,527.22	6,854.19
0910	33.23	34.89	36.64	38.47	40.39	2,658.40	2,791.20	2,931.20	3,077.60	3,231.20	5,779.36	6,068.07	6,372.43	6,690.70	7,024.63
0911	34.06	35.76	37.55	39.43	41.40	2,724.80	2,860.80	3,004.00	3,154.40	3,312.00	5,923.72	6,219.38	6,530.70	6,857.67	7,200.29
0912	34.91	36.66	38.49	40.42	42.44	2,792.80	2,932.80	3,079.20	3,233.60	3,395.20	6,071.55	6,375.91	6,694.18	7,029.85	7,381.16
0913	35.79	37.57	39.45	41.43	43.50	2,863.20	3,005.60	3,156.00	3,314.40	3,480.00	6,224.60	6,534.17	6,861.14	7,205.51	7,565.52
0914	36.68	38.51	40.44	42.46	44.58	2,934.40	3,080.80	3,235.20	3,396.80	3,566.40	6,379.39	6,697.66	7,033.32	7,384.64	7,753.35
0915	37.60	39.48	41.45	43.52	45.70	3,008.00	3,158.40	3,316.00	3,481.60	3,656.00	6,539.39	6,866.36	7,208.98	7,569.00	7,948.14
0916	38.54	40.46	42.49	44.61	46.84	3,083.20	3,236.80	3,399.20	3,568.80	3,747.20	6,702.88	7,036.80	7,389.86	7,758.57	8,146.41
0917	39.50	41.47	43.55	45.73	48.01	3,160.00	3,317.60	3,484.00	3,658.40	3,840.80	6,869.84	7,212.46	7,574.22	7,953.36	8,349.90
0918	40.49	42.51	44.64	46.87	49.21	3,239.20	3,400.80	3,571.20	3,749.60	3,936.80	7,042.02	7,393.34	7,763.79	8,151.63	8,558.60
0919	41.50	43.57	45.75	48.04	50.44	3,320.00	3,485.60	3,660.00	3,843.20	4,035.20	7,217.68	7,577.69	7,956.84	8,355.12	8,772.52
0920	42.54	44.66	46.90	49.24	51.70	3,403.20	3,572.80	3,752.00	3,939.20	4,136.00	7,398.56	7,767.27	8,156.85	8,563.82	8,991.66
0921	43.60	45.78	48.07	50.47	53.00	3,488.00	3,662.40	3,845.60	4,037.60	4,240.00	7,582.91	7,962.06	8,360.33	8,777.74	9,217.76
0922	44.69	46.92	49.27	51.73	54.32	3,575.20	3,753.60	3,941.60	4,138.40	4,345.60	7,772.48	8,160.33	8,569.04	8,996.88	9,447.33
0923	45.81	48.10	50.50	53.03	55.68	3,664.80	3,848.00	4,040.00	4,242.40	4,454.40	7,967.28	8,365.55	8,782.96	9,222.98	9,683.87
0924	46.95	49.30	51.76	54.35	57.07	3,756.00	3,944.00	4,140.80	4,348.00	4,565.60	8,165.54	8,574.26	9,002.10	9,452.55	9,925.61
0925	48.13	50.53	53.06	55.71	58.50	3,850.40	4,042.40	4,244.80	4,456.80	4,680.00	8,370.77	8,788.18	9,228.20	9,689.08	#####

SCHEDULE - W
GENERAL FIRE CLASS - 80 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE JUNE 23 2020

112 hr Step A	20.68
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	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0701	28.95	30.39	31.91	33.51	35.18	2,315.28	2,431.04	2,552.59	2,680.22	2,814.23	5,033.42	5,285.08	5,549.33	5,826.80	6,118.14
0702	29.67	31.15	32.71	34.35	36.06	2,373.16	2,491.81	2,616.41	2,747.23	2,884.59	5,159.25	5,417.19	5,688.08	5,972.48	6,271.10
0703	30.41	31.93	33.53	35.20	36.96	2,432.49	2,554.11	2,681.82	2,815.91	2,956.70	5,288.23	5,552.64	5,830.28	6,121.79	6,427.87
0704	31.17	32.73	34.37	36.08	37.89	2,493.30	2,617.96	2,748.86	2,886.30	3,030.62	5,420.43	5,691.45	5,976.02	6,274.82	6,588.57
0705	31.95	33.55	35.22	36.99	38.83	2,555.63	2,683.41	2,817.58	2,958.46	3,106.38	5,555.94	5,833.73	6,125.42	6,431.69	6,753.27
0706	32.75	34.39	36.11	37.91	39.81	2,619.52	2,750.50	2,888.02	3,032.42	3,184.04	5,694.84	5,979.59	6,278.56	6,592.48	6,922.10
0707	33.57	35.25	37.01	38.86	40.80	2,685.01	2,819.26	2,960.22	3,108.23	3,263.65	5,837.21	6,129.07	6,435.52	6,757.29	7,095.18
0708	34.41	36.13	37.93	39.83	41.82	2,752.13	2,889.74	3,034.23	3,185.94	3,345.24	5,983.13	6,282.29	6,596.42	6,926.23	7,272.55
0709	35.27	37.03	38.88	40.82	42.87	2,820.94	2,961.98	3,110.08	3,265.59	3,428.87	6,132.72	6,439.34	6,761.31	7,099.39	7,454.36
0710	36.15	37.96	39.85	41.85	43.94	2,891.46	3,036.03	3,187.84	3,347.23	3,514.59	6,286.03	6,600.33	6,930.36	7,276.88	7,640.72
0711	37.05	38.90	40.85	42.89	45.04	2,963.75	3,111.94	3,267.53	3,430.91	3,602.45	6,443.19	6,765.36	7,103.61	7,458.80	7,831.73
0712	37.98	39.88	41.87	43.96	46.16	3,037.84	3,189.73	3,349.22	3,516.68	3,692.52	6,604.26	6,934.47	7,281.20	7,645.26	8,027.54
0713	38.93	40.87	42.92	45.06	47.32	3,113.79	3,269.48	3,432.95	3,604.60	3,784.83	6,769.38	7,107.85	7,463.23	7,836.40	8,228.22
0714	39.90	41.90	43.99	46.19	48.50	3,191.63	3,351.21	3,518.77	3,694.71	3,879.45	6,938.60	7,285.53	7,649.81	8,032.30	8,433.92
0715	40.90	42.94	45.09	47.34	49.71	3,271.42	3,434.99	3,606.74	3,787.08	3,976.44	7,112.07	7,467.67	7,841.05	8,233.11	8,644.78
0716	41.92	44.02	46.22	48.53	50.95	3,353.21	3,520.87	3,696.91	3,881.76	4,075.85	7,289.88	7,654.37	8,037.08	8,438.95	8,860.90
0717	42.97	45.12	47.37	49.74	52.23	3,437.04	3,608.89	3,789.34	3,978.80	4,177.74	7,472.12	7,845.73	8,238.03	8,649.91	9,082.41
0718	44.04	46.24	48.56	50.98	53.53	3,522.97	3,699.11	3,884.07	4,078.27	4,282.19	7,658.94	8,041.87	8,443.97	8,866.16	9,309.48
0719	45.14	47.40	49.77	52.26	54.87	3,611.04	3,791.59	3,981.17	4,180.23	4,389.24	7,850.40	8,242.92	8,655.06	9,087.82	9,542.21
0720	46.27	48.58	51.01	53.56	56.24	3,701.32	3,886.38	4,080.70	4,284.73	4,498.97	8,046.67	8,448.99	8,871.44	9,315.00	9,780.76
0721	47.43	49.80	52.29	54.90	57.65	3,793.85	3,983.54	4,182.72	4,391.85	4,611.45	8,247.83	8,660.22	9,093.23	9,547.88	10,025.29
0722	48.61	51.04	53.60	56.28	59.09	3,888.69	4,083.13	4,287.29	4,501.65	4,726.73	8,454.01	8,876.72	9,320.57	9,786.59	10,275.91
0723	49.83	52.32	54.94	57.68	60.57	3,985.91	4,185.21	4,394.47	4,614.19	4,844.90	8,665.37	9,098.65	9,553.58	10,031.25	10,532.81
0724	51.07	53.63	56.31	59.12	62.08	4,085.56	4,289.84	4,504.33	4,729.55	4,966.02	8,882.01	9,326.11	9,792.41	10,282.04	10,796.13
0725	52.35	54.97	57.72	60.60	63.63	4,187.70	4,397.08	4,616.94	4,847.78	5,090.17	9,104.06	9,559.25	10,037.23	10,539.07	11,066.03

SCHEDULE - B
GENERAL FIRE CLASS - 112 HRS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE JUNE 23 2020

Old Step A	20.07
Increase	3.00%

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0201	20.68	21.71	22.80	23.94	25.13	2,315.28	2,431.04	2,552.59	2,680.22	2,814.23	5,033.42	5,285.08	5,549.33	5,826.80	6,118.14
0202	21.19	22.25	23.37	24.53	25.76	2,373.16	2,491.81	2,616.41	2,747.23	2,884.59	5,159.25	5,417.19	5,688.08	5,972.48	6,271.10
0203	21.72	22.81	23.95	25.15	26.40	2,432.49	2,554.11	2,681.82	2,815.91	2,956.70	5,288.23	5,552.64	5,830.28	6,121.79	6,427.87
0204	22.27	23.38	24.55	25.78	27.06	2,493.30	2,617.96	2,748.86	2,886.30	3,030.62	5,420.43	5,691.45	5,976.02	6,274.82	6,588.57
0205	22.82	23.96	25.16	26.42	27.74	2,555.63	2,683.41	2,817.58	2,958.46	3,106.38	5,555.94	5,833.73	6,125.42	6,431.69	6,753.27
0206	23.39	24.56	25.79	27.08	28.43	2,619.52	2,750.50	2,888.02	3,032.42	3,184.04	5,694.84	5,979.59	6,278.56	6,592.48	6,922.10
0207	23.98	25.18	26.44	27.76	29.14	2,685.01	2,819.26	2,960.22	3,108.23	3,263.65	5,837.21	6,129.07	6,435.52	6,757.29	7,095.18
0208	24.58	25.81	27.10	28.45	29.87	2,752.13	2,889.74	3,034.23	3,185.94	3,345.24	5,983.13	6,282.29	6,596.42	6,926.23	7,272.55
0209	25.19	26.45	27.77	29.16	30.62	2,820.94	2,961.98	3,110.08	3,265.59	3,428.87	6,132.72	6,439.34	6,761.31	7,099.39	7,454.36
0210	25.82	27.11	28.47	29.89	31.39	2,891.46	3,036.03	3,187.84	3,347.23	3,514.59	6,286.03	6,600.33	6,930.36	7,276.88	7,640.72
0211	26.47	27.79	29.18	30.64	32.17	2,963.75	3,111.94	3,267.53	3,430.91	3,602.45	6,443.19	6,765.36	7,103.61	7,458.80	7,831.73
0212	27.13	28.48	29.91	31.40	32.97	3,037.84	3,189.73	3,349.22	3,516.68	3,692.52	6,604.26	6,934.47	7,281.20	7,645.26	8,027.54
0213	27.81	29.20	30.66	32.19	33.80	3,113.79	3,269.48	3,432.95	3,604.60	3,784.83	6,769.38	7,107.85	7,463.23	7,836.40	8,228.22
0214	28.50	29.93	31.42	32.99	34.64	3,191.63	3,351.21	3,518.77	3,694.71	3,879.45	6,938.60	7,285.53	7,649.81	8,032.30	8,433.92
0215	29.21	30.67	32.21	33.82	35.51	3,271.42	3,434.99	3,606.74	3,787.08	3,976.44	7,112.07	7,467.67	7,841.05	8,233.11	8,644.78
0216	29.94	31.44	33.01	34.66	36.40	3,353.21	3,520.87	3,696.91	3,881.76	4,075.85	7,289.88	7,654.37	8,037.08	8,438.95	8,860.90
0217	30.69	32.23	33.84	35.53	37.31	3,437.04	3,608.89	3,789.34	3,978.80	4,177.74	7,472.12	7,845.73	8,238.03	8,649.91	9,082.41
0218	31.46	33.03	34.68	36.42	38.24	3,522.97	3,699.11	3,884.07	4,078.27	4,282.19	7,658.94	8,041.87	8,443.97	8,866.16	9,309.48
0219	32.25	33.86	35.55	37.33	39.19	3,611.04	3,791.59	3,981.17	4,180.23	4,389.24	7,850.40	8,242.92	8,655.06	9,087.82	9,542.21
0220	33.05	34.70	36.44	38.26	40.17	3,701.32	3,886.38	4,080.70	4,284.73	4,498.97	8,046.67	8,448.99	8,871.44	9,315.00	9,780.76
0221	33.88	35.57	37.35	39.22	41.18	3,793.85	3,983.54	4,182.72	4,391.85	4,611.45	8,247.83	8,660.22	9,093.23	9,547.88	10,025.29
0222	34.73	36.46	38.28	40.20	42.21	3,888.69	4,083.13	4,287.29	4,501.65	4,726.73	8,454.01	8,876.72	9,320.57	9,786.59	10,275.91
0223	35.59	37.37	39.24	41.20	43.26	3,985.91	4,185.21	4,394.47	4,614.19	4,844.90	8,665.37	9,098.65	9,553.58	10,031.25	10,532.81
0224	36.48	38.31	40.22	42.23	44.34	4,085.56	4,289.84	4,504.33	4,729.55	4,966.02	8,882.01	9,326.11	9,792.41	10,282.04	10,796.13
0225	37.40	39.26	41.23	43.29	45.45	4,187.70	4,397.08	4,616.94	4,847.78	5,090.17	9,104.06	9,559.25	10,037.23	10,539.07	11,066.03

SCHEDULE - Z
FIRE FIGHTER TRAINEE - 80 HOURS

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE JUNE 23 2020

Old Step A	26.61
Increase	3.00%

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0901	27.41	28.78	30.22	31.73	33.32	2,192.80	2,302.40	2,417.60	2,538.40	2,665.60	4,767.15	5,005.42	5,255.86	5,518.48	5,795.01
0902	28.10	29.50	30.98	32.53	34.15	2,248.00	2,360.00	2,478.40	2,602.40	2,732.00	4,887.15	5,130.64	5,388.04	5,657.62	5,939.37
0903	28.80	30.24	31.75	33.34	35.01	2,304.00	2,419.20	2,540.00	2,667.20	2,800.80	5,008.90	5,259.34	5,521.96	5,798.49	6,088.94
0904	29.52	31.00	32.55	34.17	35.88	2,361.60	2,480.00	2,604.00	2,733.60	2,870.40	5,134.12	5,391.52	5,661.10	5,942.85	6,240.25
0905	30.26	31.77	33.36	35.03	36.78	2,420.80	2,541.60	2,668.80	2,802.40	2,942.40	5,262.82	5,525.44	5,801.97	6,092.42	6,396.78
0906	31.01	32.57	34.19	35.90	37.70	2,480.80	2,605.60	2,735.20	2,872.00	3,016.00	5,393.26	5,664.57	5,946.32	6,243.73	6,556.78
0907	31.79	33.38	35.05	36.80	38.64	2,543.20	2,670.40	2,804.00	2,944.00	3,091.20	5,528.92	5,805.45	6,095.90	6,400.26	6,720.27
0908	32.58	34.21	35.92	37.72	39.61	2,606.40	2,736.80	2,873.60	3,017.60	3,168.80	5,666.31	5,949.80	6,247.21	6,560.26	6,888.97
0909	33.40	35.07	36.82	38.66	40.60	2,672.00	2,805.60	2,945.60	3,092.80	3,248.00	5,808.93	6,099.37	6,403.73	6,723.75	7,061.15
0910	34.23	35.95	37.74	39.63	41.61	2,738.40	2,876.00	3,019.20	3,170.40	3,328.80	5,953.28	6,252.42	6,563.74	6,892.45	7,236.81
0911	35.09	36.84	38.69	40.62	42.65	2,807.20	2,947.20	3,095.20	3,249.60	3,412.00	6,102.85	6,407.21	6,728.96	7,064.63	7,417.69
0912	35.97	37.77	39.65	41.64	43.72	2,877.60	3,021.60	3,172.00	3,331.20	3,497.60	6,255.90	6,568.96	6,895.93	7,242.03	7,603.78
0913	36.87	38.71	40.64	42.68	44.81	2,949.60	3,096.80	3,251.20	3,414.40	3,584.80	6,412.43	6,732.44	7,068.11	7,422.91	7,793.36
0914	37.79	39.68	41.66	43.74	45.93	3,023.20	3,174.40	3,332.80	3,499.20	3,674.40	6,572.44	6,901.15	7,245.51	7,607.26	7,988.15
0915	38.73	40.67	42.70	44.84	47.08	3,098.40	3,253.60	3,416.00	3,587.20	3,766.40	6,735.92	7,073.33	7,426.38	7,798.57	8,188.15
0916	39.70	41.69	43.77	45.96	48.25	3,176.00	3,335.20	3,501.60	3,676.80	3,860.00	6,904.62	7,250.72	7,612.48	7,993.36	8,391.64
0917	40.69	42.73	44.86	47.11	49.46	3,255.20	3,418.40	3,588.80	3,768.80	3,956.80	7,076.80	7,431.60	7,802.05	8,193.37	8,602.08
0918	41.71	43.80	45.98	48.28	50.70	3,336.80	3,504.00	3,678.40	3,862.40	4,056.00	7,254.20	7,617.70	7,996.84	8,396.86	8,817.74
0919	42.75	44.89	47.13	49.49	51.96	3,420.00	3,591.20	3,770.40	3,959.20	4,156.80	7,435.08	7,807.27	8,196.85	8,607.30	9,036.88
0920	43.82	46.01	48.31	50.73	53.26	3,505.60	3,680.80	3,864.80	4,058.40	4,260.80	7,621.17	8,002.06	8,402.08	8,822.96	9,262.98
0921	44.92	47.16	49.52	52.00	54.60	3,593.60	3,772.80	3,961.60	4,160.00	4,368.00	7,812.49	8,202.07	8,612.52	9,043.84	9,496.03
0922	46.04	48.34	50.76	53.30	55.96	3,683.20	3,867.20	4,060.80	4,264.00	4,476.80	8,007.28	8,407.29	8,828.18	9,269.94	9,732.56
0923	47.19	49.55	52.03	54.63	57.36	3,775.20	3,964.00	4,162.40	4,370.40	4,588.80	8,207.28	8,617.74	9,049.06	9,501.25	9,976.05
0924	48.37	50.79	53.33	55.99	58.79	3,869.60	4,063.20	4,266.40	4,479.20	4,703.20	8,412.51	8,833.40	9,275.15	9,737.78	10,224.76
0925	49.58	52.06	54.66	57.39	60.26	3,966.40	4,164.80	4,372.80	4,591.20	4,820.80	8,622.95	9,054.28	9,506.47	9,981.27	10,480.42

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-165**

**RESOLUTION GRANTING SALARY CHANGES TO NON-SWORN
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES
INCLUDING CHARTER OFFICERS AND EXECUTIVES AND
UNREPRESENTED SWORN FIRE EMPLOYEES, AS OF APRIL 16, 2019,
RESCINDING RESOLUTION NO. 2017-06, AND AUTHORIZING THE CITY
MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY
ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES**

WHEREAS, on January 10, 2017, by Resolution No. 2017-06, Council approved Class Range Tables and salary schedule changes for unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the Council of the City of Modesto adopted an agreement with Modesto City Firefighters Association (MCFFA) on April 9, 2019 which included salary increases, and

WHEREAS, the City desires to approve a three percent (3.0%) base salary increase for all Unrepresented Sworn Fire employees effective April 16, 2019; followed by an additional three percent (3.0%) base salary increase for all Unrepresented Sworn Fire employees effective June 25, 2019 and an additional three (3.0%) base salary increase for all Unrepresented Sworn Fire employees effective June 23, 2020; and

WHEREAS, the City desires to maintain competitive position with the labor market.

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

1. SALARY RANGES, RATES AND EFFECTIVE DATES. For Unrepresented Fire employees, the City shall increase the salary schedule by three percent (3.0%) effective April 16, 2019 and for all Unrepresented Sworn Fire employees, inclusive of the

Fire Chief, the City shall increase the salary schedule three percent (3.0%) effective June 25, 2019; followed by an additional increase of three percent (3%) effective June 23, 2020. For Unrepresented Police Captains, the City shall increase the salary schedule by two percent (2.0%) effective January 10, 2017 and for all Unrepresented Police employees, inclusive of the Police Chief, the City shall increase the salary schedule by two and one half percent (2.5%) effective June 27, 2017; followed by an additional increase of three percent (3%) effective June 26, 2018. Effective August 20, 2019, the City shall increase base salary ranges for all classes by CPI-U Western Cities. The salary rates, salary ranges and salary steps as set forth in the following exhibits which are attached hereto and made a part hereof provide for amending the Police Captain from salary range 1624 to 1626 effective January 10, 2017. 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 "A"** entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective July 12, 2016."
2. **Exhibit "B"** entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective March 7, 2017."
3. **Exhibit "C"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Management/Confidential – Non-Sworn Unrepresented."
4. **Exhibit "D"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 Management/Confidential – Non-Sworn Unrepresented."
5. **Exhibit "E"** entitled "City of Modesto Schedule Of Salary Ranges In

City Service For FY 18/19, Effective June 26, 2018 Management/Confidential – Non-Sworn Unrepresented.”

6. **Exhibit "F"** entitled "City Of Modesto Class Range Table, Executive Management, Effective July 12, 2016" which includes Charter Officers.
7. **Exhibit "G"** entitled "City Of Modesto Class Range Table, Executive Management, Effective March 7, 2017" which includes Charter Officers.
8. **Exhibit "H"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Executive Management."
9. **Exhibit "I"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 - Executive Management."
10. **Exhibit "J"** entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 18/19, Effective June 26, 2018 – Executive Management."
11. **Exhibit "K"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 18/19, Effective April 16, 2019 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.
12. **Exhibit "L"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 19/20, Effective June 25, 2019 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.
13. **Exhibit "M"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 20/21, Effective June 23, 2020 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.
14. **Exhibit "N"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 18/19, Effective April 16, 2019 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."
15. **Exhibit "P"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 19/20, Effective June 25, 2019 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."
16. **Exhibit "Q"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 20/21, Effective June 23, 2020 – Schedule E

Management/Confidential – Fire – 80 hours – Division Chief.”

17. **Exhibit “T”** City of Modesto Schedule of Salary Ranges In City Service For FY 18/19, Effective April 16, 2019 – Unrepresented - Fire Chief

18. **Exhibit “V”** City of Modesto Schedule of Salary Ranges In City Service For FY 19/20, Effective June 25, 2019 – Unrepresented - Fire Chief

19. **Exhibit “W”** City of Modesto Schedule of Salary Ranges In City Service For FY 20/21, Effective June 23, 2020 – Unrepresented – Fire Chief

20. **Exhibit “Y”** entitled “City of Modesto Class Range Table, Fire Management Classes, Effective July 12, 2016.

21. **Exhibit “Z”** entitled “City of Modesto Class Range Table, Sworn Fire Executive Management Classes, Effective July 12, 2016.

22. **Exhibit “A-1”** entitled “City of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective January 10, 2017.

23. **Exhibit “A-2”** City of Modesto Schedule of Salary Ranges in City Service for FY 16/17, Effective September 6, 2016 – Management/Confidential Police Captains – Unrepresented.

24. **Exhibit “A-3”** City of Modesto Schedule of Salary Ranges in City Service for FY 16/17, Effective January 10, 2017 – Management/Confidential Police Captains – Unrepresented.

25. **Exhibit “A-4”** City of Modesto Schedule of Salary Ranges in City Service for FY 16/17, Effective June 27, 2017 – Management/Confidential Police Captains – Unrepresented.

26. **Exhibit “A-5”** City of Modesto Schedule of Salary Ranges in City Service for FY 16/17, Effective June 28, 2018 – Management/Confidential Police Captains – Unrepresented.

27. **Exhibit “A-6”** City of Modesto Schedule of Salary Ranges in City Service for FY 16/17, Effective June 27, 2017 – Management/Confidential Police Chief – Unrepresented.

28. **Exhibit “A-7”** City of Modesto Schedule of Salary Ranges in City Service for FY 16/17, Effective June 28, 2018 – Management/Confidential Police Chief – Unrepresented.

2. CHARTER OFFICERS. The salaries for the positions of the Charter Officers shall be as follows effective March 1, 2016:

<u>TITLE</u>	<u>HOURLY</u>	<u>BI-WEEKLY</u>	<u>MONTHLY</u>
City Manager	103.68	8,294.40	18,040.32
City Attorney	78.75	6,299.88	13,702.24
City Clerk	53.13	4,250.40	9,244.62

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.

8. REPEAL. Resolution No. 2017-06 is hereby rescinded effective April 9, 2019.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
 CLASS RANGE TABLE
 UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
 Effective July 12, 2016

RANGE	TITLE
2421	Executive Assistant
2424	Office Supervisor - Personnel
2425	Paralegal
2426	Executive Assistant to the City Council Executive Assistant to the City Manager
2428	Legal Services Administrator
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager Employee Relations Coordinator
2441	Risk Manager
2444	Deputy City Attorney I Human Resources Manager
2448	Deputy City Attorney II
2450	Budget Manager
2452	Deputy City Attorney III Deputy Director of Community and Economic Development Deputy Director of Cultural and Enterprise Services Deputy Director of Finance Deputy Director of Public Works – Operations Deputy Director of Recreation and Neighborhoods
2453	Deputy Director of Human Resources
2455	Deputy Director of Utility Planning and Projects
2456	Senior Deputy City Attorney
2462	Assistant City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective March 7, 2017

RANGE TITLE

2421 Executive Assistant

2425 Paralegal

2426 Executive Assistant to the City Council
Executive Assistant to the City Manager
Office Supervisor - Personnel

2428 Legal Services Administrator

2431 Equal Opportunity Analyst/Paralegal

2434 Senior Auditor

2439 Employee Benefits Manager
Employee Relations Coordinator

2443 Risk Manager

2444 Deputy City Attorney I
Human Resources Manager

2448 Deputy City Attorney II

2450 Budget Manager

2452 Deputy City Attorney III
Deputy Director of Community and Economic Development
Deputy Director of Cultural and Enterprise Services
Deputy Director of Finance
Deputy Director of Public Works – Operations
Deputy Director of Recreation and Neighborhoods

2453 Deputy Director of Human Resources

2455 Deputy Director of Utility Planning and Projects

2456 Senior Deputy City Attorney

2462 Assistant City Attorney

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
 EFFECTIVE: JULY 12 2016

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	22.41	23.54	24.71	25.95	27.24	1,792.80	1,883.20	1,976.80	2,076.00	2,179.20	3,897.55	4,094.08	4,297.58	4,513.22	4,737.58
2420	22.98	24.12	25.33	26.60	27.93	1,838.40	1,929.60	2,026.40	2,128.00	2,234.40	3,996.88	4,194.95	4,405.39	4,626.27	4,857.59
2421	23.55	24.73	25.96	27.26	28.62	1,884.00	1,978.40	2,078.80	2,180.80	2,289.60	4,095.82	4,301.04	4,514.98	4,741.06	4,977.59
2422	24.14	25.34	26.61	27.94	29.34	1,931.20	2,027.20	2,128.80	2,235.20	2,347.20	4,198.43	4,407.13	4,628.01	4,859.32	5,102.81
2423	24.74	25.98	27.28	28.64	30.07	1,979.20	2,078.40	2,182.40	2,291.20	2,405.60	4,302.78	4,518.44	4,744.54	4,981.07	5,229.77
2424	25.36	26.63	27.96	29.36	30.82	2,028.80	2,130.40	2,236.80	2,348.80	2,465.60	4,410.61	4,631.49	4,862.80	5,108.29	5,360.21
2425	25.99	27.29	28.66	30.09	31.59	2,079.20	2,183.20	2,292.80	2,407.20	2,527.20	4,520.18	4,746.28	4,984.55	5,233.25	5,494.13
2426	26.64	27.98	29.37	30.84	32.38	2,131.20	2,238.40	2,349.60	2,467.20	2,590.40	4,633.23	4,866.28	5,108.03	5,363.69	5,631.63
2427	27.31	28.67	30.11	31.61	33.19	2,184.80	2,293.60	2,408.80	2,528.80	2,655.20	4,749.76	4,986.29	5,236.73	5,497.01	5,772.40
2428	27.99	29.39	30.86	32.40	34.02	2,239.20	2,351.20	2,468.80	2,592.00	2,721.60	4,868.02	5,111.51	5,367.17	5,635.01	5,916.76
2429	28.69	30.13	31.63	33.21	34.87	2,295.20	2,410.40	2,530.40	2,656.80	2,789.60	4,989.76	5,240.21	5,501.09	5,775.88	6,064.59
2430	29.41	30.88	32.42	34.04	35.75	2,352.80	2,470.40	2,593.60	2,723.20	2,860.00	5,114.99	5,370.65	5,638.48	5,920.24	6,217.64
2431	30.14	31.65	33.23	34.89	36.64	2,411.20	2,532.00	2,658.40	2,791.20	2,931.20	5,241.95	5,504.57	5,779.36	6,068.07	6,372.43
2432	30.90	32.44	34.05	35.77	37.55	2,472.00	2,595.20	2,724.60	2,861.60	3,004.00	5,374.13	5,641.96	5,923.72	6,221.12	6,530.70
2433	31.57	33.25	34.92	36.66	38.49	2,533.60	2,660.00	2,793.60	2,932.80	3,079.20	5,508.05	5,782.84	6,073.29	6,375.91	6,694.18
2434	32.46	34.08	35.79	37.58	39.46	2,596.80	2,726.40	2,863.20	3,006.40	3,158.80	5,645.44	5,927.19	6,224.60	6,535.91	6,862.88
2435	33.27	34.94	36.68	38.52	40.44	2,661.60	2,795.20	2,934.40	3,081.60	3,235.20	5,786.32	6,076.76	6,378.39	6,699.40	7,033.32
2436	34.10	35.81	37.60	39.48	41.45	2,728.00	2,864.80	3,008.00	3,158.40	3,316.00	5,930.67	6,226.08	6,539.39	6,868.36	7,208.98
2437	34.96	36.70	38.54	40.47	42.48	2,796.80	2,936.00	3,083.20	3,237.60	3,399.20	6,080.24	6,382.86	6,702.88	7,038.54	7,389.86
2438	35.83	37.62	39.50	41.48	43.55	2,868.40	3,009.60	3,160.00	3,318.40	3,484.00	6,231.55	6,542.87	6,869.84	7,214.20	7,574.22
2439	36.73	38.56	40.49	42.51	44.64	2,938.40	3,084.80	3,239.20	3,400.80	3,571.20	6,388.08	6,706.36	7,042.02	7,393.34	7,763.79
2440	37.64	39.53	41.50	43.58	45.76	3,011.20	3,162.40	3,320.00	3,486.40	3,660.80	6,546.35	6,875.05	7,217.68	7,579.43	7,958.58
2441	38.59	40.51	42.54	44.67	46.90	3,087.20	3,240.80	3,403.20	3,573.60	3,752.00	6,711.57	7,045.50	7,398.56	7,769.01	8,156.65
2442	39.55	41.53	43.60	45.78	48.07	3,164.00	3,322.40	3,488.00	3,662.40	3,846.60	6,878.64	7,222.90	7,582.91	7,962.06	8,360.33
2443	40.54	42.57	44.69	46.93	49.27	3,243.20	3,408.60	3,575.20	3,764.40	3,941.60	7,050.72	7,403.77	7,772.48	8,162.07	8,569.04
2444	41.55	43.63	45.81	48.10	50.51	3,324.00	3,490.40	3,664.80	3,848.00	4,040.80	7,226.38	7,588.13	7,967.28	8,365.55	8,784.70
2445	42.59	44.72	46.96	49.30	51.77	3,407.20	3,577.60	3,756.80	3,944.00	4,141.80	7,407.26	7,777.70	8,167.28	8,574.26	9,003.84
2446	43.66	45.84	48.13	50.54	53.06	3,492.80	3,667.20	3,850.40	4,043.20	4,244.80	7,593.35	7,972.49	8,370.77	8,789.92	9,228.20
2447	44.75	46.98	49.33	51.80	54.39	3,580.00	3,758.40	3,946.40	4,144.00	4,351.20	7,782.92	8,170.76	8,579.47	9,009.06	9,459.51
2448	45.86	48.16	50.57	53.09	55.75	3,668.80	3,852.80	4,045.60	4,247.20	4,460.00	7,975.87	8,375.99	8,795.13	9,233.41	9,696.04
2449	47.01	49.36	51.83	54.42	57.14	3,760.80	3,948.80	4,146.40	4,353.60	4,571.20	8,175.98	8,584.69	9,014.27	9,464.73	9,937.79
2450	48.19	50.60	53.13	55.78	58.57	3,855.20	4,048.00	4,250.40	4,462.40	4,685.60	8,381.20	8,800.35	9,240.37	9,701.25	10,186.49
2451	49.39	51.86	54.45	57.18	60.03	3,951.20	4,148.80	4,356.00	4,574.40	4,802.40	8,589.81	9,019.49	9,469.94	9,944.75	10,440.42
2452	50.63	53.16	55.81	58.60	61.53	4,060.40	4,252.80	4,464.80	4,688.00	4,922.40	8,805.57	9,245.59	9,706.48	10,191.71	10,701.30
2453	51.89	54.49	57.21	60.07	63.07	4,151.20	4,359.20	4,576.80	4,805.60	5,045.60	9,024.71	9,476.90	9,949.96	10,447.37	10,969.13
2454	53.19	55.85	58.64	61.57	64.65	4,255.20	4,468.00	4,691.20	4,925.60	5,172.00	9,250.80	9,719.43	10,198.67	10,708.25	11,243.93

EXHIBIT "C"

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
 EFFECTIVE: JULY 12 2016

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2455	54.52	57.24	60.11	63.11	66.27	4,361.60	4,579.20	4,808.80	5,048.80	5,301.60	9,482.12	9,955.18	10,454.33	10,976.09	11,525.68
2456	55.88	58.67	61.61	64.69	67.92	4,470.40	4,693.60	4,928.80	5,175.20	5,433.60	9,718.65	10,203.89	10,715.21	11,250.88	11,812.65
2457	57.28	60.14	63.15	66.31	69.62	4,582.40	4,811.20	5,052.00	5,304.80	5,569.60	9,962.14	10,459.55	10,983.06	11,532.64	12,108.31
2458	58.71	61.64	64.73	67.96	71.36	4,696.80	4,931.20	5,178.40	5,436.80	5,708.80	10,210.84	10,720.43	11,257.84	11,819.60	12,410.93
2459	60.18	63.19	66.34	69.66	73.14	4,814.40	5,055.20	5,307.20	5,572.80	5,851.20	10,466.51	10,990.00	11,537.85	12,115.27	12,720.51
2460	61.68	64.77	68.00	71.40	74.97	4,934.40	5,181.60	5,440.00	5,712.00	5,997.60	10,727.39	11,264.80	11,826.66	12,417.89	13,038.78
2461	63.22	66.38	69.70	73.19	76.85	5,057.60	5,310.40	5,576.00	5,855.20	6,148.00	10,995.22	11,544.81	12,122.22	12,729.20	13,365.75
2462	64.80	68.04	71.45	75.02	78.77	5,184.00	5,443.20	5,716.00	6,001.80	6,301.60	11,270.02	11,833.52	12,426.58	13,047.48	13,699.68

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
 EFFECTIVE: JUNE 27 2017

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	22.86	24.01	25.21	26.47	27.79	1,828.80	1,920.00	2,016.00	2,117.00	2,223.20	3,975.81	4,175.82	4,384.52	4,603.66	4,833.24
2420	23.44	24.61	25.84	27.13	28.49	1,875.20	1,968.00	2,067.20	2,170.40	2,279.20	4,076.68	4,280.17	4,494.09	4,718.45	4,954.98
2421	24.02	25.22	26.48	27.81	29.20	1,921.60	2,017.60	2,118.40	2,224.80	2,336.00	4,177.56	4,386.26	4,605.40	4,836.72	5,078.46
2422	24.62	25.85	27.15	28.50	29.93	1,969.60	2,068.00	2,172.00	2,280.00	2,394.40	4,281.91	4,495.83	4,721.93	4,956.72	5,205.43
2423	25.24	26.50	27.82	29.22	30.68	2,019.20	2,120.00	2,225.60	2,337.60	2,454.40	4,389.74	4,608.88	4,838.45	5,061.94	5,335.87
2424	25.87	27.16	28.52	29.95	31.44	2,069.60	2,172.80	2,281.60	2,396.00	2,515.20	4,499.31	4,723.57	4,960.20	5,208.90	5,468.04
2425	26.52	27.84	29.23	30.68	32.23	2,121.60	2,227.20	2,338.40	2,455.20	2,576.40	4,612.36	4,841.95	5,083.68	5,337.60	5,605.44
2426	27.18	28.54	29.96	31.46	33.03	2,174.40	2,283.20	2,396.80	2,516.80	2,642.40	4,727.15	4,963.68	5,210.64	5,471.52	5,744.58
2427	27.86	29.25	30.71	32.25	33.86	2,228.80	2,340.00	2,456.80	2,580.00	2,708.80	4,845.41	5,087.16	5,341.08	5,608.92	5,888.93
2428	28.55	29.98	31.48	33.05	34.71	2,284.00	2,398.40	2,518.40	2,644.00	2,776.80	4,965.42	5,214.12	5,475.00	5,748.06	6,036.76
2429	29.27	30.73	32.27	33.88	35.57	2,341.60	2,458.40	2,581.60	2,710.40	2,845.60	5,090.64	5,344.55	5,612.40	5,892.41	6,186.33
2430	30.00	31.50	33.07	34.73	36.46	2,400.00	2,520.00	2,645.60	2,778.40	2,916.90	5,217.60	5,478.48	5,751.53	6,040.24	6,341.12
2431	30.75	32.29	33.90	35.60	37.37	2,460.00	2,583.20	2,712.00	2,848.00	2,989.60	5,348.04	5,615.88	5,895.89	6,191.55	6,499.39
2432	31.52	33.09	34.75	36.48	38.31	2,521.60	2,647.20	2,780.00	2,918.40	3,064.80	5,481.98	5,755.01	6,043.72	6,344.60	6,662.88
2433	32.31	33.92	35.62	37.40	39.27	2,584.80	2,713.60	2,849.60	2,992.00	3,141.60	5,619.36	5,898.37	6,195.03	6,504.61	6,829.84
2434	33.11	34.77	36.51	38.33	40.25	2,648.80	2,781.60	2,920.80	3,066.40	3,220.00	5,758.49	6,047.20	6,349.82	6,668.35	7,000.28
2435	33.94	35.64	37.42	39.29	41.25	2,715.20	2,851.20	2,993.60	3,143.20	3,300.00	5,902.84	6,198.51	6,508.09	6,833.32	7,174.20
2436	34.79	36.53	38.35	40.27	42.29	2,783.20	2,922.40	3,068.00	3,221.60	3,383.20	6,050.68	6,353.30	6,669.83	7,003.75	7,355.08
2437	35.66	37.44	39.31	41.28	43.34	2,852.80	2,995.20	3,144.80	3,302.40	3,467.20	6,201.99	6,511.56	6,836.80	7,179.42	7,537.69
2438	36.55	38.38	40.30	42.31	44.43	2,924.00	3,070.40	3,224.00	3,384.80	3,554.40	6,356.78	6,675.05	7,008.98	7,358.56	7,727.27
2439	37.46	39.34	41.30	43.37	45.54	2,996.80	3,147.20	3,304.00	3,469.60	3,643.20	6,515.04	6,842.01	7,182.90	7,542.91	7,920.32
2440	38.40	40.32	42.34	44.45	46.67	3,072.00	3,225.60	3,387.20	3,556.00	3,733.60	6,678.53	7,012.45	7,363.77	7,730.74	8,116.85
2441	39.36	41.33	43.39	45.56	47.84	3,148.80	3,306.40	3,471.20	3,644.80	3,827.20	6,845.49	7,188.11	7,546.39	7,923.80	8,320.33
2442	40.34	42.36	44.48	46.70	49.04	3,227.20	3,388.80	3,558.40	3,736.00	3,923.20	7,015.93	7,367.25	7,735.96	8,122.06	8,529.04
2443	41.35	43.42	45.59	47.87	50.26	3,308.00	3,473.60	3,647.20	3,828.80	4,020.80	7,191.59	7,551.61	7,929.01	8,325.55	8,741.22
2444	42.39	44.51	46.73	49.07	51.52	3,391.20	3,560.80	3,738.40	3,925.60	4,121.60	7,372.47	7,741.18	8,127.28	8,534.25	8,960.36
2445	43.45	45.62	47.90	50.29	52.81	3,476.00	3,649.60	3,832.00	4,023.20	4,224.80	7,556.82	7,934.23	8,330.77	8,746.44	9,184.72
2446	44.53	46.76	49.10	51.55	54.13	3,562.40	3,740.80	3,928.00	4,124.00	4,330.40	7,744.86	8,132.50	8,539.47	8,965.58	9,414.29
2447	45.64	47.93	50.32	52.84	55.48	3,651.20	3,834.40	4,025.60	4,227.20	4,438.40	7,937.71	8,335.99	8,751.65	9,189.93	9,649.08
2448	46.79	49.12	51.58	54.16	56.87	3,743.20	3,929.60	4,126.40	4,332.80	4,549.60	8,137.72	8,542.95	8,970.79	9,419.51	9,890.83
2449	47.96	50.35	52.87	55.51	58.29	3,836.80	4,028.00	4,229.60	4,440.80	4,663.20	8,341.20	8,756.87	9,195.15	9,654.30	10,137.80
2450	49.15	51.61	54.19	56.90	59.75	3,932.00	4,128.80	4,335.20	4,552.00	4,780.00	8,548.17	8,976.01	9,424.72	9,896.05	10,391.72
2451	50.38	52.90	55.55	58.32	61.24	4,030.40	4,232.00	4,444.00	4,665.60	4,899.20	8,762.09	9,200.37	9,661.26	10,143.01	10,650.86
2452	51.64	54.22	56.94	59.78	62.77	4,131.20	4,337.80	4,555.20	4,782.40	5,021.60	8,981.23	9,429.94	9,903.00	10,396.94	10,916.96
2453	52.93	55.58	58.36	61.28	64.34	4,234.40	4,446.40	4,668.80	4,902.40	5,147.20	9,205.59	9,666.47	10,149.97	10,657.82	11,190.01
2454	54.26	56.97	59.82	62.81	65.95	4,340.80	4,557.60	4,785.60	5,024.80	5,276.00	9,436.90	9,908.22	10,403.89	10,923.92	11,470.02

EXHIBIT "D"

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
 EFFECTIVE: JUNE 27 2017

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2455	55.61	58.39	61.31	64.38	67.60	4,448.80	4,671.20	4,904.80	5,150.40	5,408.00	9,671.69	10,155.19	10,663.04	11,196.97	11,756.89
2456	57.00	59.85	62.85	65.99	69.29	4,560.00	4,788.00	5,028.00	5,279.20	5,543.20	9,913.44	10,409.11	10,930.87	11,476.98	12,050.92
2457	58.43	61.35	64.42	67.64	71.02	4,674.40	4,908.00	5,153.60	5,411.20	5,681.60	10,162.15	10,669.99	11,203.93	11,763.95	12,351.80
2458	59.89	62.88	66.03	69.33	72.79	4,791.20	5,030.40	5,282.40	5,546.40	5,823.20	10,416.07	10,936.09	11,483.94	12,057.87	12,659.64
2459	61.39	64.45	67.68	71.06	74.61	4,911.20	5,156.00	5,414.40	5,684.80	5,968.80	10,676.95	11,209.14	11,770.91	12,358.76	12,976.17
2460	62.92	66.07	69.37	72.84	76.48	5,033.60	5,285.60	5,549.60	5,827.20	6,116.40	10,943.05	11,490.89	12,064.83	12,666.33	13,301.40
2461	64.49	67.72	71.10	74.66	78.39	5,159.20	5,417.60	5,688.00	5,972.80	6,271.20	11,216.10	11,777.86	12,365.71	12,984.87	13,633.59
2462	66.11	69.41	72.88	76.52	80.35	5,288.80	5,552.80	5,830.40	6,121.60	6,428.00	11,497.85	12,071.79	12,675.29	13,308.36	13,974.47

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
 EFFECTIVE: JUNE 26 2018

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	23.32	24.49	25.72	27.00	28.35	1,865.60	1,959.20	2,057.60	2,160.00	2,268.00	4,055.81	4,259.30	4,473.22	4,695.84	4,930.63
2420	23.91	25.10	26.36	27.68	29.06	1,912.80	2,008.00	2,108.80	2,214.40	2,324.80	4,153.43	4,365.39	4,584.53	4,814.11	5,054.12
2421	24.51	25.73	27.02	28.37	29.79	1,960.80	2,058.40	2,161.60	2,269.60	2,383.20	4,262.78	4,474.86	4,699.32	4,934.11	5,181.08
2422	25.12	26.37	27.69	29.08	30.53	2,009.60	2,109.60	2,215.20	2,326.40	2,442.40	4,368.87	4,588.27	4,815.84	5,057.59	5,309.78
2423	25.75	27.03	28.38	29.80	31.29	2,060.00	2,162.40	2,270.40	2,384.00	2,503.20	4,478.44	4,701.06	4,935.85	5,182.82	5,441.96
2424	26.39	27.71	29.09	30.55	32.08	2,111.20	2,216.80	2,327.20	2,444.00	2,566.40	4,589.75	4,819.32	5,059.33	5,313.26	5,579.35
2425	27.05	28.40	29.82	31.31	32.89	2,164.00	2,272.00	2,385.60	2,504.80	2,630.40	4,704.54	4,939.33	5,186.29	5,445.44	5,718.49
2426	27.73	29.11	30.57	32.09	33.70	2,218.40	2,328.80	2,445.60	2,567.20	2,696.00	4,822.80	5,062.81	5,316.73	5,581.09	5,861.10
2427	28.42	29.84	31.33	32.90	34.54	2,273.60	2,387.20	2,506.40	2,632.00	2,763.20	4,942.81	5,189.77	5,448.91	5,721.97	6,007.20
2428	29.13	30.58	32.11	33.72	35.40	2,330.40	2,446.40	2,568.80	2,697.60	2,832.00	5,066.29	5,318.47	5,584.57	5,864.59	6,156.77
2429	29.86	31.35	32.92	34.56	36.29	2,388.80	2,508.00	2,633.60	2,764.80	2,903.20	5,193.25	5,452.39	5,725.45	6,010.68	6,311.56
2430	30.60	32.13	33.74	35.43	37.20	2,448.00	2,570.40	2,699.20	2,834.40	2,976.00	5,321.95	5,588.09	5,868.08	6,161.99	6,469.82
2431	31.37	32.94	34.58	36.31	38.13	2,508.80	2,635.20	2,766.40	2,904.80	3,050.40	5,455.87	5,728.92	6,014.15	6,315.04	6,631.87
2432	32.15	33.76	35.45	37.22	39.08	2,572.00	2,700.80	2,836.00	2,977.60	3,126.40	5,591.53	5,871.54	6,165.46	6,473.30	6,796.79
2433	32.96	34.60	36.33	38.15	40.06	2,636.80	2,768.00	2,906.40	3,052.00	3,204.80	5,732.40	6,017.63	6,318.51	6,635.06	6,967.24
2434	33.78	35.47	37.24	39.10	41.06	2,702.40	2,837.60	2,979.20	3,128.00	3,284.80	5,875.02	6,168.94	6,476.78	6,800.27	7,141.16
2435	34.62	36.36	38.17	40.08	42.08	2,769.60	2,908.00	3,053.60	3,206.40	3,366.40	6,021.11	6,321.99	6,638.53	6,970.71	7,318.55
2436	35.49	37.26	39.13	41.08	43.14	2,839.20	2,980.80	3,130.40	3,286.40	3,451.20	6,172.42	6,480.26	6,805.49	7,144.63	7,502.81
2437	36.38	38.19	40.10	42.11	44.21	2,910.40	3,056.20	3,208.00	3,368.80	3,536.80	6,327.21	6,642.00	6,974.19	7,323.77	7,689.00
2438	37.29	39.15	41.11	43.16	45.32	2,983.20	3,132.00	3,288.80	3,452.80	3,625.60	6,485.48	6,808.97	7,149.85	7,506.39	7,882.05
2439	38.22	40.13	42.13	44.24	46.46	3,057.60	3,210.40	3,370.40	3,539.20	3,716.00	6,647.22	6,979.41	7,327.25	7,694.22	8,078.58
2440	39.17	41.13	43.19	45.35	47.61	3,133.60	3,290.40	3,455.20	3,628.00	3,808.80	6,812.45	7,153.33	7,511.60	7,887.27	8,280.33
2441	40.15	42.16	44.27	46.48	48.80	3,212.00	3,372.80	3,541.60	3,718.40	3,904.00	6,982.89	7,332.47	7,699.44	8,083.80	8,487.30
2442	41.16	43.21	45.37	47.64	50.02	3,292.80	3,456.80	3,629.60	3,811.20	4,001.60	7,158.55	7,516.08	7,890.75	8,285.55	8,699.48
2443	42.18	44.29	46.51	48.83	51.27	3,374.40	3,543.20	3,720.80	3,906.40	4,101.60	7,336.95	7,702.92	8,089.02	8,492.51	8,916.88
2444	43.24	45.40	47.67	50.05	52.56	3,459.20	3,632.00	3,813.60	4,004.00	4,204.80	7,520.30	7,895.97	8,290.77	8,704.70	9,141.24
2445	44.32	46.54	48.86	51.30	53.87	3,545.60	3,723.20	3,908.80	4,104.00	4,309.60	7,708.13	8,094.24	8,497.73	8,922.10	9,389.07
2446	45.43	47.70	50.08	52.59	55.22	3,634.40	3,816.00	4,006.40	4,207.20	4,417.60	7,901.19	8,295.98	8,709.91	9,146.45	9,603.86
2447	46.56	48.89	51.34	53.90	56.60	3,724.80	3,911.20	4,107.20	4,312.00	4,528.00	8,097.72	8,502.95	8,929.05	9,374.29	9,843.87
2448	47.73	50.11	52.62	55.25	58.01	3,818.40	4,008.80	4,209.60	4,420.00	4,640.80	8,301.20	8,715.13	9,151.67	9,609.08	10,089.10
2449	48.92	51.37	53.93	56.63	59.46	3,913.60	4,109.60	4,314.40	4,530.40	4,756.80	8,508.17	8,934.27	9,379.51	9,849.99	10,341.28
2450	50.14	52.65	55.28	58.05	60.95	4,011.20	4,212.00	4,422.40	4,644.00	4,876.00	8,720.35	9,156.89	9,614.30	10,096.06	10,600.42
2451	51.40	53.97	56.66	59.50	62.47	4,112.00	4,317.60	4,532.80	4,760.00	4,997.60	8,939.49	9,386.46	9,854.31	10,348.24	10,864.78
2452	52.68	55.32	58.08	60.98	64.03	4,214.40	4,426.60	4,646.40	4,878.40	5,122.40	9,162.11	9,621.25	10,101.27	10,605.64	11,136.10
2453	54.00	56.70	59.53	62.51	65.63	4,320.00	4,536.00	4,762.40	5,000.80	5,250.40	9,391.68	9,861.26	10,353.46	10,871.74	11,414.37
2454	55.35	58.12	61.02	64.07	67.27	4,428.00	4,649.60	4,881.60	5,125.60	5,381.60	9,626.47	10,108.23	10,612.60	11,149.05	11,699.60

EXHIBIT "E"

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
 EFFECTIVE: JUNE 26 2018

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2455	56.73	59.57	62.55	65.67	68.96	4,538.40	4,765.60	5,004.00	5,253.60	5,516.80	9,866.48	10,360.41	10,878.70	11,421.33	11,993.52
2456	58.15	61.06	64.11	67.31	70.68	4,652.00	4,884.80	5,128.80	5,384.80	5,654.40	10,113.45	10,619.56	11,150.01	11,706.56	12,292.67
2457	59.60	62.58	65.71	69.00	72.45	4,768.00	5,006.40	5,256.80	5,520.00	5,796.00	10,365.63	10,883.91	11,428.28	12,000.48	12,600.50
2458	61.09	64.15	67.36	70.72	74.26	4,887.20	5,132.00	5,388.80	5,657.60	5,940.80	10,624.77	11,156.97	11,715.25	12,299.62	12,915.30
2459	62.62	65.75	69.04	72.49	76.11	5,009.60	5,260.00	5,523.20	5,799.20	6,088.80	10,890.87	11,435.24	12,007.44	12,607.46	13,237.05
2460	64.19	67.40	70.76	74.30	78.02	5,135.20	5,392.00	5,660.80	5,944.00	6,241.60	11,163.02	11,722.21	12,306.58	12,922.28	13,569.24
2461	65.79	69.08	72.53	76.16	79.97	5,263.20	5,526.40	5,802.40	6,092.80	6,397.60	11,442.20	12,014.39	12,614.42	13,245.75	13,908.38
2462	67.44	70.81	74.35	78.06	81.97	5,395.20	5,664.80	5,948.00	6,244.80	6,557.60	11,729.16	12,315.28	12,930.95	13,576.20	14,256.22

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective July 12, 2016

RANGE	TITLE
1414	City Clerk
1417	City Auditor
1421	Director of Human Resources
1422	Chief Information Officer Director of Finance Director of Parks, Recreation and Neighborhoods Director of Public Works Director of Utility Planning and Projects
1425	Director of Administrative Services
1426	Director of Community and Economic Development
1427	Deputy City Manager
1429	City Attorney Director of Utilities
1436	City Manager

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective March 7, 2017

RANGE	TITLE
1414	City Clerk
1420	City Auditor
1422	Chief Information Officer Director of Finance Director of Human Resources Director of Parks, Recreation and Neighborhoods Director of Public Works Director of Utility Planning and Projects
1425	Director of Administrative Services
1426	Director of Community and Economic Development
1427	Deputy City Manager
1429	Director of Utilities
1430	City Attorney
1436	City Manager

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
 EFFECTIVE: JULY 12 2016

Represented Executive Management		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1405		39.36	49.20	3,148.80	3,936.00	6,845.49	8,566.86
1406		40.35	50.43	3,228.00	4,034.40	7,017.67	8,770.79
1407		41.36	51.70	3,308.80	4,136.00	7,193.33	8,991.66
1408		42.39	52.99	3,391.20	4,239.20	7,372.47	9,218.02
1409		43.45	54.31	3,476.00	4,344.80	7,556.82	9,446.80
1410		44.54	55.67	3,563.20	4,453.60	7,746.40	9,682.13
1411		45.65	57.06	3,652.00	4,564.80	7,939.46	9,923.88
1412		46.79	58.49	3,743.20	4,679.20	8,137.72	10,172.58
1413		47.96	59.95	3,836.80	4,796.00	8,341.20	10,426.50
1414	City Clerk	49.16	61.45	3,932.80	4,916.00	8,549.91	10,687.98
1415		50.39	62.99	4,031.20	5,039.20	8,763.83	10,955.22
1416		51.65	64.56	4,132.00	5,164.80	8,982.97	11,228.28
1417	City Auditor	52.94	66.17	4,235.20	5,293.60	9,207.32	11,508.29
1418		54.26	67.83	4,340.80	5,426.40	9,436.90	11,796.99
1419		55.62	69.52	4,449.60	5,561.60	9,673.43	12,090.92
1420		57.01	71.26	4,560.80	5,700.80	9,915.18	12,393.54
1421	Director of Human Resources	58.44	73.04	4,675.20	5,843.20	10,163.89	12,703.12
1422	Chief Information Officer	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Finance	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Parks, Recreation & Neighborhoods	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Public Works	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Utility Planning and Projects	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
23		61.39	76.74	4,911.20	6,139.20	10,676.95	13,346.62
24		62.93	78.66	5,034.40	6,292.80	10,944.79	13,680.55
1425	Director of Administrative Services	64.50	80.82	5,160.00	6,449.60	11,217.84	14,021.43
1426	Director of Community and Economic Development	66.11	82.64	5,288.80	6,611.20	11,497.85	14,372.75
1427	Deputy City Manager	67.77	84.71	5,421.60	6,778.80	11,786.56	14,732.76
1428		69.46	86.82	5,566.80	6,945.60	12,080.48	15,099.73
1429	City Attorney	71.20	88.99	5,696.00	7,119.20	12,383.10	15,477.14
	Director of Utilities	71.20	88.99	5,696.00	7,119.20	12,383.10	15,477.14
1430		72.98	91.22	5,838.40	7,297.60	12,692.68	15,864.98
1431		74.80	93.60	5,984.00	7,480.00	13,009.22	16,261.52
1432		76.67	95.84	6,133.60	7,667.20	13,334.45	16,668.49
1433		78.59	98.23	6,287.20	7,858.40	13,668.37	17,084.16
1434		80.55	100.69	6,444.00	8,055.20	14,009.26	17,512.00
1435		82.57	103.21	6,605.60	8,256.80	14,360.57	17,950.28
1436	City Manager	84.63	105.79	6,770.40	8,463.20	14,718.85	18,399.00
1437		86.74	108.43	6,939.20	8,674.40	15,085.82	18,858.15
1438		88.91	111.14	7,112.80	8,891.20	15,463.23	19,329.47
1439		91.14	113.92	7,291.20	9,113.60	15,851.07	19,812.97
1440		93.41	116.77	7,472.80	9,341.60	16,245.87	20,308.64
1441		95.75	119.69	7,669.00	9,575.20	16,652.84	20,816.48

EXHIBIT "H"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

Unrepresented Executive Management

	Hourly		Biweekly		Monthly	
	Min	Max	Min	Max	Min	Max
1405	40.15	50.19	3,212.00	4,015.20	6,982.89	8,729.04
1406	41.16	51.45	3,292.80	4,116.00	7,158.55	8,948.18
1407	42.19	52.73	3,375.20	4,218.40	7,337.58	9,170.80
1408	43.24	54.05	3,459.20	4,324.00	7,520.30	9,400.38
1409	44.32	55.40	3,545.80	4,432.00	7,708.13	9,635.17
1410	45.43	56.79	3,634.40	4,543.20	7,901.19	9,875.92
1411	46.57	58.21	3,725.60	4,656.80	8,099.45	10,123.86
1412	47.73	59.66	3,818.40	4,772.80	8,301.20	10,376.07
1413	48.92	61.15	3,913.60	4,892.00	8,508.17	10,635.21
1414 City Clerk	50.15	62.68	4,012.00	5,014.40	8,722.09	10,901.31
1415	51.40	64.25	4,112.00	5,140.00	8,939.49	11,174.36
1416	52.69	65.86	4,215.20	5,268.80	9,163.84	11,454.37
1417	54.00	67.50	4,320.00	5,400.00	9,391.68	11,739.60
1418	55.35	69.19	4,428.00	5,535.20	9,626.47	12,033.52
1419	56.74	70.92	4,539.20	5,673.60	9,868.22	12,334.41
1420 City Auditor	58.15	72.69	4,652.00	5,815.20	10,113.45	12,642.24
1421	59.61	74.51	4,768.80	5,960.80	10,367.37	12,958.78
1422 Chief Information Officer	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
Director of Finance	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
Director of Human Resources	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
Director of Parks, Recreation & Neighborhoods	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
Director of Public Works	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
Director of Utility Planning and Projects	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
123	62.63	78.28	5,010.40	6,262.40	10,892.61	13,614.46
124	64.19	80.24	5,135.20	6,419.20	11,163.92	13,955.34
1425 Director of Administrative Services	65.80	82.24	5,264.00	6,579.20	11,443.94	14,303.18
1426 Director of Community and Economic Development	67.44	84.30	5,395.20	6,744.00	11,729.16	14,661.46
1427 Deputy City Manager	69.13	86.41	5,530.40	6,912.80	12,023.09	15,029.43
1428	70.85	88.57	5,668.00	7,085.60	12,322.23	15,404.09
1429 Director of Utilities	72.63	90.78	5,810.40	7,262.40	12,631.31	15,788.46
1430 City Attorney	74.44	93.05	5,955.20	7,444.00	12,946.60	16,183.26
1431	76.30	95.38	6,104.00	7,630.40	13,270.10	16,588.49
1432	78.21	97.76	6,256.80	7,820.80	13,602.28	17,002.42
1433	80.16	100.20	6,412.80	8,016.00	13,941.43	17,426.78
1434	82.17	102.71	6,573.60	8,216.80	14,291.01	17,863.32
1435	84.22	105.28	6,737.60	8,422.40	14,647.54	18,310.30
1436 City Manager	86.33	107.91	6,906.40	8,632.80	15,014.51	18,767.71
1437	88.49	110.61	7,079.20	8,848.80	15,390.18	19,237.29
1438	90.70	113.37	7,256.00	9,069.60	15,774.54	19,717.31
1439	92.97	116.21	7,437.60	9,296.80	16,169.34	20,211.24
1440	95.29	119.11	7,623.20	9,528.80	16,572.84	20,715.61
1441	97.67	122.09	7,813.60	9,767.20	16,985.77	21,233.89

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
 EFFECTIVE: JUNE 26 2018

Unrepresented Executive Management		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1405		40.96	51.20	3,276.80	4,096.00	7,123.76	8,904.70
1406		41.99	52.48	3,359.20	4,198.40	7,302.90	9,127.32
1407		43.04	53.80	3,443.20	4,304.00	7,485.52	9,356.90
1408		44.11	55.14	3,528.80	4,411.20	7,671.61	9,589.95
1409		45.22	56.52	3,617.60	4,521.60	7,864.66	9,829.98
1410		46.35	57.93	3,708.00	4,634.40	8,061.19	10,075.19
1411		47.51	59.38	3,800.80	4,750.40	8,262.94	10,327.57
1412		48.69	60.87	3,895.20	4,869.60	8,468.16	10,586.51
1413		49.91	62.39	3,992.80	4,991.20	8,680.35	10,850.87
1414	City Clerk	51.16	63.95	4,092.80	5,116.00	8,897.75	11,122.18
1415		52.44	65.55	4,195.20	5,244.00	9,120.36	11,400.46
1416		53.75	67.13	4,300.00	5,374.40	9,348.20	11,683.95
1417		55.09	68.86	4,407.20	5,508.80	9,581.25	11,976.13
1418		56.47	70.58	4,517.60	5,646.40	9,821.26	12,275.27
1419		57.88	72.35	4,630.40	5,788.00	10,066.49	12,583.11
1420	City Auditor	59.33	74.16	4,746.40	5,932.80	10,316.67	12,897.91
1421		60.81	76.01	4,864.80	6,080.80	10,576.08	13,219.68
1422	Chief Information Officer	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Finance	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Human Resources	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Parks, Recreation & Neighborhoods	61.10	76.37	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Public Works	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Utility Planning and Projects	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
123		63.89	79.86	5,111.20	6,388.80	11,111.75	13,889.25
124		65.49	81.86	5,239.20	6,548.80	11,390.02	14,237.09
1425	Director of Administrative Services	67.12	83.90	5,369.60	6,712.00	11,673.51	14,591.89
1426	Director of Community and Economic Development	68.80	86.00	5,504.00	6,880.00	11,965.70	14,957.12
1427	Deputy City Manager	70.52	88.15	5,641.60	7,052.00	12,264.84	15,331.05
1428		72.28	90.35	5,782.40	7,228.00	12,570.94	15,713.67
1429	Director of Utilities	74.09	92.61	5,927.20	7,408.80	12,885.73	16,106.73
1430	City Attorney	75.94	94.93	6,075.20	7,594.40	13,207.48	16,510.23
1431		77.84	97.30	6,227.20	7,784.00	13,537.93	16,922.42
1432		79.79	99.73	6,383.20	7,978.40	13,877.08	17,345.04
1433		81.78	102.23	6,542.40	8,178.40	14,223.18	17,779.54
1434		83.83	104.78	6,706.40	8,382.40	14,579.71	18,223.34
1435		85.92	107.40	6,873.60	8,592.00	14,943.21	18,679.01
1436	City Manager	88.07	110.09	7,045.60	8,807.20	15,317.13	19,146.85
1437		90.27	112.84	7,221.60	9,027.20	15,699.76	19,625.13
1438		92.53	115.66	7,402.40	9,252.80	16,092.82	20,115.59
1439		94.84	118.55	7,587.20	9,484.00	16,494.57	20,618.22
1440		97.21	121.51	7,776.80	9,720.80	16,906.76	21,133.02
1441		99.64	124.55	7,971.20	9,964.00	17,329.39	21,661.74

EXHIBIT "J"

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: APRIL 16 2019

UNREP BATTALLION CHIEFS 80 HOURS

HOURLY									
	1	2	3	4	5	6	7	8	9
1812	46.92	48.10	49.30	50.53	51.80	53.09	54.42	55.78	57.17
1813	48.10	49.30	50.53	51.80	53.09	54.42	55.78	57.17	58.60
1814	49.30	50.53	51.80	53.09	54.42	55.78	57.17	58.60	60.07
1815	50.53	51.80	53.09	54.42	55.78	57.17	58.60	60.07	61.57
1816	51.80	53.09	54.42	55.78	57.17	58.60	60.07	61.57	63.11
1817	53.09	54.42	55.78	57.17	58.60	60.07	61.57	63.11	64.68
1818	54.42	55.78	57.17	58.60	60.07	61.57	63.11	64.68	66.30
1819	55.78	57.17	58.60	60.07	61.57	63.11	64.68	66.30	67.96
1820	57.17	58.60	60.07	61.57	63.11	64.68	66.30	67.96	69.66
1821	58.60	60.07	61.57	63.11	64.68	66.30	67.96	69.66	71.40
1822	60.07	61.57	63.11	64.68	66.30	67.96	69.66	71.40	73.18
1823	61.57	63.11	64.68	66.30	67.96	69.66	71.40	73.18	75.01
1824	63.11	64.68	66.30	67.96	69.66	71.40	73.18	75.01	76.89

UNREP BATTALLION CHIEFS 112 HOURS

HOURLY									
	1	2	3	4	5	6	7	8	9
812	33.51	34.36	35.21	36.09	37.00	37.92	38.87	39.84	40.84
813	34.36	35.21	36.09	37.00	37.92	38.87	39.84	40.84	41.86
814	35.21	36.09	37.00	37.92	38.87	39.84	40.84	41.86	42.91
815	36.09	37.00	37.92	38.87	39.84	40.84	41.86	42.91	43.98
816	37.00	37.92	38.87	39.84	40.84	41.86	42.91	43.98	45.08
817	37.92	38.87	39.84	40.84	41.86	42.91	43.98	45.08	46.20
818	38.87	39.84	40.84	41.86	42.91	43.98	45.08	46.20	47.36
819	39.84	40.84	41.86	42.91	43.98	45.08	46.20	47.36	48.54
820	40.84	41.86	42.91	43.98	45.08	46.20	47.36	48.54	49.76
821	41.86	42.91	43.98	45.08	46.20	47.36	48.54	49.76	51.00
822	42.91	43.98	45.08	46.20	47.36	48.54	49.76	51.00	52.27
823	43.98	45.08	46.20	47.36	48.54	49.76	51.00	52.27	53.58
824	45.08	46.20	47.36	48.54	49.76	51.00	52.27	53.58	54.92

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 25 2019**

UNREP BATTALLION CHIEFS 80 HOURS

HOURLY									
	1	2	3	4	5	6	7	8	9
1812	48.33	49.54	50.78	52.05	53.35	54.69	56.05	57.45	58.89
1813	49.54	50.78	52.05	53.35	54.69	56.05	57.45	58.89	60.36
1814	50.78	52.05	53.35	54.69	56.05	57.45	58.89	60.36	61.87
1815	52.05	53.35	54.69	56.05	57.45	58.89	60.36	61.87	63.42
1816	53.35	54.69	56.05	57.45	58.89	60.36	61.87	63.42	65.00
1817	54.69	56.05	57.45	58.89	60.36	61.87	63.42	65.00	66.63
1818	56.05	57.45	58.89	60.36	61.87	63.42	65.00	66.63	68.29
1819	57.45	58.89	60.36	61.87	63.42	65.00	66.63	68.29	70.00
1820	58.89	60.36	61.87	63.42	65.00	66.63	68.29	70.00	71.75
1821	60.36	61.87	63.42	65.00	66.63	68.29	70.00	71.75	73.54
1822	61.87	63.42	65.00	66.63	68.29	70.00	71.75	73.54	75.38
1823	63.42	65.00	66.63	68.29	70.00	71.75	73.54	75.38	77.27
1824	65.00	66.63	68.29	70.00	71.75	73.54	75.38	77.27	79.20

UNREP BATTALLION CHIEFS 112 HOURS

HOURLY									
	1	2	3	4	5	6	7	8	9
812	34.52	35.39	36.27	37.18	38.11	39.06	40.04	41.04	42.06
813	35.39	36.27	37.18	38.11	39.06	40.04	41.04	42.06	43.11
814	36.27	37.18	38.11	39.06	40.04	41.04	42.06	43.11	44.19
815	37.18	38.11	39.06	40.04	41.04	42.06	43.11	44.19	45.30
816	38.11	39.06	40.04	41.04	42.06	43.11	44.19	45.30	46.43
817	39.06	40.04	41.04	42.06	43.11	44.19	45.30	46.43	47.59
818	40.04	41.04	42.06	43.11	44.19	45.30	46.43	47.59	48.78
819	41.04	42.06	43.11	44.19	45.30	46.43	47.59	48.78	50.00
820	42.06	43.11	44.19	45.30	46.43	47.59	48.78	50.00	51.25
821	43.11	44.19	45.30	46.43	47.59	48.78	50.00	51.25	52.53
822	44.19	45.30	46.43	47.59	48.78	50.00	51.25	52.53	53.84
823	45.30	46.43	47.59	48.78	50.00	51.25	52.53	53.84	55.19
824	46.43	47.59	48.78	50.00	51.25	52.53	53.84	55.19	56.57

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 23 2020**

UNREP BATTALLION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
1812	49.78	51.03	52.31	53.61	54.95	56.33	57.73	59.18	60.66
1813	51.03	52.31	53.61	54.95	56.33	57.73	59.18	60.66	62.17
1814	52.31	53.61	54.95	56.33	57.73	59.18	60.66	62.17	63.73
1815	53.61	54.95	56.33	57.73	59.18	60.66	62.17	63.73	65.32
1816	54.95	56.33	57.73	59.18	60.66	62.17	63.73	65.32	66.95
1817	56.33	57.73	59.18	60.66	62.17	63.73	65.32	66.95	68.63
1818	57.73	59.18	60.66	62.17	63.73	65.32	66.95	68.63	70.34
1819	59.18	60.66	62.17	63.73	65.32	66.95	68.63	70.34	72.10
1820	60.66	62.17	63.73	65.32	66.95	68.63	70.34	72.10	73.90
1821	62.17	63.73	65.32	66.95	68.63	70.34	72.10	73.90	75.75
1822	63.73	65.32	66.95	68.63	70.34	72.10	73.90	75.75	77.64
1823	65.32	66.95	68.63	70.34	72.10	73.90	75.75	77.64	79.59
1824	66.95	68.63	70.34	72.10	73.90	75.75	77.64	79.59	81.58

UNREP BATTALLION CHIEFS 112 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
812	35.56	36.45	37.36	38.29	39.25	40.24	41.24	42.27	43.33
813	36.45	37.36	38.29	39.25	40.24	41.24	42.27	43.33	44.41
814	37.36	38.29	39.25	40.24	41.24	42.27	43.33	44.41	45.52
815	38.29	39.25	40.24	41.24	42.27	43.33	44.41	45.52	46.66
816	39.25	40.24	41.24	42.27	43.33	44.41	45.52	46.66	47.82
817	40.24	41.24	42.27	43.33	44.41	45.52	46.66	47.82	49.02
818	41.24	42.27	43.33	44.41	45.52	46.66	47.82	49.02	50.24
819	42.27	43.33	44.41	45.52	46.66	47.82	49.02	50.24	51.50
820	43.33	44.41	45.52	46.66	47.82	49.02	50.24	51.50	52.79
821	44.41	45.52	46.66	47.82	49.02	50.24	51.50	52.79	54.11
822	45.52	46.66	47.82	49.02	50.24	51.50	52.79	54.11	55.46
823	46.66	47.82	49.02	50.24	51.50	52.79	54.11	55.46	56.85
824	47.82	49.02	50.24	51.50	52.79	54.11	55.46	56.85	58.27

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: APRIL 16 2019**

UNREP DIVISION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
515	49.69	50.94	52.21	53.52	54.85	56.22	57.63	59.07	60.55
516	50.94	52.21	53.52	54.85	56.22	57.63	59.07	60.55	62.06
517	52.21	53.52	54.85	56.22	57.63	59.07	60.55	62.06	63.61
518	53.52	54.85	56.22	57.63	59.07	60.55	62.06	63.61	65.20
519	54.85	56.22	57.63	59.07	60.55	62.06	63.61	65.20	66.83
520	56.22	57.63	59.07	60.55	62.06	63.61	65.20	66.83	68.50
521	57.63	59.07	60.55	62.06	63.61	65.20	66.83	68.50	70.22
522	59.07	60.55	62.06	63.61	65.20	66.83	68.50	70.22	71.97
523	60.55	62.06	63.61	65.20	66.83	68.50	70.22	71.97	73.77
524	62.06	63.61	65.20	66.83	68.50	70.22	71.97	73.77	75.61
525	63.61	65.20	66.83	68.50	70.22	71.97	73.77	75.61	77.50
526	65.20	66.83	68.50	70.22	71.97	73.77	75.61	77.50	79.44
527	66.83	68.50	70.22	71.97	73.77	75.61	77.50	79.44	81.43
528	68.50	70.22	71.97	73.77	75.61	77.50	79.44	81.43	83.46

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 25 2019

UNREP DIVISION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
515	51.19	52.47	53.79	55.13	56.51	57.92	59.37	60.85	62.38
516	52.47	53.79	55.13	56.51	57.92	59.37	60.85	62.38	63.93
517	53.79	55.13	56.51	57.92	59.37	60.85	62.38	63.93	65.53
518	55.13	56.51	57.92	59.37	60.85	62.38	63.93	65.53	67.17
519	56.51	57.92	59.37	60.85	62.38	63.93	65.53	67.17	68.85
520	57.92	59.37	60.85	62.38	63.93	65.53	67.17	68.85	70.57
521	59.37	60.85	62.38	63.93	65.53	67.17	68.85	70.57	72.34
522	60.85	62.38	63.93	65.53	67.17	68.85	70.57	72.34	74.14
523	62.38	63.93	65.53	67.17	68.85	70.57	72.34	74.14	76.00
524	63.93	65.53	67.17	68.85	70.57	72.34	74.14	76.00	77.90
525	65.53	67.17	68.85	70.57	72.34	74.14	76.00	77.90	79.84
526	67.17	68.85	70.57	72.34	74.14	76.00	77.90	79.84	81.84
527	68.85	70.57	72.34	74.14	76.00	77.90	79.84	81.84	83.89
528	70.57	72.34	74.14	76.00	77.90	79.84	81.84	83.89	85.98

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 23 2020**

UNREP DIVISION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
515	52.73	54.05	55.40	56.79	58.21	59.66	61.16	62.68	64.25
516	54.05	55.40	56.79	58.21	59.66	61.16	62.68	64.25	65.86
517	55.40	56.79	58.21	59.66	61.16	62.68	64.25	65.86	67.50
518	56.79	58.21	59.66	61.16	62.68	64.25	65.86	67.50	69.19
519	58.21	59.66	61.16	62.68	64.25	65.86	67.50	69.19	70.92
520	59.66	61.16	62.68	64.25	65.86	67.50	69.19	70.92	72.69
521	61.16	62.68	64.25	65.86	67.50	69.19	70.92	72.69	74.51
522	62.68	64.25	65.86	67.50	69.19	70.92	72.69	74.51	76.37
523	64.25	65.86	67.50	69.19	70.92	72.69	74.51	76.37	78.28
524	65.86	67.50	69.19	70.92	72.69	74.51	76.37	78.28	80.24
525	67.50	69.19	70.92	72.69	74.51	76.37	78.28	80.24	82.25
526	69.19	70.92	72.69	74.51	76.37	78.28	80.24	82.25	84.30
527	70.92	72.69	74.51	76.37	78.28	80.24	82.25	84.30	86.41
528	72.69	74.51	76.37	78.28	80.24	82.25	84.30	86.41	88.57

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: APRIL 16 2019

Unrepresented Fire Chief

	Hourly		Biweekly		Monthly		
	Min	Max	Min	Max	Min	Max	
1705	41.37	51.72	3,309.60	4,137.60	7,195.07	8,995.14	
1706	42.41	53.01	3,392.80	4,240.80	7,375.95	9,219.50	
1707	43.47	54.34	3,477.60	4,347.20	7,560.30	9,450.81	
1708	44.56	55.69	3,564.80	4,455.20	7,749.88	9,685.60	
1709	45.67	57.09	3,653.60	4,567.20	7,942.93	9,929.09	
1710	46.81	58.51	3,744.80	4,680.80	8,141.20	10,176.06	
1711	47.98	59.98	3,838.40	4,798.40	8,344.68	10,431.72	
1712	49.18	61.47	3,934.40	4,917.60	8,553.39	10,690.86	
1713	50.41	63.01	4,032.80	5,040.80	8,767.31	10,958.70	
1714	51.67	64.59	4,133.60	5,167.20	8,986.45	11,233.49	
1715	52.96	66.20	4,236.80	5,296.00	9,210.80	11,513.50	
1716	54.29	67.86	4,343.20	5,428.80	9,442.12	11,802.21	
1717	55.64	69.55	4,451.20	5,564.00	9,676.91	12,096.14	
1718	57.03	71.29	4,562.40	5,703.20	9,918.66	12,398.76	
1719	58.46	73.07	4,676.80	5,845.60	10,167.36	12,708.33	
1720	59.92	74.90	4,793.60	5,992.00	10,421.29	13,026.61	
1721	61.42	76.77	4,913.60	6,141.60	10,682.17	13,351.84	
1722	62.95	78.69	5,036.00	6,295.20	10,948.26	13,685.76	
1723	64.53	80.66	5,162.40	6,452.80	11,223.06	14,028.39	
1724	66.14	82.68	5,291.20	6,614.40	11,503.07	14,379.71	
1725	67.79	84.74	5,423.20	6,779.20	11,790.04	14,737.98	
1726	69.49	86.86	5,559.20	6,948.80	12,085.70	15,106.69	
1727	Fire Chief	71.23	89.03	5,698.40	7,122.40	12,388.32	15,484.10
1728		73.01	91.26	5,840.80	7,300.80	12,697.90	15,871.94
1729		74.83	93.54	5,986.40	7,483.20	13,014.43	16,268.48
1730		76.70	95.88	6,136.00	7,670.40	13,339.66	16,675.45
1731		78.62	98.27	6,289.60	7,861.60	13,673.59	17,091.12
1732		80.59	100.73	6,447.20	8,058.40	14,016.21	17,518.96
1733		82.60	103.25	6,608.00	8,260.00	14,365.79	17,957.24
1734		84.66	105.83	6,772.80	8,466.40	14,724.07	18,405.95
1735		86.78	108.48	6,942.40	8,678.40	15,092.78	18,866.84
1736		88.95	111.19	7,116.00	8,895.20	15,470.18	19,338.16
1737		91.17	113.97	7,293.60	9,117.60	15,856.29	19,821.66
1738		93.45	116.82	7,476.00	9,345.60	16,252.82	20,317.33
1739		95.79	119.74	7,663.20	9,579.20	16,659.80	20,825.18
1740		98.18	122.73	7,854.40	9,818.40	17,075.47	21,345.20
1741		100.64	125.80	8,051.20	10,064.00	17,503.31	21,879.14

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 25 2019**

Unrepresented Fire Chief

	Hourly		Biweekly		Monthly	
	Min	Max	Min	Max	Min	Max
1705	42.62	53.28	3,409.60	4,262.40	7,412.47	9,266.46
1706	43.69	54.61	3,495.20	4,368.80	7,598.56	9,497.77
1707	44.78	55.98	3,582.40	4,478.40	7,788.14	9,736.04
1708	45.90	57.38	3,672.00	4,590.40	7,982.93	9,979.53
1709	47.05	58.81	3,764.00	4,704.80	8,182.94	10,228.24
1710	48.23	60.28	3,858.40	4,822.40	8,388.16	10,483.90
1711	49.43	61.79	3,954.40	4,943.20	8,596.87	10,746.52
1712	50.67	63.33	4,053.60	5,066.40	8,812.53	11,014.35
1713	51.93	64.92	4,154.40	5,193.60	9,031.67	11,290.89
1714	53.23	66.54	4,258.40	5,323.20	9,257.76	11,572.64
1715	54.56	68.20	4,364.80	5,456.00	9,489.08	11,861.34
1716	55.93	69.91	4,474.40	5,592.80	9,727.35	12,158.75
1717	57.32	71.65	4,585.60	5,732.00	9,969.09	12,461.37
1718	58.76	73.45	4,700.80	5,876.00	10,219.54	12,774.42
1719	60.23	75.28	4,818.40	6,022.40	10,475.20	13,092.70
1720	61.73	77.16	4,938.40	6,172.80	10,736.08	13,419.67
1721	63.27	79.09	5,061.60	6,327.20	11,003.92	13,755.33
1722	64.86	81.07	5,188.80	6,485.60	11,280.45	14,099.69
1723	66.48	83.10	5,318.40	6,648.00	11,562.20	14,452.75
1724	68.14	85.17	5,451.20	6,813.60	11,850.91	14,812.77
1725	69.84	87.30	5,587.20	6,984.00	12,146.57	15,183.22
1726	71.59	89.48	5,727.20	7,158.40	12,450.93	15,562.36
1727	Fire Chief	73.38	5,870.40	7,337.60	12,762.25	15,951.94
1728		75.21	6,016.80	7,520.80	13,080.52	16,350.22
1729		77.09	6,167.20	7,708.80	13,407.49	16,758.93
1730		79.02	6,321.60	7,901.60	13,743.16	17,178.08
1731		81.00	6,480.00	8,099.20	14,087.52	17,607.66
1732		83.02	6,641.60	8,301.60	14,438.84	18,047.68
1733		85.10	6,808.00	8,509.60	14,800.59	18,499.87
1734		87.22	6,977.60	8,722.40	15,169.30	18,962.50
1735		89.40	7,152.00	8,940.00	15,548.45	19,435.56
1736		91.64	7,331.20	9,164.00	15,938.03	19,922.54
1737		93.93	7,514.40	9,392.80	16,336.31	20,419.95
1738		96.28	7,702.40	9,628.00	16,745.02	20,931.27
1739		98.68	7,894.40	9,868.00	17,162.43	21,453.03
1740		101.15	8,092.00	10,115.20	17,592.01	21,990.44
1741		103.68	8,294.40	10,368.00	18,032.03	22,540.03

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE
EFFECTIVE: JUNE 23 2020

Unrepresented Fire Chief

	Hourly		Biweekly		Monthly	
	Min	Max	Min	Max	Min	Max
1705	43.90	54.88	3,512.00	4,390.40	7,635.09	9,544.73
1706	45.00	56.25	3,600.00	4,500.00	7,826.40	9,783.00
1707	46.13	57.66	3,690.40	4,612.80	8,022.93	10,028.23
1708	47.28	59.10	3,782.40	4,728.00	8,222.94	10,278.67
1709	48.46	60.58	3,876.80	4,846.40	8,428.16	10,536.07
1710	49.67	62.09	3,973.60	4,967.20	8,638.61	10,798.69
1711	50.92	63.64	4,073.60	5,091.20	8,856.01	11,068.27
1712	52.19	65.23	4,175.20	5,218.40	9,076.88	11,344.80
1713	53.49	66.86	4,279.20	5,348.80	9,302.98	11,628.29
1714	54.83	68.54	4,386.40	5,483.20	9,536.03	11,920.48
1715	56.20	70.25	4,496.00	5,620.00	9,774.30	12,217.88
1716	57.61	72.01	4,608.80	5,760.80	10,019.53	12,523.98
1717	59.05	73.81	4,724.00	5,904.80	10,269.98	12,837.04
1718	60.52	75.65	4,841.60	6,052.00	10,525.64	13,157.05
1719	62.03	77.54	4,962.40	6,203.20	10,788.26	13,485.76
1720	63.59	79.48	5,087.20	6,358.40	11,059.57	13,823.16
1721	65.17	81.47	5,213.60	6,517.60	11,334.37	14,169.26
1722	66.80	83.50	5,344.00	6,680.00	11,617.86	14,522.32
1723	68.47	85.59	5,477.60	6,847.20	11,908.30	14,885.81
1724	70.19	87.73	5,615.20	7,018.40	12,207.44	15,258.00
1725	71.94	89.92	5,755.20	7,193.60	12,511.80	15,638.89
1726	73.74	92.17	5,899.20	7,373.60	12,824.86	16,030.21
1727	Fire Chief	75.58 94.48	6,046.40 7,558.40	13,144.87 16,431.96		
1728		77.47 96.84	6,197.60 7,747.20	13,473.58 16,842.41		
1729		79.41 99.26	6,352.80 7,940.80	13,810.99 17,263.30		
1730		81.39 101.74	6,511.20 8,139.20	14,155.35 17,694.62		
1731		83.43 104.28	6,674.40 8,342.40	14,510.15 18,136.38		
1732		85.51 106.89	6,840.80 8,551.20	14,871.90 18,590.31		
1733		87.65 109.56	7,012.00 8,764.80	15,244.09 19,054.68		
1734		89.84 112.30	7,187.20 8,984.00	15,624.97 19,531.22		
1735		92.09 115.11	7,367.20 9,208.80	16,016.29 20,019.93		
1736		94.39 117.99	7,551.20 9,439.20	16,416.31 20,520.82		
1737		96.75 120.94	7,740.00 9,675.20	16,826.76 21,033.88		
1738		99.17 123.96	7,933.60 9,916.80	17,247.65 21,559.12		
1739		101.65 127.06	8,132.00 10,164.80	17,678.97 22,098.28		
1740		104.19 130.23	8,335.20 10,418.40	18,120.72 22,649.60		
1741		106.79 133.49	8,543.20 10,679.20	18,572.92 23,216.58		

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES
Effective July 12, 2016

RANGE	TITLE
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524 Fire Division Chief

819 Fire Battalion Chief (112 hrs)

1819 Fire Battalion Chief (80 hrs)

EXHIBIT "Y"

UNREP Market Labor Adjusted Classes

Title	Union	<u>% Adjusted upon Council</u>	<u>% Adjusted on March 7, 2017</u>
FULLTIME REGULAR POSITIONS			
Office Supervisor - Unrepresented	UNREP	5.00%	2.50%
City Attorney	UNREP	2.50%	2.50%
City Auditor	UNREP	7.50%	7.50%
Director of Human Resources	UNREP	2.50%	2.50%
Risk Manager	UNREP	5.00%	5.00%
Executive Assistant (Unrep - Exempt)	UNREP	2.50%	
Executive Assistant (Unrep - Non Exempt)	UNREP	2.50%	
Executive Assistant to the City Council	UNREP	2.50%	
Executive Assistant to the City Manager	UNREP	2.50%	
Legal Services Administrator	UNREP	2.50%	

CITY OF MODESTO
CLASS RANGE TABLE
SWORN FIRE EXECUTIVE MANAGEMENT
Effective July 12, 2016

RANGE	TITLE
1729	Fire Chief

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)
Effective January 10, 2017

RANGE	TITLE
1626	Police Captain

Exhibit "A-1"

Old Rate	2%
Percentage Increase	2%

CITY OF MODesto
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 15/16
 EFFECTIVE: September 06, 2015

UNREPRESENTED POLICE CAPTAINS	BY-WEEKLY												MONTHLY = 2,174											
	HOURLY																							
	A	B	C	D	E	F	G	H	I	J	K	L	A	B	C	D	E	F	G	H	I	J	K	L
1501	30.06	32.21	33.02	35.51	37.23	2,422.80	2,576.80	2,705.80	2,840.80	2,992.40	5,332.60	5,601.96	5,881.97	6,175.98	6,483.74									
1502	31.44	33.01	34.66	36.46	38.22	2,515.20	2,641.80	2,772.80	2,912.00	3,057.60	5,488.04	5,741.10	6,028.07	6,330.68	6,647.27									
1503	32.22	33.84	35.53	37.31	39.17	2,676.40	2,797.20	2,942.40	3,095.90	3,255.60	5,605.43	5,855.45	6,129.38	6,428.98	6,742.45									
1504	33.03	34.62	36.42	38.24	40.15	2,842.40	2,947.60	3,063.60	3,190.20	3,328.00	5,744.58	6,031.25	6,334.17	6,650.70	6,982.89									
1505	33.86	35.55	37.33	39.20	41.18	2,708.80	2,844.66	2,986.40	3,136.00	3,292.00	5,898.93	6,182.66	6,482.43	6,807.66	7,146.81									
1506	34.71	36.44	38.26	40.17	42.18	2,776.80	2,913.20	3,060.80	3,213.00	3,374.40	6,038.76	6,337.84	6,654.18	6,986.37	7,335.85									
1507	35.57	37.35	39.22	41.18	43.24	2,845.80	2,998.00	3,137.60	3,294.80	3,458.20	6,185.33	6,485.91	6,821.14	7,162.03	7,528.30									
1508	36.45	38.28	40.20	42.21	44.32	2,916.80	3,087.40	3,216.00	3,378.80	3,545.60	6,341.12	6,637.66	6,981.58	7,344.16	7,708.13									
1509	37.37	39.24	41.20	43.25	45.43	2,989.60	3,184.20	3,298.00	3,490.90	3,634.40	6,498.39	6,824.62	7,165.56	7,523.79	7,901.18									
1510	38.31	40.22	42.23	44.26	46.58	3,064.80	3,217.60	3,278.40	3,548.00	3,724.80	6,662.86	6,985.08	7,344.84	7,719.36	8,097.72									
1511	39.27	41.23	43.28	45.25	47.73	3,141.60	3,236.40	3,483.20	3,638.80	3,818.60	6,829.84	7,170.72	7,528.00	7,904.66	8,301.20									
1512	40.28	42.28	44.37	46.29	48.92	3,220.60	3,280.80	3,618.60	3,737.20	3,918.60	7,000.28	7,349.66	7,718.83	8,102.93	8,498.17									
1513	41.25	43.32	45.40	47.75	50.14	3,300.20	3,465.60	3,838.40	3,920.00	4,011.20	7,174.20	7,524.21	7,900.88	8,304.66	8,720.35									
1514	42.28	44.40	46.52	48.85	51.41	3,382.40	3,552.00	3,729.60	3,916.00	4,112.00	7,353.34	7,722.06	8,108.18	8,513.58	8,939.49									
1515	43.34	45.61	47.78	50.17	52.86	3,467.20	3,643.60	3,882.40	4,013.60	4,130.00	7,537.53	7,915.40	8,308.90	8,725.57	9,162.11									
1516	44.43	46.86	48.98	51.43	54.39	3,553.80	3,733.00	3,918.40	4,114.40	4,130.00	7,726.53	8,113.37	8,518.60	8,944.71	9,391.88									
1517	45.53	47.81	50.20	52.71	55.35	3,642.40	3,824.80	4,016.00	4,218.80	4,228.00	7,918.58	8,315.12	8,730.78	9,167.32	9,624.48									
1518	46.62	48.91	51.46	54.03	56.73	3,732.80	3,920.80	4,116.80	4,322.40	4,338.40	8,116.85	8,523.82	8,948.97	9,386.90	9,836.48									
1519	47.84	50.28	52.74	55.38	58.15	3,827.20	4,018.40	4,219.20	4,430.40	4,452.00	8,320.93	8,736.00	9,172.54	9,621.60	10,118.45									
1520	49.04	51.48	54.06	56.78	59.65	3,923.20	4,118.20	4,324.80	4,540.80	4,568.00	8,528.04	8,956.14	9,402.12	9,871.70	10,385.63									
1521	50.28	52.77	55.41	58.18	61.09	4,020.80	4,221.60	4,432.80	4,654.40	4,687.20	8,741.32	9,177.76	9,636.91	10,118.67	10,624.77									
1522	51.53	54.09	56.80	59.84	62.63	4,121.60	4,327.20	4,544.00	4,771.20	4,809.60	8,966.36	9,407.33	9,878.86	10,372.66	10,890.87									
1523	52.81	55.45	58.22	61.13	64.18	4,224.80	4,438.40	4,659.40	4,890.40	4,934.40	9,184.72	9,633.86	10,125.62	10,651.73	11,185.18									
1524	54.13	56.83	59.47	62.60	65.73	4,330.40	4,548.40	4,773.60	5,014.00	5,058.20	9,414.29	9,868.87	10,377.61	10,897.63	11,442.20									
1525	55.48	58.25	61.16	64.22	67.43	4,438.40	4,659.00	4,882.80	5,137.80	5,182.40	9,648.08	10,103.15	10,633.04	11,149.16	11,727.43									
1526	56.87	59.71	62.69	65.83	69.12	4,546.60	4,776.80	4,997.60	5,258.40	5,303.60	9,889.63	10,344.15	10,893.04	11,449.16	12,021.35									
1527	58.29	61.20	64.26	67.47	70.88	4,653.20	4,896.00	5,140.80	5,397.60	5,443.60	10,137.80	10,643.90	11,176.10	11,734.38	12,325.23									
1528	59.74	62.73	65.87	69.16	72.62	4,774.20	5,018.40	5,280.80	5,557.80	5,603.60	10,389.98	10,910.05	11,456.11	12,028.31	12,592.87									
1529	61.24	64.30	67.51	70.88	74.43	4,899.20	5,144.00	5,480.80	5,817.20	5,863.60	10,650.86	11,183.06	11,741.34	12,329.18	12,944.87									
1530	62.77	65.87	69.20	72.86	76.29	5,031.60	5,272.80	5,566.00	5,912.80	5,958.20	10,916.96	11,463.07	12,036.16	12,637.03	13,264.36									
1531	64.34	67.55	70.93	74.46	78.29	5,167.20	5,404.00	5,874.40	6,228.40	6,282.00	11,190.81	11,748.20	12,338.15	12,963.58	13,641.53									
1532	65.95	69.24	72.70	76.25	80.16	5,276.00	5,538.20	5,874.40	6,236.00	6,290.00	11,470.92	12,032.22	12,645.98	13,277.06	13,941.53									
1533	67.58	70.97	74.52	78.25	82.18	5,407.20	5,677.60	6,111.20	6,418.00	6,472.80	11,755.25	12,343.10	12,980.83	13,669.24	14,288.27									
1534	69.24	72.75	76.39	80.20	84.21	5,542.40	5,820.00	6,254.80	6,576.80	6,631.60	12,046.18	12,652.68	13,285.75	13,948.39	14,646.80									
1535	71.02	74.57	78.29	82.21	86.32	5,681.60	5,965.80	6,398.20	6,736.80	6,791.60	12,341.80	12,969.21	13,618.20	14,287.86	15,012.77									
1536	72.95	76.53	80.25	84.28	88.43	5,824.00	6,114.20	6,540.80	6,900.80	6,955.60	12,648.17	13,294.89	13,957.06	14,634.50	15,422.84									
1537	74.61	78.34	82.26	86.37	90.63	5,968.80	6,267.20	6,690.80	7,080.80	7,135.20	12,956.64	13,624.89	14,300.06	15,021.47	15,772.80									
1538	76.48	80.20	84.31	88.63	92.96	6,118.40	6,424.00	6,784.80	7,086.40	7,140.80	13,301.40	13,985.78	14,665.20	15,357.14	16,167.50									
1539	78.38	82.31	86.42	90.74	95.23	6,271.20	6,584.80	6,913.60	7,280.20	7,334.40	13,653.55	14,316.36	15,030.17	15,781.50	16,571.12									
1540	80.35	84.39	88.58	93.01	97.68	6,428.00	6,748.80	7,085.40	7,440.80	7,494.80	13,974.47	14,671.49	15,405.63	16,176.30	16,983.03									

EXHIBIT "A-2"

Old Base Rate	\$ 30.66
Percentage Increase	2%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: January 10, 2017

UNREPRESENTED POLICE CAPTAINS

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1601	31.27	32.85	34.49	36.22	38.03	2,501.86	2,628.00	2,759.20	2,897.50	3,042.40	5,439.03	5,713.27	5,998.50	6,296.38	6,614.18
1602	32.07	33.67	35.35	37.12	38.98	2,565.60	2,693.60	2,826.00	2,969.80	3,118.40	5,577.61	5,855.89	6,148.07	6,455.91	6,779.40
1603	32.87	34.51	36.24	38.05	39.95	2,629.80	2,760.80	2,894.20	3,044.00	3,198.00	5,716.75	6,001.98	6,302.86	6,617.59	6,948.10
1604	33.69	35.37	37.14	39.00	40.95	2,695.20	2,829.60	2,971.20	3,129.00	3,276.00	5,859.36	6,151.55	6,459.39	6,782.88	7,122.02
1605	34.53	36.26	38.07	39.97	41.97	2,762.40	2,900.80	3,045.60	3,197.90	3,357.80	6,005.46	6,306.34	6,621.13	6,951.58	7,299.42
1606	35.40	37.18	39.02	40.97	43.02	2,832.00	2,972.80	3,121.60	3,277.80	3,441.60	6,155.77	6,462.87	6,786.36	7,125.60	7,482.04
1607	36.28	38.09	40.00	42.00	44.10	2,902.40	3,047.20	3,200.00	3,360.00	3,528.00	6,309.82	6,624.61	6,956.80	7,304.64	7,688.87
1608	37.19	39.05	41.00	43.05	45.20	2,975.20	3,124.00	3,290.00	3,444.00	3,616.00	6,468.08	6,791.58	7,130.72	7,487.28	7,861.18
1609	38.12	40.02	42.02	44.12	46.33	3,048.60	3,201.60	3,361.60	3,529.60	3,709.40	6,629.83	6,960.28	7,308.12	7,673.35	8,057.71
1610	39.07	41.02	43.07	45.23	47.49	3,125.60	3,281.60	3,445.60	3,618.40	3,799.20	6,795.05	7,134.20	7,490.73	7,866.40	8,259.45
1611	40.05	42.05	44.15	46.36	48.68	3,204.00	3,364.00	3,532.00	3,708.80	3,894.40	6,965.50	7,313.34	7,678.57	8,062.93	8,466.43
1612	41.05	43.10	45.25	47.52	49.89	3,284.00	3,448.00	3,620.00	3,801.60	3,991.20	7,139.42	7,405.25	7,869.88	8,264.66	8,676.87
1613	42.07	44.18	46.39	48.70	51.14	3,365.60	3,534.40	3,711.20	3,896.00	4,091.20	7,316.81	7,683.79	8,068.15	8,469.50	8,894.27
1614	43.12	45.28	47.54	49.92	52.42	3,449.60	3,622.40	3,803.20	3,993.60	4,193.60	7,499.43	7,875.10	8,268.16	8,682.09	9,116.89
1615	44.20	46.41	48.73	51.17	53.73	3,536.00	3,712.80	3,898.40	4,093.60	4,298.40	7,687.26	8,071.63	8,475.12	8,899.49	9,344.72
1616	45.31	47.57	49.95	52.45	55.07	3,624.80	3,805.60	3,996.00	4,196.00	4,405.60	7,880.32	8,273.37	8,687.30	9,122.10	9,577.77
1617	46.44	48.78	51.20	53.76	56.45	3,715.20	3,900.80	4,096.00	4,300.80	4,516.00	8,076.84	8,480.34	8,904.70	9,349.84	9,817.78
1618	47.60	49.98	52.48	55.10	57.85	3,808.00	3,998.40	4,194.40	4,408.00	4,628.80	8,278.59	8,692.52	9,127.32	9,582.99	10,063.01
1619	48.79	51.23	53.79	56.48	59.30	3,903.20	4,098.40	4,303.20	4,518.40	4,744.00	8,485.58	8,908.92	9,355.18	9,823.00	10,313.46
1620	50.01	52.51	55.14	57.89	60.79	4,000.80	4,200.80	4,411.20	4,631.20	4,863.20	8,697.74	9,132.54	9,589.95	10,068.23	10,572.60
1621	51.26	53.82	56.51	59.34	62.31	4,100.80	4,305.60	4,520.80	4,747.20	4,984.80	8,915.14	9,360.37	9,828.22	10,320.41	10,836.96
1622	52.54	55.17	57.93	60.82	63.86	4,203.20	4,413.60	4,634.40	4,865.60	5,108.80	9,137.76	9,595.17	10,075.19	10,577.81	11,108.53
1623	53.86	56.55	59.38	62.34	65.46	4,308.00	4,524.00	4,750.40	4,987.20	5,236.80	9,367.33	9,835.18	10,327.37	10,842.17	11,384.80
1624	55.20	57.96	60.96	63.90	67.10	4,416.00	4,636.80	4,868.80	5,112.00	5,368.00	9,600.38	10,080.40	10,584.77	11,113.49	11,670.03
1625	56.58	59.41	62.38	65.50	68.77	4,526.40	4,752.80	4,990.40	5,240.00	5,501.60	9,840.39	10,332.69	10,849.13	11,391.76	11,960.48
1626	58.00	60.90	63.94	67.14	70.49	4,640.00	4,872.00	5,115.20	5,371.20	5,639.20	10,087.36	10,591.73	11,120.44	11,676.99	12,259.62
1627	59.45	62.42	65.54	68.82	72.26	4,758.00	4,993.60	5,243.20	5,505.60	5,780.80	10,339.54	10,856.09	11,398.72	11,989.17	12,567.45
1628	60.93	63.98	67.18	70.54	74.06	4,874.40	5,118.40	5,374.40	5,643.20	5,924.80	10,596.95	11,127.40	11,683.95	12,268.32	12,880.52
1629	62.46	65.58	68.86	72.30	75.81	4,996.80	5,248.40	5,508.80	5,784.00	6,072.80	10,863.04	11,405.67	11,976.13	12,574.42	13,202.27
1630	64.02	67.22	70.58	74.11	77.61	5,121.60	5,377.60	5,646.40	5,928.80	6,224.80	11,134.36	11,690.90	12,275.27	12,889.21	13,532.72
1631	65.62	69.00	72.34	75.96	79.46	5,249.60	5,512.00	5,787.20	6,076.80	6,380.80	11,412.63	11,983.09	12,581.37	13,210.96	13,871.86
1632	67.26	70.62	74.15	77.86	81.75	5,380.80	5,648.00	5,932.00	6,228.80	6,540.00	11,697.66	12,282.23	12,896.17	13,541.41	14,217.96
1633	68.94	72.39	76.20	79.80	83.78	5,515.20	5,791.20	6,080.00	6,384.00	6,703.20	11,990.04	12,590.07	13,217.02	13,878.62	14,572.76
1634	70.66	74.19	77.90	81.80	85.89	5,652.80	5,935.20	6,232.00	6,544.00	6,871.20	12,289.19	12,903.12	13,548.37	14,226.86	14,937.99
1635	72.43	76.05	79.85	83.84	88.04	5,794.40	6,084.00	6,388.00	6,707.20	7,043.20	12,597.03	13,225.62	13,887.51	14,581.45	15,311.92
1636	74.24	77.95	81.85	85.94	90.24	5,939.20	6,236.00	6,548.00	6,875.20	7,219.20	12,911.82	13,557.06	14,235.35	14,946.68	15,694.54
1637	76.09	79.80	83.89	88.09	92.49	6,087.20	6,392.00	6,711.20	7,047.20	7,399.20	13,233.57	13,898.21	14,590.15	15,320.61	16,085.89
1638	78.00	81.90	85.99	90.29	94.80	6,240.00	6,552.00	6,879.20	7,223.20	7,584.00	13,565.78	14,244.06	14,955.38	15,703.24	16,487.62
1639	79.95	83.94	88.14	92.55	97.17	6,396.00	6,715.20	7,051.20	7,404.00	7,773.60	13,904.90	14,598.84	15,329.31	16,099.30	16,899.81
1640	81.95	86.04	90.34	94.85	99.60	6,558.00	6,883.20	7,227.20	7,588.80	7,968.00	14,252.74	14,964.09	15,711.93	16,499.05	17,322.43

EXHIBIT "A-3"

Old Base Rate \$ 32.05
 Percentage Increase 5.00%

CITY OF MODesto
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 19/19
 EFFECTIVE: June 26, 2019

UNREPRESENTED POLICE CAPTAINS

Grade	HOURLY					BY WEEKLY					MONTHLY = 2,174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1601	30.01	34.60	38.41	39.23	40.14	2,600.92	2,774.40	2,912.90	3,059.40	3,211.20	5,741.96	6,041.96	6,332.43	6,624.99	6,914.15
1602	33.65	38.54	41.32	39.19	41.11	2,708.00	2,883.20	2,999.60	3,135.20	3,287.20	5,897.19	6,181.12	6,469.69	6,761.99	7,055.07
1603	34.70	38.43	38.25	40.16	42.17	2,716.50	2,914.80	3,080.00	3,212.80	3,376.80	6,035.02	6,335.91	6,624.44	6,914.51	7,204.27
1604	36.65	37.34	39.21	41.17	43.21	2,844.80	2,987.20	3,138.80	3,293.60	3,458.40	6,184.80	6,484.17	6,781.40	7,081.23	7,381.96
1605	38.45	38.28	40.18	42.20	44.21	2,916.80	3,082.40	3,216.20	3,376.00	3,544.80	6,339.36	6,637.66	6,939.84	7,239.42	7,539.40
1606	37.88	39.29	41.19	43.29	44.42	2,988.90	3,139.40	3,295.20	3,460.00	3,633.60	6,487.68	6,782.88	7,081.76	7,382.64	7,689.45
1607	39.30	40.21	42.22	44.33	44.53	3,084.00	3,278.80	3,372.60	3,548.40	3,724.00	6,581.14	6,883.32	7,184.29	7,487.67	7,792.97
1608	39.26	41.22	43.28	45.34	47.17	3,140.80	3,297.60	3,462.40	3,628.40	3,812.80	6,628.10	7,089.98	7,527.29	7,892.67	8,297.72
1609	40.24	42.25	44.30	45.38	48.31	3,219.20	3,399.00	3,548.80	3,728.40	3,912.80	6,598.34	7,268.12	7,713.09	8,101.19	8,596.43
1610	41.24	43.30	45.47	47.74	50.13	3,299.20	3,483.00	3,637.60	3,819.20	4,010.80	7,112.46	7,580.74	7,999.14	8,392.94	8,779.61
1611	42.27	44.39	46.51	48.94	51.38	3,381.60	3,551.20	3,728.80	3,915.20	4,110.40	7,351.80	7,730.34	8,109.43	8,511.84	8,996.01
1612	43.33	45.50	47.77	50.18	52.67	3,466.40	3,649.00	3,821.60	4,012.80	4,213.60	7,558.35	7,979.36	8,408.16	8,721.93	9,180.37
1613	44.41	46.63	48.87	51.41	53.98	3,552.80	3,736.40	3,917.80	4,112.80	4,318.40	7,733.73	8,109.89	8,516.86	8,841.23	9,298.20
1614	45.52	47.80	50.19	52.70	55.33	3,641.60	3,829.00	4,015.20	4,210.00	4,428.40	7,918.84	8,313.88	8,729.04	9,165.88	9,622.99
1615	46.68	48.89	51.44	54.02	56.72	3,732.80	3,918.20	4,115.20	4,314.20	4,537.80	8,115.11	8,520.34	8,946.44	9,385.16	9,854.74
1616	47.63	50.22	52.73	55.13	58.13	3,829.40	4,017.80	4,218.00	4,423.80	4,650.40	8,535.56	8,951.66	9,406.38	9,883.86	10,381.89
1617	48.82	51.47	54.29	56.75	59.59	3,921.60	4,117.60	4,324.00	4,534.00	4,782.20	8,792.40	9,218.59	9,672.26	10,156.36	10,653.03
1618	50.25	52.70	53.40	58.17	61.08	4,020.80	4,220.80	4,432.00	4,642.00	4,898.40	8,792.40	9,176.02	9,635.17	10,116.36	10,687.39
1619	51.80	54.08	55.78	59.82	62.60	4,120.60	4,329.40	4,542.40	4,760.80	5,008.40	8,928.84	9,405.59	9,875.18	10,362.11	10,857.35
1620	52.79	55.43	58.20	61.41	64.17	4,221.20	4,434.80	4,658.80	4,888.80	5,133.80	9,181.24	9,640.39	10,122.44	10,684.25	11,160.45
1621	54.11	56.83	59.88	62.54	66.77	4,328.80	4,545.80	4,772.80	5,011.20	5,261.80	9,410.81	9,882.13	10,376.07	10,884.25	11,428.72
1622	55.48	58.24	61.45	64.21	67.42	4,438.80	4,659.20	4,892.80	5,156.80	5,393.80	9,645.80	10,128.10	10,635.21	11,167.40	11,725.69
1623	56.86	59.69	62.91	65.91	69.10	4,548.00	4,775.20	5,014.40	5,264.80	5,528.00	9,887.35	10,381.28	10,901.31	11,485.68	12,017.87
1624	58.27	61.19	64.28	67.46	70.83	4,661.60	4,895.20	5,139.20	5,396.80	5,668.40	10,134.32	10,642.16	11,172.52	11,732.84	12,318.75
1625	59.72	62.72	65.85	69.14	72.80	4,778.40	5,017.80	5,268.00	5,531.20	5,802.00	10,388.24	10,909.26	11,452.63	12,024.83	12,620.89
1626	61.22	64.28	67.85	70.87	74.41	4,897.00	5,142.40	5,404.00	5,684.40	5,952.80	10,647.36	11,178.98	11,733.50	12,325.71	12,941.39
1627	62.78	65.89	69.10	72.84	76.28	5,020.00	5,271.40	5,634.40	5,911.20	6,182.40	10,910.48	11,459.08	12,031.70	12,633.56	13,266.62
1628	64.33	67.84	70.91	74.46	78.18	5,148.80	5,403.20	5,872.80	6,208.80	6,524.40	11,186.53	11,746.88	12,332.67	12,950.04	13,597.07
1629	65.91	69.23	72.88	76.32	80.14	5,274.40	5,538.40	5,976.40	6,316.40	6,671.20	11,468.55	12,040.48	12,642.24	13,273.97	13,937.95
1630	67.58	70.98	74.55	78.25	82.14	5,406.40	5,678.00	6,089.00	6,389.40	6,871.20	11,753.51	12,341.38	12,957.84	13,605.76	14,256.79
1631	69.27	72.73	76.37	80.18	84.19	5,541.60	5,818.40	6,199.60	6,484.40	6,935.20	12,041.44	12,640.20	13,282.27	13,944.91	14,642.32
1632	71.00	74.55	78.28	82.19	86.30	5,680.00	5,964.00	6,362.40	6,576.20	6,964.00	12,338.32	12,955.74	13,616.46	14,294.42	15,039.30
1633	72.77	76.41	80.23	84.24	88.46	5,821.60	6,112.80	6,478.40	6,793.40	7,078.80	12,642.18	13,281.20	13,963.19	14,681.31	15,439.33
1634	74.58	78.32	82.23	86.35	90.67	5,967.20	6,265.60	6,678.80	6,979.20	7,263.60	12,952.62	13,621.41	14,323.40	15,071.82	15,769.33
1635	76.46	80.28	84.29	88.40	92.82	6,116.80	6,423.20	6,743.20	7,043.60	7,334.00	13,269.92	13,962.36	14,689.72	15,393.88	16,162.39
1636	78.37	82.28	86.40	90.72	95.25	6,269.60	6,583.20	6,912.80	7,237.60	7,520.80	13,590.11	14,311.88	15,071.88	16,778.02	16,967.62
1637	80.33	84.34	88.56	92.99	97.84	6,426.40	6,747.20	7,084.80	7,439.80	7,811.20	13,916.99	14,688.41	15,492.30	16,172.82	16,981.55
1638	82.34	86.45	90.77	95.31	100.08	6,587.20	6,919.00	7,261.60	7,624.80	8,006.40	14,320.57	15,035.38	15,786.72	16,576.32	17,405.91
1639	84.38	88.61	93.04	97.70	102.55	6,751.20	7,088.80	7,443.20	7,816.80	8,206.40	14,677.11	15,431.05	16,181.52	16,991.98	17,840.71
1640	86.50	90.84	95.37	100.14	105.14	6,920.00	7,268.40	7,629.60	8,011.20	8,411.20	15,044.08	15,797.15	16,598.75	17,446.35	18,280.95

EXHIBIT "A-5"

Old Base Rate	\$ 36.89
Percentage Increase	2.5%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: June 27, 2017

Sworn Executive Management

	HOURLY		Bi-weekly		Monthly	
	Min	Max	Min	Max	Min	Max
1505	37.81	47.27	3,024.98	3,781.60	6,576.31	8,221.20
1506	38.79	48.45	3,100.80	3,876.00	6,741.14	8,428.42
1507	39.73	49.66	3,178.40	3,972.80	6,909.84	8,636.87
1508	40.72	50.90	3,257.60	4,072.00	7,082.02	8,852.53
1509	41.74	52.18	3,339.20	4,174.40	7,259.42	9,075.15
1510	42.79	53.46	3,423.20	4,278.40	7,442.04	9,301.24
1511	43.86	54.82	3,509.60	4,385.60	7,629.13	9,534.29
1512	44.95	56.19	3,599.00	4,495.20	7,817.70	9,772.66
1513	46.06	57.59	3,686.40	4,607.20	8,014.23	10,016.06
1514	47.23	59.03	3,778.40	4,722.40	8,214.24	10,266.50
1515	48.41	60.51	3,872.80	4,840.80	8,419.47	10,523.90
1516	49.62	62.02	3,969.60	4,961.60	8,629.91	10,788.52
1517	50.86	63.57	4,068.80	5,085.60	8,845.57	11,056.09
1518	52.13	65.15	4,170.40	5,212.80	9,066.46	11,332.63
1519	53.43	66.79	4,274.40	5,343.20	9,292.55	11,616.12
1520	54.77	68.46	4,381.60	5,476.80	9,525.60	11,905.56
1521	56.14	70.17	4,491.20	5,613.60	9,763.87	12,203.97
1522	57.54	71.92	4,603.20	5,753.60	10,007.36	12,508.33
1523	58.98	73.72	4,718.40	5,897.60	10,257.80	12,821.38
1524	60.45	75.57	4,836.00	6,045.60	10,513.46	13,143.13
1525	61.96	77.45	4,956.80	6,196.00	10,776.08	13,470.10
1526	63.51	79.39	5,080.80	6,351.20	11,045.66	13,807.51
1527	65.10	81.38	5,208.00	6,510.40	11,322.19	14,153.61
1528	66.73	83.41	5,338.40	6,672.80	11,605.68	14,506.67
1529	68.40	85.49	5,472.00	6,839.20	11,896.13	14,868.42
1530	70.11	87.63	5,608.80	7,010.40	12,193.53	15,240.61
1531 Chief of Police	71.86	89.82	5,748.80	7,185.60	12,497.89	15,621.49
1532	73.66	92.07	5,892.80	7,365.60	12,810.95	16,012.61
1533	75.50	94.37	6,040.00	7,549.60	13,130.86	16,412.83
1534	77.38	96.73	6,190.40	7,738.40	13,457.93	16,823.28
1535	79.32	99.15	6,345.60	7,932.00	13,795.33	17,244.17
1536	81.30	101.63	6,504.00	8,130.40	14,139.70	17,675.49
1537	83.33	104.17	6,666.40	8,333.60	14,492.75	18,117.26
1538	85.42	106.77	6,833.60	8,541.60	14,856.25	18,569.44
1539	87.55	109.44	7,004.00	8,755.20	15,226.70	19,033.80
1540	89.74	112.18	7,179.20	8,974.40	15,607.58	19,510.35
1541	91.98	114.98	7,358.40	9,198.40	15,997.16	19,997.32

Old Base Rate	\$ 37.81
Percentage Increase	3.0%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: June 26, 2018

Sworn Executive Management

	HOURLY		Bi-weekly		Monthly	
	Min	Max	Min	Max	Min	Max
1505	38.94	48.69	3,115.54	3,895.20	6,773.19	8,468.16
1506	39.92	49.90	3,193.60	3,992.00	6,942.89	8,678.61
1507	40.92	51.15	3,273.60	4,092.00	7,116.61	8,895.01
1508	41.94	52.43	3,355.20	4,194.40	7,294.20	9,118.63
1509	42.99	53.74	3,439.20	4,299.20	7,476.82	9,346.46
1510	44.07	55.08	3,525.60	4,406.40	7,664.65	9,579.51
1511	45.17	56.46	3,613.60	4,516.80	7,856.97	9,819.52
1512	46.30	57.87	3,704.00	4,629.60	8,052.50	10,064.75
1513	47.45	59.32	3,796.00	4,745.60	8,252.60	10,316.93
1514	48.64	60.80	3,891.20	4,864.00	8,459.47	10,574.34
1515	49.86	62.32	3,988.80	4,985.60	8,671.65	10,838.69
1516	51.10	63.88	4,088.00	5,110.40	8,887.31	11,110.01
1517	52.38	65.47	4,190.40	5,237.60	9,109.93	11,386.54
1518	53.69	67.11	4,295.20	5,368.80	9,337.76	11,671.77
1519	55.03	68.79	4,402.40	5,503.20	9,570.82	11,963.96
1520	56.41	70.51	4,512.80	5,640.80	9,810.83	12,263.10
1521	57.82	72.27	4,625.60	5,781.60	10,056.05	12,569.20
1522	59.26	74.06	4,740.80	5,926.40	10,306.50	12,883.99
1523	60.74	75.89	4,858.20	6,074.40	10,563.90	13,205.75
1524	62.26	77.73	4,978.80	6,226.40	10,828.26	13,536.19
1525	63.82	79.61	5,101.60	6,381.60	11,099.57	13,873.60
1526	65.42	81.54	5,233.60	6,541.60	11,377.85	14,221.44
1527	67.05	83.51	5,364.00	6,704.80	11,661.34	14,576.24
1528	68.73	85.51	5,498.40	6,872.80	11,953.52	14,941.47
1529	70.44	87.55	5,635.20	7,044.00	12,250.92	15,313.66
1530	72.21	89.62	5,776.80	7,220.80	12,556.76	15,698.02
1531 Chief of Police	74.01	91.71	5,920.80	7,400.80	12,871.82	16,089.34
1532	75.86	93.82	6,066.80	7,585.60	13,193.57	16,491.09
1533	77.76	95.97	6,220.80	7,776.00	13,524.02	16,905.02
1534	79.70	98.12	6,376.00	7,969.60	13,861.42	17,325.91
1535	81.69	100.27	6,535.20	8,169.60	14,207.52	17,750.71
1536	83.74	102.47	6,699.20	8,373.60	14,564.06	18,204.21
1537	85.83	104.72	6,866.40	8,582.40	14,927.55	18,658.14
1538	87.97	107.01	7,037.60	8,797.60	15,299.74	19,125.98
1539	90.17	109.32	7,213.60	9,017.60	15,682.37	19,604.26
1540	92.43	111.63	7,394.40	9,242.40	16,075.43	20,092.96
1541	94.74	114.02	7,579.20	9,473.60	16,477.18	20,595.61

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-166**

**RESOLUTION RESCINDING RESOLUTION NO. 2017-07 TO UPDATE
BENEFIT OFFERINGS FOR UNREPRESENTED MANAGEMENT AND
SWORN FIRE EMPLOYEES; AND AUTHORIZING THE CITY MANAGER OR
HIS DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO
IMPLEMENT THE CHANGES**

WHEREAS, on January 10, 2017, by Resolution No 2017-07, Council approved salary and benefit 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 Fire Captains consistent with the terms and conditions of employment covering employees in the Modesto City Firefighters Association (MCFFA) bargaining unit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto 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 the 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 unrepresented non-sworn employees may be accrued 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) 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 event 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 Police Captains, Fire Battalion Chiefs, Fire Division 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 classifications of Fire Battalion Chief, Fire Division 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 grandfathered 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 MCFFA 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.

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 grandfathered 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. Employees promoted on or after November 17, 2015, prior to an employee's promotion to an unrepresented management classification, all compensatory time off (CTO) and grandfathered compensatory time off (GCTO) shall be compensated in cash at the employee's then current regular rate of pay.

SECTION 13. MASTERS DEGREE INCENTIVE PAY. Effective June 29, 2004, employees who possess a Master's Degree or Juris Doctor from an accredited institution, shall be granted one and one half percent (1.5%) Masters Pay, subject to criteria as established by the City. Effective December 26, 2017, 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 two and one half percent (2.5%) Masters Pay.

SECTION 14. 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 15. 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 16. UNIFORM ALLOWANCES. Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, are as follows:

<u>Positions</u>	<u>Effective Date</u>	<u>Allowance</u>
Sworn Police	February 1, 2015	\$101.67

Sworn Fire Management April 16, 2019 \$100.00

SECTION 17. POST CERTIFICATION PAY. Effective September 6, 2016, Police Captains who provide evidence that they have received a Supervisory POST Certificate shall be eligible for one and eight tenths percent (1.8%) certification pay. Effective March 7, 2017, the same shall be eligible for an additional two percent (2.0%) certification pay for a total of ten percent (10%). Effective September 6, 2016, Police Captains who provide evidence that they have received a Management POST Certificate shall be eligible for two and three tenths percent (2.3%) certification pay. Effective December 27, 2016, Management POST Certificate pay shall be eight percent (8.0%). Effective March 7, 2017, Management POST Certificate pay shall be ten percent (10%). Effective September 6, 2016, Police Chief shall be eligible for five percent (5.0%) Executive POST pay. Effective January 10, 2016, Police Chief shall be eligible for an additional five percent (5.0%) Executive POST pay, for a total of ten percent (10%). 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 18. BONUS PAY FOR UNREPRESENTED POLICE CAPTAINS. City shall pay one thousand five hundred dollars (\$1,500) to any Sworn Police Captain in an active paid status as of pay period ending February 22, 2016. An additional one thousand dollars (\$1,000) will be paid on July 1, 2016 to Sworn Police Captains in an active paid status from February 23, 2016 through June 27, 2016. New City of Modesto employees appointed as Police Captains will receive a pro-rated amount based on time worked. Police Captains who separate prior to June 27, 2016 will not be eligible for the

one thousand dollars (\$1,000).

SECTION 19. ASSISTANT CHIEF OF POLICE ASSIGNMENT PAY.

Effective May 26, 1998, subject to the approval of the City Manager, the Police Chief may appoint employees currently employed by the Police Department in the classification of Police Captain to the assignment of Assistant Chief of Police. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Police Chief. The Police Chief may end the assignment at any time and such employee shall return to an assignment as Police Captain (unless removed due to dismissal) at a step no lower than the step the employee held at time of assignment. The total number of assignments shall be at the sole discretion of the City Manager.

SECTION 20. ASSISTANT CHIEF OF POLICE ASSIGNMENT PAY.

Effective May 26, 1998, subject to the approval of the City Manager, the Police Chief may appoint employees currently employed by the Police Department in the classification of Police Captain to the assignment of Assistant Chief of Police. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Police Chief. The Police Chief may end the assignment at any time and such employee shall return to an assignment as Police Captain (unless removed due to dismissal) at a step no lower than the step the employee held at time of assignment. The total number of assignments shall be at the sole discretion of the City Manager.

SECTION 21. EMERGENCY MEDICAL TECHNICIAN CERTIFICATION PAY. Sworn Fire Management employees in the classifications of Fire Battalion Chief and Fire Division Chief, who are certified as Emergency Medical Technicians (EMT-I), shall receive a five percent (5.0%) of the base salary for their classification. Effective

July 12, 2016, the five percent (5%) pay for EMT certification will be rolled into base salary for their classification.

SECTION 22. HAZARDOUS MATERIALS CERTIFICATION PAY. Effective July 1, 2003, one (1) Fire Department Battalion Chief or Division 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 23. ALS PARAMEDIC PAY. Effective July 14, 2015, one (1) Fire Department Battalion Chief or Division Chief shall be authorized six percent (6%) ALS Paramedic pay, when assigned to the ALS Paramedic Program and have the required California State Paramedic License and all additional local required ALS certifications.

SECTION 24. FIRE CHIEF OFFICER SHIFT STIPEND. Effective December 2, 2014, Fire Battalion Chiefs and Fire Division 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 Division Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

SECTION 25. MUTUAL AID ASSIGNMENT. Sworn Fire Management

employees in the classification of Fire Battalion Chief and Fire Division 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 Division 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 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 prorated 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 26. DEFERRED COMPENSATION 457 PLAN. The CITY shall continue to 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 bi-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 27. 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 28. 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, shall be a three-tier system as follows and the City contribution (excluding opt out) shall increase by four (4) percent annually as follows:

	Current	2017	2018	2019
Opt-out of City Medical Coverage	\$450.00	\$450.00	\$450.00	\$450.00
Employee only	\$621.00	\$645.00	\$670.00	\$700.00
Employee plus 1	\$858.00	\$900.00	\$930.00	\$965.00
Employee plus family	\$1214.00	\$1260.00	\$1310.00	\$1365.00

The City shall deposit into the employee's deferred compensation account 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 deposit any balance of the above contribution not needed to pay for the employee's combined premium into the employee's deferred compensation account.

Effective July 26, 2005, the City's contribution toward unrepresented employees with Family coverage shall not exceed the actual premium amount for the lowest cost health (HMO Plan), dental and vision plans offered by the City, regardless of the health plan selected by the employee or the contribution amounts listed above.

SECTION 29. DOMESTIC PARTNERS. Benefits applicable to spouses shall be extended to registered domestic partners, as required by law.

SECTION 30. 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 a 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 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 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 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:

<u>Non-Medicare Eligible Recipient</u>	<u>Medicare Eligible Recipient</u>
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 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:

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. Lose 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 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 Health Reimbursement Arrangement (HRA). 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 positions, 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 HRA 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.

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 Health Reimbursement Arrangement (HRA) account. An employee is eligible to receive a City HRA 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 HRA account established in the employee's 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 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 contribution under this section represents the entire contribution towards employee retiree medical.

SECTION 31. PAYCHECK ADVICES. All employees who are on direct deposit will no longer be receiving hard-copy pay advices for. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM Employee Self Service responsibility to view their pay advices including their annual W-2s. For any employees who currently are still receiving a payroll pay check, they will continue to receive a hard copy check with their attached payroll remittance. Pay advices will be available anytime during payday Friday and payslips can be printed utilizing city computer workstation.

SECTION 32. EDUCATIONAL INCENTIVE PAY. Effective July 1, 2018, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief shall be eligible for Educational Incentive Pay for designated certifications or degrees as follows:

- 1) Fire Science/Fire Officer 1%
- 2) AA/AS 2%
- 3) BA/BS 3.5%

Qualifying certificates and degrees:

- 1) Fire Science or Fire Technology certificate from a community college accredited by the Western Association of Schools and Colleges OR

completion of Fire Officer Certification from the Office of the California State Fire Marshal.

- 2) 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.

SECTION 33. LONGEVITY INCENTIVE PAY. Effective July 1, 2018, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief shall be eligible for Longevity Incentive Pay for the following years of service:

- 1) 10 years of service 1.5%
- 2) 15 years of service 3%
- 3) 20 years of service 4%

Longevity incentives are not stackable or cumulative. Employees receive pay for the highest years of service for which they qualify.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2017-07 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

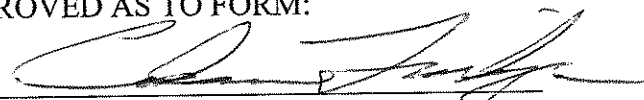
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-167**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-19 OPERATING
BUDGET IN THE AMOUNT OF \$233,199 FOR THE MCFFA INCREASES AND
IN THE AMOUNT OF \$24,620 FOR THE UNREPRESENTED SWORN FIRE
PERSONNEL INCREASES FOR TOTAL OF \$257,819**

WHEREAS, funding for the tentative agreement mentioned in this agenda item is currently not budgeted in fiscal year 2018-19, and

WHEREAS, certain budgetary actions are required to fulfill this action.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the fiscal year 2018-19 Operating Budget in the amount of \$257,819.

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 April, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-168**

RESOLUTION APPROVING THE CITY OF MODESTO SPONSORSHIP OF THE 2019 CINCO DE MAYO PARADE, INCLUDING THE WAIVER OF CITY PERMIT FEES, POLICE OVERTIME COSTS, AND VEHICLE FEE EXPENSES INCURRED BY THE CITY OF MODESTO POLICE DEPARTMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY DOCUMENTS NECESSARY RELATED TO THE SPONSORSHIP

WHEREAS, the annual Cinco de Mayo Parade on Crows Landing Road is a tradition for families living in the Crows Landing Road area as well as all residents of Modesto and Stanislaus County, and

WHEREAS, the Parade first started in 2003 through the efforts of local non-profit groups with approximately 20 entries and 3,000 spectators, and

WHEREAS, in 2010, the non-profit organization, South Modesto Businesses United, began managing the Cinco de Mayo Parade, expanding it to over 60 entries and 12,000+ spectators, and

WHEREAS, this event brings the community together to celebrate the history and culture of Mexico and also has a growing economic benefit to businesses located on Crows Landing Road, and

WHEREAS, there are additional economic benefits for all the businesses that provide goods and services for the parade itself; and

WHEREAS, staff is requesting City Council approval to sponsor the 2019 Cinco de Mayo Parade, and

WHEREAS, the sponsorship will include the waiver of City permit fees, Police Department overtime costs, and vehicle fee expenses to provide public safety coverage for this event, and

WHEREAS, Police Explorers and Police Volunteers will also be used, at no cost, to provide the necessary staffing needed for this event, and

WHEREAS, the total expense to the City of Modesto to sponsor the 2019 Cinco de Mayo Parade is approximately \$24,974.96.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto sponsorship for the 2019 Cinco de Mayo Parade including the waiver of City permit fees, overtime costs, and vehicle fee expenses incurred by the City of Modesto Police Department, for a total cost of approximately \$24,974.96.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary documents related to the sponsorship.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

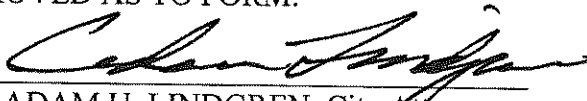
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-169**

RESOLUTION APPROVING THE APPOINTMENT OF MAYOR TED BRANDVOLD AS THE VOTING MEMBER FOR THE CITY OF MODESTO ON THE STANISLAUS HOMELESS ALLIANCE, FOR A ONE-YEAR TERM, WITH A TERM EXPIRATION OF APRIL 30, 2020

WHEREAS, the City of Modesto is a member of the Stanislaus County Community System of Care (CSOC), and

WHEREAS, the CSOC recognizes the need for a new governance structure with the appropriate authority to plan, prioritize, and implement plans to address concerns related to communities experiencing homelessness, and

WHEREAS, in October 2018, a workgroup was formed between the City Managers of the cities within Stanislaus County, Focus on Prevention staff, and the existing CSOC leadership council to address the concerns related to the CSOC, and

WHEREAS, the workgroup has recommended the creation of a formal public/private governance structure to establish a single point of community leadership and oversight that will be formally known as the Stanislaus Homeless Alliance (SHA), and

WHEREAS, the bylaws of the SHA require the appointment of an elected official by the City Council to the SHA to serve as the voting member for the City, and

WHEREAS, in accordance with Municipal Code Section 601 "Powers and Duties of the Mayor," the Mayor of the City has the authority to appoint members of the City Council to the City's various committees, and

WHEREAS, the Mayor has recommended the appointment of himself to the Stanislaus Homeless Alliance to serve a one-year term, with a term expiration date of April 30, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Mayor Ted Brandvold to serve as the voting member for a one-year term on the Stanislaus Homeless Alliance, with a term expiration of April 30, 2020.

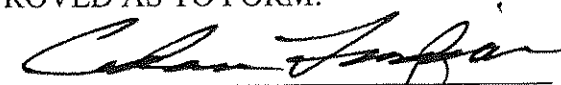
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Madrigal, who moved for its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-170**

RESOLUTION ACCEPTING FISCAL YEAR 2019-2020 ENGINEER'S 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 25, 2019 TO CONSIDER THE FISCAL YEAR 2019-20 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 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 2019-2020 Engineer's 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 2019-20.

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, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

- a. Street medians in Creekwood Drive
- b. Areas adjacent to the access control walls along Creekwood Drive
- c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council 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 25th day of June, 2019, 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 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

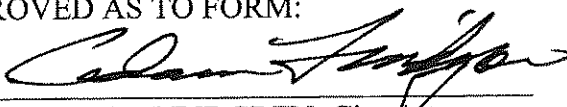
NOES: Councilmembers: None

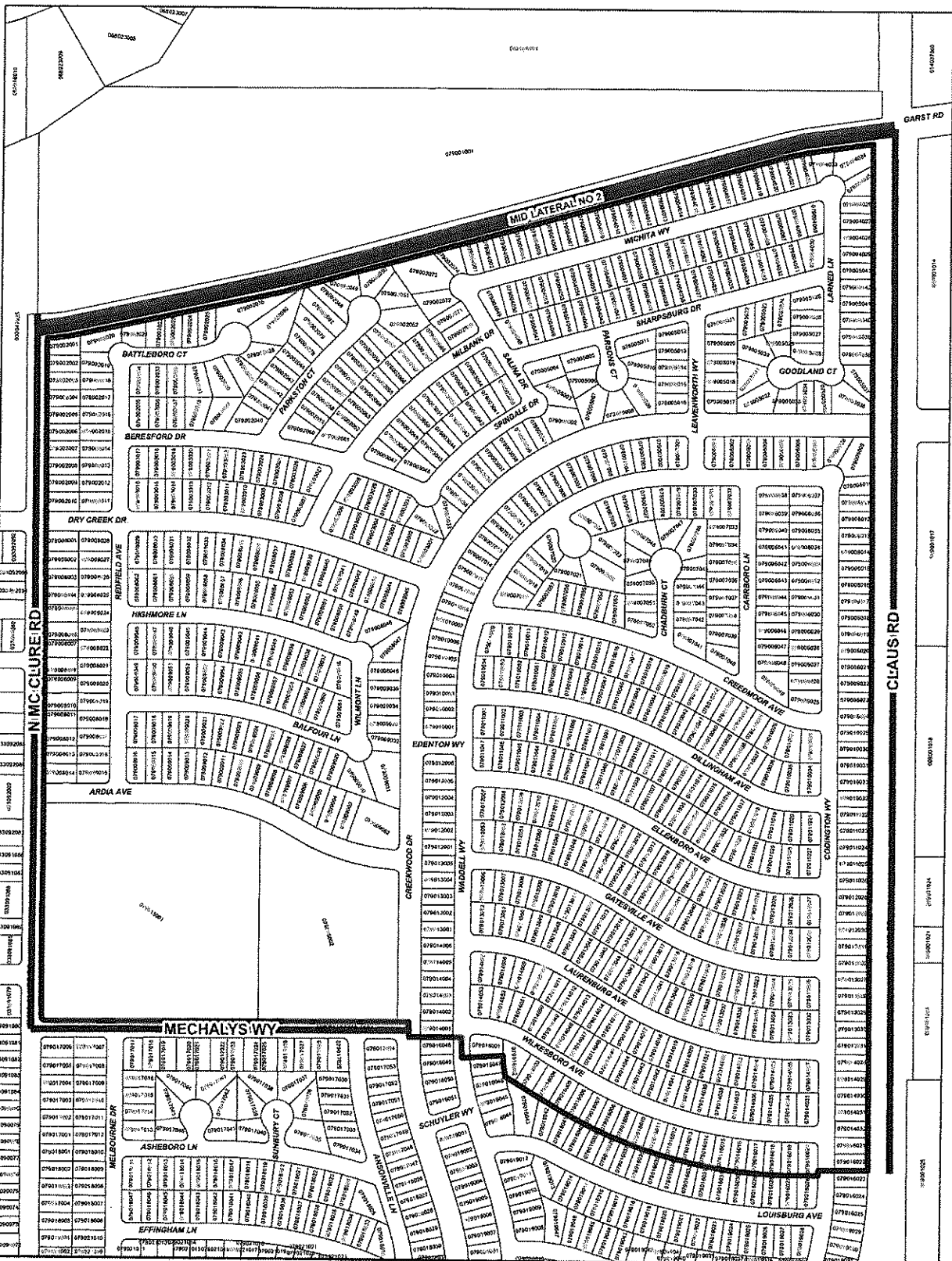
ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

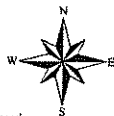
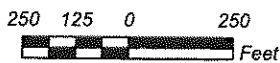
APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney



Assessment District Diagram

Landscape Maintenance Assessment District No. 1 (Dry Creek Meadows Subdivisions No. 1 - 6)



Date: 1/9/2019



**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-171**

RESOLUTION ACCEPTING FISCAL YEAR 2019-2020 ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE SUBDIVISION; OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION AND SETTING A PUBLIC HEARING ON JUNE 25, 2019 TO CONSIDER THE FISCAL YEAR 2019-20 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, 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 2019-2020 Engineer's 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 2019-2020.

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 25th day of June, 2019, 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 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-172**

**RESOLUTION ACCEPTING THE FISCAL YEAR 2019-20 ENGINEER'S
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 THE PROPOSED
ASSESSMENTS TO BE HELD ON JUNE 25, 2019 TO CONSIDER THE 2019-20
LEVY AND COLLECTION OF ASSESSMENTS WITHIN 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 495 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, 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 2019-20 Engineer's 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 2019-20.
2. 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).

3. 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.

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.

5. On Tuesday, the 25th day of June, 2019, 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.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

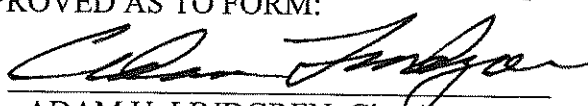
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-173**

RESOLUTION ACCEPTING A HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS) GRANT IN THE AMOUNT OF \$173,533 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, HMIS is a requirement by HUD which enables the network of homeless service providers to collect uniform client information over time including the size, characteristics, and needs of the homeless population, and

WHEREAS, the system meets Federal requirements, collaborates, and enhances homeless prevention services delivery, and

WHEREAS, the City was awarded \$173,533 from the U.S. Department of Housing and Urban Development to support the HMIS, and

WHEREAS, the award includes funding for salary and benefits, oversight, computer software, training, and licenses for the client management software, and

WHEREAS, Administrative Directive 7.2 Grant Management states grant award acceptance requires Council approval based on the award requiring local match funding, and

WHEREAS, the grant requires a 25% match that will come from fees for additional reporting support and user licenses for agencies that request them, and

WHEREAS, HMIS Support Fee: \$1,200 (per year, excluding non-profits, for under 2 activities), HMIS Support Fee: \$2,400 (per year, excluding non-profits, for over 2 activities), Additional User License: \$930.00 (per user per year, does not apply for non-profits that are voluntarily adding non-mandated data).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Homeless Management Information Systems Grant in the amount of \$173,533.

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 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-174**

**RESOLUTION ACCEPTING THE CONTINUUM OF CARE PLANNING
GRANT IN THE AMOUNT OF \$102,947 AND AUTHORIZING THE CITY
MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY STEPS TO
IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, as the Collaborative Applicant, the City is responsible to collect and submit the required Continuum of Care application information for all projects the StanCSOC selects for funding, and

WHEREAS, this responsibility extends to providing on-going monitoring activities and technical assistance to the non-profit organizations receiving Continuum of Care funds, and

WHEREAS, the City is the administration and oversight of the Homeless Management Information System (HMIS) for StanCSOC, and

WHEREAS, as the Collaborative Applicant for a Continuum of Care, the City is eligible to apply for a Planning Grant to help offset costs incurred in this roll, and

WHEREAS, the City was awarded \$102,947 from the U.S. Department of Housing and Urban Development to support the Planning Grant and award includes funding for salary and benefits, in order to assist with coordination, project evaluation, monitoring, and compliance of the COC program awarded participants, and

WHEREAS, Administrative Directive 7.2 Grant Management states grant award acceptance requires Council approval based on the award requiring local match funding, and

WHEREAS, this award does require a 25% match that is documented through costs paid by Focus on Prevention to the consultation firm, Home Base that manages the regional NOFA process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Continuum of Care Planning Grant in the amount of \$102,947.

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 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

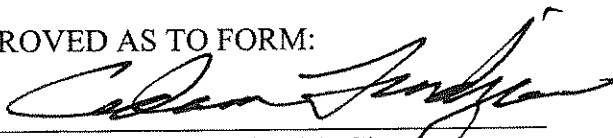
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-175**

**RESOLUTION ACCEPTING THE 2018 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, on April 15, 2019, the City of Modesto Planning Commission voted to recommend that the Council of the City of Modesto accept the 2018 General Plan Annual Progress Report for submittal to the appropriate State agencies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2018 General Plan Annual Progress Report.

BE IT FURTHER RESOLVED that the Clerk is hereby directed to submit the 2018 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 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

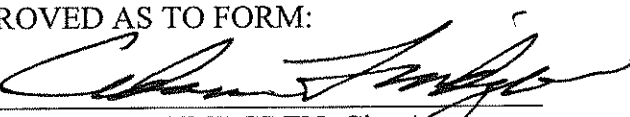
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-176**

**RESOLUTION APPROVING THE NEW PUBLIC ROAD CONNECTION TO
STATE ROUTE 132 AT NEEDHAM STREET AND THE KANSAS AVENUE
EXTENSION AT APPROXIMATE POST MILE (PM) R14.4**

WHEREAS, the purpose of the State Route (SR) 132 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, Phase 1 of the Project is approximately four miles in length and will replace the existing 2-lane highway segment of SR132 along Maze Boulevard from SR99 to Dakota Avenue, and

WHEREAS, the City is the lead agency responsible for the implementation of Phase 1 of the Project, and

WHEREAS, the SR132 West Freeway/Expressway – Phase 1 Project supports the City’s strategic commitment to expand alternative modes of travel and improve transportation flow, and

WHEREAS, the connection will provide direct access to the City of Modesto east of SR 99 using the existing Needham Street crossing overhead of the Union Pacific Railroad (UPRR), and

WHEREAS, the proposed New Public Road Connection will allow vehicles to utilize the only existing UPRR grade separated crossing for circulation around and into the City and Downtown Modesto east of SR 99, and

WHEREAS, the proposed New Public Road Connection is consistent with the stated purpose and need of the SR 99/SR 132 West Freeway Project-

that of minimizing traffic congestion and truck traffic in Downtown Modesto,
and

WHEREAS, a New Public Road Connection is recommended to support the regional circulation plan, to capitalize on the existing Needham Street grade separation investment, and to minimize vehicle miles travelled by utilizing the safe grade separated Needham Street, and

WHEREAS, the SR 132/Needham Street New Public Road Connection designation is a mandate requirement of the California Transportation Commission (CTC).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the New Public Road Connection to State Route 132 from Needham Street and Kansas Avenue Extension at approximate Post Mile (PM) R14.4.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-177**

RESOLUTION APPROVING THE FREEWAY AGREEMENT FOR STATE ROUTE 132 WITH THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the purpose of the State Route (SR) 132 West Freeway/Expressway - Phase 1 Project (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, as a part of the project authorization for construction process, the California Department of Transportation (Caltrans) requires that the City enter into Freeway Agreements, and

WHEREAS, the Project involves reconfiguration of the SR99 and SR132 Freeways and the Freeway Agreement is required to document the changes for each facility, and

WHEREAS, this requires that the City approve two separate Freeway Agreements; one for the SR99 Freeway and another for the SR132 Freeway, and

WHEREAS, this Council has determined that the City should approve a certain Controlled Access Freeway Agreement (Freeway Agreement) with the State of California acting by and through the Department of Transportation for the State Route 132 West Freeway/Expressway - Phase 1 Project (Agreement 10-STA-132 PM R13.4/R14.4 From Carpenter Road to Kansas Avenue Extension), bearing the date of April 23, 2019.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Freeway Agreement for State Route 132 with the State of California, acting by and through the Department of Transportation.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Freeway 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 April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-178**

RESOLUTION APPROVING FREEWAY AGREEMENT FOR STATE ROUTE 99 WITH THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the purpose of the State Route (SR) 132 West Freeway/Expressway - Phase 1 Project (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, as a part of the project authorization for construction process, the California Department of Transportation (Caltrans) requires that the City enter into Freeway Agreements, and

WHEREAS, the Project involves reconfiguration of the SR99 and SR132 Freeways and the Freeway Agreement is required to document the changes for each facility, and

WHEREAS, this requires that the City approve two separate Freeway Agreements; one for the SR99 Freeway and another for the SR132 Freeway, and

WHEREAS, this Council has determined that the City should approve a certain Controlled Access Freeway Agreement (Freeway Agreement) with the State of California acting by and through the Department of Transportation for the State Route 132 West Freeway/Expressway - Phase 1 Project (Agreement 10-STA-99 PM R14.4/R21.8 From Crows Landing Road to Pelandale Avenue), bearing the date of April 23, 2019.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Freeway Agreement for State Route 99 with the State of California, acting by and through the Department of Transportation.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Freeway 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 April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-179**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE WYLIE FLOYD CARVER STREET IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO AMERICAN PAVEMENT SYSTEMS, INC. OF MODESTO, CALIFORNIA, IN THE AMOUNT OF \$1,595,915, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Wylie Floyd Carver Street Improvements project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Wylie Floyd Carver Street Improvements Project were publicly opened at 11:00 a.m. on March 26, 2019, and later tabulated by the Director of Community and Economic Development for the consideration of Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$1,595,915 received from American Pavement Systems, Inc., of Modesto, CA be accepted as the lowest responsible and responsive bid and the contract be awarded to American Pavement Systems, 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. An award of \$1,595,915 and agreement for Construction for Community and Economic Development Department to use American Pavement Systems, Inc., Modesto, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and American Pavement Systems, Inc. was the lowest responsive and responsible bidder, and

WHEREAS, City staff and the City Manager recommend awarding the contract to American Pavement Systems, Inc. of Modesto, California.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Wylie Floyd Carver Street Improvements project, accepts the bid of American Pavement Systems, Inc. of Modesto, CA, in the amount of \$1,595,915, and awards American Pavement Systems, Inc. the contract for the Wylie Floyd Carver Street 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 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

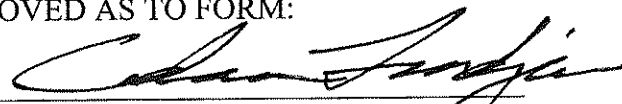
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-180**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL
IMPROVEMENT PROGRAM (CIP) BUDGET FOR PROJECT #101038 AND
INCREASING THE MEASURE L ROAD TAX FUND TRANSFER IN THE
AMOUNT OF \$400,000, FOR THE WYLIE FLOYD CARVER STREET
IMPROVEMENTS PROJECT**

WHEREAS, the Wylie Floyd Carver Street Improvements project will rehabilitate deteriorated pavement with an asphalt rubber chip seal within the street limits of Wylie Drive from Oakdale Road to Brighton Avenue, Floyd Avenue from McHenry Avenue to Orchard Park Way, and Carver Road from 9th Street to Pelandale Avenue, and

WHEREAS, in November 2016, the voters of Stanislaus County approved the county wide, 25-year, half-cent sales tax increase known as Measure L, and

WHEREAS, on July 5, 2017, by Resolution No. 2017-269, Council approved a list of projects including the Lakewood Neighborhood Street Improvements project to be funded with Measure L tax proceeds in Fiscal Year 2017-18, and

WHEREAS, on September 4, 2018, by Resolution No. 2018-380, Council approved an amendment to the list of project funded with Measure L proceeds of which allocated an additional \$1,700,000 to the Wylie Floyd Carver Street Improvements project, and

WHEREAS, bids were opened March 26, 2019 with the lowest bidder 6.12% below the engineer's estimate, and

WHEREAS, the Measure L funds in FY 2018-19 for the local streets and roads category have not been allocated and are available to use, and

WHEREAS, on February 28, 2019 staff recommended to the Citizens Transportation Sales Tax Commission the allocation of \$400,000 of the \$1,658,925

Measure L funds available for FY 2018-19 to fund the additional costs for the Wylie Floyd Carver Street Improvements project, and

WHEREAS, the Fiscal Year 2018-19 Capital Improvement Program Budget for Project #101038 – Wylie Floyd Carver Street Improvements must be amended by \$400,000 with a transfer from Measure L Road Tax fund and allocation of funds to the projects expense budget.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018-2019 Capital Improvement Program (CIP) Budget for project #101038 and increasing the Measure L Road Tax fund transfer in the amount of \$400,000, for the Wylie Floyd Carver Street Improvements Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-181**

**RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO
APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF
\$159,592 (10% OF THE ORIGINAL CONTRACT PRICE) FOR THE WYLIE
FLOYD CARVER STREET IMPROVEMENTS PROJECT**

WHEREAS, the Wylie Floyd Carver Street Improvements project bids were publicly opened on March 26, 2019, and American Pavement Systems, Inc., of Modesto California was the apparent low bidder with the amount of \$1,595,915, and

WHEREAS, the contingency cost for the Wylie Floyd Carver Street Improvements project is estimated to be \$159,592, or 10% of the original contract price, an amount which exceeds the Director's authority for the project as enacted by Council Resolution No. 94-443 on July 19, 1994, and

WHEREAS, City staff is requesting authorization to increase the contract change order budget to 10% due to a requirement to have the project constructed while local schools are out for summer break, and

WHEREAS, the Director of Utilities shall have authority to approve change orders up to the cumulative amount of \$159,592.

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 \$159,592 (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 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

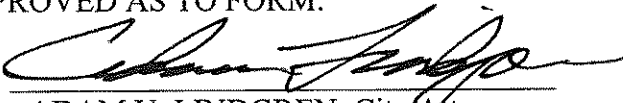
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-182**

RESOLUTION APPROVING THE AWARD OF BID FOR THE MODESTO POLICE DEPARTMENT (MPD) RECORDS UNIT OFFICE REMODEL TO WARDEN'S OFFICE INC., MODESTO, CA, FOR A ONE-TIME PURCHASE AND INSTALLATION OF OFFICE FURNITURE WITH AN ESTIMATED COST NOT TO EXCEED \$86,803, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, staff assigned to the Records Unit do not have assigned workstations and must rotate workstations, based on their assigned duties of the day, each shift, and

WHEREAS, it is imperative that the workstations are adjustable to accommodate their various users in order to be ergonomically correct and comfortable for staff during their ten and a half hour shifts, and

WHEREAS, the Records Unit area hasn't been updated since the move into the Police Administration building approximately 17 years ago, and

WHEREAS, the Police Department will be moving towards electronic field reporting, this will greatly reduce and/or eliminate paper police reports that take longer to reach the Records, and

WHEREAS, on November 20, 2018 Bids were formally opened in the City Clerk's Office, and

WHEREAS, nineteen vendors downloaded the Request for Bids (RFB), two vendors responded, one of which was a local vendor, and

WHEREAS, one apparent low bidder was considered non-responsive because it did not meet the minimum specifications as required in the RFB, and

WHEREAS, staff recommends the award of bid for the procurement and installation of office furniture for the MPD Records Unit Office Remodel to Warden's Office Inc., Modesto, CA for the estimated cost not to exceed \$86,803.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of office furniture for the MPD Records Unit Office Remodel to Warden's Office Inc., Modesto, CA for the estimated cost not to exceed \$86,803.

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 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-183**

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH DS SERVICES OF AMERICA, INC., ATLANTA, GA AND NESTLE WATERS NORTH AMERICA, FOR BOTTLED WATER SERVICES, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$80,000 AND \$20,000, RESPECTIVELY, FOR A TOTAL COMBINED ANNUAL COST NOT TO EXCEED \$100,000 AND A TOTAL COMBINED FIVE YEAR COST NOT TO EXCEED \$500,000, PROVIDING THE ABILITY TO TRANSFER FUNDS BETWEEN THE TWO PURCHASING AGREEMENTS IF NEEDED, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENTS

WHEREAS, bottled water is utilized by all departments for City projects where clean, cool water is not readily accessible for consumption, and

WHEREAS, per the California Division of Occupational Safety and Health, better known as Cal/OSHA T8CCR 3395, employees shall have access to potable drinking water that requires it to be fresh, pure, suitably cool, and provided free of charge, and

WHEREAS, the Purchasing Division issued RFB No. 1819-05, for Bottled Water Service, and posted on PlanetBids via the City's Website on October 31, 2018, and

WHEREAS, bids were formally opened in the City Clerk's Office on November 20, 2018, and

WHEREAS, four vendors downloaded the RFB; three vendors responded, one of which was a local vendor, and

WHEREAS, all three vendors are responsive and responsible bidders, and

WHEREAS, for the 5-gallon bottled water service, Nestle Waters North America would provide an approximate cost difference of \$7,444 from the next lowest vendor for the first year, and a five year cost difference of approximately \$19,679 for the life of the agreement, and

WHEREAS, for the case quantities of 16.9 Fl. Oz. bottles of water, DS Services of America would provide an approximate cost difference of \$11,760 from the next lowest vendor for the first year, and a five year cost difference of approximately \$58,803 for the life of the 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 follow formal bid procedures; the award of RFB No. 1819-05 and agreements for bottled water service for Citywide use to DS Services of America, Atlanta, GA., and Nestle Waters North America, Livermore, CA., conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and both DS Services of America and Nestle Waters North America were the lowest responsive and responsible bidders.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a purchasing agreement with DS Services of America, Inc., Atlanta, GA and Nestle Waters North America, for bottled water services, for a two-year agreement with three one-year extension options, for an annual cost not to exceed \$80,000 and \$20,000, respectively, for a total combined annual cost not to exceed \$100,000 and a total combined five year cost not to exceed \$500,000, providing the ability to transfer funds between the two purchasing agreements if needed.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

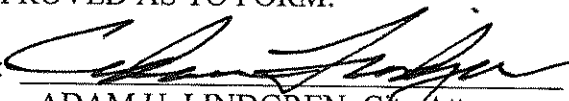
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-184**

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH ELAVON INC., ATLANTA, GA FOR MERCHANT SERVICES BY \$340,792 FROM \$1,984,255 TO A NEW TOTAL AMOUNT OF \$2,325,047; AND EXTENDING THE TERM OF THE AGREEMENT FROM MAY 31, 2019 TO MAY 31, 2021; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto currently uses a merchant services provider, Elavon, Inc., to manage the processing of electronic payment transactions for debit card, credit card, and e-check payments, and

WHEREAS, on April 28, 2015 by Resolution 2015-126, Council approved the procurement of merchant services by “assessing the terms” of a competitively bid, State of California, Department of General Services (DSG) Merchant Service Agreement (MSA) with Elavon Inc., Atlanta, GA at an anticipated annual cost of \$396,851 and over five years of \$1,984,255, through a two year agreement with three one year extensions, and

WHEREAS, the term of the current agreement is due to expire May 31, 2019, and

WHEREAS, the City continues to have a need for a payment gateway for merchant services for credit card, debit card, and e-check payments such as parking, transit, taxes, permits, event rentals and utility walk-in and utility phone payments, and

WHEREAS, the City was able to find a cooperative purchasing agreement that it will be able to piggyback off of from the State of California, and

WHEREAS, this agreement, if awarded, 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 Section 8-3.203 generally requires all purchase, 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 8-3.202(d) which 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; Elavon meets the requirement under this MMC due to their recent, mutually agreed upon, continued term for up to 24 months beyond the MSA expiration date of May 31, 2019 with the State of California, Department of General Services (DGS) Master Services Agreement (MSA).

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 Elavon Inc., Atlanta, GA for merchant services by \$340,792 from \$1,984,255 to a new total amount of \$2,325,047; and extending the term of the agreement from May 31, 2019 to May 31, 2021.

BE IT FURTHER RESOLVED, the City Manager, or his designee, is 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 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

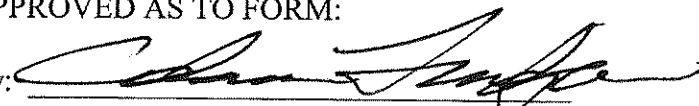
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-185**

**RESOLUTION AMENDING THE POSITION ALLOCATION PLAN TO
ELIMINATE ONE SENIOR ADMINISTRATIVE OFFICE ASSISTANT
(CONFIDENTIAL) AND ONE FIRE CAPTAIN AND CREATING ONE
BATTALION CHIEF IN THE MODESTO FIRE DEPARTMENT**

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on July 10, 2018, by resolution 2018-283, 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 classification, and

WHEREAS, position changes will be effective the pay period in which April 23, 2019 falls, (Pay Period beginning April 16, 2019).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation Plan for Fiscal Year 2018-19 for various departments as follows:

1. Eliminate one (1) Senior Administrative Office Assistant (Confidential) and one (1) Fire Captain and create one (1) Battalion Chief in the Modesto Fire Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

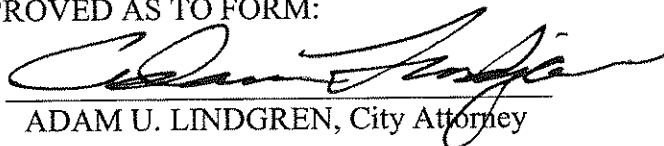
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-186**

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH HVS CONVENTION, SPORTS, AND ENTERTAINMENT FACILITIES CONSULTING, FOR A HOTEL FEASIBILITY STUDY BY \$10,000 FROM 49,300 TO A NEW AMOUNT OF \$59,300; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on October 24, 2018, the City entered into an agreement (Agreement) with HVS Convention, Sports, and Entertainment Facilities Consulting (Consultant), for a Hotel Feasibility Study, and

WHEREAS, the City and Consultant desire to amend the Agreement to include additional funding for additional services and expenses related to the hotel market study, and

WHEREAS, the Amended Agreement would increase the total compensation to Consultant by \$10,000 from \$49,300 to \$59,300, and

WHEREAS, funding for the increase is budgeted in the Fiscal Year 2018-2019 Operating Budget for the Modesto Centre Plaza (Community Center Operations Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement with HVS Convention, Sports, and Entertainment Facilities Consulting, for a Hotel Feasibility Study, by \$10,000 from \$49,300 to a new total amount of \$59,300.

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 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

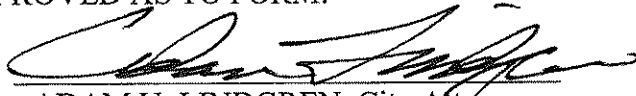
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-187**

**RESOLUTION ADOPTING A LIST OF PROJECTS TO BE FUNDED WITH
ROAD REPAIR AND ACCOUNTABILITY ACT TAX PROCEEDS IN FISCAL
YEAR 2019-20**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislation and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide, and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our 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 SB 1, 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 an estimated \$3,571,000 in RMRA funding in Fiscal Year 2019-20 from SB 1, and

WHEREAS, this is the third year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for traveling public that would not have otherwise been possible without SB 1 funding, and

WHEREAS, the City has conducted a robust public process to ensure public input, Community outreach meetings and calls received from citizens regarding

conditions of streets in their neighborhoods were considered in evaluating and developing a list for improvements, and

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the high priority and cost effective projects that also meet the community's priorities for the transportation investment, and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate streets that have been targeted for improvements and add active transportation infrastructure throughout the City this year and similar projects into the future. Targeted areas will include 269 low volume residential streets, which include following areas; Pine Tree, Creekwood, Lincoln Oak, Mable, Norwegian, Rumble and Veneman Areas for FY 2019-20. The city's Slurry Seal Program will preserve and increase street life by five to seven years ensuring smoother and safer pavement conditions for vehicle travel, and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City's streets are in fair/good condition and this revenue will help us increase the overall quality of our street and road system and over the next decade will bring our streets into an excellent/good condition, and

WHEREAS, the SB 1 project list and overall investment in our local streets and road 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the list of projects (**Attachment A**) for Fiscal Year 2019-20 and funding by SB1: Road Repair and Accountability Act of 2017.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

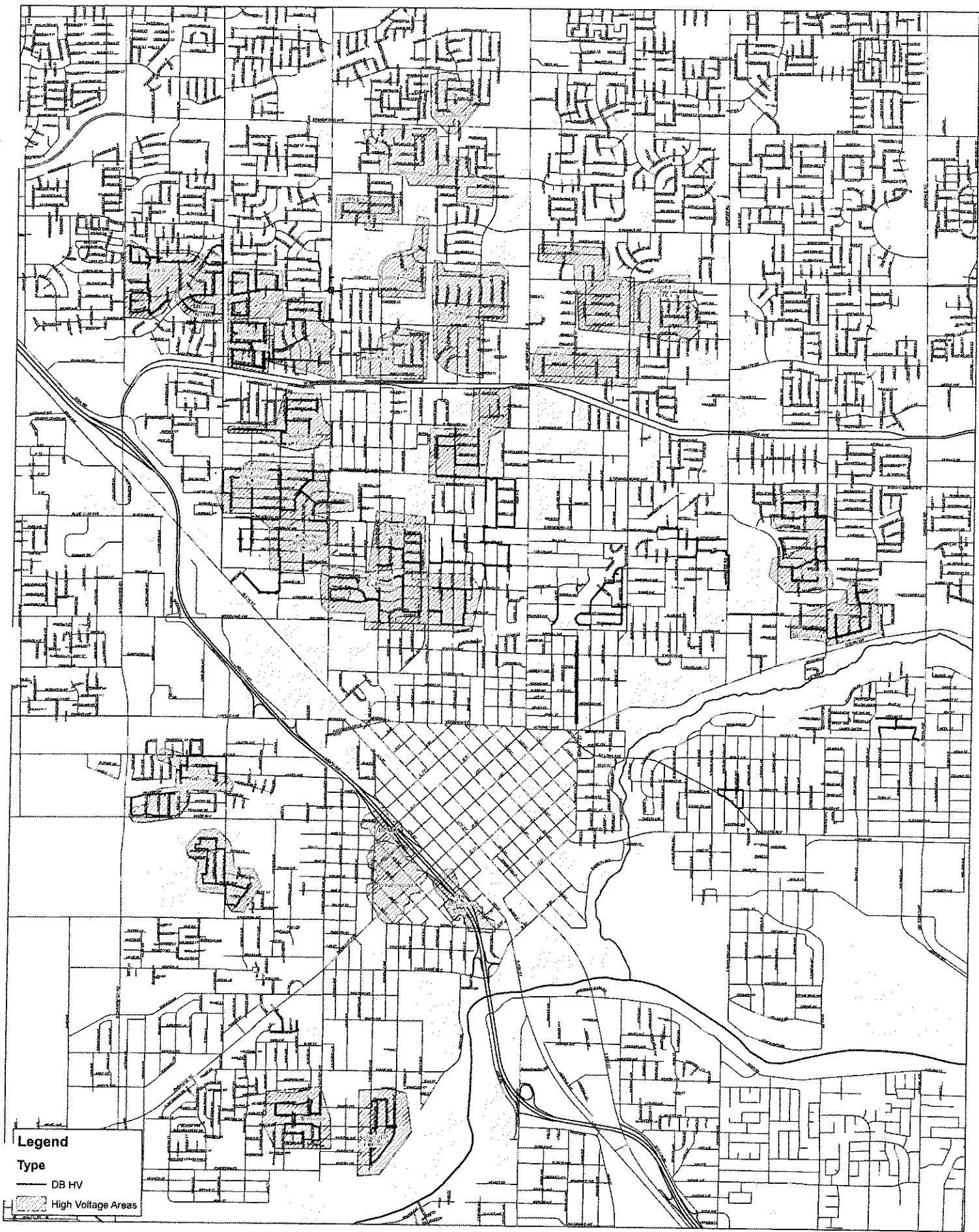
(SEAL)

APPROVED AS TO FORM:

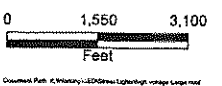
By: 
ADAM U. LINDGREN, City Attorney

Attachment A – FY19/20 SB1 Project List

Project Type	FY 2019-20 Project Name	Location	Total Project Cost	Estimated Project Start Date	Estimated Project Completion Date	Community Benefit Summary
Slurry Seal	Slurry Seal	Various – Refer to Map of Slurry Seal Projects 2019	\$1,045,000	May 1, 2019	Sept. 30, 2019	Increase Street life by five to seven years
Crack Seal	Crack Seal	Various Throughout City	\$271,810	Oct.1, 2019	May 1, 2020	Preparation for slurry seal product
Asphalt Repairs (Dig Outs)	Asphalt Repairs	Various Throughout City	\$200,000	Oct.1, 2019	May 1, 2020	Preparation for slurry seal product
Traffic Signal & Street Lighting Maintenance	Traffic Signal & Street Lighting Maintenance	Various Throughout City	\$1,100,000	July 1, 2019	June 30, 2020	LED lighting has ten-year life and is energy efficient
High Voltage Street Light Maintenance	High Voltage Street Light Maintenance	Various – Refer to Exhibit A – E for HVC	\$400,000	July 1, 2019	June 30, 2020	Required for LED fixture, ten year life
Traffic Sign & Striping Maintenance	Traffic Sign & Striping Maintenance	Various Throughout City	\$554,190	July 1, 2019	June 30, 2020	Two to five-year life for striping and five-year life for signs
	Total FY 19/20		\$3,571,000			



Legend
Type
— DB HV
High Voltage Areas



Date: 8/28/2017

City of Modesto

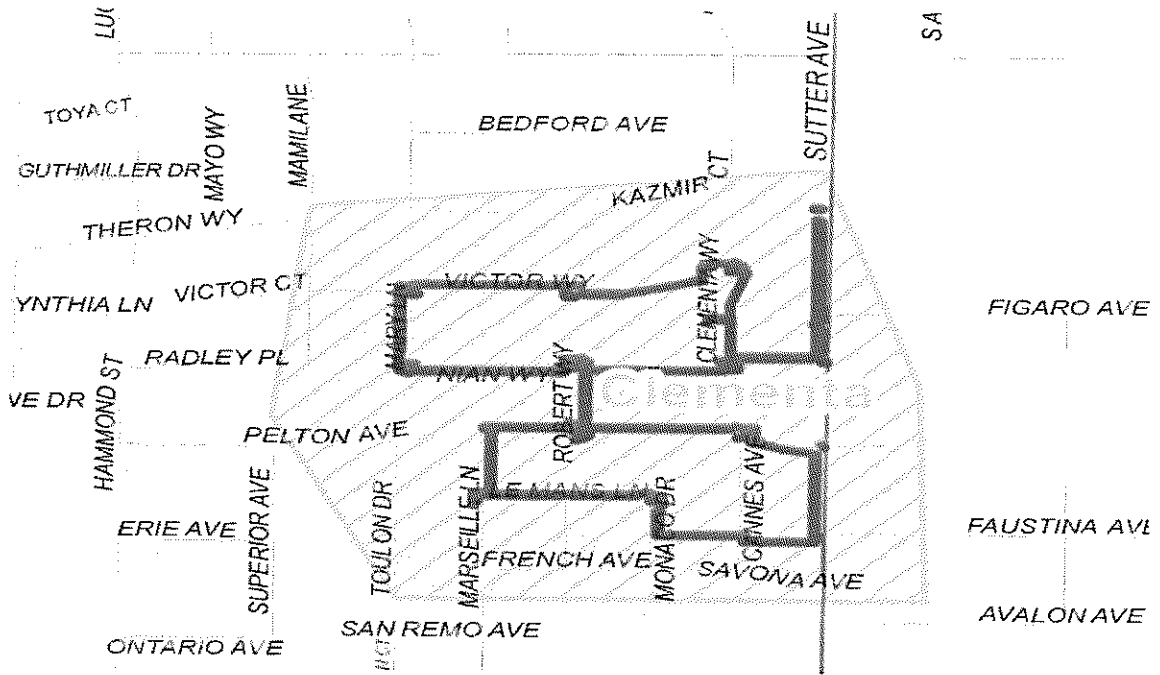
High Voltage Areas

Exhibit A

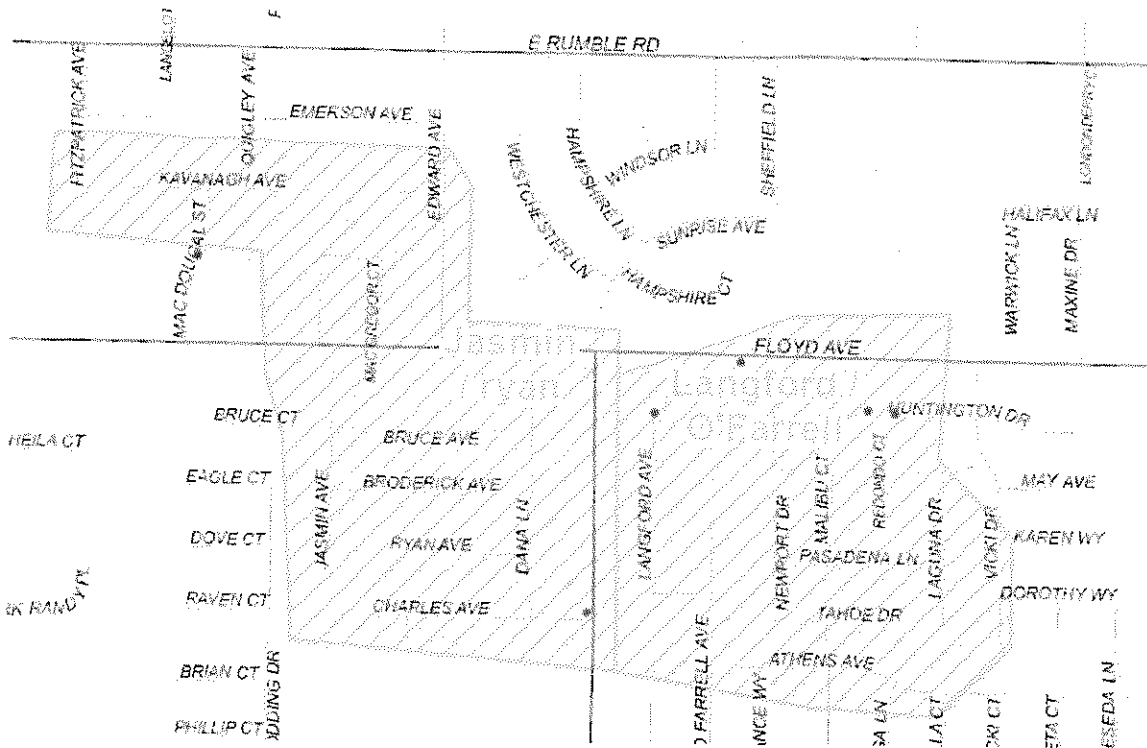


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Clementa High Voltage Circuit



Jasmin High Voltage Circuit



COLORADO-PELTON HVC Exhibit C

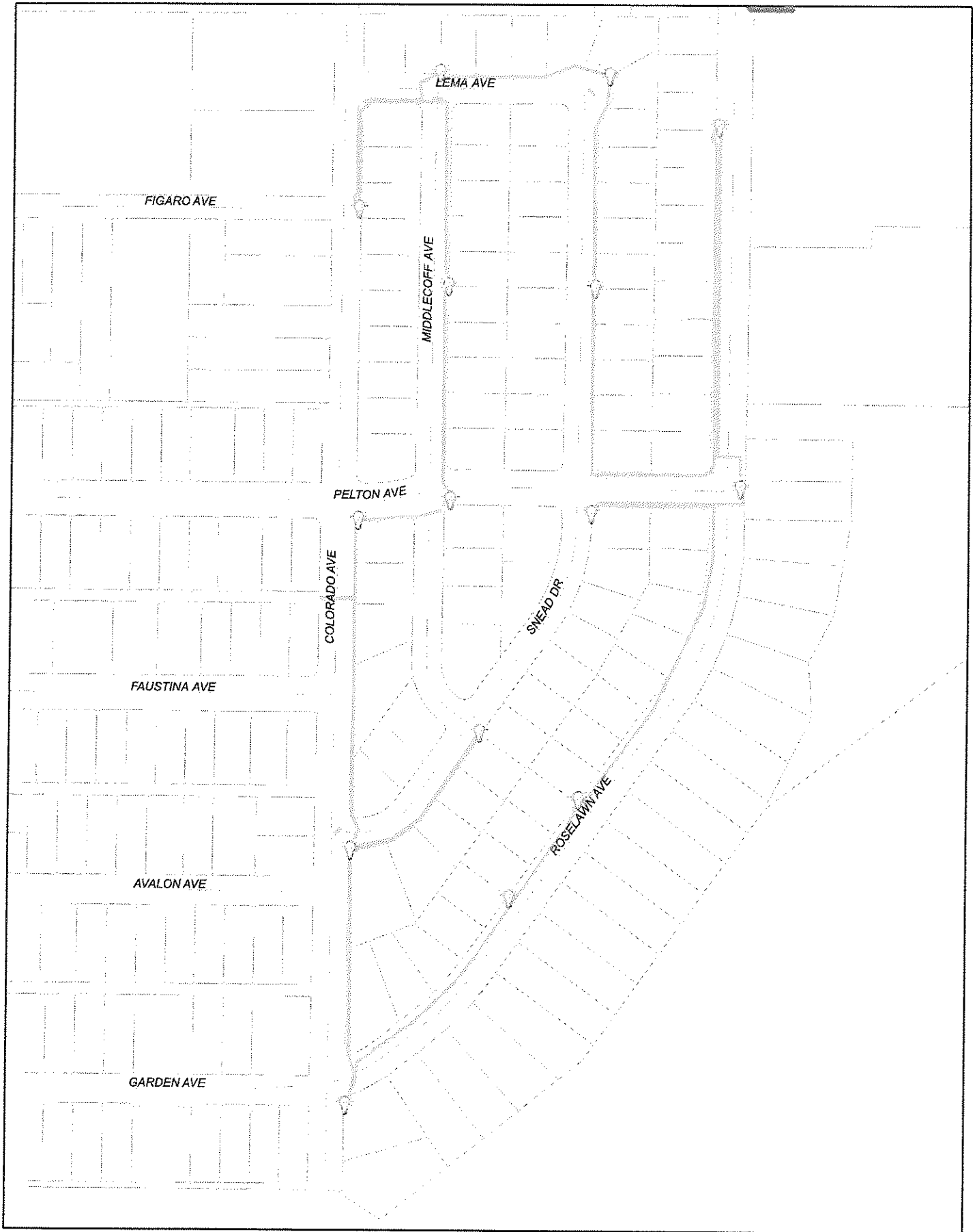


Exhibit D

VIRGINIA/COLDWELL HVC - 32 STREET LIGHTS

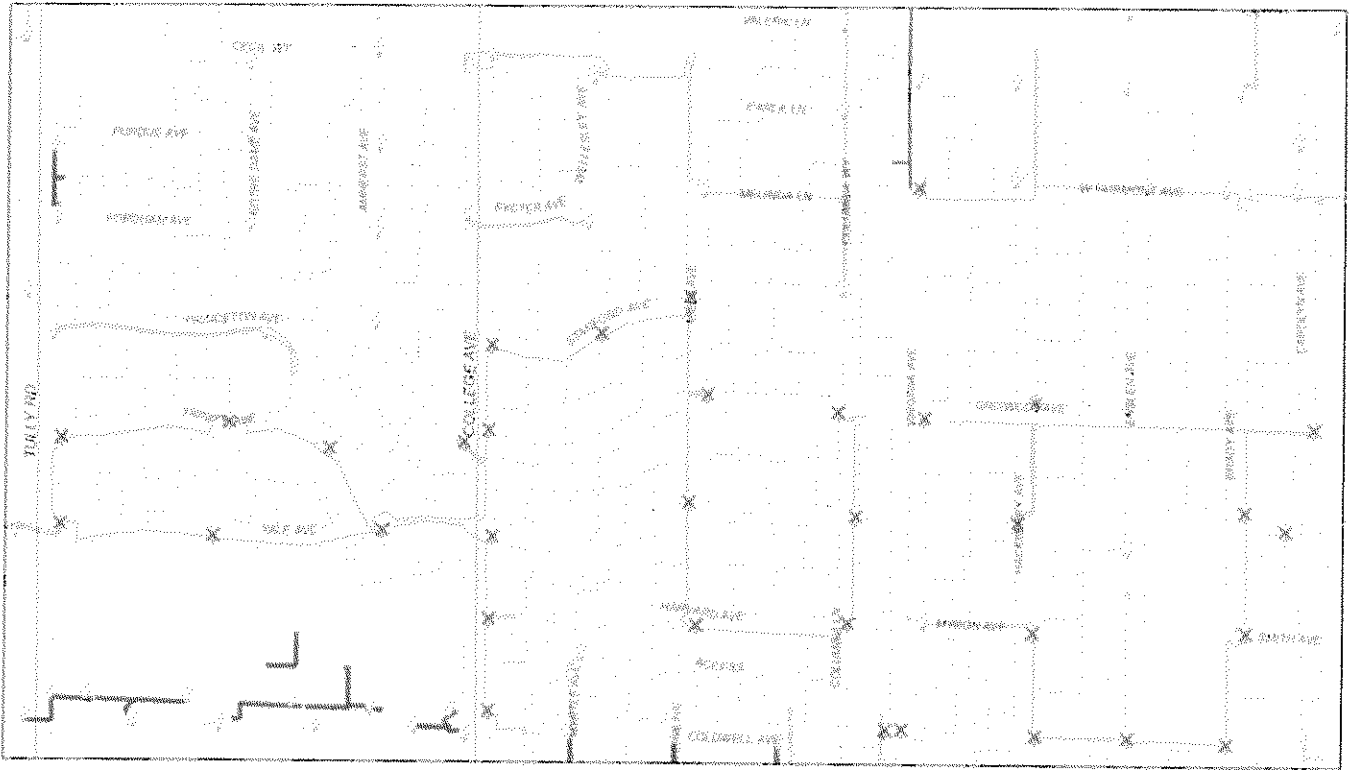
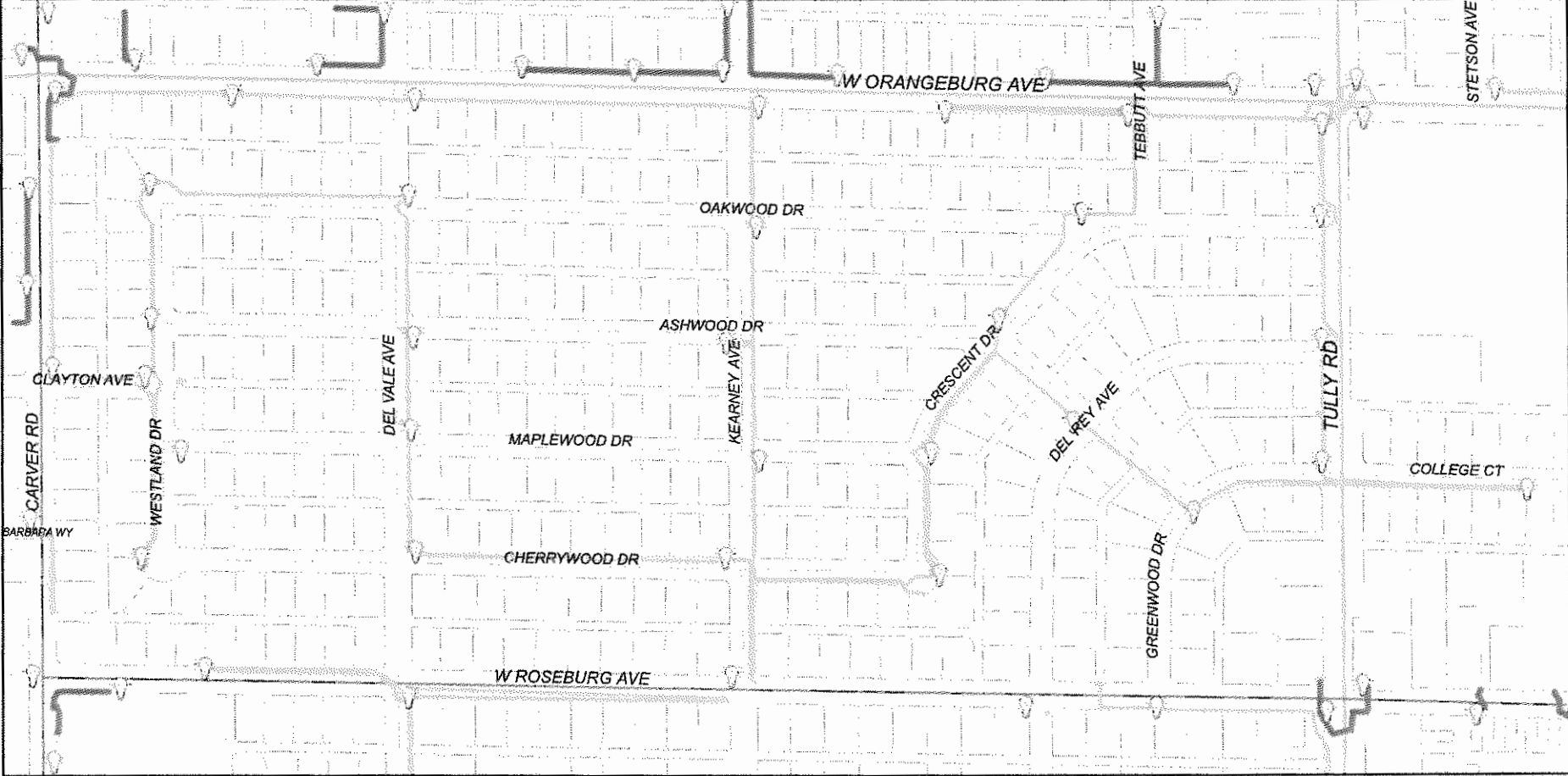


Exhibit E

Kearney North 22 Street Lights approx 60 years old



**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-188**

RESOLUTION APPROVING THE 2019 TITLE VI PROGRAM UPDATE, AND AUTHORIZING THE TRANSIT MANAGER TO FILE THE PLAN WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA) AND TAKE ANY NECESSARY SUBSEQUENT ACTIONS REQUIRED TO RECEIVE FTA APPROVAL OF THE PLAN

WHEREAS, the City of Modesto operates fixed route and American Disabilities Act (ADA) Paratransit service for the Modesto urban area, and

WHEREAS, as a recipient of Federal Transit Administration (FTA) funds the City is required to ensure that transit programs do not discriminate on the basis of race, color, and national origin pursuant to the requirements of Title VI of the Civil Rights Act of 1964, as amended, and

WHEREAS, the FTA issued Circular FTA C 4702.1B, effective October 1, 2012, setting forth requirements and guidelines for Title VI compliance for its grantees, and

WHEREAS, the FTA requires the City of Modesto Transit to submit a Title VI program every three years as a condition of receiving ongoing federal funds, and

WHEREAS, FTA requires that the program must be approved by the Council of the City of Modesto prior to submission to FTA, and

WHEREAS, **attached** hereto as **Exhibit A** is the 2019 Title VI Program Update prepared by City staff in compliance with the regulations promulgated by the FTA to implement Title VI of the Civil Rights Act of 1964, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Transit Services 2019 Title VI Program Update **attached** hereto as **Exhibit A**.

BE IT FURTHER RESOLVED that the City Council authorizes the Transit Manager to submit the Title VI Program Update to the FTA.

BE IT FURTHER RESOLVED that the City Council authorizes the Transit Manager to take any other steps necessary to give effect to this Resolution, including responding to any follow-up inquiries from the FTA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Modesto Transit Title VI Program Update

Adopted:
April 25, 2019



1010 10th Street
Modesto CA 95354

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CITY OF MODESTO TRANSIT

2019 Title VI Program Update

INTRODUCTION

This City of Modesto Transit Title VI Program Report provides the policies, procedures, and data analysis to comply with guidelines issued by the Federal Transit Administration of the United States Department of Transportation to implement Title VI of the 1964 Civil Rights Act. A federal statute, Title VI, provides that “no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” In addition, Presidential Executive Order 13166, implemented in 2000, requires recipients of federal funds to take reasonable steps to address the needs of individuals who have limited-English proficiency in order to ensure no discrimination occurs based upon national origin.

Since 1972, the Federal Transit Administration (FTA) has required applicants for and recipients of Federal assistance to provide assessments of compliance as part of the grant approval process. The FTA has the responsibility to ensure that federally services and benefits are distributed in a non-discriminatory manner consistent with Title VI including as related to Environmental Justice and access for individuals who have Limited English Proficiency. This update conforms to the FTA’s Title VI Circular 4702.1B, effective October 2012.

As a federal grant recipient, City of Modesto Transit is required to maintain an implementation plan for nondiscrimination transit programs and provide to FTA information on its compliance. City of Modesto Transit submits a Title VI Plan Update and compliance report to the FTA Region 9 office every three years to highlight Modesto Transit’s efforts to support and comply with all aspects of Title VI. This program update covers the period from March 31st, 2015 through March 31st, 2018.

City of Modesto Transit, as required under Circular 4702.1B, has included the following information in this program report:

1. Discussion and attachments pertaining to general Title VI requirements.
 - a. Title VI Notice to Public
 - b. Title VI Complaint Procedures
 - c. List of Investigations, Complaints, or Lawsuits
 - d. Public Participation Plan
 - e. Language Assistance Plan
 - f. Membership of Non-elected Committees
 - g. Sub-recipient Monitoring
 - h. Construction Projects

2. Discussion and attachments pertaining to Title VI requirements for transit operators.
 - a. Service Standards and Policies
 - b. Demographic and Service Profile
 - c. Demographic Ridership and Travel Patterns
 - d. Monitoring Program Results
 - e. Public Engagement for Policy Development
 - f. Title VI Equity Analyses

3. Governing Board Approval

MODESTO TRANSIT BACKGROUND

The City of Modesto's transit service was initially known as the Modesto Motor Bus Service and was operated by a private owner. Ridership on the service peaked during World War II when automobiles and gasoline were in short supply. Ridership and the service's profitability began a steady decline after the war due primarily to the popularity of the automobile.

The City first became involved with public transit in an attempt to maintain the profitability of the private transit company. By 1968 the buses used by the company were old and undependable and due to their advanced age required a high level of expensive maintenance. The City obtained a federal grant to purchase four new 1968 buses which it turned over to the private company to replace its aging fleet. The new buses reduced operating expenses and attracted new riders and thus enabled the company to continue in business.

By 1973 the company owner, who did everything himself from maintaining buses to dispatching and driving, decided that the business could no longer continue profitably. No buyers were interested in acquiring the business and it was about to shut down.

The City determined that it was important for the community to have public transit service continue and decided to operate it as a public service, ultimately changing the name to Intracity Transit. At the time the City acquired the service it was carrying a few hundred thousand riders per year. The service now carries the name Modesto Area Express (MAX), which was adopted by the City in 1990. The City of Modesto operates both Modesto Area Express (MAX) and Modesto Dial-A-Ride (MADAR), which currently serve the City of Modesto, and portions of other areas outside the city limits.

MAX provides 17 urban bus routes on Mondays through Fridays, beginning as early as 5:45 a.m. and ending generally at 8:00 p.m. One route (Route 21) operates on 15-minute headway. Twelve routes operate on 30-minute headways, while all others operate on one-hour headways. Between Routes 22 and 23, 15-minute service is provided along McHenry Ave. On Saturdays, MAX operates 15 routes, ten of which operate on 30-minute headways, while the others operate on one-hour headways. Twelve MAX routes are provided on Sundays, with all routes operating on one-hour headways. In addition to the urban routes, MAX provides weekday morning and evening commuter routes to and from the Dublin/Pleasanton Bay Area Rapid Transit (BART) Station and Manteca/Lathrop Altamont Commuter Express (ACE) train station.

The Modesto Dial-A-Ride system operates as a senior/disabled, paratransit service to satisfy the Americans with Disabilities Act (ADA) for the City of Modesto transit system. MADAR functions as the ADA complementary paratransit service from 4:45 a.m. to 11:00 p.m., Monday through Friday, and 7:15 a.m. to 9:00 p.m. on Saturdays, and 8:45 a.m. to 8:15 p.m. on Sunday. As shown in the table above, the majority of MAX routes connect to the downtown Modesto Transportation Center. This Center provides a connection point to other regional and interregional transit services such as StaRT, Greyhound, Taxi, and the Modesto Area Express

Commuter buses to BART and ACE. The Transit Center is also designed to accommodate a future passenger ACE rail stop in Modesto.

Apart from the transit connections offered at the Modesto Transportation Center, transfers to other regional transit services are offered at other locations within the MAX system's routes. MAX Route 25 and MADAR provide transit service to the Amtrak station on Held Drive. Transfers to StaRT and eTrans (City of Escalon) bus service are available from MAX drivers after paying a fare or providing a valid pass. At Hatch Road and Herndon Road in Ceres, transfers between MAX and Ceres Area Transit are provided. In addition, a twice a week connection is provided with MAX at the Vintage Faire Mall with the Ripon Blossom Express.

TITLE VI

Program Objectives

Modesto Transit's Title VI Program goals are:

- Ensuring that the level and quality of public transportation service is provided in a nondiscriminatory manner;
- Promoting full and fair participation in public transportation decision-making without regard to race, color, or national origin;
- Ensuring meaningful access to transit-related programs and activities by persons with limited English proficiency

PUBLIC NOTIFICATION PROCESS

Modesto Transit does not discriminate against any person with respect to any federally-assisted transit program or service. Modesto Transit provides information regarding its Title VI obligations to the public using a variety of methods. Information, including references to FTA circulars, the Transit Title VI program, and the Title VI complaint procedure, is available on the Modesto Transit website and at the Modesto Transit office. It is also provided to staff, citizens, consultants, and contracted transit providers. The required Notice of Non-Discrimination Policy (**Appendix A**) is posted at the MAX office, at the Transit office, on the website, in the MAX Ride Guide, and in the Modesto Area Dial-A-Ride Consumer Guide. It is also included in all contracts, Memorandums of Understanding, public meetings, and bid advertisements.

COMPLAINTS

Modesto Transit has a complaint process in place. The Title VI Complaint Procedures and Complaints are filed through GoModesto!, an intuitive, multi-lingual, on-the-go reporting tool allowing residents of Modesto to report issues and receive progress notifications through the conclusion of the investigative process. Individuals can access GoModesto! at the city's and MAX website. that allows available in English and in Spanish and can be accessed on the website, MAX office, and at the Modesto Transit office. Copies of these documents are located in **Appendix B**.

Title VI complaints are made to the administrative offices of Modesto Transit. All individuals making a Title VI complaint shall be notified in writing of the protections and due process procedures available to them as provided by Title VI. All Title VI complaints are recorded in a special Title VI file. Following the filing of a complaint, Modesto Transit will conduct an investigation and ensure that all necessary follow-up actions are conducted. As required by the FTA, the Title VI complaint file includes the date of the complaint, the date(s) of the

investigation, summary of the allegation, current status of the investigation, and actions, legal or administrative, taken as a result of the complaint.

Due to the absence of any Title VI complaints, local state or federal agency investigations, or lawsuits during the preceding reporting period, no list is included in this document.

PUBLIC PARTICIPATION

Modesto Transit relies upon StanCOG's Public Participation Plan (**Appendix C**) for ensuring compliance with FTA requirements for a locally developed public participation process to consider public comment before raising a fare or carrying out a major change in transportation service.

Modesto Transit recognizes the importance of participating in a wide variety of public meetings and workshops to share information about transit programs, activities, and services in order to collect information from users of Modesto Transit services. A summary of Outreach Activities performed in this reporting is attached as **Appendix D**.

It is through these conversations that transit staff receives input regarding transit issues and concerns from disadvantaged citizens, including senior citizens, minorities, low-income, and persons with physical or cognitive disabilities. All Modesto Transit-sponsored meetings or activities are conducted in ADA accessible locations and have ready access to public transit services (fixed-route and paratransit).

Information on public outreach meetings is widely disseminated on the website, at the Transit Center, on the buses, through social service agencies to maximize awareness that all transit users and interested citizens are welcomed as part of the decision making process.

Regular meetings are held with local agency representatives and riders as well, to ensure that information on the paratransit system is widely disseminated, and that rider concerns and questions are addressed. A rider and agency representatives committee, which meets regularly, is provided information on the fare structure and is used as a consultative body when making fare decisions. Paratransit riders are offered periodic opportunities to evaluate and comment on the City's paratransit system through customer surveys and comment forms.

In accordance with the Public Participation Plan, Modesto Transit had a substantial outreach program before and after service changes were implemented in January 2018 impacting both fixed route and ADA paratransit service.

To ensure the consideration of many points of view in considering the impacts of the route changes, Modesto Transit staff brought the issue to regional agency meetings, Staff also conducted discussion with local social service agencies to attempt to mitigate the impact on

clients and prepare for changes. Transit also held an Open House for the public to answer questions and provide information about why the change was needed.

Since this was the first fare increase since 2008, Transit staff anticipated more questions from riders. To assist in providing information and to provide another avenue to gather rider comments on the proposed change, Transit staff held several table days at the Transit Center at which staff members were available to take written comments, record verbal comments (if needed), and answer questions. Flyers at the Transportation Center, in the buses, and at City hall provided information on the proposed changes and also notified the public that comments could be made by mail or on the website. Flyers also included a phone line for more information.

All of these activities occurred before the fare increase was brought to City Council for a formal Public Hearing.

LANGUAGE ASSISTANCE PLAN

Consistent with Title VI, DOT's implementing regulations, and Executive Order 13166, Modesto Transit takes reasonable steps to ensure meaningful access to benefits, services, information, and other important transit activities for individuals who are limited-English proficient (LEP).

To provide meaningful access to Modesto Transit programs and services for persons who have limited English proficiency, a LEP plan was developed (**Appendix E**). This plan is a training tool and guide for transit staff members on how to recognize a person who may need language assistance and how to provide that assistance.

Local demographic data reveal a need to provide language assistance within the Spanish-speaking community. It is the goal of Modesto Transit's LEP program and plan to provide bilingual English/Spanish editions of all public transit information materials. During this reporting period, the remaining critical information documents for MAX and MADAR, except for the limited text portions on the MAX system map, have been translated into Spanish. In addition, any service change notices are posted on the website, at key transit sites, and are prominently displayed in all buses in both English and Spanish.

Both MAX and MADAR operations have customer services staff members who are bilingual and are trained to assist persons with limited English language proficiency. In recognition of the level of support needed, MADAR and MAX operations staff have bilingual supervisors and customer service representatives to assist Spanish speaking riders. Modesto Transit has also worked with other City divisions to procure LanguageLine phone support which can provide real time translation support for over 200 languages.

Modesto Transit also continues to conduct outreach to LEP populations in the neighborhoods in which they live. Through the MAX Pass Outlet Program, Modesto Transit contracts with a variety of community-based organizations and small businesses to provide similar access to bus

passes throughout the MAX service area. This program provides an additional opportunity to obtain written and verbal information about MAX services, as well as opportunities to purchase MAX passes in the language most common to the neighborhood.

COMMITTEE MEMBERSHIP

Title 49 CFR Section 21.5(b)(1)(vii) states that the recipient of a federal transit grant may not, on the grounds of race, color, or national origin, deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of a program.

Modesto Transit's only advisory body is the Modesto Transit ADA Advisory Committee. All meetings are announced to local agencies, community groups, advocacy organizations, and MADAR riders and are open to the public.

No table of committee member racial breakdown is included in this report since Modesto Transit has no committees for which it appoints members.

SUBRECIPIENTS

Modesto Transit had two subrecipients during this reporting period, the County of Stanislaus and the City of Ripon. The City of Modesto and the City of Ripon entered into a Memorandum of Understanding (MOU) regarding FTA Section 5307 funded activities for the Modesto Urbanized Area (**Appendix F**) which terminated in 2017 when the grant period concluded and Ripon was incorporated into the San Joaquin Council of Governments region, out of the Stanislaus County COG. With this reassignment, Stanislaus County remains as a subrecipient of 5307 funds.

During this review period, the Ripon Blossom Express began providing a deviated route service with two morning runs and two afternoon runs on Tuesdays and on Thursdays. The service is focused on connecting Ripon citizens with medical centers and shopping in North Modesto. Since Ripon provides a very small, limited service, Modesto Transit's monitoring has been generally informal through email and phone support as Ripon staffs have worked through the initial implementation of their service. Modesto Transit staff also ensures submission of annual certifications and assurances.

Modesto Transit does an annual compliance review of Stanislaus Regional Transit's. The documentation required from as part of this review is in

CONSTRUCTED FACILITIES

During the preceding reporting period Modesto Transit has not constructed any facilities.

STANDARDS AND POLICIES

In addition to the above general reporting requirements, FTA Circular 4702.1B requires providers of fixed route public transportation to submit additional information specific to fixed route service. Since Modesto Transit does NOT operate fifty or more fixed route vehicles in peak service, it is subject only to the requirements for system-wide standards and policies.

Title 40 CFR Section 21.5(b)(2) specifies that a recipient shall not utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin. In addition, Appendix C to 49 CFR Part 21 establishes that no person or group of persons shall be discriminated against with regard to routing, scheduling, or quality of service on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and locations of routes may not be determined on the basis of race, color, or national origin.

Modesto Transit has adopted the following service standards and policies in compliance with these regulations:

Vehicle Load Standard

Peak

The average of all loads during the peak operating period should not exceed each bus's achievable capacity. Peak loads are:

<u>Bus Type</u>	<u>Passenger Capacity</u>
Low Floor 35'	67
Low Floor 40'	80
Standard 35'	50
Standard 40'	63

Off Peak

The average loads during off peak hours should not exceed the number of seats in the bus. Seating capacities are:

<u>Bus Type</u>	<u>Seats</u>
Low Floor 35'	30
Low Floor 40'	36
Standard 35'	33
Standard 40'	41

Vehicle Headway Standard

The standard headway for weekday service is 30 minutes during the entire service day. Routes that average fewer than 25 passengers per vehicle service hour will be operated with hourly headways unless special conditions warrant more frequent service.

Scheduling involves the consideration of a number of factors including: ridership productivity, transit/pedestrian friendly streets, density of transit-dependent population and activities, relationship to the City's general plan and the StanCOG regional transportation plan, relationship to major transportation developments, land use connectivity, and transportation demand management.

On-Time Performance Standard

Eighty-five (85) percent of vehicles will complete their established runs no more than eight (8) minutes late and without departing any mid-route bus stops more than three (3) minutes early.

Service Availability Standard

Transit routes will be distributed so that 90% of all residents live within ¼ mile of a bus route.

Vehicle Assignment Policy

Buses will be assigned to routes so that each group of buses of the same age will be evenly distributed across the service area. Low Floor buses will be deployed on high ridership routes to facilitate expeditious boarding and alighting.

Transit Amenities Policy

Installation of Transit amenities along bus routes are based on:

1. The number of passengers boarding at bus stops along each route.
2. The availability of sidewalk space or property behind the sidewalks that could accommodate amenities.
3. The physical capabilities of passengers anticipated to use the amenities, e.g. stops used frequently by disproportionately large numbers of seniors or passengers with disabilities are more likely to receive amenities.
4. The distribution of boardings during the hours service is provided. Stops that board large numbers of passengers once or twice each day and few during the remainder of the day will be less likely to receive amenities than stops with fewer boardings distributed more evenly throughout the day.

Appendices

MAX's Non-Discrimination Statement

Modesto Area Express (**MAX**) is committed to a policy of non-discrimination in program services pursuant to the requirements of Title VI of the Civil Rights Act of 1964. Any person who believes that he or she has been subjected to discrimination under Title VI on the basis of race, color or national origin may file a complaint with **MAX**.

To receive additional information on **MAX's** non-discrimination obligations, or to file a complaint, please call the **MAX** administrative office at 209.577.5295 or write to:

City of Modesto Transit Division
P.O. Box 642,
Modesto, CA 95353.

Modesto Area Express (MAX) se compromete a una norma de no discriminación en sus programas de servicio de acuerdo a los requisitos del Artículo VI del Acto Derechos Civiles de 1964. Cualquier persona que crea que ha sido discriminada bajo el Artículo VI basado en raza, color, u origen nacional puede asentar una demanda con MAX.

Para recibir más información acerca de las obligaciones de no discriminación de MAX o para archivar una demanda, favor de llamar al 209.577.5295 o escriba a:

City of Modesto Transit
P.O. Box 642
Modesto CA 95353

Complaint Procedures

City of Modesto Transit Civil Rights Complaint Procedure

The City of Modesto operates its transit services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by an unlawful discriminatory practice under Title VI may file a complaint with the City of Modesto Transit Section. Any such complaint must be in writing and filed with the Modesto Transit within 180 days following the date of the alleged discriminatory occurrence.

City of Modesto Transit Title VI Complaints forms are available at the office of the City of Modesto Transit Section located at 1010 10th St. Modesto, CA 95354 and online at www.modestoareaexpress.com. Completed forms should be mailed to:

City of Modesto Transit
P.O. Box 642
Modesto, CA 95353

Verbal complaints will be accepted and transcribed by the Title VI Coordinator for any complainant unable to complete the form. Verbal complaints may be filed in person at 1010 10th St or by phone 209-577-5201. Complainants may also file a Title VI complaint online via the City's GoModesto! cloud-based, online reporting system. Both the ModestoAreaExpress and City of Modesto websites have links directing individuals to the GoModesto! portal.

A complainant may file a complaint directly with the United States Department of Transportation and/or the California Department of Transportation. If a complaint is filed with the City of Modesto Transit and an external entity simultaneously, the external complaint may supersede the complaint to the City of Modesto Transit and the internal complaint procedures will be suspended pending the external entity's findings.

Within 15 business days of receipt of a formal complaint, the Title VI Program Coordinator will send the complainant an acknowledgement letter and begin an investigation (unless the complaint is filed with an external entity first or simultaneously). The investigation will address complaints filed against transit service offered by the City of Modesto and will include discussion(s) of the complaint with all affected parties. City of Modesto Transit will provide appropriate assistance to complainants who have difficulty with disabilities, or who are limited in their ability to communicate in English. Failure of the complainant to provide requested information within 15 business days of the date of the Modesto Transit's information request letter may result in the administrative closure of the complaint. The complainant may be represented by a representative of his or her choosing and may bring witnesses and present testimony and evidence in the course of the investigation.

The investigation will be conducted and completed within 60 days of the receipt of the formal complaint. City of Modesto Transit will send a letter to the address provided by the complainant stating the final decision of the Transit Manager by the end of the 60-day time

limit. The complainant shall be notified of his/her right to appeal the decision. Appeals may be made to the California and/or United States department of transportation.

For more information on how to file a complaint, contact the Title VI Coordinator by any of the following methods:

By Phone: (209) 577-5201

By Mail: City of Modesto Transit,
P.O. Box 642
Modesto, CA 95353

E-mail: transit@modestogov.com

Título VI Procedimientos Para Quejas

La Sección de Tránsito de la Ciudad de Modesto opera sus programas sin distinción de raza, color, religión, género, orientación sexual, origen nacional, estado civil, edad o discapacidad de conformidad con el título VI de la ley de derechos civiles, o de otras leyes aplicables. Para más información:

Llame a Teléfono: (209) 577-5201

O Escriba a: City of Modesto Transit Section
P.O. Box 642
Modesto, CA 95353

O envíe un Correo electrónica: transit@modestogov.com

Modesto Declaración de política de tránsito

Título VI de la ley de derechos civiles de 1964 declara que:

Ninguna persona en los Estados Unidos, por motivos de raza, color u origen nacional, se excluirá de la participación en, ser negado los beneficios de o ser objeto de discriminación bajo ningún programa o actividad que reciba asistencia financiera Federal.

Modesto Tránsito se compromete a cumplir con los requisitos del Título VI en todas sus actividades y programas financiados por el Gobierno Federal.

Haciendo una Queja bajo la ley de Título VI

Cualquier persona que cree que él o ella ha sido perjudicada por una práctica discriminatoria ilegal bajo el título VI puede presentar una queja con la ciudad. Cualquier queja debe ser por escrito y presentada con la ciudad dentro de los 180 días siguientes a la fecha de la supuesta ocurrencia discriminatoria. Para obtener información sobre cómo presentar una queja, comuníquese con la Sección de Tránsito de la Ciudad de Modesto por cualquiera de los siguientes métodos:

Correo: City of Modesto Transit Section
P.O. Box 642
Modesto, CA 95353

Teléfono: (209) 577-5201
FAX: (209) 571-5521
Correo electrónico: transit@modestogov.com



Title VI Complaint Form

The City of Modesto is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, national origin pursuant to Title VI of the Civil Rights Act of 1964, as amended. Title VI complaints must be filed within 180 days from the date of the alleged discrimination. It is best to file a complaint as close to the date of the event as possible.

The following information is necessary to assist us in processing your complaint. If you require assistance in completing this form, please contact Angela Swanson, Title VI Coordinator, by calling (209) 577-5201. The completed form must be returned to: **City of Modesto, Title VI Coordinator, P. O. Box 642, Modesto, CA 95353** or filed at the City of Modesto, 1010 10th Street, Suite 4500, Modesto CA.

Your Name:	Phone:
Street Address:	Other Phone:
	City, State and Zip Code:
Name of Person(s) Discriminated against (if someone other than complainant):	
Street Address, City, State and Zip Code:	

Which of the following best describes the reason for the alleged discrimination? (Check one)

- RACE
- COLOR
- NATIONAL ORIGIN (LIMITED ENGLISH PROFICIENCY)

Date of Incident: _____ Time of Incident: _____

Please describe the alleged discriminatory incident. Provide the names and titles of all persons involved, including any MAX or City of Modesto employees. Explain what happened, whom you believe was responsible, and other useful information. Please use the back of this form if additional space is required.

(Description:)



(Description Continued:)

Have you filed a complaint with any other agencies? (Check one) YES NO

If so, list agency / agencies and contact information below:

Agency Name/Address:	Contact:
	Phone:

I affirm that I have read the above complaint and that it is true to the best of my knowledge.

Complainant's Signature:

Date:

Print Name of Complainant

Received by: _____
Date Received: _____



Formulario de queja Título VI

La Ciudad de Modesto está comprometida en asegurar que ninguna persona sea excluida en participar de sus servicios ni que se le nieguen los beneficios de servicios en base a raza, color, y origen nacional, de acuerdo a la enmienda al Título VI de la Ley de Derechos Civiles de 1964. Quejas bajo el Título VI deben ser presentadas antes de 180 días de la fecha de la supuesta discriminación. Es recomendable presentar la queja lo más cercano que sea posible a la fecha del evento.

La información siguiente es necesaria para ayudarnos en el procesamiento de su queja. Si requiere ayuda para llenar este formulario por favor contacte a Angela Swanson, Coordinadora del Título VI, al teléfono (209) 577-5201. El formulario completo debe ser enviado a: **City of Modesto, Title VI Coordinator, P.O. BOX 642, Modesto, CA 95353** o entregado en las oficinas de la ciudad de Modesto en el 1010 10th Street, suite 4500, Modesto CA.

Su nombre:	Teléfono:
Dirección:	Segundo Teléfono :
	Ciudad, estado, y Código Postal :
Persona(s) que sufrieron discriminación (si es otra que el firmante): Nombre(s):	
Dirección, Ciudad, estado, y Código Postal:	

¿Cuál de los siguientes describe mejor la razón por la supuesta discriminación? (Marque uno)

- RAZA
- COLOR
- ORIGEN NACIONAL

Fecha del incidente: _____

Hora del incidente: _____

Por favor describa el supuesto incidente de discriminación. Proporcione los nombres y títulos de todos los involucrados, incluyendo a cualquier empleado del servicio de MAX o de la Ciudad de Modesto. Explique lo sucedido, quien considera que fue responsable y cualquier otra información específica pertinente. Por favor, use el reverso de este formulario si requiere espacio adicional.

Descripción:



Formulario de queja Título VI

Por favor describa el supuesto incidente de discriminación (continuación).

Descripción:

¿Ha presentado alguna queja ante otra agencia federal, estatal, o local con respecto a este incidente?
(Marque Uno)

Si No

Si la respuesta es afirmativa, por favor, a continuación proporcione el nombre de la agencia o agencias y la información de contacto:

Agencia (Dirección, Ciudad, estado, y Código Postal):	Nombre de contacto:
	Teléfono:

Confirmando que he leído el cargo que se indica arriba y que es verdadero hasta donde tengo conocimiento.

Firma del Declarante:

Fecha:

Escriba en letra de imprenta el nombre de declarante

Recibido por: _____
Fecha de recibo: _____

Public Participation Plan

**City of Modesto
Transit Department**

Public Participation Plan



March 2019

**Adam Barth, Transit Manager
City of Modesto
1010 10th Street, Ste. 4500
P.O. Box 642
Modesto, CA 95353**

www.cityofmodesto.com
www.modestoareaexpress.com

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Executive Summary

In order to carry out its mission of connecting communities with safe, reliable, and sustainable service to its fullest potential, the City of Modesto Transit Department is committed to engaging all members of the community – informing riders, residents, community partners, agencies and businesses about changes in service or fares, and providing opportunities to participate in meaningful decision-making about plans and projects that may affect their lives or livelihoods.

Public engagement efforts for the City of Modesto Transit Staff recognize the diversity within the greater Modesto service area and among riders. This Public Participation Plan (PPP) was created to identify effective methods of engaging with communities regardless of race, color, national origin, ability to speak English, or income status, as protected by Title VI of the Civil Rights Act and associated regulations. As clarified in the Federal Transit Administration (FTA) circular 4702.1B, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Further, Executive Order 12898 and FTA circular 4703.1 provide that environmental justice for low income populations should be part of the mission of federally funded programs. Under these mandates, transit operators must take reasonable steps to ensure all persons have access to participate in their activities and programs. Additionally, under Executive Order 13166, public engagement activities must be made accessible to persons who have limited English proficiency.

The plan formalizes the City of Modesto Transit's public engagement policies designed to encourage partnerships with Modesto's diverse communities, ensuring that their concerns are heard and their contributions are included along with those of the greater population. The plan provides the roadmap staff will use to advance that goal, along with identification of key contacts 2016-2019, and the recent history of public engagement activities carried out by Transit Staff.

Introduction

As part of its Title VI Program, City of Modesto Transit is committed to sponsoring vigorous public participation processes by enhancing its strategies for engaging minority and Limited English Proficient (LEP) individuals in the decision-making. Public participation and community involvement are vital to the growth and development of the transit services which serve the City of Modesto.

In order to carry out its mission of connecting communities with safe, reliable and sustainable service to its fullest potential the Transit Staff is committed to engaging all members of the community – informing riders, residents and businesses about changes in services or fares, and providing opportunities to participate in meaningful decision-making about projects and plans, including facilities, routes, service hours and fares, that may affect their live or livelihoods. This plan provides detailed guidelines for community outreach and communication during various transit planning stages to ensure the public is appropriately and adequately represented.

Transit is committed to ensuring it serves the Modesto community fairly, consistently and in the most cost-efficient and appropriate manner within available resources. Through conversation and collaboration with riders, prospective riders, and the larger surrounding community, Transit will be able to assess the quality of its service, measure potential impacts to the community from Transit initiatives or proposed initiatives, and ensure that it is providing valuable services to the residents and visitors of greater Modesto.

The plan formalizes the City of Modesto Transit's public engagement policies designed to encourage partnerships with Modesto's diverse communities, ensuring that their concerns are heard and their contributions are included along with those of the greater population. The plan provides the roadmap staff will use to advance that goal, along with identification of key contacts 2016-2019, and the recent history of public engagement activities carried out by Transit Staff. The PPP is designed to be a living document that will be updated regularly to incorporate new data and best practices as identified through activities and experiences from the field.

The PPP is guided by the following principles:

- That Transit decisions consider the Interests and concerns of affected people and entities;
- That the full range of opportunities for participation is made known and communicated broadly through the City of Modesto; and
- That community input received through public engagement processes is considered and incorporated to the extent possible.

These principles form the basis of the City of Modesto Transit's public engagement policies and procedures.

Modesto Transit

The City of Modesto operates both Modesto Area Express (MAX) and Modesto Dial-A-Ride (MADAR), which currently serve the City of Modesto, and portions of other areas outside the city limits.

MAX provides 17 urban bus routes on Mondays through Fridays, beginning as early as 5:45 a.m. and ending generally at 8:00 p.m. One route (Route 21) operates on 15-minute headway. Twelve routes operate on 30-minute headways, while all others operate on one-hour headways. Between Routes 22 and 23, 15-minute service is provided along McHenry Ave. On Saturdays, MAX operates 15 routes, ten of which operate on 30-minute headways, while the others operate on one-hour headways. Twelve MAX routes are provided on Sundays, with all routes operating on one-hour headways. In addition to the urban routes, MAX provides weekday morning and evening commuter routes to and from the Dublin/Pleasanton Bay Area Rapid Transit (BART) Station and Manteca/Lathrop Altamont Commuter Express (ACE) train station. The majority of MAX routes connect to the downtown Modesto Transportation Center. This Center provides a connection point to other regional and interregional transit services such as StaRT, Greyhound, Taxi, and the Modesto Area Express Commuter buses to BART and ACE. The Center is also designed to accommodate a future passenger ACE rail stop in Modesto.

The Modesto Dial-A-Ride system operates as a senior/disabled, paratransit service to satisfy the Americans with Disabilities Act (ADA) for the City of Modesto transit system. MADAR functions as the ADA complementary paratransit service from 4:45 a.m. to 11:00 p.m., Monday through Friday, and 7:15 a.m. to 9:00 p.m. on Saturdays, and 8:45 a.m. to 8:15 p.m. on Sunday.

The City of Modesto is committed to serving its populace in the most efficient and cost effective manner possible. The City strives to provide valuable transit services to residents and visitors to the community, employing a planning philosophy which includes:

- Frequent and convenient service
- Safe and clean vehicles
- Safe and clean boarding and alighting environments
- Easily understandable time schedule
- Easy access to information
- Communication and collaboration with riders, prospective riders, and the community at large to provide improved mobility and quality of life to residents

Approach to Public Participation

The public participation process should be considered at the earliest stages of any City of Modesto Transit project that may impact the surrounding community, its riders, and potential riders. As projects vary in time and size, the public participation process may vary for each, as well as the extent of public participation. The following outlines tools and strategies to ensure that public input is invited and all foreseeable impacts to the community are considered.

Public participation and comments are vital pieces to any prospective change in the transit system. The City values the input of community members as potential changes are discussed. City of Modesto Transit has developed three levels of projects to establish the appropriate minimum public participation requirements. At the beginning of any project, staff will identify into which category that project falls and develop a participation plan accordingly. At any time during its process, the project may be reclassified to a higher level, if Transit staff deems appropriate. The levels are as follows:

Level One

Routine service, route and any short-term projects whose impact on current MAX and MADAR riders and potential riders needs to be identified during planning stages. Examples of projects include:

- Minor route and service changes
- Routine rider surveys
- Changes to fare media

All fare increases (excluding short-term fare changes for specific events or promotions) shall follow outreach methods previously discussed.

Level Two

Service changes will follow outreach methods when there is any change in service which directly affects:

- 25 percent or more reduction of the number of transit revenue vehicle miles of a route computed on a daily basis for the day of the week for which the change is made.

Major fare or service changes that meet the following thresholds:

- 25 percent or more reduction of the number of transit revenue vehicle miles of a route computed on a daily basis for the day of the week for which the change is made.
- Elimination of any route

Subrecipient oversight for FTA 5307 grants

Level Three

Longer term or larger scale projects are those whose impact on current MAX and MADAR riders and potential riders needs to be identified during planning stages. These may include:

- Major service changes
- Short and Long Range Transportation Plans,
- Comprehensive Operational Analysis,
- Coordination plans
- Facility or yard construction projects

Public Participation Tools

City of Modesto Transit employs a wide array of marketing and communications tools and strategies that to inform and engage the public in the planning and development phases of service and fare changes, studies, and activities. These tools have been developed over time with the goal of reaching diverse audiences across a variety of mediums when and where they are most receptive to the information. Key information is developed in Spanish and English.

Traditional Media

Traditional media is one means to reach a large audience through newspaper, radio and television. There are two ways to tap into these resources: paid advertising and unpaid editorial coverage. Paid advertising provides a guaranteed line of communication to an identified audience with maximum message control.

- Press releases
- Media Advisory
- Print display ads, classified ads, legal notices
- Radio spots, sponsorships, live remotes, and advertorials
- Television spots on local public access channels

Digital Communications

The Internet has had a significant impact on how City of Modesto Transit communicates directly with its riders and community. The ability to disseminate a specific, controlled message through a website or email message has revolutionized how stakeholders are informed and engaged. It is also a constantly changing and evolving world, providing new tactics regularly.

- *ModestoAreaExpress.com* provides detailed information about current service, upcoming service changes, long- and short-term planning projects, city council agendas and staff reports, and other initiatives.

- *Social media*: information can be shared with riders in real time using digital channels such as Twitter, Facebook, and LinkedIn. Social media provide another avenue for customer service as well a way to drive people to the website for detailed information.

Printed Materials

Printed pieces, or collateral, are created to support almost every marketing or communication effort the District undertakes. Information is presented in three languages with directions on how to access additional language support.

- Brochures
- Signage (includes signs at bus stops, posters at shelters, ad cards that run along the interior of the bus.)
- Maps, schedules, and timetables
- Direct mail and door hangers

Public Meetings

In-person workshops and meetings serve a variety of roles, from fulfilling legal obligations in the case of public hearings, to fostering in-depth discussion and opportunities for input in the case of public workshops. These meetings function best when serving as venues for open discussion of proposals, challenges, and issues facing a particular community or set of stakeholders.

- Public meetings at various times and locations across the city service area to solicit community input, and to share information about projects, studies, and proposed changes.
- Public hearings in communities where projects or plans are under consideration. This includes placing notices within a specific timeline in newspapers or publications that serve non-English speaking populations with a goal of maximizing visibility and community participation.
- In-house presentations or joining existing meetings to reach community members where they are already gathered.
- Provide meetings at locations accessible for persons with disabilities, and close to public transportation for people who work non-traditional times.
- Provide interpreters and use interpretation equipment for non-English speaking people when warranted.

Community Engagement

Many other public, private, and non-profit organizations conduct activities related to the services provided by City of Modesto Transit. When and where possible, Transit staff works with these

organizations to gather input, provide information, or raise awareness about MAX and MADAR services.

- Partnerships with community based organizations (CBOs), local governments, social service agencies, and faith-based organizations, including organizations that serve non-English speaking populations.
- Field and respond to inquiries from community, government, and business leaders.
- Participation in community events, including fairs, festivals, and parades.
- Inclusion of bilingual staff when possible and appropriate.
- Distribution of marketing materials (including translations) and meeting notices on buses and through CBOs, social service partners, and other public agencies.

Telephone Information

Many customers rely upon the telephone for trip planning, information about upcoming changes or projects, and to relay complaints and compliments.

- Use of dedicated customer service telephone numbers to provide information and an opportunity for public to comment on relevant issues.
- Over-the-phone interpretation services easily accessed by Customer Call Center and local District staff to provide immediate support in the customer's own language.

Surveys

Surveys play a crucial role to collect data about riders, the service, and impacts of specific projects. They also can measure changes over time.

- Printed and online surveys of rider demographics and travel characteristics to comply with Title VI and Environmental Justice requirements, and to understand customer transit behavior.
- Surveys and focus groups to understand the needs of customers and the opinions of the community at large, including customer satisfaction.
- Surveys in various languages and in additional languages upon request.

Conclusion

The City of Modesto Transit Department is committed to engaging the public engagement in public transportation issues, making use of multiple outreach techniques and creative targeted engagement activities. Through its work with community partners, the City will continually improve the identification and implementation of strategies that remove barriers to access and participation for all community members.

Appendix A

Community Outreach Partners

As part of the community participation process, Transit Staff work with many community organizations, social service agencies, local governments, and business. A list of many of the organizations that have supported and/or participated in outreach processes over the past three years follows.

Modesto Transit ADA Advisory Committee	MOVE
Alzheimer's Association	Modesto City Schools—Special Education
Advancing Vibrant Communities	Modesto Senior Citizens Center
Aging & Veterans Services	Social Services Transit Advisory Committee
Alegre Home Care	National Express Transit
Alzheimer/Dementia Support Center, Inc.	Optimal Hospice Care
American Cancer Society	Pacifica Senior Living
Area Agency on Aging	PANC
County of Stanislaus, BHRS	Parkinsons Support Group
California Department of Rehabilitation	Paramount Court Senior Living
California Health Collaborative	Program Coordinating Committee
California Rural Legal Assistance	Project Sentinel
Casa de Modesto	Ralston Tower Apartments
Catholic Charities	Rehabilitation Center Emanuel Medical Center
Center for Human Services	ResCare Home Care
CalFRESH	Robertson Community Center
CVOC	RSVP Retired Senior Volunteers
Ceres Area Transit	Salvation Army
Dale Commons	Samaritan Village
Disability Resource Agency for Independent Living	Satellite Dialysis Center
Doctors Medical Center-	Senior Access Teams
Downtown Improvement District	Senior Service Center
EA Family Services	Society for Disabilities
English Oaks Nursing & Rehab Center Generations Health Care	Stanislaus Council of Governments (StanCOG)
Escalon Transit	Stanislaus County Dept of Veteran's Affairs
First Five of California	Stanislaus County Mental Health Department
Golden Valley Health Center	Stanislaus County Probation
Gospel Mission	Stanislaus Regional Transit (StaRT)
Health Plan of San Joaquin	Stanislaus County Library
Health Services Agency	Stanislaus Elder Abuse Prevention Alliance (SEAPA)
Healthy Aging Association	Stanislaus Special Olympics
Howard Training Center	Storer Transit Systems
Health Services Agency, Stanislaus County	The Park at Modesto
Interfaith Ministries	Turlock Transit
Modesto Chamber of Commerce	United Cerebral Palsy

Modesto City Schools—Special Education	United Way
Modesto Institute for Continued Learning (MIDL)	Valley Mountain Regional Center
Modesto Junior College	Vision Impaired Person Support
Modesto Kidney Center	Windsor Post-Acute Healthcare Center of Modesto

Appendix B

Community Outreach Activities 2016-2019

This is a table that describes all the campaigns and activities that had a public engagement component between 2016 and 2019: what the events were, the population targeted, how many people participated, and outcomes.

2016				
Date	Group	Location	# Contacts	Details
06/21/16	General Public/Riders	Graceada Park	120	Dump the Pump Event
2017				
Date	Group	Location	# Contacts	Details
01/10/17	SSTAC	StanCOG	11	Transit ADA Issues
01/18/17	PCC	Robertson Comm Ctr	32	MAX Routes Transit ADA Issues
02/07/17	SSTAC	StanCOG	11	Transit ADA Issues
03/07/17	SSTAC	StanCOG	11	Transit ADA Issues
04/04/17	SSTAC	StanCOG	11	Transit ADA Issues
04/19/17	PCC	Robertson Comm Ctr	26	MAX Routes Transit ADA Issues
05/02/17	SSTAC	StanCOG	11	Transit ADA Issues
06/06/17	SSTAC	StanCOG	11	Transit ADA Issues
07/11/17	SSTAC	StanCOG	11	Transit ADA Issues
07/13/17	Open House	Transit Center Lobby		2018 Route and Fare Changes
07/19/17	PCC	Robertson Comm Ctr	29	2018 Route and Fare Changes
08/29/17	Public Meeting #1	City Hall	8	2018 Route and Fare Changes
08/29/17	Public Meetings #2	City Hall	4	2018 Route and Fare Changes
09/05/17	SSTAC	StanCOG	11	Transit ADA Issues
10/03/17	SSTAC	StanCOG	11	Transit ADA Issues
10/18/17	PCC	Robertson Comm Ctr	21	MAX Routes Transit ADA Issues
11/07/17	SSTAC	StanCOG	11	Transit ADA Issues
2018				
Date	Group	Location	# Contacts	Details
01/03/18	SSTAC	StanCOG	11	Transit ADA Issues
02/06/18	SSTAC	StanCOG	11	Transit ADA Issues
03/06/18	SSTAC	StanCOG	11	Transit ADA Issues
04/03/18	SSTAC	StanCOG	11	Transit ADA Issues
04/21/18	General Public	Earth Day Festival	103	Transit Promotion Outreach
05/01/18	SSTAC	StanCOG	11	Transit ADA Issues
6/1-6/21	Rider Surveys	On Various Buses	75	MAX Routes Changes Other

06/05/18	SSTAC	StanCOG	11	Transit ADA Issues
07/10/18	SSTAC	StanCOG	11	Transit ADA Issues
07/26/18	Public Hearing	City Hall	14	MAX Routes Changes Other
07/26/18	Public Hearing	Robertson Comm Ctr	5	MAX Routes Changes Other
07/31/18	SSTAC	StanCOG	11	Transit ADA Issues
08/15/18	PCC	Robertson Comm Ctr	27	MAX Routes Transit ADA Issues
09/04/18	SSTAC	StanCOG	11	Transit ADA Issues
09/20/18	DRAIL	DRAIL Office	40	Open House/Networking
10/04/18	Modesto Public Works	City Hall	11	Improve ADA Transit Access during Construction
10/04/18	Special Olympics	City Hall	5	MADAR Svc for S.O. Programs
10/15/18	Healthy Aging Summit	Modesto Conv Ctr	600	MAX/MADAR Outreach
10/23/18	Wellness Faire	Modesto JC	75	MAX/MADAR Outreach
10/30/18	SSTAC	StanCOG	11	Transit ADA Issues
11/06/18	Modesto Transit Adv Comm	City Hall	24	Transit ADA Issues Discussion
11/10/18	National Federation Blind	VIPS	12	MAX/MADAR Outreach
11/27/18	SSTAC	StanCOG	11	Transit ADA Issues
12/10/18	City of Oakdale	Oakdale Comm Ctr	15	UTN
12/12/18	Senior Citizens	Modesto Sr Ctr	37	UTN
12/12/18	City of Ceres	Ceres Comm Ctr	2	UTN
12/20/18	MOVE	Mobility Trainers	6	ADA Access Issues
2019				
Date	Group	Location	# Contacts	Details
01/02/19	VIPS	VIPS Office	11	MADAR Rebrand/Program
01/09/19	VIPS	VIPS Office	13	MADAR/MAX Services
01/13/19	City of Empire	Library	15	MADAR Rebrand/Program
01/16/19	Public Coordinating Council	Robertson Comm Ctr	12	MADAR Rebrand/Program
01/24/19	Senior Citizens	Modesto Sr Ctr	28	MADAR Rebrand/Program
01/24/19	Low Inc/Srs/Disabled	Ralston Towers	2	MADAR Rebrand/Program
02/07/19	MADAR Riders & Public	City Hall	40	MADAR Rebrand/Program
02/07/19	MADAR Riders	Onboard Survey	279	MADAR Rebrand/Program
02/11/19	Adult Day Program	Howard Training Ctr	37	MADAR Rebrand/Program
2/26/2019	City Council Approval	City Hall		MADAR Brand/Svc Approval

Community Outreach Efforts

Summary of Outreach Efforts

Event	Date	Populations Represented	Items of Discussion	Outcome
StancoG Citizens Advisory Committee- monthly meetings open to the public	monthly	Local government representatives and area residents	Agendas include transit funding decisions, impact of local projects, and transit service changes.	Forum provides opportunity for additional community oversight of decisions, presentation of more planning detail, and opportunity to address coordination issues across projects.
StancoG Social Services Transportation Advisory Council- monthly meetings, open for public comment, which connect transportation planning staff, transit providers, and area social services.	monthly	Local government representatives, social service agency staff, advocacy group staff, and area residents	Agendas include public comment, transit impact on social programs, transit performance and policy changes, and discussion of funding opportunities.	Forum provides opportunity to discuss change impacts with local social services, coordinate changes with other transit providers, coordinate projects with other agencies, and address service issues.
Modesto Transit ADA Advisory Meeting - open meeting generally held twice per year. Meeting is promoted on board MAX and MADAR buses and letters sent to social service agencies, advocacy groups, and all individuals requesting notification. Notices are also posted in City Hall. Meetings have initial topics to address and are open to any area of concern brought up in the meeting.	11/7/2018	Attendees included representatives of social service agencies, disabled passengers, and low income passengers	Topics included Transit Administrative staff changes, MAX Secret Rider Program for additional compliance oversight, and Travel Training opportunities.	Forum provides for regular flow of information between transit staff, community service providers, and transit passengers concerned about ADA issues.
Table at the Transit Center- the TC sees approximately 10,00 visitors each day. Many of these individuals are unable or unwilling to make any additional trips to events apart from their normal, known destinations. Providing a day of transit planning staff at the TC to discuss planned or potential changes ensures these program consumers are aware of changes and their opportunities to be part of the process.	11/13/2018	All bus passengers with origins, destinations, or transfers at the downtown, T6 and E1 populations attending include Hispanics, African Americans, and low income individuals.	Primary topics are the proposed fare increase for summer of 2014, a proposed new express route to assist travelers on the heaviest route get downtown faster, and minor schedule changes on Routes 22,28, and 32.	Many passengers objected to the fare increase but were more supportive upon learning that it was necessary for the system to meet fare recovery standards required to maintain eligibility for state funding. Passengers also did not want to consider the service cuts that would have been the alternative to fare increases. All table visitors were encouraged to attend the Open House the following week and the Public Hearing in December.
Open House - Transit planning staff hosted a drop in open house at the City Administration building on the second floor next to where many customers come to pay their water bill.	11/19/2013	Attendees included representatives of social service agencies, disabled passengers, and low income passengers.	Primary topics are the proposed fare increase for summer of 2014, a proposed new express route to assist travelers on the heaviest route get downtown faster, and minor schedule changes on Routes 22,28, and 32.	No written comments were received. Many attendees objected to the fare increase but were more supportive upon learning that it was necessary for the system to meet fare recovery standards required to maintain eligibility for state funding. Passengers also did not want to consider the service cuts that would have been the alternative to fare increases.
Unmet Transit Needs- Modesto Public Hearing- hearing to receive potential unmet transit needs from the public.	12/12/2018 12/14/18	Attendees included representatives of social service agencies, local advocacy groups, disabled passengers, and low income passengers.	Concerns raised were: 1) there were various areas within the urbanized area with bus service but without sidewalks or shade at stops, and 2) A neighborhood near the edge of the service area complained that the nearest bus stop was 1/2 mile away and requested closer service.	By the Unmet Transit Needs Assessment process definition neither of these issues were determined to be an unmet need reasonable to meet. For the first issue, street and sidewalk infrastructure is beyond the ability of the transit operator to address. However, in the two years subsequent to this complaint Transit staff worked with local groups to prioritize bus pads and accessible paths in many of the unincorporated areas within the service boundaries to improve access and service conditions. For the second issue, the neighborhood was found to be within approximately 1/2 mile of two bus stops along route 42 and therefore not requiring any additional service.
Modesto Transit ADA Advisory Meeting - open meeting generally held twice per year. Meeting is promoted on board MAX and MADAR buses and letters sent to social service agencies, advocacy groups, and all individuals requesting notification. Notices are also posted in City Hall. Meetings have initial topics to address and are open to any area of concern brought up in the meeting.	1/24/2019	Attendees included representatives of social service agencies, disabled passengers, and low income passengers.	Topics included discussion of the MAX ADA assessment report, review of the MADAR No Show policy, and summer 2014 fare increases.	Forum provides for regular flow of information between transit staff, community service providers, and transit passengers concerned about ADA issues.

<p>Modesto TransR ADA Advisory Meeting - open meeting generally held twice per year. Meeting is promoted on board MAX and MADAR buses and letters sent to social service agencies, advocacy groups, and all individuals requesting notification. Notices are also posted in City Hall. Meetings have initial topics to address and are open to any area of concern brought up in the meeting.</p>	6/16/2015	Attendees included representatives of social service agencies, disabled passengers, and low income passengers.	Topics included wheelchair securement on new buses, recent changes to ADA discussion, review of MADAR pick up and drop off policies	Forum provides for regular flow of information between transit staff, community service providers, and transit passengers concerned about ADA issues.
<p>Unmet Transit Needs- Modesto Public Hearing- hearing to receive potential unmet transit needs from the public.</p>	10/21/2015	Attendees included representatives of social service agencies, local advocacy groups, disabled passengers, and low income passengers.	Public Hearing comments were: 1) MADAR is too expensive for senior on fixed incomes; and 2) more services are needed for seniors to make social trips. Comments in other venues of the assessment were: 1) too many passengers have to wait because the bike racks are full; 2) not enough transit service before 7 am when the VA shuttle leaves the TC; 3) it's too hard to use MADAR for grocery shopping because of the bag limit; 4) MADAR should provide same day service for emergencies; 5) Buses from Empire to Modesto do not accommodate students taking NJC classes; 6) MAX route 39 should run until 10 pm; 6) the Airport neighborhood should have buses more frequently than 30 minutes; 7) McHenry Ave buses are too full and should have more service; 8) Transit buses should have seatbelts; 9) the MAX stop on Tenaya is "on-call" only and should be on every run; 10) More benches and shelters should be put the Airport Neighborhood; 11) Bus stops should be moved away from locations where property owners don't like people waiting in front of their homes; 12) MADAR should let the general public ride when they need to; 13) MAX should run until 11 pm; 13) Bus drivers should assist passengers with loading bikes onto the bike racks; and 14) MADAR should provide more same day rides.	By the Unmet Transit Needs Assessment process definition neither of these issues were determined to be an unmet need reasonable to meet. The service comments that are within the scope and purpose of the transit programs, as well as within the regulatory framework of public transit, are noted for future adjustments if supported by ridership demand and available funding. Comment #7 helped to shape the new route 23 to begin service in July of 2016.
<p>Public Hearing - Formal public hearing at Council meeting to consider route and schedule changes</p>	12/8/2015	There were no public comments offered on the topic	Topic was proposed route changes for summer of 2016: the elimination of route 21 RX, an increase in service frequency on Route 21 to every 15 minutes, and a new Route 23 which would make it easier to travel up McHenry and reach Walmart. The combination of existing route 22 and the new route 23 would provide 15 minute service on the most heavily travelled segment of McHenry.	No comments were made by the public. Council approved the changes as the 21RX elimination would pay for the route 21 service increase and the new route 23 would be supported by a new state LCTOP grant.
<p>Modesto Transit ADA Advisory Meeting - open meeting generally held twice per year. Meeting is promoted on board MAX and MADAR buses and letters sent to social service agencies, advocacy groups, and all individuals requesting notification. Notices are also posted in City Hall. Meetings have initial topics to address and are open to any area of concern brought up in the meeting.</p>	2/9/2016	Attendees included representatives of social service agencies, disabled passengers, and low income passengers.	Topics included paratransit eligibility study, MADAR on time performance, and TC bay changes	Forum provides for regular flow of information between transit staff, community service providers, and transit passengers concerned about ADA issues.
<p>Earth Day in the Park- Approximately 15,000 people each year attend this large community event focused on personal practices that can help sustain healthy communities and a healthy planet. Transit staff host a booth promoting MAX buses over the use of personal cars and have a MAX bus onsite for people to tour and build a comfort level with the workings of a transit bus.</p>	4/26/2016	All local groups and ethnicities represented in this large community event. T6 and E1 populations attending include Hispanics, African Americans, and low income individuals.	Primary topics are basic transit use topics - how to plan a ride, how to locate stops, how to ride the bus. Those new to the idea of transit are encouraged to practicing boarding and disembarking the bus on site. This year staff also promoted the new route starting in the summer.	Staff handed out Ride Guides and trip planner brochures and guided members of the public in how to get questions answered, how to find a bus stop, and how to be part of future planning.
<p>Family Cycling Festival- Approximately 3,000 people attended this large community event. Because the event activities are free and children receive a free bicycle helmet fitted by local nurses this event is heavily attended by families with limited resources.</p>	5/21/2016	All local groups and ethnicities represented in this large community event. T6 and E1 populations attending include Hispanics, African Americans, and low income individuals.	Primary topics are basic transit use topics - how to plan a ride, how to locate stops, how to ride the bus. Those new to the idea of transit are encouraged to practicing boarding and disembarking the bus on site. This year staff also promoted the new route starting in the summer.	Staff handed out Ride Guides and trip planner brochures and guided members of the public in how to get questions answered, how to find a bus stop, and how to be part of future planning. Since this was a bike focused event, many individuals were also able to learn more about the bike racks on the MAX buses and how to use them.

Limited English Proficiency Plan

Introduction

This Limited English Proficiency (LEP) Plan was developed during the process of preparing the City of Modesto Title VI Program to ensure that MAX services are accessible to limited English proficient individuals. Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. As a recipient of FTA funds, Modesto Transit is obligated to reduce language barriers that can preclude meaningful access by LEP persons to transit services.

Title VI of the 1964 Civil Right Act is one of two federal mandates that guarantee the provision of meaningful access to federally-funded services for LEP individuals:

- Title VI of the 1964 Civil Right Act prohibits federally-funded agencies from discriminating against individuals based on race, color, and national origin and includes meaningful access to LEP customers.
- President's Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (August 11, 2000): Instructs federal agencies to improve access to services by mandating that any federally conducted or assisted programs of activities (e.g. recipients of federal funding) must provide meaningful access to LEP customers.

MAX's Title VI Program was prepared in the spring of 2013 in accordance with FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients, October 1, 2012.

Factor Analysis

In order to ensure meaningful access to programs and services, the City of Modesto Transit has used information obtained through Four Factor Analysis to determine the specific language services that are appropriate to provide. The analysis reveals how the agency can improve communication with Limited English Proficient (LEP) individuals. Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English, can be Limited English Proficient (LEP) and, therefore, are entitled to language assistance under Executive Order 13166 and Title VI of the Civil Rights Act of 1964.

This LEP Plan was developed to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available. In order to prepare this plan, the City of Modesto Transit used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served by MAX
2. The frequency with which LEP persons come in contact with MAX services.
3. The nature and importance of services provided by MAX to the LEP population.
4. The interpretation services available to MAX and the overall cost to provide LEP assistance.

A summary of the results of the four-factor analysis follows.

FACTOR 1:

The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.

Transit staff reviewed the American Community Survey Five-Year Estimate for language spoken at home and determined that among the 212,175 persons comprising the city's population, 65.8% speak English at home while 26.3% of residents Spanish at home with an additional 7.9% of residents speaking another language at home. Among those speaking a language other than English and Spanish at home, 55.9%, some 8,574 individuals, identified themselves as speaking English "well" while 44.1% or 6,777 individuals speak English "less than well". This subgroup accounts for 3.2% of the overall population in the service area.

Spanish is one language group that meets the threshold specified by the Department of Transportation's Safe Harbor Provision of over 5% or 1,000 individuals (whichever is less). Safe Harbor stipulates that a recipient of federal funding provides written translation of vital documents of reach eligible language group that constitutes 5% or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written obligations. As a result, key documents necessary for LEP individuals to successfully access MAX services are translated into Spanish as noted in Table 2.

Modesto transit relied upon educational demographics data from California Department of Education's *DataQuest* portal, of the school districts in the service area. The following table summarizing that research shows that Modesto City Elementary School District and Modesto City High School District identify LEP Populations that speak 17 languages at home. Of those languages there is only a numerically significant demand for language support services in our Spanish speaking LEP population.

**Table 1
English Learner Students Not Fluent English Proficient**

	Modesto City Elementary School District	Modesto City High School District	Total
Spanish	5,188	1,278	6,466
Khmer	126	32	158
Arabic	80	50	130
Hindi	33	15	48
Lao	31	9	40
Farsi (Persian)	39	16	55
Hmong	15	4	19
Vietnamese	13	12	25
Pashto	17	20	37
Punjabi	7	12	19
Filipino (Pilipino or Tagalog)	6	6	12
Assyrian	12	27	39
Cantonese	4	0	4
Portuguese	6	0	6
Mandarin	5	6	11
Russian	4	7	11

FACTOR 2:

The frequency with which LEP persons come in contact with SRTA services.

Modesto Transit staff reviewed the frequency with which transit centers and office staff have, or could have, contact with LEP persons. This includes documenting phone inquiries, emails, or office visits. Modesto Transit serves LEP persons daily through MAX fixed route and MADAR paratransit services. MAX customer service receives multiple requests daily for service information in Spanish both at the customer service windows and on the phone. Similarly, MADAR receives multiple daily information and reservation calls from passengers requiring support in Spanish. MADAR estimates 5% of the reservations are made in Spanish only conversations.

FACTOR 3:

The nature and importance of services provided by SRTA to the LEP population.

Modesto Transit provides important transit services to the public through its fixed route and paratransit services. Modesto Transit is the primary resource for transit dependent individuals for daily life tasks such as medical appointments, shopping, and commuting to school and work.

FACTOR 4:

The resources available and overall costs to provide LEP assistance.

Modesto Transit currently provides almost all information in Spanish, including the Ride Guide, applications, information brochures, and all route or schedule changes. Both MAX and MADAR have bilingual staff providing verbal assistance to LEP individuals who may also have limited reading skills in their native language. Modesto Transit utilizes City staffing for document translation services and consolidates printing orders whenever possible.

Modesto Transit is committed to making its services and programs available to LEP persons and recognizes the need to continue providing language services in Modesto. Modesto Transit is committed to continuing the following practices:

- Providing customer services staff members who are bi-lingual and are trained to assist persons with limited English language proficiency
- Providing bi-lingual supervisors and customer service representatives to assist Spanish speaking riders
- Providing the MAX Pass Outlet Program, which utilizes a variety of community-based organizations and small businesses to provide similar access to bus passes throughout the MAX service area. This program provides an additional opportunity to obtain written and verbal information about MAX services, as well as opportunities to purchase MAX passes in the language most common to the neighborhood.
- In addition, Modesto Transit works with community organizations to determine other areas of need and coordinate with other agencies to reach any additional LEP populations.
- To support infrequent language supports needs other than Spanish, Modesto Transit has arranged for LanguageLine services which are able to provide real time phone translation services in over 200 languages.

Table 2

Document Title	Spanish Version	Comments
Application for MAX Senior/Disabled Discount Card	Yes	
Modesto Area Dial-A-Ride (MADAR) Certification Application	Yes	
Modesto Area Dial-A-Ride (MADAR) Brochure	Yes	
Modesto Area Dial-A-Ride CONSUMER GUIDE	Yes	
Modesto Area Express (MAX) Ride Guide	Yes	
Modesto Area Express (MAX) System Route Map	No	The limited text portions on the map contain information that is available in Spanish in the Ride Guide and on the website
Service Announcement Notices (Route/Schedule /Fare, etc.)	Yes	

Title VI Complaint Procedures	Yes	
Dial-A-Ride Comment Form		
<i>MAX</i> Bus Signs		

Subrecipient Oversight Agreements

City of Ripon

County of Stanislaus

Governing Board Approval

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-**

**RESOLUTION APPROVING
THE CITY OF MODESTO TRANSIT SERVICES
2019 TITLE VI PROGRAM UPDATE**

WHEREAS, the City of Modesto operates fixed route and ADA Paratransit service for the Modesto urban area, and

WHEREAS, as a recipient of Federal Transit Administration (FTA) funds the City is required to ensure that transit programs do not discriminate on the basis of race, color, and national origin pursuant to the requirements of Title VI of the Civil Rights Act of 1964, as amended, and

WHEREAS, the FTA issued Circular FTA C 4702.1B, effective October 1, 2012, setting forth requirements and guidelines for Title VI compliance for its grantees; and

WHEREAS, the FTA requires the City of Modesto Transit to submit a Title VI program every three years as a condition of receiving ongoing federal funds, and

WHEREAS, FTA requires that the program must be approved by the Council of the City of Modesto prior to submission to FTA, and

WHEREAS, attached hereto as **Exhibit A** is the 2019 Title VI Program Update prepared by City staff in compliance with the regulations promulgated by the FTA to implement Title VI of the Civil Rights Act of 1964, as amended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Transit Services 2019 Title VI Program Update attached hereto as **Exhibit A**.

BE IT FURTHER RESOLVED that the City Council authorizes the Transit Manager to submit the Title VI Program Update to the FTA; and

BE IT FURTHER RESOLVED that the City Council authorizes the Transit Manager to take any other steps necessary to give effect to this Resolution, including responding to any follow-up inquiries from the Federal Transit Administration.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 2019, by Councilmember ?, who moved its adoption, which motion being duly seconded by Councilmember ?, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT Councilmembers:

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

**City of Modesto
Transit Department**

Public Participation Plan



March 2019

**Adam Barth, Transit Manager
City of Modesto
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www.modestoareaexpress.com**

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Executive Summary

In order to carry out its mission of connecting communities with safe, reliable, and sustainable service to its fullest potential, the City of Modesto Transit Department is committed to engaging all members of the community – informing riders, residents, community partners, agencies and businesses about changes in service or fares, and providing opportunities to participate in meaningful decision-making about plans and projects that may affect their lives or livelihoods.

Public engagement efforts for the City of Modesto Transit Staff recognize the diversity within the greater Modesto service area and among riders. This Public Participation Plan (PPP) was created to identify effective methods of engaging with communities regardless of race, color, national origin, ability to speak English, or income status, as protected by Title VI of the Civil Rights Act and associated regulations. As clarified in the Federal Transit Administration (FTA) circular 4702.1B, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Further, Executive Order 12898 and FTA circular 4703.1 provide that environmental justice for low income populations should be part of the mission of federally funded programs. Under these mandates, transit operators must take reasonable steps to ensure all persons have access to participate in their activities and programs. Additionally, under Executive Order 13166, public engagement activities must be made accessible to persons who have limited English proficiency.

The plan formalizes the City of Modesto Transit's public engagement policies designed to encourage partnerships with Modesto's diverse communities, ensuring that their concerns are heard and their contributions are included along with those of the greater population. The plan provides the roadmap staff will use to advance that goal, along with identification of key contacts 2016-2019, and the recent history of public engagement activities carried out by Transit Staff.

Introduction

As part of its Title VI Program, City of Modesto Transit is committed to sponsoring vigorous public participation processes by enhancing its strategies for engaging minority and Limited English Proficient (LEP) individuals in the decision-making. Public participation and community involvement are vital to the growth and development of the transit services which serve the City of Modesto.

In order to carry out its mission of connecting communities with safe, reliable and sustainable service to its fullest potential the Transit Staff is committed to engaging all members of the community – informing riders, residents and businesses about changes in services or fares, and providing opportunities to participate in meaningful decision-making about projects and plans, including facilities, routes, service hours and fares, that may affect their live or livelihoods. This plan provides detailed guidelines for community outreach and communication during various transit planning stages to ensure the public is appropriately and adequately represented.

Transit is committed to ensuring it serves the Modesto community fairly, consistently and in the most cost-efficient and appropriate manner within available resources. Through conversation and collaboration with riders, prospective riders, and the larger surrounding community, Transit will be able to assess the quality of its service, measure potential impacts to the community from Transit initiatives or proposed initiatives, and ensure that it is providing valuable services to the residents and visitors of greater Modesto.

The plan formalizes the City of Modesto Transit's public engagement policies designed to encourage partnerships with Modesto's diverse communities, ensuring that their concerns are heard and their contributions are included along with those of the greater population. The plan provides the roadmap staff will use to advance that goal, along with identification of key contacts 2016-2019, and the recent history of public engagement activities carried out by Transit Staff. The PPP is designed to be a living document that will be updated regularly to incorporate new data and best practices as identified through activities and experiences from the field.

The PPP is guided by the following principles:

- That Transit decisions consider the Interests and concerns of affected people and entities;
- That the full range of opportunities for participation is made known and communicated broadly through the City of Modesto; and
- That community input received through public engagement processes is considered and incorporated to the extent possible.

These principles form the basis of the City of Modesto Transit's public engagement policies and procedures.

Modesto Transit

The City of Modesto operates both Modesto Area Express (MAX) and Modesto Dial-A-Ride (MADAR), which currently serve the City of Modesto, and portions of other areas outside the city limits.

MAX provides 17 urban bus routes on Mondays through Fridays, beginning as early as 5:45 a.m. and ending generally at 8:00 p.m. One route (Route 21) operates on 15-minute headway. Twelve routes operate on 30-minute headways, while all others operate on one-hour headways. Between Routes 22 and 23, 15-minute service is provided along McHenry Ave. On Saturdays, MAX operates 15 routes, ten of which operate on 30-minute headways, while the others operate on one-hour headways. Twelve MAX routes are provided on Sundays, with all routes operating on one-hour headways. In addition to the urban routes, MAX provides weekday morning and evening commuter routes to and from the Dublin/Pleasanton Bay Area Rapid Transit (BART) Station and Manteca/Lathrop Altamont Commuter Express (ACE) train station. The majority of MAX routes connect to the downtown Modesto Transportation Center. This Center provides a connection point to other regional and interregional transit services such as StaRT, Greyhound, Taxi, and the Modesto Area Express Commuter buses to BART and ACE. The Center is also designed to accommodate a future passenger ACE rail stop in Modesto.

The Modesto Dial-A-Ride system operates as a senior/disabled, paratransit service to satisfy the Americans with Disabilities Act (ADA) for the City of Modesto transit system. MADAR functions as the ADA complementary paratransit service from 4:45 a.m. to 11:00 p.m., Monday through Friday, and 7:15 a.m. to 9:00 p.m. on Saturdays, and 8:45 a.m. to 8:15 p.m. on Sunday.

The City of Modesto is committed to serving its populace in the most efficient and cost effective manner possible. The City strives to provide valuable transit services to residents and visitors to the community, employing a planning philosophy which includes:

- Frequent and convenient service
- Safe and clean vehicles
- Safe and clean boarding and alighting environments
- Easily understandable time schedule
- Easy access to information
- Communication and collaboration with riders, prospective riders, and the community at large to provide improved mobility and quality of life to residents

Approach to Public Participation

The public participation process should be considered at the earliest stages of any City of Modesto Transit project that may impact the surrounding community, its riders, and potential riders. As projects vary in time and size, the public participation process may vary for each, as well as the extent of public participation. The following outlines tools and strategies to ensure that public input is invited and all foreseeable impacts to the community are considered.

Public participation and comments are vital pieces to any prospective change in the transit system. The City values the input of community members as potential changes are discussed. City of Modesto Transit has developed three levels of projects to establish the appropriate minimum public participation requirements. At the beginning of any project, staff will identify into which category that project falls and develop a participation plan accordingly. At any time during its process, the project may be reclassified to a higher level, if Transit staff deems appropriate. The levels are as follows:

Level One

Routine service, route and any short-term projects whose impact on current MAX and MADAR riders and potential riders needs to be identified during planning stages. Examples of projects include:

- Minor route and service changes
- Routine rider surveys
- Changes to fare media

All fare increases (excluding short-term fare changes for specific events or promotions) shall follow outreach methods previously discussed.

Level Two

Service changes will follow outreach methods when there is any change in service which directly affects:

- 25 percent or more reduction of the number of transit revenue vehicle miles of a route computed on a daily basis for the day of the week for which the change is made.

Major fare or service changes that meet the following thresholds:

- 25 percent or more reduction of the number of transit revenue vehicle miles of a route computed on a daily basis for the day of the week for which the change is made.
- Elimination of any route

Subrecipient oversight for FTA 5307 grants

Level Three

Longer term or larger scale projects are those whose impact on current MAX and MADAR riders and potential riders needs to be identified during planning stages. These may include:

- Major service changes
- Short and Long Range Transportation Plans,
- Comprehensive Operational Analysis,
- Coordination plans
- Facility or yard construction projects

Public Participation Tools

City of Modesto Transit employs a wide array of marketing and communications tools and strategies that to inform and engage the public in the planning and development phases of service and fare changes, studies, and activities. These tools have been developed over time with the goal of reaching diverse audiences across a variety of mediums when and where they are most receptive to the information. Key information is developed in Spanish and English.

Traditional Media

Traditional media is one means to reach a large audience through newspaper, radio and television. There are two ways to tap into these resources: paid advertising and unpaid editorial coverage. Paid advertising provides a guaranteed line of communication to an identified audience with maximum message control.

- Press releases
- Media Advisory
- Print display ads, classified ads, legal notices
- Radio spots, sponsorships, live remotes, and advertorials
- Television spots on local public access channels

Digital Communications

The Internet has had a significant impact on how City of Modesto Transit communicates directly with its riders and community. The ability to disseminate a specific, controlled message through a website or email message has revolutionized how stakeholders are informed and engaged. It is also a constantly changing and evolving world, providing new tactics regularly.

- *ModestoAreaExpress.com* provides detailed information about current service, upcoming service changes, long- and short-term planning projects, city council agendas and staff reports, and other initiatives.

- *Social media*: information can be shared with riders in real time using digital channels such as Twitter, Facebook, and LinkedIn. Social media provide another avenue for customer service as well a way to drive people to the website for detailed information.

Printed Materials

Printed pieces, or collateral, are created to support almost every marketing or communication effort the District undertakes. Information is presented in three languages with directions on how to access additional language support.

- Brochures
- Signage (includes signs at bus stops, posters at shelters, ad cards that run along the interior of the bus.)
- Maps, schedules, and timetables
- Direct mail and door hangers

Public Meetings

In-person workshops and meetings serve a variety of roles, from fulfilling legal obligations in the case of public hearings, to fostering in-depth discussion and opportunities for input in the case of public workshops. These meetings function best when serving as venues for open discussion of proposals, challenges, and issues facing a particular community or set of stakeholders.

- Public meetings at various times and locations across the city service area to solicit community input, and to share information about projects, studies, and proposed changes.
- Public hearings in communities where projects or plans are under consideration. This includes placing notices within a specific timeline in newspapers or publications that serve non-English speaking populations with a goal of maximizing visibility and community participation.
- In-house presentations or joining existing meetings to reach community members where they are already gathered.
- Provide meetings at locations accessible for persons with disabilities, and close to public transportation for people who work non-traditional times.
- Provide interpreters and use interpretation equipment for non-English speaking people when warranted.

Community Engagement

Many other public, private, and non-profit organizations conduct activities related to the services provided by City of Modesto Transit. When and where possible, Transit staff works with these

organizations to gather input, provide information, or raise awareness about MAX and MADAR services.

- Partnerships with community based organizations (CBOs), local governments, social service agencies, and faith-based organizations, including organizations that serve non-English speaking populations.
- Field and respond to inquiries from community, government, and business leaders.
- Participation in community events, including fairs, festivals, and parades.
- Inclusion of bilingual staff when possible and appropriate.
- Distribution of marketing materials (including translations) and meeting notices on buses and through CBOs, social service partners, and other public agencies.

Telephone Information

Many customers rely upon the telephone for trip planning, information about upcoming changes or projects, and to relay complaints and compliments.

- Use of dedicated customer service telephone numbers to provide information and an opportunity for public to comment on relevant issues.
- Over-the-phone interpretation services easily accessed by Customer Call Center and local District staff to provide immediate support in the customer's own language.

Surveys

Surveys play a crucial role to collect data about riders, the service, and impacts of specific projects. They also can measure changes over time.

- Printed and online surveys of rider demographics and travel characteristics to comply with Title VI and Environmental Justice requirements, and to understand customer transit behavior.
- Surveys and focus groups to understand the needs of customers and the opinions of the community at large, including customer satisfaction.
- Surveys in various languages and in additional languages upon request.

Conclusion

The City of Modesto Transit Department is committed to engaging the public engagement in public transportation issues, making use of multiple outreach techniques and creative targeted engagement activities. Through its work with community partners, the City will continually improve the identification and implementation of strategies that remove barriers to access and participation for all community members.

Appendix A

Community Outreach Partners

As part of the community participation process, Transit Staff work with many community organizations, social service agencies, local governments, and business. A list of many of the organizations that have supported and/or participated in outreach processes over the past three years follows.

Modesto Transit ADA Advisory Committee	MOVE
Alzheimer's Association	Modesto City Schools—Special Education
Advancing Vibrant Communities	Modesto Senior Citizens Center
Aging & Veterans Services	Social Services Transit Advisory Committee
Alegre Home Care	National Express Transit
Alzheimer/Dementia Support Center, Inc.	Optimal Hospice Care
American Cancer Society	Pacifica Senior Living
Area Agency on Aging	PANC
County of Stanislaus, BHRS	Parkinsons Support Group
California Department of Rehabilitation	Paramount Court Senior Living
California Health Collaborative	Program Coordinating Committee
California Rural Legal Assistance	Project Sentinel
Casa de Modesto	Ralston Tower Apartments
Catholic Charities	Rehabilitation Center Emanuel Medical Center
Center for Human Services	ResCare Home Care
CalFRESH	Robertson Community Center
CVOC	RSVP Retired Senior Volunteers
Ceres Area Transit	Salvation Army
Dale Commons	Samaritan Village
Disability Resource Agency for Independent Living	Satellite Dialysis Center
Doctors Medical Center-	Senior Access Teams
Downtown Improvement District	Senior Service Center
EA Family Services	Society for Disabilities
English Oaks Nursing & Rehab Center Generations Health Care	Stanislaus Council of Governments (StanCOG)
Escalon Transit	Stanislaus County Dept of Veteran's Affairs
First Five of California	Stanislaus County Mental Health Department
Golden Valley Health Center	Stanislaus County Probation
Gospel Mission	Stanislaus Regional Transit (StaRT)
Health Plan of San Joaquin	Stanislaus County Library
Health Services Agency	Stanislaus Elder Abuse Prevention Alliance (SEAPA)
Healthy Aging Association	Stanislaus Special Olympics
Howard Training Center	Storer Transit Systems
Health Services Agency, Stanislaus County	The Park at Modesto
Interfaith Ministries	Turlock Transit
Modesto Chamber of Commerce	United Cerebral Palsy

Modesto City Schools—Special Education	United Way
Modesto Institute for Continued Learning (MICL)	Valley Mountain Regional Center
Modesto Junior College	Vision Impaired Person Support
Modesto Kidney Center	Windsor Post-Acute Healthcare Center of Modesto

Appendix B

Community Outreach Activities 2016-2019

This is a table that describes all the campaigns and activities that had a public engagement component between 2016 and 2019: what the events were, the population targeted, how many people participated, and outcomes.

2016				
Date	Group	Location	# Contacts	Details
06/21/16	General Public/Riders	Graceada Park	120	Dump the Pump Event
2017				
Date	Group	Location	# Contacts	Details
01/10/17	SSTAC	StanCOG	11	Transit ADA Issues
01/18/17	PCC	Robertson Comm Ctr	32	MAX Routes Transit ADA Issues
02/07/17	SSTAC	StanCOG	11	Transit ADA Issues
03/07/17	SSTAC	StanCOG	11	Transit ADA Issues
04/04/17	SSTAC	StanCOG	11	Transit ADA Issues
04/19/17	PCC	Robertson Comm Ctr	26	MAX Routes Transit ADA Issues
05/02/17	SSTAC	StanCOG	11	Transit ADA Issues
06/06/17	SSTAC	StanCOG	11	Transit ADA Issues
07/11/17	SSTAC	StanCOG	11	Transit ADA Issues
07/13/17	Open House	Transit Center Lobby		2018 Route and Fare Changes
07/19/17	PCC	Robertson Comm Ctr	29	2018 Route and Fare Changes
08/29/17	Public Meeting #1	City Hall	8	2018 Route and Fare Changes
08/29/17	Public Meetings #2	City Hall	4	2018 Route and Fare Changes
09/05/17	SSTAC	StanCOG	11	Transit ADA Issues
10/03/17	SSTAC	StanCOG	11	Transit ADA Issues
10/18/17	PCC	Robertson Comm Ctr	21	MAX Routes Transit ADA Issues
11/07/17	SSTAC	StanCOG	11	Transit ADA Issues
2018				
Date	Group	Location	# Contacts	Details
01/03/18	SSTAC	StanCOG	11	Transit ADA Issues
02/06/18	SSTAC	StanCOG	11	Transit ADA Issues
03/06/18	SSTAC	StanCOG	11	Transit ADA Issues
04/03/18	SSTAC	StanCOG	11	Transit ADA Issues
04/21/18	General Public	Earth Day Festival	103	Transit Promotion Outreach
05/01/18	SSTAC	StanCOG	11	Transit ADA Issues
6/1-6/21	Rider Surveys	On Various Buses	75	MAX Routes Changes Other

06/05/18	SSTAC	StanCOG	11	Transit ADA Issues
07/10/18	SSTAC	StanCOG	11	Transit ADA Issues
07/26/18	Public Hearing	City Hall	14	MAX Routes Changes Other
07/26/18	Public Hearing	Robertson Comm Ctr	5	MAX Routes Changes Other
07/31/18	SSTAC	StanCOG	11	Transit ADA Issues
08/15/18	PCC	Robertson Comm Ctr	27	MAX Routes Transit ADA Issues
09/04/18	SSTAC	StanCOG	11	Transit ADA Issues
09/20/18	DRAIL	DRAIL Office	40	Open House/Networking
10/04/18	Modesto Public Works	City Hall	11	Improve ADA Transit Access during Construction
10/04/18	Special Olympics	City Hall	5	MADAR Svc for S.O. Programs
10/15/18	Healthy Aging Summit	Modesto Conv Ctr	600	MAX/MADAR Outreach
10/23/18	Wellness Faire	Modesto JC	75	MAX/MADAR Outreach
10/30/18	SSTAC	StanCOG	11	Transit ADA Issues
11/06/18	Modesto Transit Adv Comm	City Hall	24	Transit ADA Issues Discussion
11/10/18	National Federation Blind	VIPS	12	MAX/MADAR Outreach
11/27/18	SSTAC	StanCOG	11	Transit ADA Issues
12/10/18	City of Oakdale	Oakdale Comm Ctr	15	UTN
12/12/18	Senior Citizens	Modesto Sr Ctr	37	UTN
12/12/18	City of Ceres	Ceres Comm Ctr	2	UTN
12/20/18	MOVE	Mobility Trainers	6	ADA Access Issues
2019				
Date	Group	Location	# Contacts	Details
01/02/19	VIPS	VIPS Office	11	MADAR Rebrand/Program
01/09/19	VIPS	VIPS Office	13	MADAR/MAX Services
01/13/19	City of Empire	Library	15	MADAR Rebrand/Program
01/16/19	Public Coordinating Council	Robertson Comm Ctr	12	MADAR Rebrand/Program
01/24/19	Senior Citizens	Modesto Sr Ctr	28	MADAR Rebrand/Program
01/24/19	Low Inc/Srs/Disabled	Ralston Towers	2	MADAR Rebrand/Program
02/07/19	MADAR Riders & Public	City Hall	40	MADAR Rebrand/Program
02/07/19	MADAR Riders	Onboard Survey	279	MADAR Rebrand/Program
02/11/19	Adult Day Program	Howard Training Ctr	37	MADAR Rebrand/Program
2/26/2019	City Council Approval	City Hall		MADAR Brand/Svc Approval

City of Ripon

MEMORANDUM OF UNDERSTANDING
between the
CITY OF MODESTO
and the
CITY OF RIPON

**“Regarding the Coordination of Ongoing Federal Transportation Administration (FTA)
Section 5307 Funded Activities for the Modesto Urbanized Area”**

This Memorandum of Understanding (MOU) is entered into between the City of Modesto, hereinafter referred to as “Modesto” and the City of Ripon, hereinafter referred to as “Ripon”, this 22 day of September, 2009.

This MOU is made with reference to the following recitals:

1. The Stanislaus Council of Governments (StanCOG) has been designated by the Federal Transit Administration (FTA) to receive Section 5307 federal transit funds, which are made available to the Modesto Urbanized Area.
2. The San Joaquin Council of Governments (SJCOG) is the Metropolitan Planning Organization for the San Joaquin County region.
3. SJCOG and StanCOG entered into an MOU March 15, 2004 to define the roles and responsibilities of the two Metropolitan Planning Organizations in the transit planning and programming of federal funds for the Modesto Urbanized Area. This MOU between SJCOG and StanCOG is attached to this MOU as Attachment A.
4. Modesto, as designated by the U.S. Census Bureau, is the major population center in the federally defined Modesto Urbanized Area. Modesto is currently the designated applicant for FTA Section 5307 funds within the Modesto Urbanized Area.
5. Located in San Joaquin County, Ripon is included in the Modesto Urbanized Area, as designated by the U.S. Census Bureau. Ripon has current and future eligible activities for FTA Section 5307 federal transit funds that have and will be included in the StanCOG and SJCOG transit planning and programming documents.
6. Modesto and Ripon must enter into an MOU to define roles and responsibilities of the two cities in the FTA Section 5307 grant application and grant management process to ensure the smooth and equitable distribution of funds and ensure compliance with all federal grant regulations and requirements.
7. Ripon and Modesto mutually agree that the responsibilities outlined in this MOU foster healthy collaboration for the purpose of transit planning and programming federal funds within the Modesto Urbanized Area.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, the parties hereto mutually agree as follows:

SECTION 1: Purpose

1.1 Purpose

The purpose of this MOU is to set forth the basic structure for FTA Section 5307 grant application and administration in the Modesto Urbanized Area. This MOU builds upon an existing MOU between SJCOG and StanCOG. The existing MOU between SJCOG and StanCOG is attached to this MOU as Attachment A.

SECTION 2: Cooperative Relationship

2.1 Communication

Modesto and Ripon shall rely upon a cooperative relationship to facilitate the application for and administration of FTA Section 5307 funds. A critical component of this relationship involves open and productive communication, which leads to setting transit project priorities and following all federal funding requirements.

The Modesto Transit Manager and the Ripon City Engineer are the primary individuals responsible for ensuring implementation of the provisions of this MOU.

SECTION 3: FTA Section 5307 Requirements

3.1 Grantee Role

Modesto, as the grantee, will review proposed projects to help ensure that all FTA supported activities in which Ripon engages comply with all applicable Federal regulations, Grant Agreements and FTA circulars. Ripon shall cooperate with Modesto to provide supporting documents, data and other information as may be reasonably requested by Modesto to ensure said compliance.

Modesto, will make a good faith effort to provide Ripon an annual allocation amount reflecting estimated Ripon's funding share, including related methodology and technical calculations that were used to identify the allocation figure. Ripon shall review the allocation and provide comments to Modesto within thirty days on the methodology and calculation.

Within 30 calendar days of publication of the apportionments in the Federal Register, Modesto will calculate and furnish Ripon with their allocation amount. Modesto will track the amount of the Modesto Urbanized Area's total apportionment, the cumulative amount of said apportionment that is allocated to Ripon, and the cumulative amount of Ripon's allocation that has been obligated by the

FTA in approved grants. Modesto will provide Ripon with a report on these amounts within 30 days of Ripon's request for information

3.2 Annual Certifications and Assurances

Modesto shall annually submit Certifications and Assurances to the FTA that detail the federal requirements with which it must comply to be eligible to receive federal transit assistance. The annual submission of these Certifications and Assurances is required by Federal law prior to the submission of any grant application.

Federal regulations require that Modesto, as a grant applicant, secure sufficient documentation from subrecipients such as Ripon to ensure the subrecipient's compliance with all the requirements included in the Certifications and Assurances. To ensure that Ripon is aware of all federal regulations, Ripon shall submit to Modesto, within thirty (30) days of Modesto's request, a signed copy of the FTA's Annual Certifications and Assurances. Ripon shall comply with all requirements set forth in the annual Certifications and Assurances.

3.3 Civil Rights Requirements

Modesto and Ripon agree to comply with all applicable civil rights statutes and implementing regulations including, but not limited to, the following: non discrimination in Federal Public Transportation Programs; non discrimination following the requirements of Title VI of the Civil Rights Act of 1964; Equal Employment Opportunity; non discrimination on the basis of sex; non discrimination on the basis of age; non discrimination on the basis of disability; and, Disadvantaged Business Enterprise.

3.4 Federal Transportation Improvement Program

SJCOG is responsible for the periodic development, adoption, and amendment of a Federal Transportation Improvement Program (FTIP) for San Joaquin County. Federally funded projects are programmed by SJCOG on behalf of Ripon to provide for Ripon's receipt of federal funds through the FTIP. Ripon will be responsible to ensure that its Federal Section 5307 projects are programmed into SJCOG's FTIP in addition to being included in the StanCOG FTIP as an information item only. Ripon shall request the inclusion of its projects in the triennial FTIP's prepared by StanCOG and SJCOG.

The SJCOG FTIP will be prepared and coordinated with StanCOG per the MOU between SJCOG and StanCOG. Ripon shall be eligible to receive FTA funding only for projects that are included in said FTIP's when properly adopted by both SJCOG and StanCOG, in accordance with regulations promulgated by the U.S. Department of Transportation, and approved by the FTA. Projects not included in both the SJCOG and StanCOG FTIP's will not be included in Modesto's Section 5307 grant application.

3.5 Annual Review and Request for Funding

Modesto and Ripon shall meet annually for the purpose of reviewing the transit needs in the Modesto Urbanized Area and defining the apportionment amounts for eligible transit activities in Ripon. The meeting shall be held after the FTA publishes the annual apportionments in the Federal Register.

Requests submitted to Modesto by October 1st will be included in an application that Modesto will submit to the FTA by June 30th of the following year. Said written notification shall include copies of the SJCOG and StanCOG FTIP's as approved by Caltrans, the FHWA and the FTA. Ripon shall notify Modesto in writing if it has an FTA eligible project that it desires Modesto to include in its annual Section 5307 grant application.

In the event that application requests are filed after October 1st, Modesto will amend its annual grant application to include Ripon's FTA eligible project, if time permits.

If Ripon does not submit a project annually, Ripon's annual apportionment shall be carried over automatically into the next year and the next year(s), if applicable. The apportionment balance shall be cumulatively tracked by Modesto. Ripon's annual apportionments will not be expended by Modesto without Ripon's express written approval. Ripon will be able to submit an eligible project based upon its cumulative unexpended apportionment balance. Modesto will provide Ripon the cumulative balance within thirty (30) calendar days of Ripon's request.

All parties agree that Ripon's share of the Modesto Urbanized Area's annual Section 5307 allocation shall be based on the percentage of the population (according to the most recent federal census) of the Modesto Urbanized Area that resides within San Joaquin County. This percentage shall be applied to the portion of the Modesto Urbanized Area's Section 5307 apportionment that is calculated on population alone and the portion that is calculated using population multiplied by population density. The remainder of the apportionment shall be distributed to Modesto. Ripon shall not receive any portion of the FTA Section 5307 apportionment that is determined, in whole or in part, on the basis of bus revenue miles or other data obtained through the National Transit Database process, unless Ripon submits NTD reporting data as specified in Section 4.3 of this MOU.

SECTION 4: Grant Application and Management

4.1 Federal Transit Administration Section 5307 Funding Application

Modesto shall complete the application for Section 5307 funding for the Modesto Urbanized Area and include funding requested by Ripon in the manner prescribed in Sections 3.4 and 3.5 of this MOU. Modesto shall submit the application to the Federal Transit Administration for processing.

Ripon shall provide Modesto with project information on a timely basis to ensure that grant application deadlines are met. This information shall include a project description, budget and budget detail, project milestones and environmental findings. Modesto may submit the annual

application without funding for Ripon if it does not receive the necessary project information within thirty (30) calendar days of notifying Ripon in writing of the deadline for receipt of project information.

After the grant has been approved by the FTA, StanCOG has completed the Supplemental Agreement approval and Modesto has executed the grant, Modesto will notify Ripon of the final approval of FTA grant funding. A flow chart detailing the grant application process is attached to the MOU as Attachment B.

4.2 Federal Transit Administration Section 5307 Grant Reporting Requirements

Financial Status Reports (FSR) and Milestone Progress Reports (MPR) are due to the FTA within 30 days after the end of each quarter. These reports are used by the FTA to determine if the purposes of the grant are being achieved, if the project is progressing on time and within budget, if the grantee is demonstrating competence in executing the project, if the project meets program requirements and if any future problems are anticipated. The FTA may withhold payment for failure to submit FSR or MPR reports on time.

The FSR is to provide a current, complete and accurate financial picture of the grant on an accrual basis as specified in FTA Circular 5010.1D, as that circular may be subsequently updated or amended.

The MPR is the narrative portion of the quarterly report. Information in the MPR includes status reports and progress on the milestones included in the grant application. FTA Circular 5010.1D describes the MPR.

Modesto will combine the information on Modesto's projects with Ripon's projects for these quarterly reports. To meet the quarterly reporting deadline, by the 10th day of the month following the end of each quarter Ripon will provide Modesto with the finance and milestone information needed for Modesto to properly complete the reports.

4.3 Federal Transit Administration National Transit Database (NTD) Reporting

If Ripon does not receive a waiver from the FTA for NTD reporting, Ripon will submit NTD reports that have been compiled in the manner prescribed by the FTA. If Ripon desires to receive FTA funding based on services provided, or any factor other than population and population density, Ripon must submit NTD information to the FTA. This would require Ripon to provide adequate and properly trained staff resources to collect and compile the information. In addition, a Ripon staff member would need to regularly attend FTA training on NTD reporting. If Ripon submits NTD reports, hard copies of the reports will be sent to Modesto.

FTA grantees and sub recipients are required by law to submit monthly and annual NTD reports to the FTA. There are three types of NTD reports; annual, monthly and safety and security incidents. The largest of the three is the annual report, which includes information on transit operations including ridership, miles, hours and vehicles with details on actual expenditures. The FTA uses this information to calculate the Modesto Urbanized Area's annual apportionment. Data collection

methodologies and reporting procedures are highly technical and annual training is required to complete the reports accurately.

During an FTA Triennial Review, Modesto is required to provide the NTD reporting identification number for all sub recipients of FTA Section 5207 funds. As a sub recipient, Ripon shall provide Modesto with a copy of its NTD reports that includes Ripon's reporting identification number or a letter from the FTA waiving the requirement.

Modesto will not be available to assist in the collection and assimilation of NTD data for Ripon. Modesto will not be able to enter into its NTD database information on Ripon's behalf. It shall be Ripon's responsibility to accurately collect and enter information into the NTD reporting system.

Section 5: Reimbursements for Grant Activities

Thirty days after Modesto's submission of the Quarterly reports to the FTA, Ripon will submit a detailed expense report and invoice based on the FSR (Section 4.2, Reports) to Modesto for reimbursement. The expense report will be submitted by the first day of March, June, September and December following any quarter in which Ripon has incurred reimbursable expenses. Modesto will reimburse Ripon for eligible activities within 30 days after the receipt of the expense invoice. Ripon will maintain all original invoices for a period of ten years for future FTA audits and reviews.

Ripon shall reimburse Modesto for fully allocated labor expenses for activities related to FTA grants that benefit Ripon. To receive reimbursement for routine activities constituting less than 20 hours of labor, Modesto shall submit an invoice to Ripon within 30 days of the end of each six-month period in which costs were incurred. To receive reimbursement for activities beyond the routine activities, or in excess of 20 hours of labor, Modesto shall provide Ripon with written notice of the labor expenditures prior to undertaking the non-routine activities. Any invoice submitted by Modesto to Ripon shall list labor hours by employee, the fully allocated expense rate per labor hour and the cost by employee and a total for all Modesto employees and must be approved, in writing, by the Ripon City Engineer. Ripon shall remit payment to Modesto within 30 days of receipt of said invoice. FTA funds may not be used for this payment.

Section 6: Errors and Omissions

Ripon and Modesto agree that neither party shall hold the other responsible for errors, omissions or other negligence that might result in the loss of funding or a delay in receiving funding.

Section 7: MOU Amendment

This MOU may be amended by the written consent of both parties.

Section 8: MOU Termination

Either party upon thirty days written notification to the other may terminate this MOU.

Section 9: Authorization of MOU

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this MOU in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2009- 449, adopted by the Council of the City of Modesto on the 22 day of September, 2009.

CITY OF MODESTO,
A California municipal corporation

By: 
GREG NYHOF, City Manager

CITY OF RIPON
A California municipal corporation

By: 
CHUCK WINN, Mayor

ATTEST:
By: 
STEPHANIE LOPEZ, City Clerk

ATTEST:
By: 
LYNETTE VAN LAAR, City Clerk

(SEAL)


APPROVED AS TO FORM:
SUSANA ALCALA WOOD, City Attorney

By: 
ROLAND R. STEVENS, Assistant City Attorney

APPROVED AS TO FORM:
THOMAS H. TERPSTRA, City Attorney

By: 
THOMAS H. TERPSTRA

APPROVED AS TO FORM:

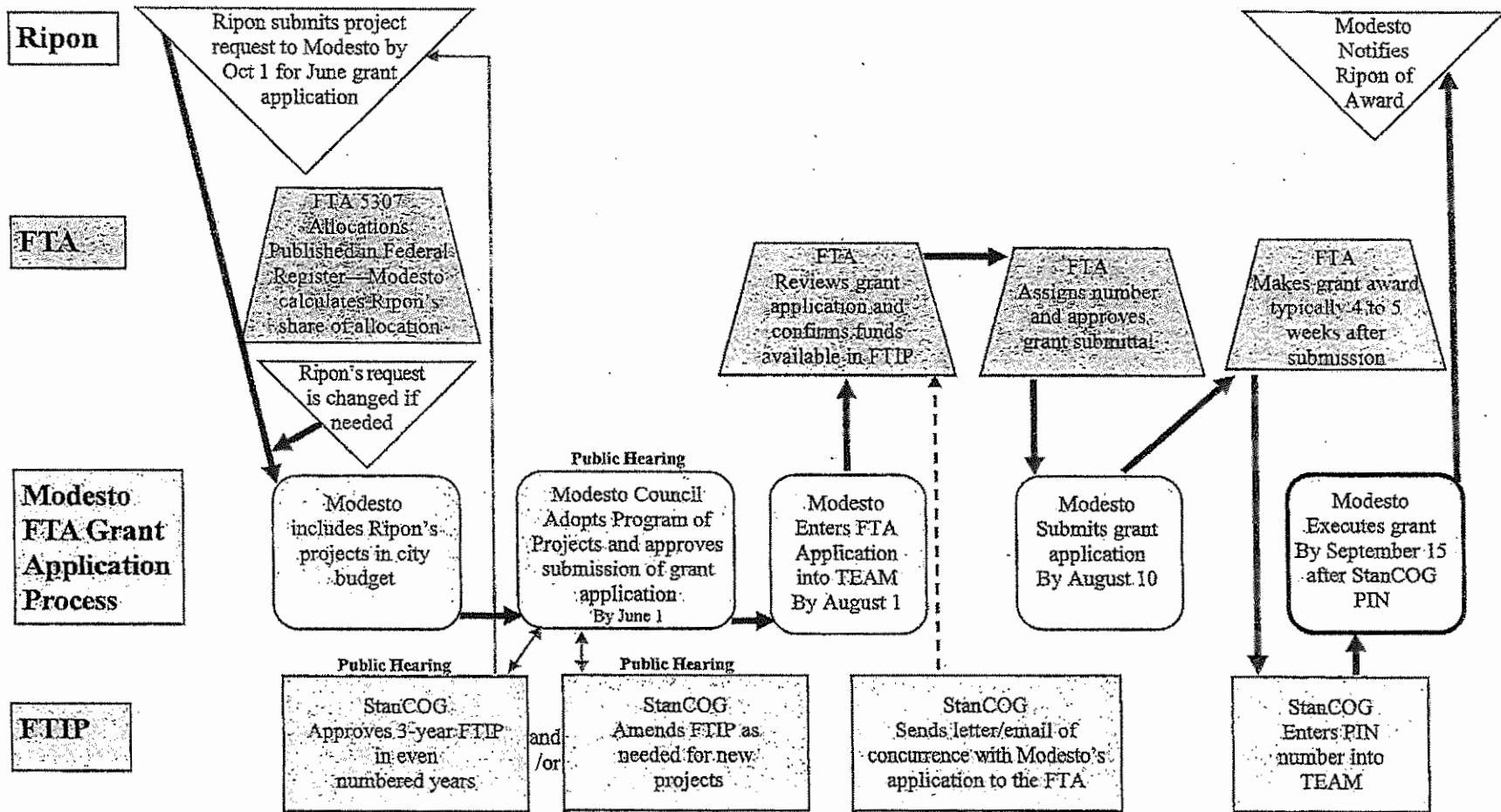
By: 
MARY AKIN, Risk Manager

* Corporations – signature of two (2) officers
required or one (1) officer plus corporate seal.

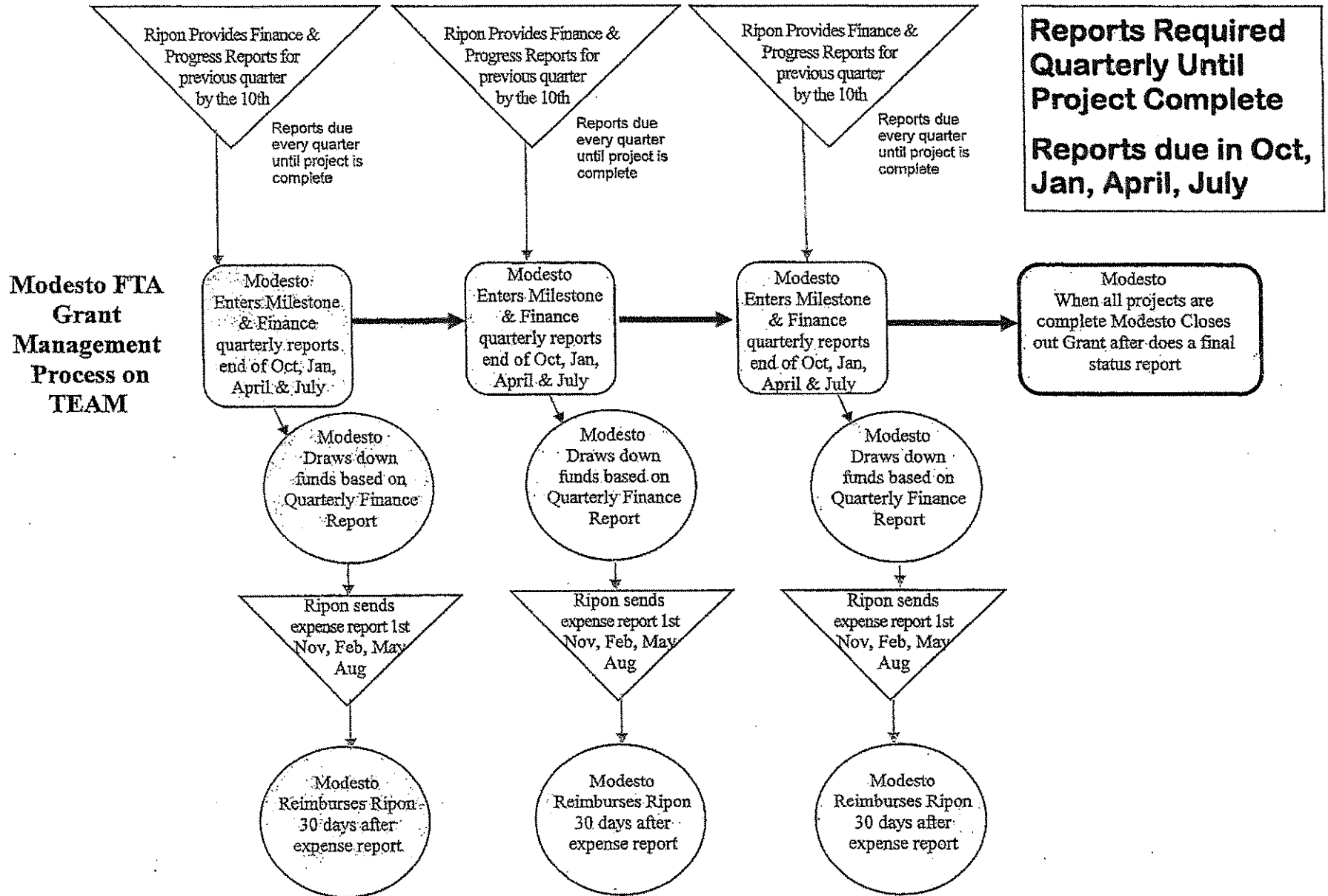
Partnership – signature of a partner required

Sole proprietorship – signature of proprietor required

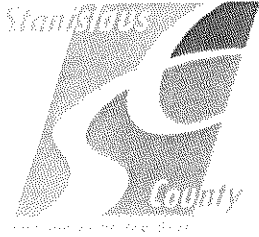
Attachment B — FTA Section 5307 Grant Process Flow Chart



Attachment C — Quarterly FTA Grant Reporting



County of Stanislaus



DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE, LS
Director, County Surveyor

Chris Brady, PE
Deputy Director - Construction/Roads/Bridges

Colt Esenwein, PE
Deputy Director - Engineering/Survey/Fleet

David Leamon, PE
Deputy Director - Development/Traffic

Kathy Johnson
Assistant Director - Business/Finance

www.staniscounty.org/publicworks

February 23, 2015

Fred Cavanah, Transit Manager
City of Modesto
1010 10th Street, Suite 4500
Modesto, CA 95354

Dear Fred:

Please find enclosed the executed and signed original of the Memorandum of Understanding (MOU) between the City of Modesto and Stanislaus County.

Per your request, I am forwarding one copy of the fully executed MOU to the City. I would like to take this opportunity to thank you and your staff for your assistance throughout this process and very much appreciates your help.

Should you have any questions or concerns, please feel free to call me and may do so at 209-525-7560.

Sincerely,

Eunice Lovi
Transit Manager

MEMORANDUM OF UNDERSTANDING
between the
CITY OF MODESTO
and
STANISLAUS COUNTY

Two Party Subrecipient Agreement
Regarding the Coordination of Federal Transportation Administration (FTA)
Section 5307 Funded Activities in the Modesto Urbanized Area

This Memorandum of Understanding (MOU) is entered into between the City of Modesto, hereinafter referred to as "Modesto" and Stanislaus County, hereinafter referred to as "the County", this 25 day of November, 2014.

This MOU is made with reference to the following recitals:

1. The Stanislaus Council of Governments (StanCOG) has been designated by the Federal Transit Administration (FTA) to receive Section 5307 federal transit funds, which they make available to transit operators in the Modesto Urbanized Area through the Federal Transportation Improvement Program (FTIP) planning process.
2. Modesto, as designated by the U.S. Census Bureau, is the major population center in the federally defined Modesto Urbanized Area. Modesto is the designated applicant and recipient of all FTA Section 5307 funds within the Modesto Urbanized Area.
3. The FTA requested that Modesto work with other public transit operators in the Modesto Urbanized Area to develop subrecipient relationships as needed to accomplish public transit goals within the Modesto Urbanized Area.
4. Also located in the Modesto Urbanized Area (as designated by the U.S. Census Bureau) are the cities of Riverbank, Oakdale and Hughson and unincorporated areas including the community of Keyes that are served by the Stanislaus County Public Works Transit Division a.k.a. Stanislaus Regional Transit.
5. As an urbanized area transit provider, Stanislaus County has current and future activities eligible for FTA Section 5307 federal transit funds that have and/or will be included in the FTIP adopted by StanCOG.
6. Modesto and Stanislaus County must enter into an MOU to define roles and responsibilities of the two entities in the FTA Section 5307 grant application and grant management process to ensure the smooth and equitable distribution of funds and ensure compliance with all federal grant regulations and requirements.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, the parties hereto mutually agree as follows:

SECTION 1: Purpose

1.1 General Scope of Agreement

The purpose of this MOU is to identify the roles and responsibilities for Modesto as the grant recipient and the County as the subrecipient for FTA Section 5307 grant funds received by the City of Modesto in accordance with P.L. 112-141, Moving Ahead for Progress in the 21st Century (MAP-21).

SECTION 2: Terms

2.1 Term

The term of this MOU shall be commensurate with activities necessary to procure the Section 5307 funds specified in Paragraph 2.2 and terminate when either party exercises its right to terminate under Section 8 of this agreement.

2.2 Funding Covered by this MOU

This agreement addresses FTA 5307 funds apportioned to the Modesto Urbanized Area by the FTA as authorized by MAP 21 for Federal Fiscal Years 2012-13 and 2013-14 as published in the Federal Register. Additional apportionments made to the Modesto Urbanized Area under MAP 21 for FY 2014-15 and future years will be addressed under this MOU unless terminated pursuant to Section 8 of this agreement.

SECTION 3: FTA Section 5307 Requirements

3.1 Responsibilities of the City of Modesto (Recipient) and Stanislaus County (Subrecipient)

Modesto, as the FTA recipient, is required to ensure that all supported activities in which the County engages as the subrecipient comply with all regulations, Grant Agreements, circulars and other guidance issued by federal regulatory agencies. The County shall cooperate with Modesto to provide supporting documents, data and other information as may be reasonably requested by Modesto to ensure said compliance. In addition to the items below, the County shall comply with all the terms in Exhibit A, Federal Contract Clauses.

3.2 Certifications and Assurances

Modesto annually submits Certifications and Assurances to the FTA that detail the federal requirements with which it must comply to be eligible to receive federal transit assistance. The annual submission of these Certifications and Assurances are required by Federal law prior to the submission of any grant application.

Federal regulations require that Modesto, as a grant applicant, secure sufficient documentation from subrecipients such as the County to ensure the subrecipient's compliance with all the requirements included in the Certifications and Assurances. To ensure it is prepared to comply with all federal regulations the County shall submit to Modesto within thirty (30) days of the date first written above, a signed copy of the Certifications and Assurances for FTA grant and cooperative agreements most recently published in the Federal Register. Subsequent to the initial submittal, the county shall annually submit to Modesto, within thirty (30) days of publication in the Federal Register, a signed copy of the FTA's Certifications and Assurances. The County shall comply with all requirements set forth in the annual Certifications and Assurances.

3.3 Federal Certifications

Federal Certifications:

The County shall complete and submit the following federally required forms included in Exhibit B within thirty (30) days of approval of the MOU by the Modesto City Council.

Form 1

A signed Certification of Primary Participant Regarding Debarment, Suspension, and Other Responsibility Matters.

A signed form must be submitted if the subrecipient will receive \$100,000 or more in payment for their participation in this MOU.

Form 2

A signed Certification of Lower-Tier Participants Regarding Debarment, Suspension, and Other Ineligibility and Voluntary Exclusion.

FTA requires third party contractors to submit this certificate to the grantee for any subrecipient doing work valued at \$100,000 or more. The County shall be responsible to obtain complete forms from its contractors and submit them to Modesto. This form must be completed and submitted for each contractor expected to receive \$100,000 or more for their participation during the term of this MOU.

Form 3

A signed Certification of Restrictions on Lobbying

FTA requires that each subrecipient submit this certification to Modesto. Any subcontractor doing work valued at more than \$100,000 during the term of the contract is required to submit a certification to Modesto. The County shall be responsible to obtain complete forms from its subcontractors and submit them to Modesto prior to receiving FTA 5307 funds.

Form 4

A signed Disclosure of Lobbying Activities.

The Disclosure Statement must be submitted by the County or subcontractor whose participation exceeds \$100,000 and who is involved in lobbying activities. The County

shall be responsible to obtain complete forms from its subcontractors and submit them to Modesto prior to receiving FTA 5307 funds.

Form 5

A signed Certification Regarding Non-Discrimination of Persons with Disabilities.

Form 6

A signed Equal Opportunity Employment Certification.

3.4 Civil Rights Requirements

Modesto and the County shall comply with all applicable civil rights statutes and implementing regulations including, but not limited to, the following: non discrimination in Federal Public Transportation Programs; non discrimination following the requirements of Title VI of the Civil Rights Act of 1964; Equal Employment Opportunity (EEO); non discrimination on the basis of sex; non discrimination on the basis of age; non discrimination on the basis of disability; and, Disadvantaged Business Enterprise (DBE). As the grantee, Modesto will monitor the County (subrecipient) to ensure compliance with all civil rights regulations and reporting requirements. The County shall provide Modesto with their EEO, Title VI and DBE plans, reports and analysis according to federal requirements

3.5 Drug and Alcohol Program

Modesto and the County will follow the requirements of 49 CFR Part 655 to have a drug and alcohol testing policy detailing the provisions of their drug and alcohol programs. These programs shall include all of the provisions as defined by 49 CFR 655.15. Modesto will monitor the County to ensure compliance with this regulation and reporting requirements. The county shall provide Modesto with its Drug and Alcohol plan and reports according to federal requirements.

3.6 Americans with Disabilities Act Requirements

Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that as an FTA grantee, Modesto shall not discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service. Each public entity operating a fixed route system must provide complementary paratransit to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed route system.

Modesto will monitor the County to ensure that the County provides ADA complementary paratransit service in compliance with the DOT ADA requirements including, but not limited to, hours of paratransit service, eligibility determinations, service criteria, service capacity, and no-show policies. The County shall provide Modesto with its FTA approved Paratransit Service Plan and monthly reports from its operations contractor documentation to demonstrate compliance.

3.7 Federal Transportation Improvement Program

The Stanislaus Council of Governments, StanCOG, is responsible for the periodic development, adoption, and amendment of a Federal Transportation Improvement Program (FTIP) for Stanislaus County. The FTIP is, in part, the plan and approval for the allocation of FTA Section 5307 funds to transit operators in the Modesto Urbanized area. Federally funded transit projects must be programmed in the FTIP by StanCOG on behalf of Modesto and the County to provide for both parties receipt of federal funds. The County will be responsible to ensure that the County's FTA Section 5307 projects, as agreed upon by both parties are programmed into the FTIP.

3.8 Funding Level

Modesto and the County have met for the purpose of reviewing the transit needs in the Modesto Urbanized Area and defining the apportionment amounts for eligible transit activities in the County's area of service. The allocation amount negotiated by Modesto and the County was based upon population in each service area and ridership numbers and is consistent with Table 3 A in the FTA FY 2013 and FY 2014 Apportionments, Allocations and Program Information as published in the Federal Register. Per these negotiations, the funds will be used to cover the County's Capital Cost of Contracting with the maximum allocation to the County of \$683,777 for FY 2013 and \$490,169 for FY 2014. The negotiations were conducted with the approval and oversight of StanCOG. Funding amounts for additional years are subject to negotiations between the City, County and StanCOG.

SECTION 4: Grant Application and Management

4.1 Federal Transit Administration Section 5307 Funding Application

Modesto will complete the application for Section 5307 funding for the Modesto Urbanized Area and include funding requested by the County in the manner prescribed in Sections 3.7 and 3.8 of this MOU. Modesto will submit the application to the Federal Transit Administration for processing.

The County shall provide Modesto with project information on a timely basis to ensure that grant application deadlines are met. This information shall include a project description, budget and budget detail, project milestones and environmental findings. Modesto may submit the annual application without funding for the County if it does not receive the necessary project information within fifteen (15) business days of notifying the County in writing of the deadline for receipt of project information.

After the grant has been approved by the FTA, StanCOG has completed the Supplemental Agreement approval and Modesto has executed the grant, Modesto will notify the County of the final approval of FTA grant funding. A flow chart detailing the grant application process is attached to the MOU as Exhibit C.

4.2 Federal Transit Administration Section 5307 Grant Reporting Requirements

Financial Status Reports (FSR) and Milestone Progress Reports (MPR) are due to the FTA within 30 days after the end of each quarter ("Quarterly Report"). These reports are used by the FTA to determine if the purposes of the grant are being achieved, if the project is progressing on time and within budget, if the grantee is demonstrating competence in executing the project, if the project meets program requirements and if any future problems are anticipated. The FTA may withhold payment for failure to submit FSR or MPR reports on time.

The FSR is to provide a current, complete and accurate financial picture of the grant on an accrual basis as specified in FTA Circular 5010.1D, as that circular may be subsequently updated or amended.

The MPR is the narrative portion of the Quarterly Report. Information in the MPR includes status reports and progress on the milestones included in the grant application. FTA Circular 5010.1D describes the MPR.

Modesto will combine the information on Modesto's projects with the County's projects for these quarterly reports. To meet the quarterly reporting deadline, the County shall provide by the 10th day of the month following the end of each quarter the milestone information needed for Modesto to properly complete the milestone report. The FSR will be submitted based on the detailed expense reports submitted by the County in February, May, August and November as described in Section 5. Upon completion and submittal of the FSR and MPR, Modesto shall provide copies to the County.

4.3 Federal Transit Administration National Transit Database (NTD) Reporting

FTA grantees and subrecipients are required by law to submit monthly and annual NTD reports to the FTA. Annual and monthly reports on transit operations including ridership, miles, hours and vehicles, with details on actual expenditures, are required. The FTA uses this information to calculate the Modesto Urbanized Area's annual apportionment. Data collection methodologies and reporting procedures are highly technical and annual training is required to complete the reports accurately.

During each FTA Triennial Review, Modesto is required to provide the NTD reporting identification number for all subrecipients of FTA Section 5307 funds. As a subrecipient, the County shall provide Modesto with a final copy of its NTD report that includes the County's reporting identification number.

Modesto will not be available to assist in the collection and assimilation of NTD data for the County. Modesto will not enter into its NTD database information on the County's behalf nor will it assist in resolving discrepancies that may be discovered by the FTA's NTD contractor. It shall be the County's responsibility to accurately collect and enter information into the NTD reporting system. The County as a Small Urban System Transit Provider in a large urbanized

area may request approval from FTA to qualify for a Small Systems Waiver. The County shall cooperate with the FTA and its NTD contractor to resolve any data discrepancies.

Section 5: Reimbursements for Grant Activities

The County shall submit a detailed expense report to Modesto for reimbursement on a quarterly basis within sixty (60) days following the end of the federal quarter. These expense reports shall be submitted by the end of February, May, August and November following any quarter in which the County has incurred reimbursable expenses. Modesto will reimburse the County for eligible expenses within thirty (30) days after the receipt of the expense reports. The County shall maintain all original invoices for a period of six (6) years for future FTA audits and reviews.

Section 6: Errors and Omissions

Modesto and the County agree that neither party shall hold the other responsible for errors, omissions or other negligence that might result in the loss of funding or a delay in receiving funding.

Section 7: MOU Amendment

This MOU may be amended by the written consent of both parties.

Section 8: MOU Termination

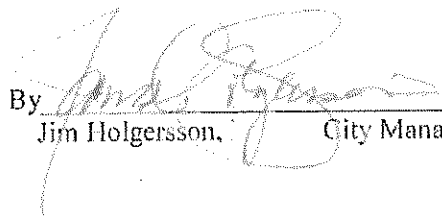
Either party upon thirty (30) days written notification to the other may terminate this MOU.


Section 9: Authorization of MOU

By signature, we agree that the responsibilities outlined in this MOU foster healthy collaboration for the purpose of transit planning and programming federal funds within the Modesto Urbanized Area.


CITY OF MODESTO

STANISLAUS COUNTY

By: 
Jim Holgersson, City Manager


By: 
Matthew Machado, Director, Department of Public Works

ATTEST:

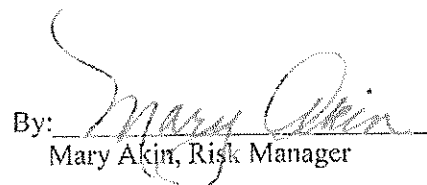
By: 
Stephanie Lopez, City Clerk
Reso 2014-486, November 25, 2014

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: 
Adam U. Lindgren,
City Attorney

John P. Doering, County Counsel

By: 
Mary Akin, Risk Manager

By: 
Thomas E. Boze, Deputy County Counsel

Exhibit A

Federal Contract Clauses

The following extract is taken from the Federal Transit Administration Best Practices Procurement Manual, Appendix A.1, "Governing Documents." Fund recipients and subrecipients are directed to this manual for the full text of these contract clauses. The manual can be found on-line at:

http://www.fta.dot.gov/funding/thirdpartyprocurement/grants_financing_6037.html

1. DISADVANTAGE BUSINESS ENTERPRISE (DBE)

A. This Agreement is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*.

B. FTA grant recipients shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Agreement. Recipients shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this FTA-assisted contract. Failure by Recipients to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as Modesto deems appropriate. Each subcontract recipients signs with any subcontractor must include the assurance in this paragraph (*see* 49 CFR 26.13(b)).

C. Recipients shall report its DBE participation obtained through race-neutral means throughout the period of performance.

D. Recipients shall pay any the subcontractor not later than 10 days of receipt of each progress payment in accordance with the provisions in Section 7108.5 of

the California Business and Professions Code concerning prompt payment to subcontractors. The 10 days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30 days may take place only for good cause and with Modesto's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanction, and other remedies of that section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the recipients, deficient subcontract performance, or noncompliance by a subcontractor.

E. Recipients shall promptly notify Modesto whenever a DBE subcontractor performing work related to this Agreement is terminated or fails to complete its work, and shall make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. Recipients may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of both parties.

2. **CIVIL RIGHTS.** The following requirements apply to the Agreement:

A. **Nondiscrimination** - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, recipients agree that it will not discriminate against any employee or applicant for

employment because of race, color, creed, national origin, sex, age, or disability. In addition, recipients agree to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

B. Equal Employment Opportunity - The following equal employment opportunity requirements apply to the Agreement:

1. Race, Color, Creed, National Origin, Sex - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, recipients agree to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. Recipients agree to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of

compensation; and selection for training, including apprenticeship. In addition, recipients agree to comply with any implementing requirements FTA may issue.

2. Age - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § § 623 and Federal transit law at 49 U.S.C. § 5332, recipients agree to refrain from discrimination against present and prospective employees for reason of age. In addition, recipients agree to comply with any implementing requirements FTA may issue.

3. Disabilities - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, recipients agree that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, recipients agree to comply with any implementing requirements FTA may issue.

C. Recipients also agree to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary to identify the affected parties.

3. ENVIRONMENT.

- A. Energy Conservation- Recipients agree to comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.
- B. Clean Water- Recipients agree to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.* Recipients agree to report each violation and understands and agrees to report each violation as required to assure notification to FTA and the appropriate EPA Regional Office. Recipients also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.
- C. Clean Air- Recipients agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 *et seq.* Recipients agree to report each violation and understands and agrees to report each violation as required to assure notification to FTA and the appropriate EPA Regional Office. Recipients also agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by FTA.
- D. Recycled Products- Recipients agree to comply with all the requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.

4. **LOBBYING.** Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, et seq.] – Recipients shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures shall be forwarded from tier to tier up to recipients.

5. **CONTRACT WORK HOURS AND SAFETY STANDARDS ACT.**

A. **Overtime Requirements.** No recipients or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any work week in which he or she is employed on such to work in excess of forty (40) hours in such work week unless such laborer or mechanic receives compensation at a rate not less than one and a half (1 1/2) times the basic rate of pay for all hours worked in excess of forty (40) hours in such workweek.

B. Violation: Liability for Unpaid Wages, Liquidated Damages. In the event of any violation of the clauses set forth in paragraph A of this section recipients and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such recipients and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph A of this section, in the sum of ten dollars (\$10) for each calendar day on which such individual was required or permitted to work in excess of the standard work week of forty (40) hours without payment of the overtime wages required by the clause set forth in paragraph A of this section.

C. Withholding for Unpaid Wages and Liquidated Damages. Recipients shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any money payable on account of work performed by contractor or subcontractor under any such contract or any other Federal contract with the same prime the contractor, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph B of this section.

D. Subcontracts. Recipients or subcontractor shall insert in any subcontracts the clauses set forth in this section and also a clause requiring the contractor to

include these clauses in any subcontractor or lower tier subcontractor with the clauses set forth in this section. Recipients shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs A through D of this section.

6. **PROHIBITED INTEREST.** No official, officer, or employee during his or her tenure or one (1) year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

7. **INTEREST OF MEMBERS OF, OR DELEGATES TO, CONGRESS.** In accordance with U.S.C. Section 431, no member of, or delegate to, the Congress of the United States shall be admitted to a share or part of this Agreement or to any benefit arising therefrom.

8. **GOVERNMENT-WIDE DEBARMENT AND SUSPENSION.** This Agreement is a covered transaction for purposes of 49 CFR Part 29. As such, recipients are required to verify that contractors, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945. Recipients are required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

9. **CARGO PREFERENCE.** Use of United States-Flag Vessels - Recipients agree:

- A. To use privately owned United States-Flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to the Agreement to the extent such vessels are available at fair and reasonable rates for United States-Flag commercial vessels;
- B. To furnish within 20 working days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, "on-board" commercial ocean bill-of-lading in English for each shipment of cargo to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590 and to recipient, and;
- C. To include these requirements in all subcontracts issued pursuant to this Agreement when the subcontract may involve the transport of equipment, material, or commodities by ocean vessel.

10. **FEDERAL GRANT CONDITIONS.** This Agreement is subject to a financial assistance contract between both parties and the United States Department of Transportation (DOT), Federal Transit Administration (FTA). Recipients and DOT agree to comply with all terms and conditions respectively required of them by reason of that contract. If FTA requires any change to this Agreement to comply with its requirements, both parties agree to amend this Agreement as required by FTA. If such changes cause an increase or decrease in the work to be performed by recipients or in the time for such

performance, then the compensation to be paid to recipients and time of performance shall be equitably adjusted.

11. NO FEDERAL GOVERNMENT OBLIGATIONS TO THIRD PARTIES.

Recipients acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Agreement, absent the express written consent by the Federal Government, the Federal Government is not a party to this Agreement and shall not be subject to any obligations or liabilities to recipients, or any other party (whether or not a party to that Agreement) pertaining to any matter resulting from the underlying Agreement. Recipients agree to include the above clause in each subcontract financed in whole or in part with Federal assistance provided by FTA.

12. FALSE OR FRAUDULENT STATEMENTS OR CLAIMS.

A. Recipients recognize that the requirements of the Program Fraud Civil Remedies Act of 1986, as amended, apply to its actions pertaining to this Agreement. Accordingly, recipients certify or affirms the truthfulness and accuracy of any statement it has made, it makes, or it may make pertaining to the actions covered by this Agreement. In addition to other penalties that may be applicable, recipients also acknowledges that if it makes a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies

Act of 1986, as amended, on recipients to the extent the Federal Government deems appropriate.

B. Recipients also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 U.S.C. § 5307, the Government reserves the right to impose the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5307(n)(1) on recipients, to the extent the Federal Government deems appropriate.

C. Recipients agree to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA.

13. **ACCESS TO RECORDS AND REPORTS.** The following access to records requirements apply to this Agreement:

A. Recipients agree to provide the FTA Administrator, the Comptroller General of the United States or any of their authorized representatives access to any books, documents, papers and records of recipients which are directly pertinent to this Agreement for the purposes of making audits, examinations, excerpts and transcriptions. Recipients also agrees, pursuant to 49 C.F.R. 633.17 to provide the FTA Administrator or his authorized representatives including any PMO contractor access to contractor's records and sites pertaining to a major capital project, defined at 49 U.S.C. 5302(a)1, which is receiving federal financial assistance through the programs described at 49 U.S.C. 5307, 5309 or 5311.

B. Recipients agree to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.

C. Recipients agree to maintain all books, records, accounts and reports required under this Agreement for a period of not less than three years after the date of termination or expiration of this Agreement, except in the event of litigation or settlement of claims arising from the performance of this Agreement, in which case recipients agree to maintain same until both recipients, the FTA Administrator, the Comptroller General, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. Reference 49 CFR 18.39(i)(11).

D. FTA does not require the inclusion of these requirements in subcontracts.

14. **FEDERAL CHANGES.** Recipients shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement between Modesto and FTA, as they may be amended or promulgated from time to time during the term of this Agreement. Recipients' failure to so comply shall constitute a material breach of this Agreement.

15. **TRANSIT EMPLOYEE PROTECTIVE AGREEMENTS.** Recipients agree to comply with applicable transit employee protective requirements as follows:

A. General Transit Employee Protective Requirements - To the extent that FTA determines that transit operations are involved, recipients agree to carry out the transit operations work on the underlying Agreement in compliance with terms and conditions determined by the U.S. Secretary of Labor to be fair and equitable to protect the interests of employees employed under this Agreement and to meet the employee protective requirements of 49 U.S.C. A 5333(b), and U.S. DOL guidelines at 29 C.F.R. Part 215, and any amendments thereto. These terms and conditions are identified in the letter of certification from the U.S. DOL to FTA applicable to the FTA recipient's project from which Federal assistance is provided to support work on the underlying Agreement. Recipients agree to carry out that work in compliance with the conditions stated in that U.S. DOL letter. The requirements of this subsection (1), however, do not apply to any contract financed with Federal assistance provided by FTA either for projects for elderly individuals and individuals with disabilities authorized by 49 U.S.C. § 5310(a)(2), or for projects for nonurbanized areas authorized by 49 U.S.C. § 5311. Alternate provisions for those projects are set forth in subsections (B) and (C) of this clause.

B. Transit Employee Protective Requirements for Projects Authorized by 49 U.S.C. § 5310(a)(2) for Elderly Individuals and Individuals with Disabilities - If the Agreement involves transit operations financed in whole or in part with Federal assistance authorized by 49 U.S.C. § 5310(a)(2), and if the U.S. Secretary of Transportation has determined or determines in the future that the employee protective requirements of 49 U.S.C. § 5333(b) are necessary or appropriate for which work is performed on the underlying Agreement, recipient agrees to carry

out the Project in compliance with the terms and conditions determined by the U.S. Secretary of Labor to meet the requirements of 49 U.S.C. § 5333(b), U.S. DOL guidelines at 29 C.F.R. Part 215, and any amendments thereto. These terms and conditions are identified in the U.S. DOL's letter of certification to FTA, the date of which is set forth in the Grant Agreement or Cooperative Agreement with the state. Recipients agree to perform transit operations in connection with the underlying Agreement in compliance with the conditions stated in that U.S. DOL letter.

C. Transit Employee Protective Requirements for Projects Authorized by 49 U.S.C. § 5311 in Nonurbanized Areas - If the Agreement involves transit operations financed in whole or in part with Federal assistance authorized by 49 U.S.C. § 5311, recipients agree to comply with the terms and conditions of the Special Warranty for the Nonurbanized Area Program agreed to by the U.S. Secretaries of Transportation and Labor, dated May 31, 1979, and the procedures implemented by U.S. DOL or any revision thereto.

Recipients also agree to include any applicable requirements in each subcontract involving transit operations financed in whole or in part with Federal assistance provided by FTA.

16. DRUG AND ALCOHOL TESTING. Recipients agree to establish a drug and alcohol testing program that complies with C.F.R. Part 655, produce any documentation necessary to establish its compliance with Part 655, and permit any authorized representative of the United States Department of Transportation or its operating

administrations, the State Oversight Agency of California, or recipients to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 C.F.R. Part 655 and review the testing process. Recipients agree further to certify annually its compliance with Part 655 before March 1 of each year and to submit the Management Information System (MIS) reports before March 1 of each year to Modesto's Transit Division. To certify compliance recipients shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register.

17. **FLY AMERICA.** Recipients agree to comply with 49 U.S.C. 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients and subrecipients of Federal funds and their the contractors are required to use U.S. Flag air carriers for U.S Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. Recipients shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. Recipients agree to include the requirements of this section in all subcontracts that may involve international air transportation.

18. **CHARTER SERVICE OPERATIONS.** Recipients agree that while performing work in connection with this Agreement it will not engage in charter service operations, except as permitted by 49 U.S.C. § 5323(d) and FTA regulations, "Charter Service," 49 C.F.R. Part 604, and any amendments thereto that may be issued. Any applicable charter service agreement required by these regulations is incorporated by reference and made part of this Agreement.

19. **SCHOOL BUS OPERATIONS.** Recipients agree that neither it nor any subcontractor performing work in connection with this Agreement will engage in school bus operations for the transportation of student or school personnel exclusively in competition with private school bus operators, except as permitted by 49 U.S.C. § 5323(f) and FTA regulations, "School Bus Operations," 49 C.F.R. Part 605, and any amendments thereto that may be issued. Any applicable school bus agreement required by these regulations is incorporated by reference and made part of this Agreement.

20. **FEDERAL, STATE, AND LOCAL LAWS.** Recipients warrants and covenants that it shall fully and completely comply with all applicable Federal, State, and local laws and ordinances, and all lawful orders, rules, and regulations issued by any authority of competent jurisdiction in all aspects of its performance of this Agreement.

21. **DISPUTE RESOLUTION CLAUSE.** All claims, controversies or disputes arising out of or relating to this Agreement, or the breach, termination, enforcement, interpretation or validity of the Agreement, including the determination of the scope or

applicability of this clause shall be determined by binding arbitration in Modesto, California, by one (1) arbitrator. The American Arbitration Association shall administer the arbitration under its Rules then in effect, subject to the modifications of those rules contained in this clause. This Agreement to Arbitrate shall be specifically enforceable under the prevailing law of any court having jurisdiction, and the award rendered by the arbitrator may be entered in any court having jurisdiction. The appropriate venue for any arbitration under this clause shall be in Stanislaus County, California.

This clause is not intended to and does not waive the claim filing requirements found at California Government Code Section 900 et seq. In the event that a timely and legally sufficient claim is filed by recipient and the claim is rejected in whole or in part, this clause shall result in the conclusive, final and binding resolution of all the issues presented in the claim. Claims rejected shall be submitted by recipients to arbitration pursuant to the Rules of the American Arbitration Association within ninety (90) days after mailing of the written rejection to recipients. Otherwise, the claim or claims shall be deemed finally waived in their entirety.

The "fast track" rules of the American Arbitration Association shall apply to any claim or counterclaim less than ONE HUNDRED FIFTY THOUSAND AND 00/100 (\$150,000.00) DOLLARS. In arbitrations not proceeding under the "fast track" rules, the arbitrator shall have the power to order that depositions be taken and other discovery be made. Both recipients shall have the right, upon written notice, to take no more than three (3) depositions of the other as a matter of right.

Whether or not recipients may be engaged in interstate commerce, any controversy or dispute mentioned above shall be determined by and the parties shall be

bound by the substantive law of the State of California, and not the Federal Arbitration Act at 9 U.S.C. Section 1 et seq.

The arbitrator may grant any remedy or relief deemed just and equitable under the circumstances, whether or not such relief could be awarded in a court of law. The arbitrator shall be empowered to award monetary sanctions against a party. The arbitrator shall, in the written award, allocate all the costs of the arbitration, including the fees of the arbitrator and the reasonable attorney fees of the prevailing party, against the party who did not prevail. The prevailing party shall be the party in whose favor the majority of the central issues in the case are resolved.

Notwithstanding anything in this clause to the contrary, the arbitrator shall have no power to award punitive damages or other damages not measured by the party's actual damages (excluding litigation cost and fees) against any party. This limitation of the arbitrator's powers under this Agreement shall not operate as an exclusion of the issue of punitive damages from this Agreement to Arbitrate sufficient to vest jurisdiction in a court with respect to that issue.

Recipients shall include in all subcontracts, if any, a clause whereby the subcontractor consents to being joined in arbitration between Modesto and the County involving the work of subcontractor to be joined. Recipient's failure to do so shall be a breach of Agreement.

The parties to any contract of which this clause is made a part by reference or otherwise shall, and hereby do, waive any rights provided by Title 9.2 of the California Code of Civil Procedure, Section 1296. The arbitrator's award shall be deemed final, conclusive and binding to the fullest extent allowed by California law.

22. **BUY AMERICA.** Recipients agree to comply with 49 U.S.C. 5323(j) and 49 C.F.R. Part 661, which provide that Federal funds may not be obligated unless steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver. General waivers are listed in 49 C.F.R. 661.7, and include microcomputer equipment and software. Separate requirements for rolling stock are set out at 49 U.S.C. 5323(j)(2)(C) and 49 C.F.R. 661.11. Rolling stock purchased by recipients shall be assembled in the United States and have a 60 percent domestic content.

23. **BUS TESTING CERTIFICATION.** Recipients agree to comply with 49 U.S.C. A 5323(c) and FTA's implementing regulation at 49 CFR Part 665 and shall perform the following:

A. A manufacturer of a new bus model or a bus produced with a major change in components or configuration shall provide a copy of the final test report to the recipient at a point in the procurement process specified by the recipient which will be prior to the recipient's final acceptance of the first vehicle.

B. A manufacturer who releases a report under subparagraph A above shall provide notice to the operator of the testing facility that the report is available to the public.

C. If the manufacturer represents that the vehicle was previously tested, the vehicle being sold should have the identical configuration and major components as the vehicle in the test report, which must be provided to the recipient prior to

recipient's final acceptance of the first vehicle. If the configuration or components are not identical, the manufacturer shall provide a description of the change and the manufacturer's basis for concluding that it is not a major change requiring additional testing.

D. If the manufacturer represents that the vehicle is "grandfathered" (has been used in mass transit service in the United States before October 1, 1988, and is currently being produced without a major change in configuration or components), the manufacturer shall provide the name and address of the recipient of such a vehicle and the details of that vehicle's configuration and major components.

24. **SAFETY PLAN.** Recipients shall develop a safety plan that includes performance targets, strategies, and staff training in compliance with safety performance criteria under development by FTA at such time as said criteria are made available by the FTA.

25. **INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION TERMS.** The preceding provisions include, in part, certain Standard Terms and Conditions required by DOT, whether or not expressly set forth in the preceding Agreement provisions. All contractual provisions required by DOT, as set forth in FTA Circular 4220.1F, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. Recipients shall not perform

any act, fail to perform any act, or refuse to comply with any requests which would cause recipients to be in violation of the FTA terms and conditions.

Exhibit B

Required Federal Certifications

**CERTIFICATION OF PRIMARY PARTICIPANT
REGARDING DEBARMENT, SUSPENSION, & OTHER RESPONSIBILITY MATTERS**

The Primary Participant (applicant for an FTA grant or cooperative agreement, or potential contractor for a third party contract) County of Stanislaus certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and,
4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(If the primary participant (applicant for an FTA grant, or cooperative agreement, or potential third party contractor) is unable to certify to any of the statements in this certification, the participant shall attach an explanation to this certification.)

THE PRIMARY PARTICIPANT (APPLICANT FOR AN FTA GRANT OR COOPERATIVE AGREEMENT, OR POTENTIAL CONTRACTOR FOR A THIRD PARTY CONTRACT), Rance Lovi, CERTIFIES OR AFFIRMS THE TRUTHFULLNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

Rance Lovi, Transit Manager
Signature & Title of Authorized Official

The undersigned chief legal counsel for the County of Stanislaus Hereby certifies that the Transit Manager has authority under State and local law to comply with the subject assurances and that the certification above has been legally made.

[Signature]
Signature of Applicant's Attorney

4/19/2015
Date

**CERTIFICATION OF LOWER-TIER PARTICIPANTS REGARDING DEBARMENT,
SUSPENSION, AND OTHER INELGIBILITY AND VOLUNTARY EXCLUSION**

The lower tier Participant (potential sub-grantee or sub-recipient under an FTA project, potential third party contractor, or potential subcontractor under a third party contract), County PD Transit Div certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(If the lower Tier participant (potential sub-grantee or sub-recipient under a FTA project, potential third party contractor, or potential subcontractor under a third party contract) is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this proposal.)

THE LOWER-TIER PARTICIPANT (POTENTIAL SUB-GRANTEE OR SUB-RECIPIENT UNDER AN FTA PROJECT, POTENTIAL THIRD PARTY CONTRACTOR, OR POTENTIAL SUBCONTRACTOR UNDER A MAJOR THIRD PARTY CONTRACT) Sumner Lovell, CERTIFIES OR AFFIRMS THE TRUTHFULLNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

Elvis Transit Manager
Signature and Title of Authorized Official

6 February, 2015
Date

**CERTIFICATION
OF RESTRICTIONS ON LOBBYING**

I, Eunice Levi, Transit Manager, hereby certify on
(name and title of grantee official)

behalf of County Public Works Transit Division that
(name of grantee)

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, and officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, and officer or employee of Congress, and an employee of a grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-L.L.L. "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this 6 day of February, 2015

By Elevi
(signature of authorized official)

Transit Manager
(title of authorized official)

Form 4

**CERTIFICATION
OF RESTRICTIONS ON LOBBYING**

I, Eunice Lovi, Transit Manager, hereby certify on
(name and title of firm official)

behalf of Stanislaus County Public Works - Transit that
(name of firm)

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, and officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, and officer or employee of Congress, and an employee of a grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Executed this 6 day of February, 2015

By Eunice Lovi
(signature of authorized official)

Transit Manager
(title of authorized official)

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: ^{4c} _____	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known: _____	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i>	b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

NON-DISCRIMINATION OF PERSONS WITH DISABILITIES

Policy Statement

In compliance with Section 51.55, Office of Revenue Sharing, Department of the Treasury, it is the policy of the CITY that it will not aid or perpetuate discrimination against a qualified individual with a disability by funding an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit or service to beneficiaries of the program or activity.

The CITY is committed to providing access to all CITY services, programs and meetings open to the public with disabilities.

In this regard, the City and all its Contractors and Subcontractors will take all reasonable steps in accordance with GRS Section 51.55 to ensure that individuals with disabilities have the maximum opportunity for the same level of aid, benefit or service as any other individual.

Certification

Each agency, organization, or person seeking a bid, contract or agreement with the CITY of Modesto shall sign a certification of compliance with Section 504 of the Rehabilitation Act of 1973 as incorporated in the Revenue Sharing Act.

CERTIFICATION OF BIDDER REGARDING
NON-DISCRIMINATION OF PERSONS WITH DISABILITIES

The bidder hereby certifies that he/she is in compliance with Section 504 of the Rehabilitation Act of 1973 as incorporated in the Revenue Sharing Act, through applicable administrative requirements promulgated in response thereto, and in any other applicable Federal laws and regulations relating to discrimination of and participation by individuals with disabilities.

NAME OF BIDDER: Stanislaus County Public Works Transit

BUSINESS ADDRESS: 1010 10th Street, Suite 4202

CITY, STATE, ZIP CODE: Modesto, CA 95354

BY: Elovi TITLE: Transit Manager
(signature)

DATED: 19 February 6, 2015

EQUAL OPPORTUNITY EMPLOYMENT CERTIFICATION

The bidder hereby certifies that he/she is in compliance with the Civil Rights Act of 1964, Executive Order No. 11246, entitled "Equal Employment Opportunity," as amended by Executive Order No. 11375, the California Fair Employment and Housing Act, and any other applicable Federal and State laws and regulations relating to equal opportunity employment.

DATED: February 6, 2015

Name of Bidder

Stanislaus County Public
Works Transit Division

By Elovi
Title Transit Manager

Official Address:

1010 10th Street, Suite 4204
Modesto, CA 95354

Exhibit C — FTA Section 5307 Grant Application Process Flow Chart

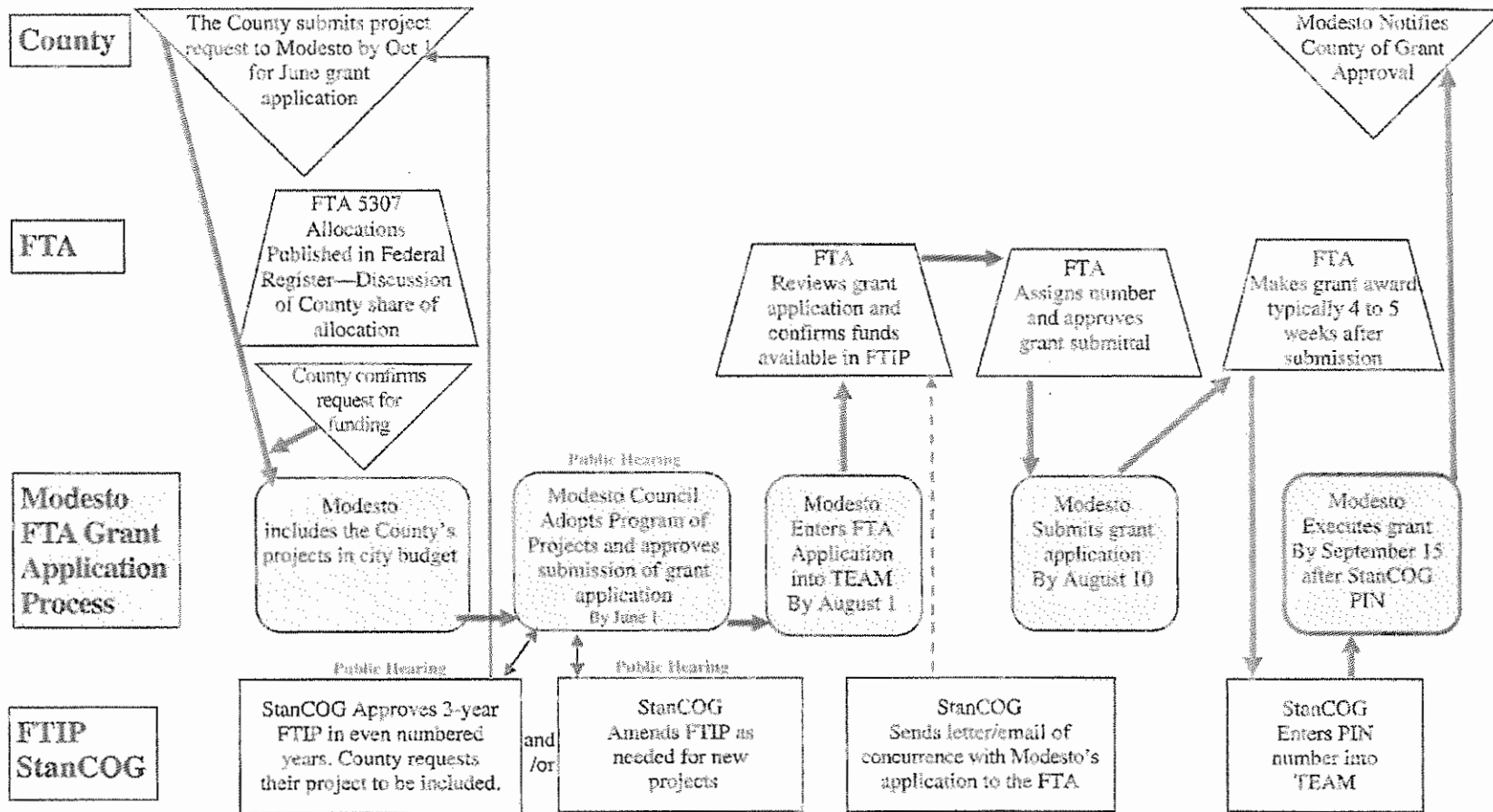
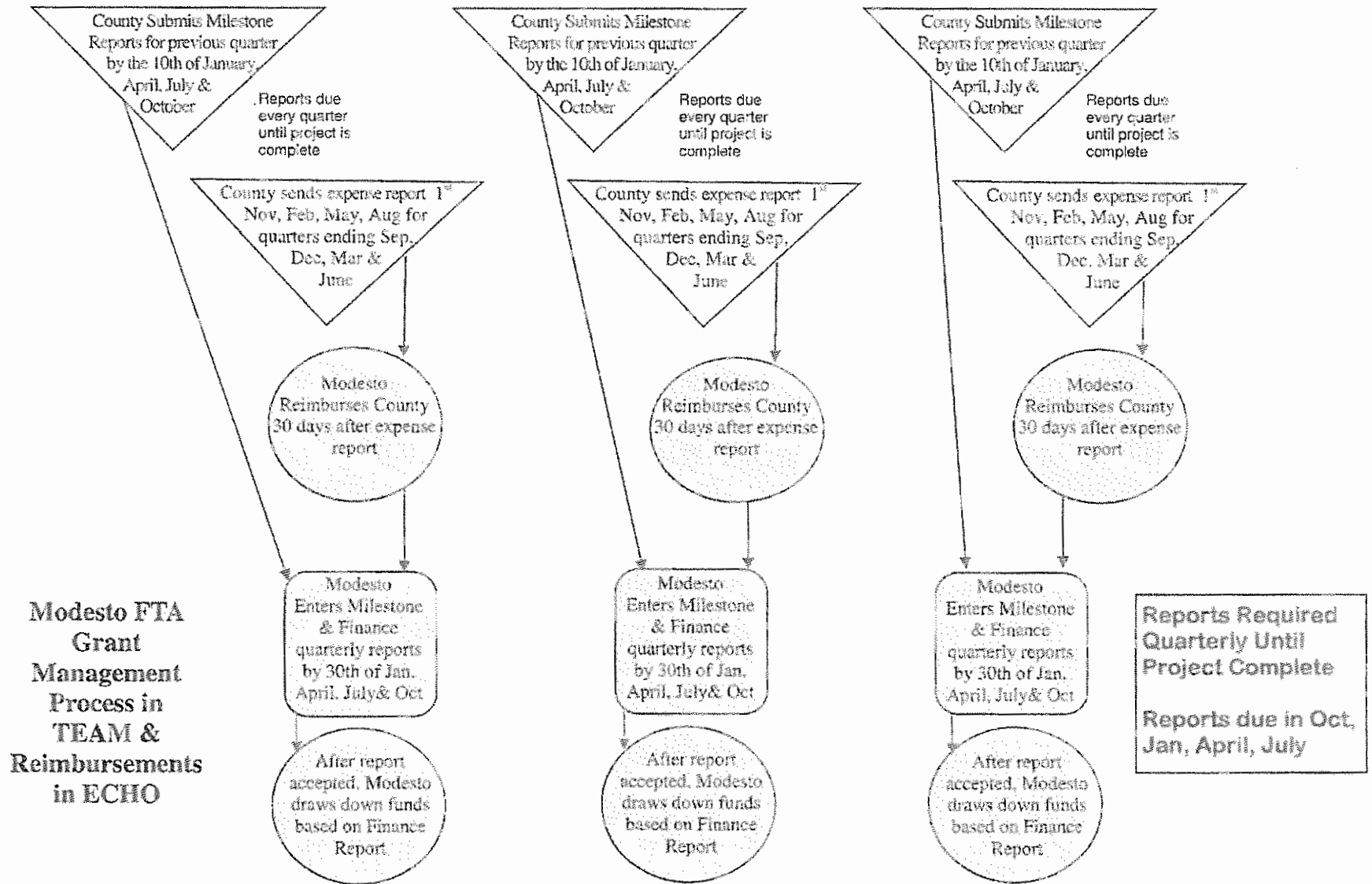


Exhibit C — Quarterly FTA Grant Reporting & Reimbursement Flow Chart



**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-189**

RESOLUTION APPROVING AN INCREASE OF THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS ON THE TUOLUMNE RIVER SHEET PILE AND DAM DEBRIS REMOVAL PROJECT FROM 20 PERCENT (\$193,652) TO 52 PERCENT (\$503,760) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF \$968,260 WITH INNOVATIVE CONSTRUCTION SOLUTIONS OF DUBLIN, CA

WHEREAS, on June 12, 2018, by Resolution No. 2018-226, Council awarded a construction contract to Innovative Construction Solutions of Dublin, CA in an amount not to exceed \$968,260 for the Tuolumne River Sheet Pile and Dam Debris Removal Project, and

WHEREAS, on June 12, 2018, by Resolution No. 2018-227, Council authorized an increase in the Director's authority to issue change orders for the Tuolumne River Sheet Pile and Dam Debris Removal Project from 10 percent (\$96,826) to 20 percent (\$193,652) of the construction contract amount, and

WHEREAS, additional change order work not included in the original bid needed to be added to the project to allow completion of the project, and

WHEREAS, the administrative and field inspection costs associated with ensuring the additional change order work conforms to the City's standards of construction and quality, and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, established a contract change order authority for construction contracts.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in Director's Authority to issue change orders for the Tuolumne River Sheet Pile and Dam Debris Removal Project from 20 percent (\$193,652) to 52 percent (\$503,760).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

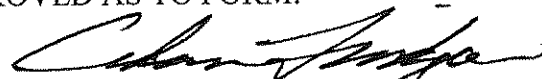
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-190**

RESOLUTION APPROVING AN INCREASE OF THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS ON THE TUOLUMNE RIVER REGIONAL PARK (TRRP) GATEWAY PARCEL – PHASE 2 PROJECT FROM 10 PERCENT (\$206,774) TO 15.2 PERCENT (\$315,188) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF \$2,067,738 WITH EMPIRE LANDSCAPING, INC. OF DAVIS, CA

WHEREAS, the City Council, on February 2, 2016, by Resolution No. 2016-41, awarded a \$2,067,738 contract to Empire Landscaping, Inc. for the construction of the Tuolumne River Regional Park (TRRP) Gateway Parcel – Phase 2 Project, and

WHEREAS, the original amount authorized to the Director of Utilities to issue change orders was 10 percent (\$206,774) of the contract amount, and

WHEREAS, additional change order work not included in the original bid needed to be added to the project to allow completion of the project, and

WHEREAS, the administrative and field inspection costs associated with ensuring the additional change order work conforms to the City's standards of construction and quality.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase in Director's Authority to issue change orders for the Tuolumne River Regional Park (TRRP) Gateway Parcel – Phase 2 Project from 10 percent (\$206,774) to 15.2 percent (\$315,188).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-191**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL
IMPROVEMENT PROGRAM BUDGET AND APPROPRIATING A TRANSFER
IN THE AMOUNT OF \$60,000 FROM LTF – NON-MOTORIZED FUND 1520 IN
ORDER TO FULLY FUND PROJECT #100599 - TUOLUMNE RIVER
REGIONAL PARK (TRRP) GATEWAY – PHASE 2 AS OUTLINED IN
ATTACHMENT A**

WHEREAS, on February 2, 2016, by Resolution No. 2016-41 Council awarded a construction contract to Empire Landscaping Inc. of Davis, CA in an amount not to exceed \$2,067,738, and

WHEREAS, a change order policy is utilized for each construction contract awarded by the City, and

WHEREAS, if after the contract is executed, a change in the original scope of work is determined necessary by staff, the policy authorized the Director to approve a change order up to a cumulative amount of the original contract, and

WHEREAS, in most cases, the budgeted amount set by the policy and specific requests by resolution are typically sufficient, however, as it relates to the TRRP Gateway Phase 2 project, anticipated change order costs will exceed the authority allowed by policy, and

WHEREAS, staff has negotiated the change order work, but estimates are above the approved contingency limit set by Council at 10 percent or (\$206,774), and

WHEREAS, the anticipated cost for the change order work is estimated to be 15.2 percent or (\$315,188), and

WHEREAS, the total anticipated expenditures will be increased by \$108,414 for change orders and staff costs, and

WHEREAS, staff has reviewed all funding sources for the project and has determined that an additional \$60,000 in budget is needed to fund construction, contingency, construction administration, and design support, and

WHEREAS, staff determined that there available Non-Motorized LTF funds available in Virginia Corridor Phase 7 Project #100813 that can be reduced to allow for additional funding from Fund 1520 for Project #100599 – TRRP Gateway Phase 2, and

WHEREAS, certain budgetary transactions are necessary as outlined in **Attachment A** in order to reduce project #100813 - Virginia Corridor Phase 7 and fully fund project #100599 - TRRP Gateway Phase 2.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2018-2019 Capital Improvement Program Budget for projects #100813 and #100599 and appropriating a transfer from LTF Non-Motorized Fund to fully fund the TRRP Gateway Phase 2 project in the amount of \$60,000 as outlined in **Attachment A**.

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 April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Attachment A

Project	Account	Current Budget	Increase/Decrease	Revised Budget
100813 – Virginia Corridor Phase 7	61520 – Transfer In from Fund 1520	\$1,098,872	(\$60,000)	\$1,038,872
100813 – Virginia Corridor Phase 7	Discretionary Expense Task – CON	\$3,435,281	(\$60,000)	\$3,375,281
100599 – TRRP Gateway Phase 2	61520 – Transfer In from Fund 1520	\$268,095	\$60,000	\$328,095
100599 – TRRP Gateway Phase 2	Discretionary Expense Task – CTGY-CIP	\$245,176	\$60,000	\$305,176

Fund	Account	Current Budget	Increase/Decrease	Revised Budget
1520 – Transfer Out from Fund 1520	73140 – Transfer Out to Fund 3140	\$1,098,872	(\$60,000)	\$1,038,872
1520 – Transfer Out from Fund 1520	76710 – Transfer Out to Fund 6710	\$268,095	\$60,000	\$328,095

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-192**

RESOLUTION APPROVING AN INCREASE OF THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS ON THE DEL RIO TANK NO. 14, WELL NO. 68, AND PUMP STATION PROJECT FROM 8 PERCENT (\$600,687) TO 35 PERCENT (\$2,628,793) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF \$7,510,835 WITH MOUNTAIN CASCADE INC., OF LIVERMORE, CA, AND INCREASING STAFF BUDGET FROM \$312,913 TO \$450,542

WHEREAS, on October 2, 2018, by Resolution No. 2018-432, Council approved a contract with Mountain Cascade Inc. (MCI) of Livermore, CA in the amount of \$7,510,835 to construct the Del Rio Tank No.14, Well No. 68 & Pump Station Project, and

WHEREAS, the original amount authorized to the Director of Utilities to issue change orders was 8 percent (\$600,867), and

WHEREAS, additional change order work not included in the original bid needed to be added to the project to allow completion of the project, and

WHEREAS, the administrative and field inspection costs associated with ensuring the additional change order work conforms to the City's standards of construction and quality.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase in Director's Authority to issue change orders for the Del Rio Tank No. 14, Well No. 68, and Pump Station Project 8 percent (\$600,687) to 35 percent (\$2,628,793) and increase staff budget from \$312,913 to \$450,542.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

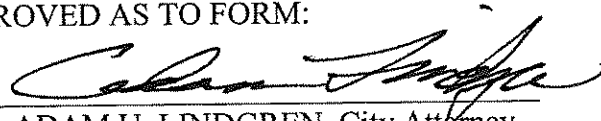
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-193**

RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$435,149 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND CIP IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE DEL RIO TANK NO. 14, WELL NO. 68, AND PUMP STATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of **\$435,149**, in order to fund construction, contingency, construction administration, design support during construction plus City staff support for the Del Rio Tank No. 14, Well No. 68, and Pump Station Project, and

WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget must be amended as shown 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 approves the amendment of the Fiscal Year 2018-2019 Capital Improvement Program Budget as shown in **Exhibit A**, **attached** hereto.

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 April, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:


By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

The purpose of this action is to amend the budget of Capital Improvement Program Project 100473 – Del Rio Water Tank in the amount of \$435,149 to cover expenses associated with the Mountain Cascade Construction Contract and the required City staff time related to administering/managing the project.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-194**

RESOLUTION APPROVING A NEGATIVE DECLARATION FOR A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FROM R (RESIDENTIAL) TO C (COMMERCIAL) FOR APPROXIMATELY 10.6 ACRES OF LAND SOUTH OF PELANDALE AVENUE AND WEST OF McHENRY AVENUE

WHEREAS, on March 5, 2019, the 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, Douglas Family Trust has proposed a general plan amendment to change the designation from R (Residential) to C (Commercial) for approximately 10.6 acres of land south of Pelandale Avenue and west of McHenry Avenue, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared a Negative Declaration EA/C&ED 2017-22 which analyzed whether the subsequent project may cause any significant effect on the environment, and

WHEREAS, in accordance with the CEQA Guidelines the 30-day public review period for the proposed Negative Declaration began on January 22, 2018, and ended on February 22, 2018, and

WHEREAS, the City received public comments on the Negative Declaration that did not warrant any amendments to the Negative Declaration and did not affect the document’s conclusion that the proposed project would have no significant impacts on the environment, and

WHEREAS, said matter was considered by the Planning Commission of the City of Modesto at a duly noticed public hearing which was held on March 18, 2019, and

wherein the Planning Commission considered the Negative Declaration and recommended the City Council adopt the Negative Declaration, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 23, 2019, 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 Negative Declaration prepared for the proposed general plan amendment, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Negative Declaration makes the following findings:

1. The Negative Declaration prepared for the proposed project shows there is no substantial evidence, in light of the whole record before the City, that the project may have significant environmental effects, and
2. The Negative Declaration, Environmental Assessment No. EA/C&ED 2017-22 reflects the independent judgment of the lead agency.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Ridenour, who moved for its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Negative Declaration

EA/C&ED 2017-22

Negative Declaration
for the Wells Avenue General Plan Amendment
(GPA-17-002)
Environmental Assessment No. EA/C&ED 2017-22

Prepared for:

City of Modesto
P.O. Box 642
Modesto, CA 95353
Contact: Cindy van Empel, Senior Planner
(209) 577 5267

Prepared by

City of Modesto
Community & Economic Development Department
209/577-5267

January 17, 2018

CEQA Environmental Checklist

PROJECT DESCRIPTION AND BACKGROUND

Project Title: GPA-17-002, Wells Avenue General Plan Amendment
General Plan Amendment to change the general plan designation of approximately 12.3 acres of land from Residential (R) to Commercial (C).

Lead agency name and address:
City of Modesto, 1010 10th Street, Modesto, CA 95354

Contact person and phone number:
Cindy van Empel, Senior Planner, 209 577 5267

Project Location:
418 Wells Avenue; Modesto, Stanislaus County, CA
Assessor's Parcel Numbers 046-005-002 (0.98 acres) and 046-005-003 (6.71 acres) and portions of 046-009-008, 046-005-022 and -023 for a total of approximately 12.3 acres.

Project applicant's name and address:
Douglas Family Trust, 490 Moore Road, Woodside, CA 94062

General plan description:
The project site is currently designated by the General Plan as Residential (R).

Zoning:
The site is located in unincorporated Stanislaus County within Modesto's Sphere of Influence, as shown on **Figure 1**, Vicinity Map, and is being rezoned Planned Development (P-D) with the use restricted to mini-storage and recreational vehicle parking.

Description of project (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):
Amendment of the Land Use Element of the City of Modesto's General Plan from Residential (R) to Commercial (C), for approximately 12.3 acres of land, as shown on **Figure 2**.

The County of Stanislaus is processing a zone change on the subject site that would restrict development to a mini-storage and recreational vehicle storage facility. Any modifications to that zoning would require additional environmental review. There are no plans to annex the subject site to the City of Modesto; all development approvals on the property are expected to occur under the jurisdiction of the County of Stanislaus.

Surrounding land uses and setting (briefly describe the project's surroundings):
NORTH: There is a mini-storage facility adjacent to the north of the subject site and a light industrial office park farther north across Pelandale Expressway.
SOUTH: A mobile home park lies adjacent to the south of the subject site and detached houses are located approximately 300 feet south of the site.
WEST: Property immediately to the west is vacant land designated Residential. Approximately 1,000 feet to the west of the site are detached houses.

EAST: Adjacent to the east is property that is currently vacant, but which will soon be occupied by a new car dealership. Farther east, across McHenry Avenue, is an existing auto dealership.

Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements):
None.

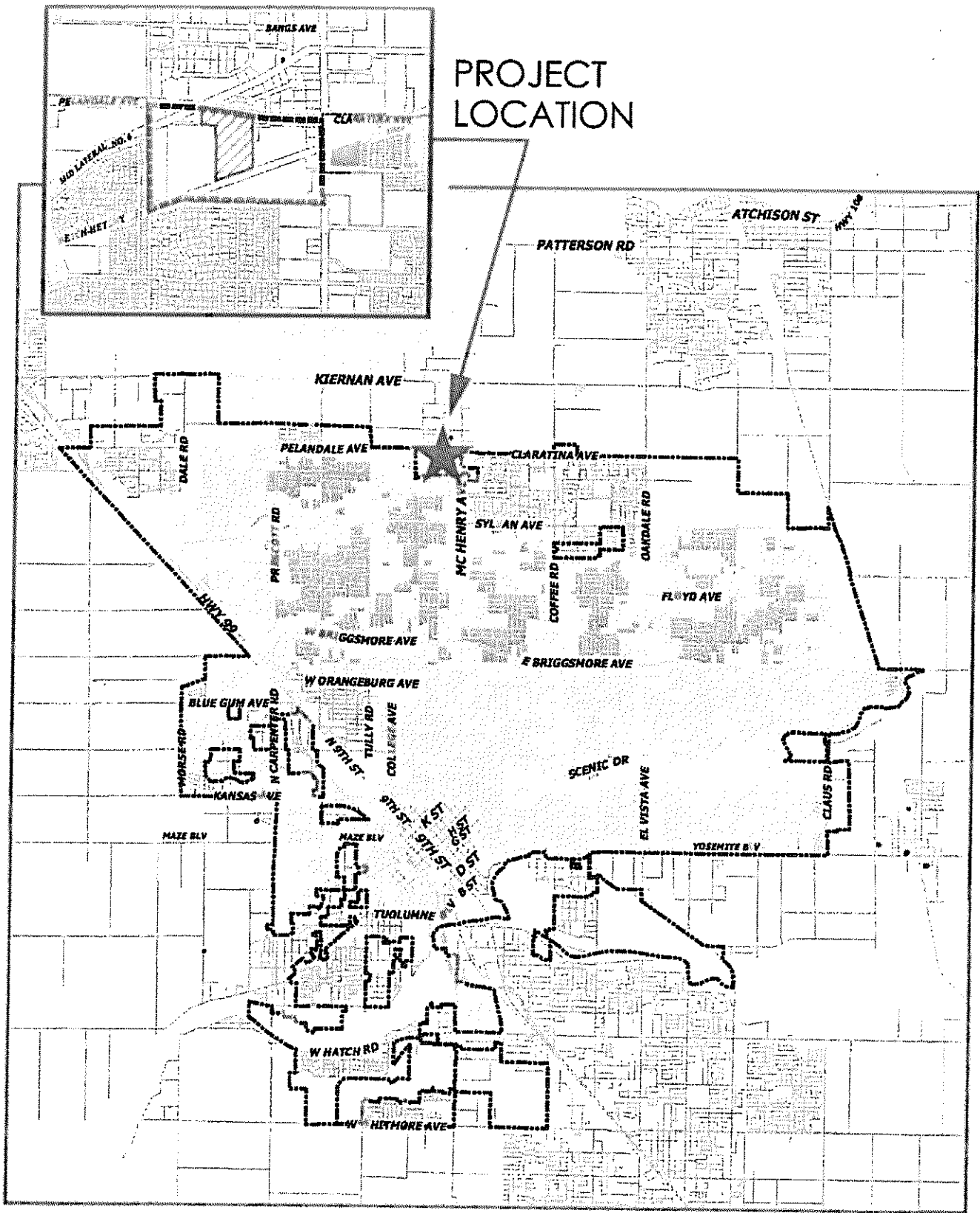
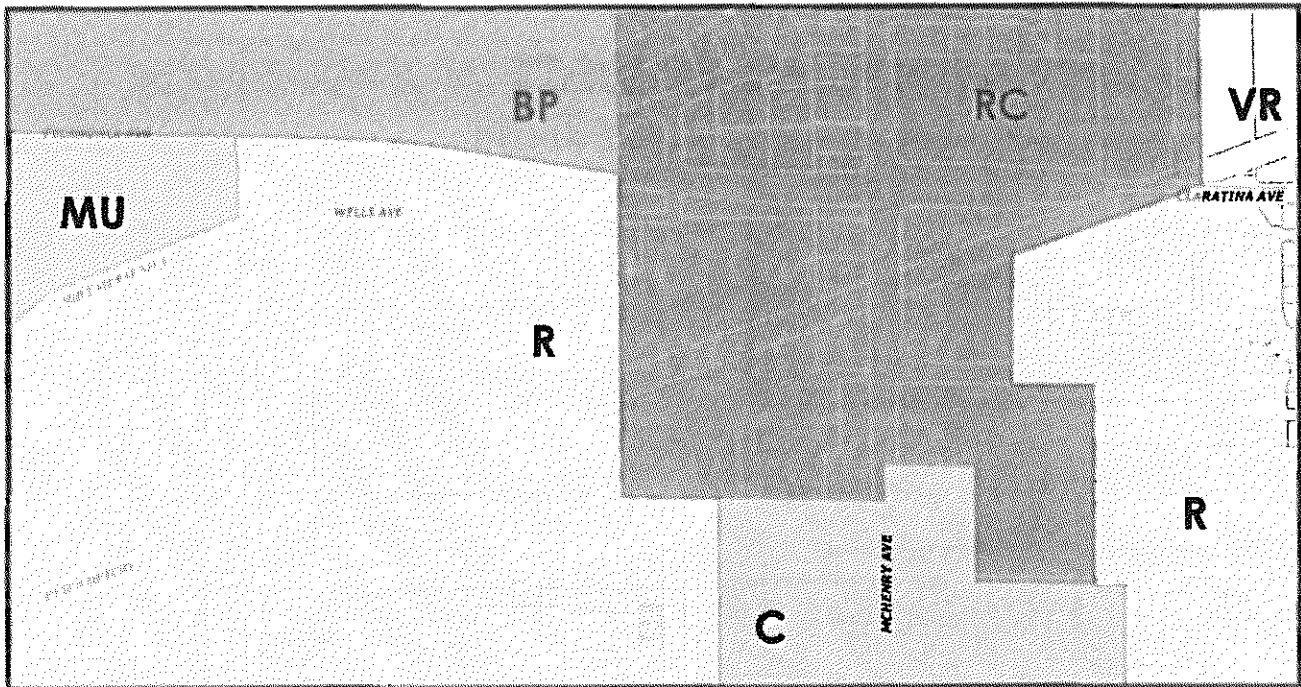
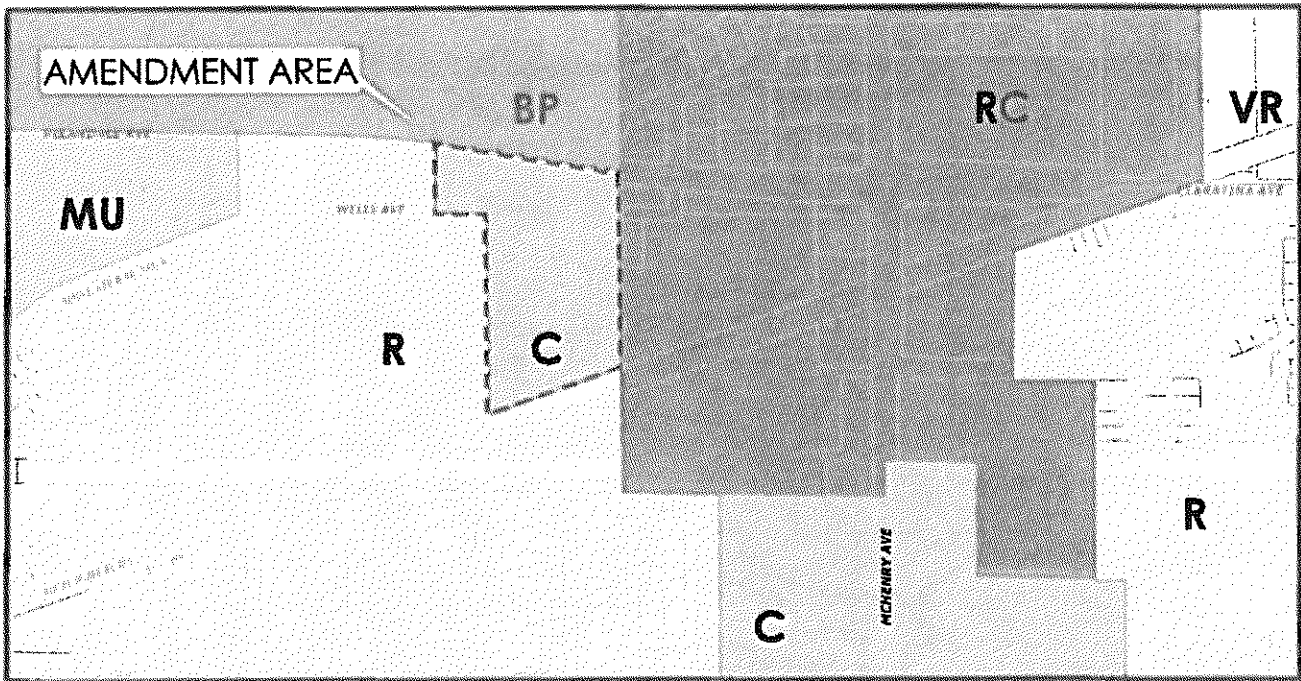


Figure 1:
Vicinity Map





CURRENT GENERAL PLAN LAND USE



PROPOSED GENERAL PLAN LAND USE

Figure 2:
Proposed General Plan Amendment from
Residential (R) to Commercial (C)



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 5 for additional information.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology/Soils
<input checked="" type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials	<input type="checkbox"/>	Hydrology/Water Quality
<input checked="" type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

<input checked="" type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: *Cynthia van Empel*

Date: 1/17/18

Printed Name: Cynthia van Empel

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. **Earlier Analysis Used.** Identify and state where they are available for review.
 - b. **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measure which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less and significance

The proposed project is the redevelopment of a commercial site within the Baseline Developed Area that is consistent with the 2008 Urban Area General Plan. This Negative Declaration references and uses information from the 2008 Urban Area General Plan MEIR (SCH#2007072023).

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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I. AESTHETICS: Would the project:

a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) There are no scenic vistas in the vicinity of the proposed general plan amendment
- b) There are no state scenic highways within the planning area.
- c) The site is an undeveloped area within Modesto's Sphere of Influence, which has been expected to develop for some years. Development facilitated by this general plan amendment would be similar to development adjacent to the subject site and in the area, which is partially developed. Therefore no significant impact will occur on the visual character of the area.
- d) The project site is undeveloped, but is expected to be developed with urban uses, which will create light and glare consistent with urban development. As a result, impacts related to substantial new sources of light and glare are considered less than significant.

Resource

See pages V-19-1 to V-19-9 in the 2008 Modesto Urban Area General Plan Master EIR (MEIR)

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) The project site is currently vacant and is designated Residential. No conversion of farmland to urban uses would occur.
- b) The site is not used for agricultural purposes and there is no Williamson Act contract.
- c) There is no forest land on the project site or anywhere within Modesto's Sphere of Influence.
- d) See Item c above.
- e) See Items a, b, and c above.

Resource

See pages V-4-1 to V-4-13 in the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) The proposed general plan amendment affects a relatively small amount of land, 7.69 acres. The general plan shows approximately 1512 acres of land designated for Commercial use. If adopted, this project would increase that to approximately 1525 acres of Commercial property, an increase of approximately 0.8 percent, which is not considered a substantial change. This change would not be expected to conflict with or obstruct the implementation of any air quality plan.
- b) The County of Stanislaus is processing a zone change on the project site to restrict development to mini-storage and associated recreational vehicle storage. Any changes to that zone will require additional environmental review. Mini-storage would have a negligible effect on air quality because it is a low traffic generator. It is the responsibility of the County to solicit comments from other responsible agencies, such as the San Joaquin Valley Air Pollution District, to determine which air quality regulations, if any, must be applied to the project.
- c) See Item b above.
- d) See Item b above.
- e) Changing the land use designation from Residential to Commercial would result in no objectionable odors.

Resource

See pages V-2-1 to V-2-29 in the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES: Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) The project site is not a biologically sensitive site as defined by Figures 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.
- b) See Item a above
- c) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.
- d) The movement of fish or birds or other wildlife would not be affected by the project.
- e) There is no conflict with any local policies or ordinances protecting biological resources.
- f) There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local regional or state habitat conservation plan.

Resource

See pages V-7-1 to V-7-31 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) The project is consistent with the historical resource policies in the General Plan.
- b) The project is consistent with the archaeological resource policies in the General Plan. The project was referred to the Native American Tribes for consultation and no concerns were indicated.
- c) The proposed project would not affect a unique paleontological resource or site or a unique geologic feature.
- d) The proposed project is not expected to disturb any human remains.

Resource

See pages V-8-1 to V-8-25 in the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS: Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) No faults known to be active or zoned as active by the State of California under the Alquist-Priolo Act are within the Modesto planning area. The risk of fault rupture in Modesto is considered low and related impacts are identified as less than significant. The site is flat and thus has no potential to slide or to be affected by landslides.
- b) The erosion hazard for soils in the Modesto planning area is generally considered slight. Activities required for construction have the potential to cause accelerated soil erosion. Standard City requirements are sufficient to avoid such erosion.
- c) The project would not be located on soil that is unstable, or that would become unstable as a result of the project.
- d) Information about the engineering properties of soils in Modesto is not readily available, but where soils are clay-rich, there may be some potential for expansive soils. Impacts related to the location of new development expansive soils would be assessed through the City's development review process and mitigated through conformance with the most recent UBC Standards.
- e) City sewer is available for this project.

Resource

See pages V-17-1 to V-17-16 in the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS: Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) The General Plan Master EIR addresses potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The Master EIR determined that buildout of the UAGP would make a cumulatively considerable contribution to global climate change. The UAGP nonetheless authorizes development that will contribute to global climate change through the production of greenhouse gases. The Master EIR states the projected rate of growth of vehicle miles traveled (VMT) will increase the City's contribution to global climate change as the City develops. Development under the general plan is expected to generate approximately 1,096,226.4 metric tons per year above 2005 emissions. The City Council adopted a Statement of Overriding Considerations in 2008, finding that the benefits of the UAGP outweighed the City's increased contribution to global climate change.
- b) The proposed project would not conflict with any applicable plan adopted for the purpose of reducing emissions of greenhouse gases

Resource

See pages V-21-1 to V-21-17 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) No impact would be expected to result from the redesignation of the property from Residential to Commercial; any impacts would be related to development of the project site. Should the subject property, which lies outside the corporate limits of the City of Modesto, be developed as a result of the proposed general plan amendment prior to its annexation to the City, the County of Stanislaus would be responsible for ensuring compliance with applicable federal, state, and local regulations pertaining to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes
- b) See Item a above.
- c) See Item a above.
- d) The proposed site is not on the list of hazardous materials site.
- e) The site is more than two miles from an airport.
- f) The site is not within the vicinity of a private airstrip.
- g) The proposed project would not interfere with any emergency response plan or evacuation plan
- h) No wild land is within the vicinity of the project site or within Modesto's Sphere of Influence.

Resource

See pages V-21-1 to V-21-19 in the MEIR

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or the 200-year flood hazard area or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) The general plan amendment from Residential to Commercial would not cause a violation of any standards. Development that may occur as a result of the general plan amendment would be required by the County of Stanislaus to comply with water quality standards and waste discharge requirements.
- b) Redesignating the project site from Residential to Commercial would have no direct effect on groundwater supplies or recharge. The amount of groundwater used and recharge ability are affected by the characteristics of development. However, water needs for development of a mini-storage facility, to which development on the site would be restricted, would be negligible and considerably less than residential development allowed under the existing residential general plan designation. Groundwater recharge would be affected by the amount of impervious surface on the site and by the manner in which runoff will be handled, which are details regulated by the County of Stanislaus, for development under its jurisdiction. No impacts are expected to occur as a result of the redesignation of the project site from Residential to Commercial.
- c) In its undeveloped state, stormwater is allowed to stand on the site and infiltrate the soil and shallow groundwater naturally. Commercial sites typically have a higher percentage of pavement than do residential sites, so the amount of runoff would be expected to increase as compared to development that would occur with the Residential designation. Stanislaus County will require that storm water be retained on the site and allowed to percolate into the soil, in accordance with the City of Modesto's standards.
- d) Any development that occurs will fall under the jurisdiction of the County of Stanislaus and will be subject to County regulations and oversight. Redesignating the property from Residential to Commercial would have no direct impact on site drainage or runoff.
- e) The project drainage and runoff would be required to meet storm water drainage standards and requirements and would not be expected to result in substantial polluted runoff.
- f) See Item b above.
- g) The project is not located within a 100-year floodplain or a 200-year floodplain and no related impacts would occur.
- h) See Item g above.
- i) See Item g above.
- j) The City of Modesto is not subject to risks related to seiche or tsunamis. Modesto is inland about 80 miles from the Pacific Ocean and has no large water bodies within its boundaries or nearby. The project site and the surrounding area is relatively flat is not subject to mudslides.

Resource

See pages V-9-1 to V-9-13 and V-10-1 to V-10-15 in the MEIR.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) Development of Commercial uses on the subject site would not physically divide an established community. The project site lies near the edge of a residential area to the south that is physically separated from the site by the Hetch Hetchy pipeline right of way. To the north is an industrial area, on the north side of Peanale Avenue. The site is northwest of an existing mobile home park that has no connections for cars, bicycles, or pedestrians to areas on the far side of the subject site.
- b) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate environmental impacts. However, the project is a general plan amendment that would increase the Commercial-designated land in the area and reduce the Residential-designated land in the area. An earlier proposal for residential development on the subject site would have resulted in the construction of market-rate, detached single family houses. There is no shortage of land for development of this type of housing in the general plan area.
- c) The project does not conflict with applicable habitat conservation plans or natural community conservation plans, as there are none in Modesto or its Sphere of Influence.

Resource

See pages V-20-1 to V-20-21 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XI. MINERAL RESOURCES: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) The site is in an urban area and there are no known mineral resources in the urban area.
- b) The site is not identified on any plan as a location with mineral resources.

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XII. NOISE: Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) The County of Stanislaus, which has jurisdiction over the subject site, is processing an application to rezone the site such that the use would be restricted to mini-storage and recreational vehicle storage. Activity at such a facility is quiet and most mini-storage facilities are walled for security, further decreasing the amount of noise that might be audible from nearby residences. Any change to the rezone that restricts development on the site to mini-storage and recreational vehicle storage would require additional environmental review.
- b) See Item a above.
- c) See Item a above.
- d) See Item a above.
- e) The project site is outside the area affected by the Modesto City-County Airport land use plan and would have no effect on people residing in the area affected by the airport land use plan.
- f) The project is not within the vicinity of a private airstrip.

Resource

See pages V-3-1 to V-3-23 in the MEIR

	Potential Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) The project site is vacant with urban development nearby. Changing the land use designation on the 12.3-acre site from Residential to Commercial will not displace existing housing, but will reduce the sites available for new market rate housing in Modesto. The 2015 – 2023 Housing Element of Modesto's general plan shows there is adequate land available for market-rate housing to serve the City's needs.
- b) The project site is vacant, therefore no residential development will be displaced
- c) See Item b above.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a) The proposed general plan amendment from Residential to Commercial would not result in the need for construction of new or significantly altered police and fire facilities. The County of Stanislaus is processing a zone change for the subject site that would restrict development to mini-storage and recreational vehicle storage. This use would result in no significant change in the need for fire, police, schools, parks, or other facilities, as compared to residential development that could occur under the existing Residential designation. In fact, impacts on facilities like schools and parks would be less if the site is developed as a mini-storage facility than if it is residential, because mini-storage does not increase the use of such public services. Comments were solicited from Modesto City Schools, which had no concerns with redesignating the site to Commercial.

Resource

See pages V-11-1 to V-11-12, V-12-1 to V-12-11, V-13-1 to V-13-8, and V-14-1 to V-14-11 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XV. RECREATION:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Discussion

- a) The redesignation of the site from Residential to Commercial would eliminate any potential impacts on recreation facilities.
- b) See Item a above.

Resource

See pages V-11-1 to V-11-12 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC: Would the project:

a) Conflict with an applicable plan, ordinance or policy 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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 roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) The proposed general plan amendment from Residential to Commercial and rezoning by the County of Stanislaus to restrict development to mini-storage and recreational vehicle parking would result in no impact on circulation policies.

The existing Residential designation would generate approximately 0.77 AM peak hour trips per dwelling unit and approximately 1.02 PM peak hour trips per dwelling unit for single family detached development. If the property were developed with apartments, approximately 0.55 AM peak hour trips per dwelling unit and approximately 0.67 PM peak hour trips per dwelling unit would be generated.

Of the 12.3 acres proposed for redesignation, 7.69 acres are vacant. This property could be developed with 30 single family detached houses (R-1 zone) up to 219 apartments (R-3 zone). This would result in approximately 23 AM peak hour trips or 30 PM peak hour trips for single-family detached dwellings and approximately 120 AM peak hour trips or 146 PM peak hour trips for apartments.

By comparison, mini-storage is most heavily utilized during the weekend, while peak hour traffic occurs during weekdays. Mini-storage generates approximately 0.18 trips per 1,000 square feet of rentable area in the AM peak hour and 0.22 trips per 1,000 square feet of rentable area in the PM peak hour. Assuming that approximately 80,000 square feet of rentable area were constructed under the Commercial designation, development might result in approximately 14 AM peak hour trips and 17 peak hour trips. This is about two-thirds of the traffic expected to occur with single family residential development and about 12 percent of the traffic expected to occur with apartments. Therefore, peak hour traffic associated with the project would be less than that associated with the existing general plan designation.

- b) Mini-storage generates less traffic than does residential development. The general plan amendment would not generate more than 100 peak hour trips in excess of what was evaluated by the General Plan Master EIR, the threshold for a traffic study. Any change to the zoning would require further environmental review.
- c) See item a above.
- d) The project would not impact air traffic patterns. It is more than two miles from the nearest airport (threshold for analysis in VIII Hazards and Hazardous Materials) and would have no effect on aircraft activity in or around the airport.
- e) There would be no increase in traffic hazards associated with changing the land use designation from Residential to Commercial.
- f) The Fire Department reviewed the project and did not identify any problems with emergency access.
- g) The project would not conflict with any alternative transportation plan.

Resource

See pages V-1-1 to V-1-36 in the MEIR

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

a-g) The project is a general plan amendment on a site that lies outside the City's corporate limits. Any entitlement on the site that may be received and processed by the County will be referred to City staff for comment. Utilities and services outside the corporate limits of Modesto are typically provided by the governing jurisdiction. However, there is a 10-inch water line located in Pelandale Avenue that would provide service to the site. A septic system would be used to address wastewater needs. Stanislaus County will require storm drainage be retained on the site, in accordance with the City of Modesto's standards.

Any new development that occurs within the corporate limits of Modesto will be required to comply with all applicable federal, state, and local regulations and policies, including those related to wastewater, water supply, solid waste, and storm water. Additionally, the San Francisco Public Utilities Commission has indicated that all proposals involving the development or use of its right of way are subject to the agency's project review process.

Resource

See pages V-5-1 to V-5-16, V-6-1 to V-6-12, V-9-1 to V-9-12, and V-15-1 to V-15-10 in the M&IR

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
--------------------------------	---------------------------------------	------------------------------	-----------

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

- a) As discussed in Section IV Biological Resources the project would not impact any wildlife habitat
- b) The project would not result in any significant cumulative impact beyond those identified in the General Plan Master EIR.
- c) This document identifies that the project would have some environmental impact. Impacts resulting from the existing Residential land use designation such as impacts on the use of recreational facilities, schools, and on water supplies, would be reduced by changing the designation to Commercial. Impacts that might occur from the change to Commercial, such as those to traffic and air quality, would be minimal due to the County having rezoned the subject site to restrict development to mini-storage and recreational vehicle storage, which has a very small impact on the environment. Any change to this zone would result in the need for further environmental review. Therefore, the impacts that may result from this project are less than significant.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-195**

**RESOLUTION APPROVING AN AMENDMENT TO THE LAND USE
DIAGRAM OF THE MODESTO URBAN AREA GENERAL PLAN TO CHANGE
THE DESIGNATION FROM R (RESIDENTIAL) TO C (COMMERCIAL) FOR
APPROXIMATELY 10.6 ACRES OF LAND LOCATED SOUTH OF
PELANDALE AVENUE AND WEST OF McHENRY AVENUE**

WHEREAS, on March 5, 2019, the 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, a new General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan”, as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 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, and 2019-109, copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65358 permits the amendment of general plans by the legislative body, and

WHEREAS, Douglas Family Trust has applied for an amendment to the Modesto Urban Area General Plan to change the designation from R (Residential) to C (Commercial) for approximately 10.6 acres of land south of Pelandale Avenue and west of McHenry Avenue, and

WHEREAS, the Community & Economic Development Department has analyzed the proposed amendment and concluded that there would be no significant impacts on the environment, and a Negative Declaration has been prepared for the proposed project, and

WHEREAS, on March 18, 2019, 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 change the designation on approximately 10.6 acres of land from R (Residential) to C (Commercial), and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2019-09, recommending to the City Council an amendment to the Modesto Urban Area General Plan to change the designation on approximately 10.6 acres of land from R (Residential) to C (Commercial), and

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 23, 2019, 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 to change the designation on approximately 10.6 acres of land from R (Residential) to C (Commercial).

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 to as described in **Exhibit "A"**, **attached** hereto and incorporated herein by reference, is necessary to facilitate future commercial development of property identified

as Assessor's Parcel Numbers 046-005-002 and 046-005-003, and portions of 046-009-008, 046-005-022 and 046-009-023..

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts 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 the Community and Economic Development Department Director 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 23rd day of April, 2019, by Councilmember Ridenour, who moved for its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

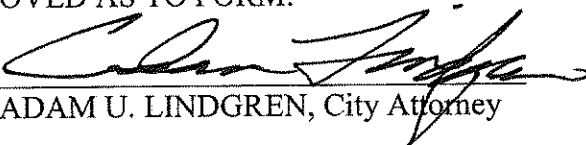
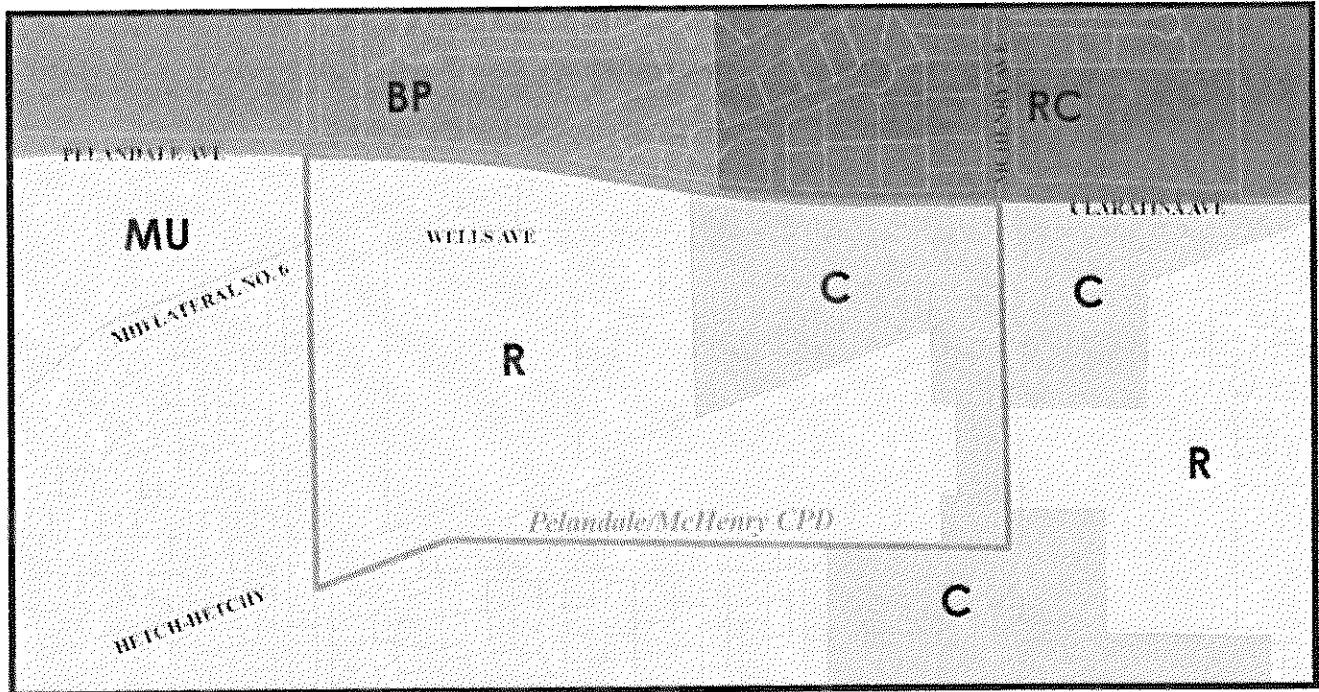
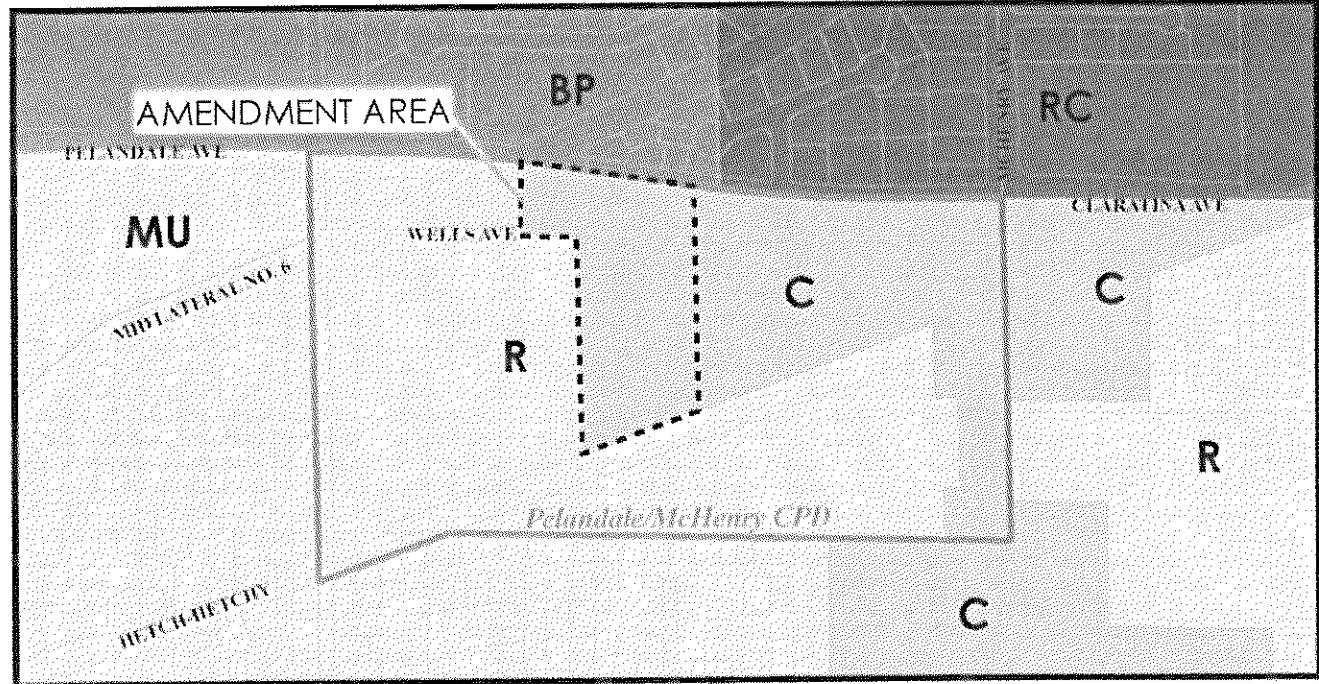
By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Current & Proposed General Plan Land Use Map



CURRENT GENERAL PLAN LAND USE



PROPOSED GENERAL PLAN LAND USE

Proposed General Plan Amendment from Residential (R) to Commercial (C)



**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-196**

**RESOLUTION APPROVING THE SPECIFIC PLAN REIMBURSEMENT FEE
FOR THE TIVOLI SPECIFIC PLAN AREA**

WHEREAS, on June 24, 2008 the Tivoli Specific Plan was adopted by the Modesto City Council by Ordinance 3479-C.S., and

WHEREAS, the Tivoli Specific Plan outlines a plan for the development of approximately 454 unincorporated acres located north of Sylvan Avenue, east of Oakdale Road, and west of Roselle, with the northern boundary to be the future expansion of Claratina Avenue from Oakdale Road to Roselle Avenue, and

WHEREAS, in October 1998 the City Council adopted a Specific Plan Reimbursement Fee Ordinance – Modesto Municipal Code Section 10.9.1101 – 10.9.1104, and

WHEREAS, the preparation of the Tivoli Specific Plan, preparation of a Facilities Master Plan, Infrastructure Finance Plan, and for the formation of a Community Facilities District was funded by Russell A. Newman, Professional Law Corporation, Tom Trombetta, an Individual and Sherry Trombetta, an Individual (“Applicant”), and

WHEREAS, Government Code Section 65456 allows the City Council, by resolution, to fix a specific plan fee to reimburse persons, including the City, for the cost of preparation, adoption, and administration of any Specific Plan that was prepared pursuant to state law requirements, and

WHEREAS, the repayment for expenses incurred in the connection with the project was outlined in the Amended Advanced Funding Agreement for the Tivoli Specific Plan Area by and between the City and the Applicant relating to advances made

and to be made by the Applicant to the City, and providing for the potential reimbursement to the Applicant if and when certain funds from the Tivoli CFD become available, and

WHEREAS, pursuant to Modesto Municipal Code Section 10.9.1102(a) of the Modesto Municipal Code, that the following three findings were made:

Finding No. 1:

That the cost for which the Specific Plan Fee is being assessed are reasonable and were necessarily incurred in the preparation, adoption and administration of the Specific Plan, including Environmental Review.

Analysis:

Total costs to be included in the fee include; Labor costs (city staff time), Printing costs, Mailing costs, and Environmental Review (EIR). The total amount is \$2,661,494.50.

Finding No. 2:

That the Specific Plan fee defrays but does not exceed the actual cost of the services and/or expenses incurred in the preparation, adoption and administration of the Specific Plan.

Analysis:

The proposed fee would reimburse the total amount of \$2,661,494.50 which does not exceed the costs of services.

Finding No. 3:

That the Specific Plan fee is being fairly prorated among the parcels included in the Specific Plan based on the relative benefit that each parcel has derived from

the Specific Plan based upon the savings resulting from reducing the cost of documenting environmental consequences and advocating changed land uses which may be authorized pursuant to the Specific Plan.

Analysis:

All thirty-five parcels receive direct benefit from the Specific Plan preparation and EIR; therefore, the costs have been prorated based on the net acreage of each property.

WHEREAS, pursuant to Modesto Municipal Code Section 10.9.1102(b), this resolution contains the following:

- (1) An itemized list, together with a specific description, of the costs for which the Specific Plan fees are being assessed and the total amount of the assessment
- (2) A description of the specific parcels of land which are benefitted and against which the fees are assessed
- (3) A statement indicating the amount of the total assessment that is allocated against each parcel of property in the Specific Plan area and the method of allocation, including any exemptions or credits against the assessment

NOW, THEREFORE, BE IT by the Council of the City of Modesto that it hereby sets the proposed Specific Plan Reimbursement Fee for the Tivoli Specific Plan Area pursuant to the City's Specific Plan Reimbursement Ordinance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Zoslocki, who moved for its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-197**

**RESOLUTION APPROVING A VOLUNTARY LAND DEDICATION
PROGRAM FOR THE TIVOLI SPECIFIC PLAN AREA**

WHEREAS, the City Council of the City of Modesto previously adopted the Tivoli Specific Plan in 2008, which covers approximately 454 acres of unincorporated Stanislaus County, adjacent to the north-eastern boundary of the City of Modesto (the “Specific Plan Area”); and

WHEREAS, the Tivoli Specific Plan is a comprehensive planning documents for the development of the Specific Plan Area for its eventual annexation in the City of Modesto; and

WHEREAS, development of the Specific Plan Area will require the provision of public infrastructure and services, and the Tivoli Specific Plan includes plans to insure that public infrastructure is constructed in a timely and logical manner prior to or concurrent with development; and

WHEREAS, the Tivoli Specific Plan, and other related facilities plans, quantify the right-of-way or other public lands necessary to construct the “backbone” infrastructure for the Specific Plan Area; and

WHEREAS, property owners in the Specific Plan Area will be required to offer for dedication to the City certain lands for such infrastructure; and

WHEREAS, rising land values have triggered the need to consider and evaluate alternative methods for the City obtaining the public land needed to develop the Specific Plan Area, and the Tivoli Specific Plan anticipates the creation of a Volunteer Land Dedication Program (“VLDP”); and

WHEREAS, the City retained Economic & Planning Systems, Inc. to prepare the Tivoli Specific Plan Public Land Equalization Fee Program and Volunteer Land Dedication Plan (the “Plan”); and

WHEREAS, the purpose of the Land Equalization Fee Program is to equalize payment among property owners in the Specific Plan Area so that each owner has the same proportionate obligation to provide land for the backbone public infrastructure serving the Specific Plan Area and to provide the required nexus findings for the City to implement the Public Land Equalization Fee (“LEFP”); and

WHEREAS, property owners in the Specific Plan Area will be required to pay the LEFP prior to the development of their property; and

WHEREAS, the Plan identifies the total developable acreage in the Specific Plan Area and the amount of acreage necessary for the public infrastructure; and

WHEREAS, the Plan provides that the amount of the LEFP will be determined based on the value of the land required for the public infrastructure using a 3-year rolling average of land appraisals, and the initial appraisal will not be completed until the year in which the first final small lot map is anticipated to be recorded in the Specific Plan Area; and

WHEREAS, it is important to insure that public infrastructure is constructed in a timely and logical manner, and not piecemeal as individual properties develop and are required to pay the LEFP; and

WHEREAS, the purpose of the VLDP is to calculate the acreage that each property owner who develops property in Specific Plan Area is required to contribute for the public infrastructure serving the Specific Plan Area, and incentivize property owners

to dedicate such acreage to the City at the earliest possible date to insure the infrastructure is construed in a timely manner; and

WHEREAS, the VDLP analyzes gross developable acreage and the amount of land needed to develop the public infrastructure for the Specific Plan Area, creates a fair share contribution percentage, and provides a mechanism for equalizing the dedication responsibilities across the Specific Plan Area; and

WHEREAS, under the proposed VLDP, property owners who, on or before the last business day in 2019, offer the City an irrevocable offer of dedication of property on which the public infrastructure can be developed will receive fee credits that can be used to offset requirements under the Land Equalization Fee Program; and

WHEREAS, participation in the VLDP is entirely voluntary, and the opportunity to participate in the VLDP will be available to all property owners within the Specific Plan Area, subject to the requirements of the VLDP; and

WHEREAS, the City Council desires to adopt the Plan, including the VLDP, in order to insure that public infrastructure for the Specific Plan Area is constructed in a timely and logical manner prior to or concurrent with development, and that each property owner has the same proportionate obligation to provide land for the backbone public infrastructure serving the Specific Plan Area; and

WHEREAS, the City Council held a duly noticed public hearing to consider adoption of the VLDP on April 23, 2019, at which time all interested persons had the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Modesto does hereby adopts a Voluntary Land Dedication Program:

1. ADOPTION OF PLAN. The Modesto Tivoli Specific Plan Public Land Equalization Fee Program and Volunteer Land Dedication Plan, **attached** hereto as **Exhibit A**, is hereby adopted. The City Council finds that this plan is consistent with the Tivoli Specific Plan, and necessary to administer and implement the Tivoli Specific Plan. There is a reasonable relationship and nexus between the Land Equalization Fee Program and the City's need to acquire land on which public facilities will be constructed to serve the new residential and nonresidential development in the Specific Plan Area. The City Council finds and declares that the nexus findings set forth in Section 5 of the Plan are true and accurate, and hereby adopts such findings in accordance with the requirements of Government Code section 66000 et seq.

2. CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"). This proposed Resolution is exempt from California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) of the State CEQA Guidelines. Specifically, this Resolution will not result in a direct or reasonably foreseeable indirect physical change in the environment because it does not authorize the construction of any new large structures or other physical changes resulting in impacts to the environment. Although the Resolution anticipates the development of certain public infrastructure facilities, it does not authorize such facilities, and additional action by the City is necessary before such public infrastructure facilities are approved.

3. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other

provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. This City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Resolution be enforced.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 2019, by Councilmember Ridenour, who moved for 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: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

EXHIBIT A

Final Report

The Economics of Land Use



Modesto Tivoli Specific Plan Public Land Equalization Fee Program and Volunteer Land Dedication Plan

Prepared for:

City of Modesto

Prepared by:

Economic & Planning Systems, Inc. (EPS)

April 2019

EPS #182101

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- Appendix A: Specific Plan Parcels
- Appendix B: Specific Plan Public Lands
- Appendix C: Irrevocable Offer of Dedication of Fee Interest Form
- Appendix D: Voluntary Land Dedication Plan Credit/Reimbursement Agreement Template
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1. EXECUTIVE SUMMARY

Introduction

Economic & Planning Systems, Inc. (EPS) has prepared this Public Land Equalization Fee Program and Voluntary Land Dedication Plan at the request of the City of Modesto (City) and various property owners in the Tivoli Specific Plan (Specific Plan or Specific Plan Area). This document provides the required nexus findings for the City to implement the Public Land Equalization Fee (Fee, Fee Program, or LEFP).

Fee Program Overview

Purpose

The Fee is the mechanism identified in this Nexus Study to equalize payments among owners in the Specific Plan for their proportionate share of the Public Land requirement (as defined in this document). The purpose of the Fee is to ensure each developer pays the same proportionate obligation to the Public Land Requirement, subject to the procedures outlined in this Nexus Study.

Definitions

To aid in the understanding and administration of the Specific Plan Fee Program and Voluntary Land Dedication Plan, this document uses the following defined terms:

"Administration Fee" means the administration component of the Fee that will be collected to cover the City's cost of administering the Fee Program.

"City" means the City of Modesto.

"County" means the County of Stanislaus.

"Dedication" means the offer of Public Land to the City, through an Irrevocable Offer of Dedication (IOD), for Public Land required as a condition of development for properties within the boundaries of the Specific Plan.

"Developable Acreage" means land within the boundaries of the Specific Plan on which private development may take place and is composed of the gross acres of land area net of any land that would be required for major roadways and other public uses such as parks, open space, detention basins, sewer lift stations, etc.

"Fee" means the Public Land Equalization Fee.

"Fee Program or LEFP" means the City of Modesto Tivoli Specific Plan Public Land Equalization Fee Program.

"Fee Program Appraisal" means an appraisal of Public Land valuation prepared by an appraiser licensed by the State of California with the MAI designation. A Fee Program Appraisal will be commissioned by the City.

"Fee Program Reimbursement" means a cash reimbursement that would be owed to a property owner from Fee Program revenues only. Fee Program Reimbursement may be effectuated when a property owner has an executed Fee Program Reimbursement Agreement with the City and when Fee Program revenues are available.

"IOD" means Irrevocable Offer of Dedication, where a property owner would grant the offer of dedication to the City for Public Land.

"LEFP Fee Credits" means the fee credits that may be used to offset a property owner's Public Land obligation to the Fee Program. LEFP Fee Credits may be earned when a property owner offers the City an IOD for Public Land and has an executed LEFP Fee Credit Agreement with the City.

"Nexus Study" means this Fee Program Nexus Study as may be amended periodically by the City.

"Off-Site Land" means for any property owner, land that is not within the ownership of such property owner regardless of whether it is within or outside the Specific Plan Area boundaries.

"Public Land" means land identified by the City, through the Specific Plan entitlement and subsequent processing of additional entitlements for private development, required by the City to accommodate roadways or other public facilities required for all new private development within the Specific Plan Area boundaries. Most, if not all, Public Land is anticipated to be within the Specific Plan Area boundaries. As determined by the City, Public Land also may be outside the Specific Plan Area boundaries.

"Public Land Requirement" means a property owner's proportional obligation to Public Land as determined through this Nexus Study.

"Specific Plan or Specific Plan Area" means the Tivoli Specific Plan. In this document, the term Specific Plan generally is used to refer to the physical area of the Specific Plan in which the City has entitled land uses for potential future development. In some circumstances, the document also may refer to the actual Specific Plan document that was approved by the City.

"VLDP" means the Fee Program Voluntary Land Dedication Plan. As described herein, the Voluntary Land Dedication Plan is voluntary for any Specific Plan property owner, and property owners may elect to participate in the Voluntary Land Dedication Plan through the final business day of calendar year 2019.

VLDP Overview

Property owners within the boundaries of the Specific Plan Area recognize that for development to occur, the City will require dedication of several Public Land areas needed for roadways and other public facilities, such as drainage basin land. To facilitate orderly development and to provide an incentive for any Specific Plan property owner who wishes to participate, the City has elected to implement the VLDP as part of the Public Facility Fee Program.

The purpose of the VLDP would be to incentivize Specific Plan property owners to dedicate (offer an IOD to the City) Public Land on their respective property at the earliest possible date. Participation in the VLDP is entirely voluntary, and the opportunity to participate in the VLDP will be available to all Specific Plan property owners who execute an IOD and deliver the same to the City and enter into a VLDP Fee Credit Agreement with the City on or before the last business day in calendar year **2019**. IODs which are executed and delivered to the City after this time period shall NOT be eligible for LEFP Fee Credits; however, such Public Land dedications would be eligible for reimbursement from the Fee Program, subject to the prioritizations of reimbursements described in this document.

Fee Program Administration

The City will administer the Fee Program, and the cost of City Fee Program administration should be covered by the Administrative portion of the fee. City administration will entail ongoing monitoring of the Fee Program, including updates and adjustments to the Fee Program as may be required. The City will also administer preparation of the annual appraisal used for the Public Land value. As part of its administrative duties, the City will conduct annual and 5-year Fee Program reviews consistent with the requirements of California Government Code Section 66000 et seq.

2. SPECIFIC PLAN LAND USES

Project Land Uses

The Specific Plan includes a combination of planned residential and nonresidential development on approximately 345 developable acres.

Table 1 summarizes the Specific Plan land uses. Residential land uses are anticipated to comprise approximately 264 acres with residential densities ranging between 2.5 units per acre and 21 units per acre. The project is entitled for a minimum of 1,855 and a maximum of 3,241 single-family dwelling units. Because the exact unit count does not change the fees calculated in this analysis, this analysis is based on the assumption approximately 2,500 residential units may be completed.

Nonresidential uses comprise approximately 82 developable acres with 80.5 acres zoned for a mix of neighborhood-serving, regional-serving, and general commercial uses and 1.6 acres zoned for professional office.

The Specific Plan also included approximately 23 acres of already developed existing residential land uses along with approximately 6 acres of neighborhood commercial uses and 0.8 acres of professional office. Please refer to **Figures 1, 2, and 3** for the Specific Plan context, land uses, and the planned street hierarchy.

Developable Acreage of Specific Plan Land Uses

The term "Developable Acreage" refers to the land on which private development may take place and is composed of the gross acres of land area net of any land that would be required for major roadways and other public uses such as parks, open space, detention basins, sewer lift stations, etc. Developable Acreage, as defined in this report, is important as it is the basis on which the proportional obligation to Specific Plan Public Land is apportioned. **Table A-1** in **Appendix A**, includes each parcel within the boundaries of the Specific Plan by Stanislaus County Assessor's Parcel, excluding the existing uses, and the estimated developable acres for each parcel.

Table A-1 also calculates each Assessor's Parcel's percentage of total estimated Developable Acreage within the boundaries of the Specific Plan, again excluding existing uses.

**Table 1
Tivoli Specific Plan Public Land Equalization Fee Program
Specific Plan Summary**

Land Use	Developable Acres [1]	Units per Acre	Total Units [2]	F.A.R.	Total Building Sq. Ft.
Residential					
Very Low Density Residential	10.0	2.5	25	-	-
Low Density Residential	165.2	6.0	991	-	-
Medium Density Residential	46.3	13.0	602	-	-
Medium High Density Residential	42.0	21.0	882	-	-
Subtotal - Residential	263.5	-	2,500	-	-
Non-Residential					
Commercial [3]	80.5	-	-	0.29	1,004,186
Professional Office [4]	1.6	-	-	0.30	21,363
Subtotal - Non-Residential	82.1	-	-	-	1,025,549
Total	345.6	-	2,500	-	1,025,549

land use

Source: Tivoli Specific Plan.

[1] Acreage excludes the acreage of local roads and other public uses.

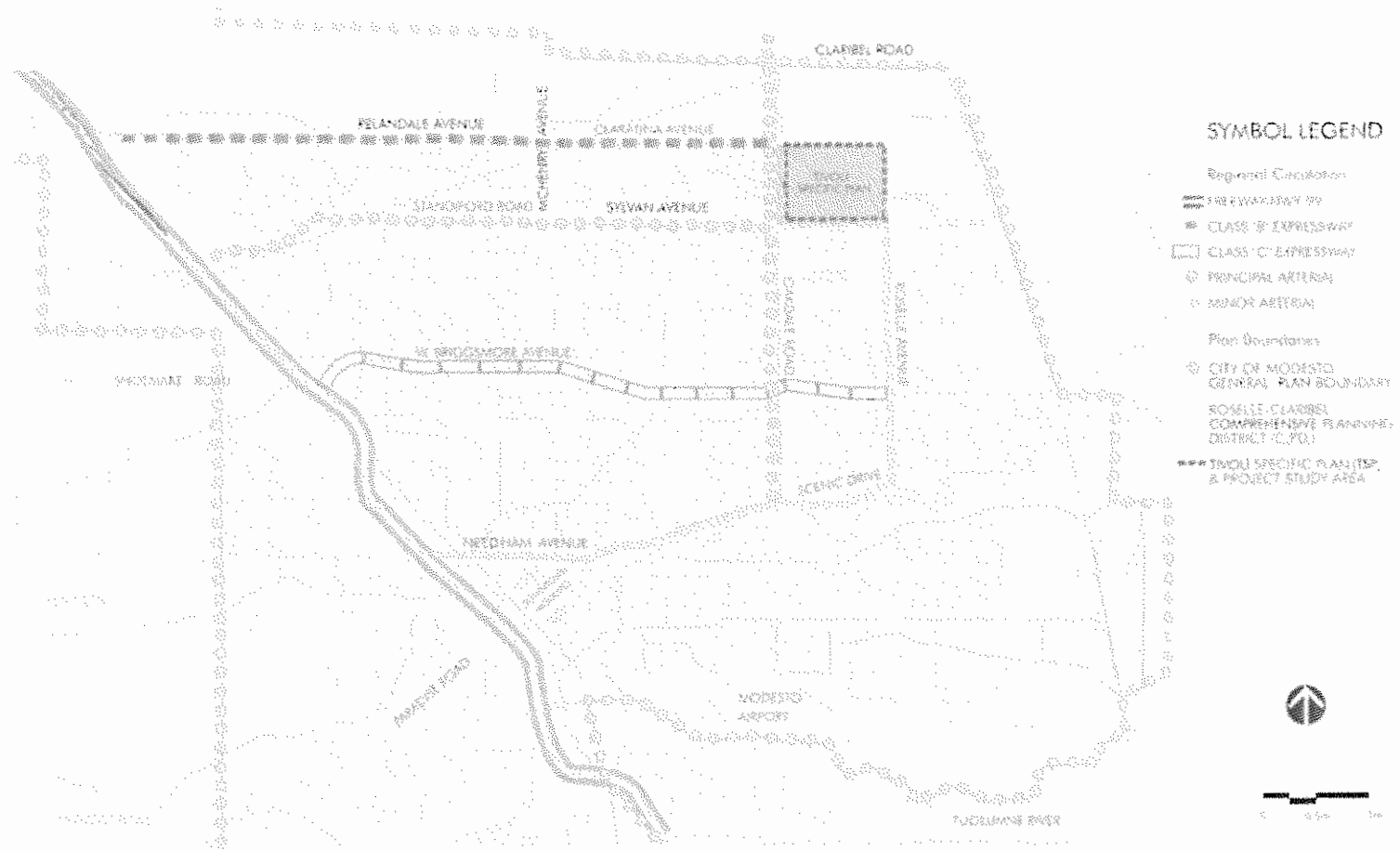
[2] The Specific Plan allows for a minimum of 1,855 and a maximum of 3,241 units in total.

An estimated 2,500 units were assumed for this analysis.

[3] The acreage, building square feet, and employment figures do not include 6.0 acres of existing neighborhood commercial development.

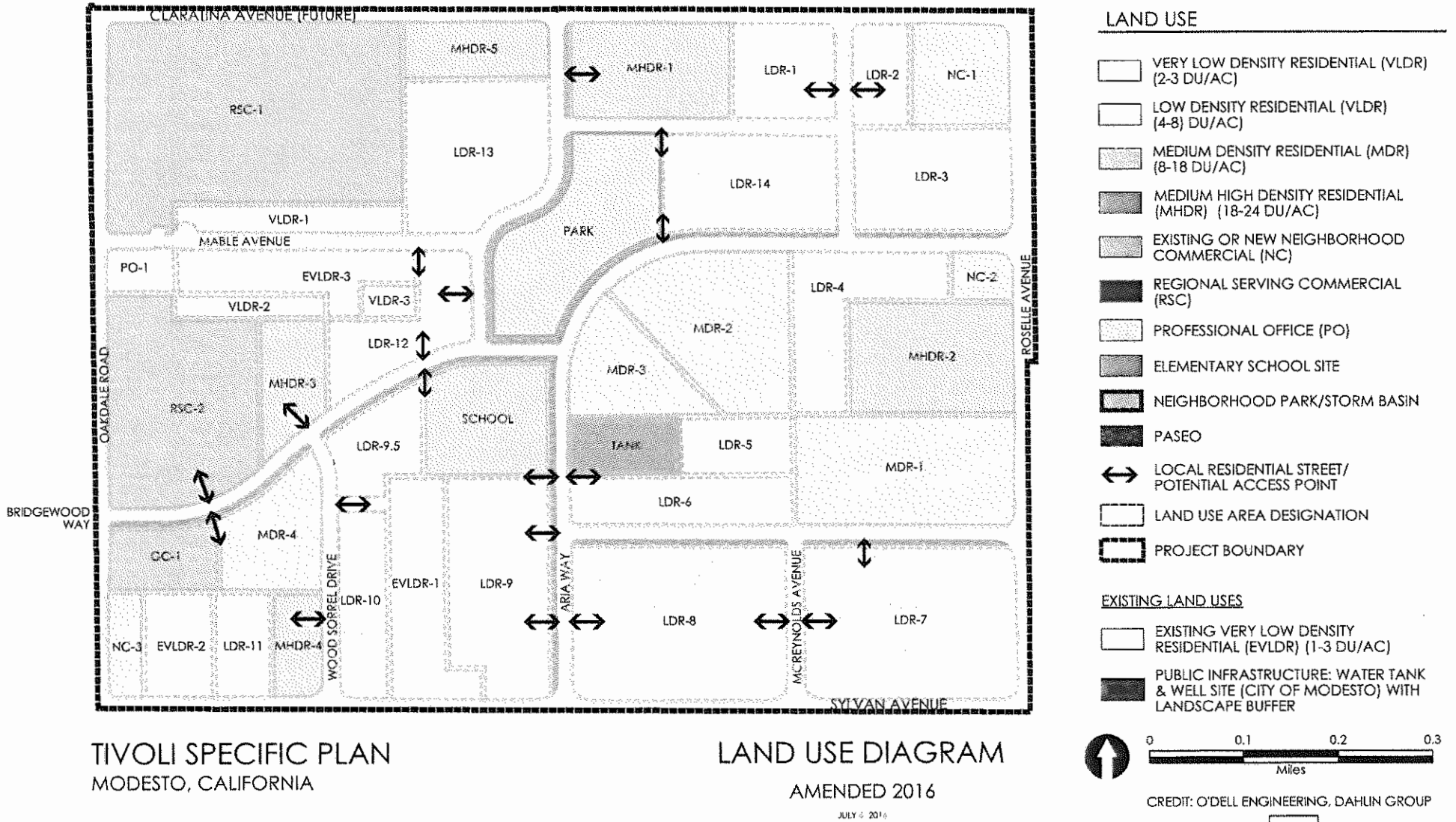
[4] The acreage, building square feet, and employment figures do not include 10,000 square feet of existing professional office development.

**Figure 1
Context and Setting Project Location**



9

FIGURE 2



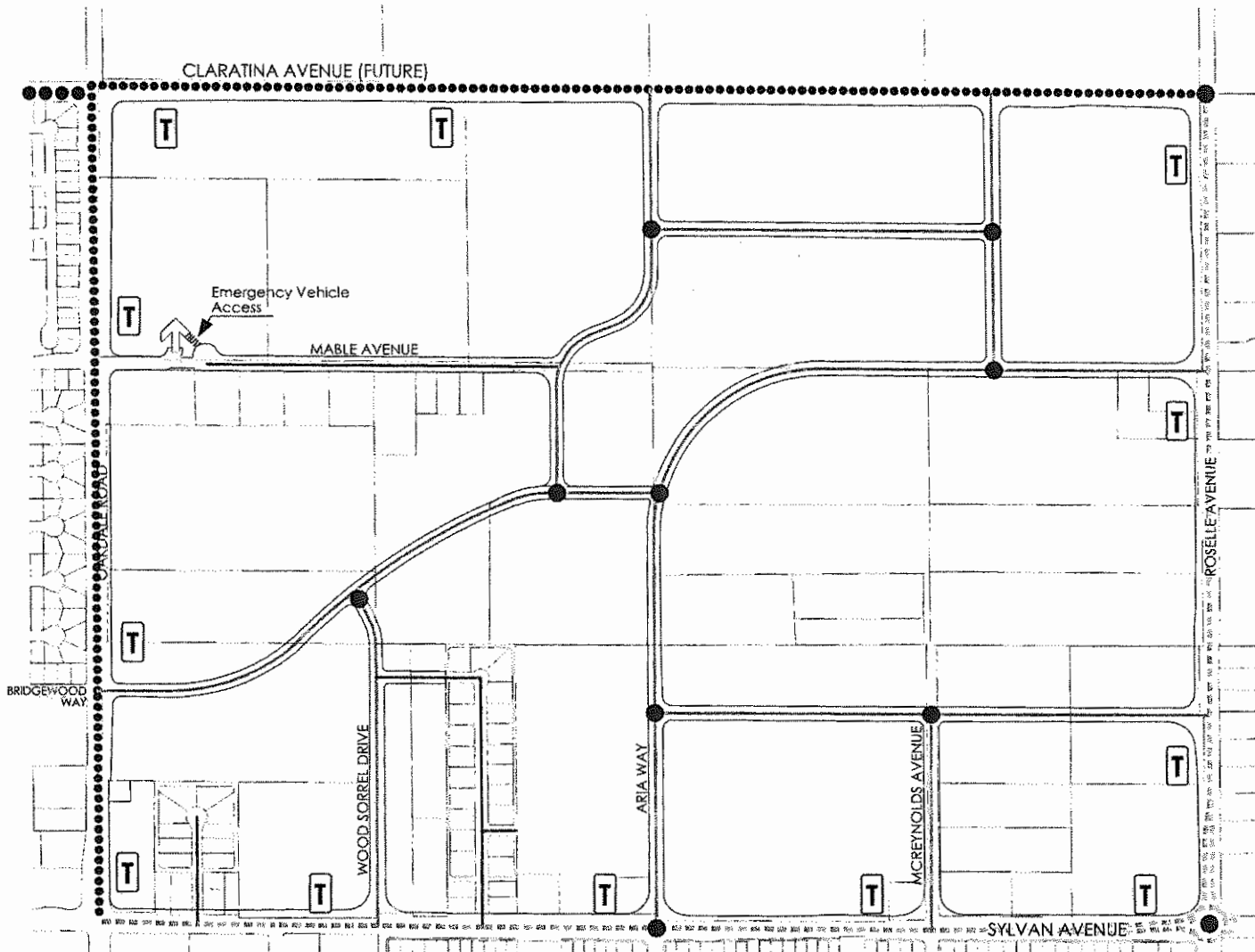


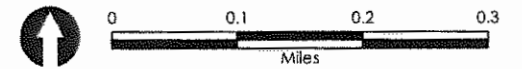
FIGURE 3

LEGEND

- EXPRESSWAY WEST OF OAKDALE ROAD
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL RESIDENTIAL
- T POTENTIAL BUS TURNOUTS
- ROUNDABOUTS

NOTES:

THIS IS A CONCEPTUAL PLAN. ACTUAL DESIGN AND SIZE OF LINES AND FACILITIES WILL BE DETERMINED BY THE FACILITIES MASTER PLAN (FMP)



CREDIT: O'DELL ENGINEERING, DAHLIN GROUP

TIVOLI SPECIFIC PLAN
 MODESTO, CALIFORNIA

STREET HIERARCHY DIAGRAM

AMENDED 2016

JULY 6, 2016

3. PUBLIC LAND EQUALIZATION FEE PROGRAM

Purpose

As a condition of Specific Plan approval, the City has or will require Specific Plan property owners to offer for dedication to the City certain lands for roadways or other public facilities. Throughout this document, these lands will be defined as "Public Land" or "Public Lands." **Table B-1** in **Appendix B** contains the land areas within the boundaries of the Specific Plan identified as Public Land. **Map 1** illustrates the Public Land areas included in the Fee Program. Specifically, the Specific Plan document identified the following areas as being Public Land for purposes of this study:

- Roadway right of way.
- Drainage basin/park land.

The Fee is the mechanism included in this study to equalize payments among owners in the Specific Plan for their proportionate share of the Public Land requirement. The City also has indicated that the number of Public Land acres will not change with a reduction in the number of units that might be entitled or developed in the Specific Plan Area, nor will offers to dedicate additional Public Land be credited against an owner's Public Land requirement. The purpose of the Fee is to ensure each developer pays the same proportionate obligation to the Public Land Requirement subject to the procedures outlined in this Nexus Study.

Public Land Definition, Requirement, and Determination

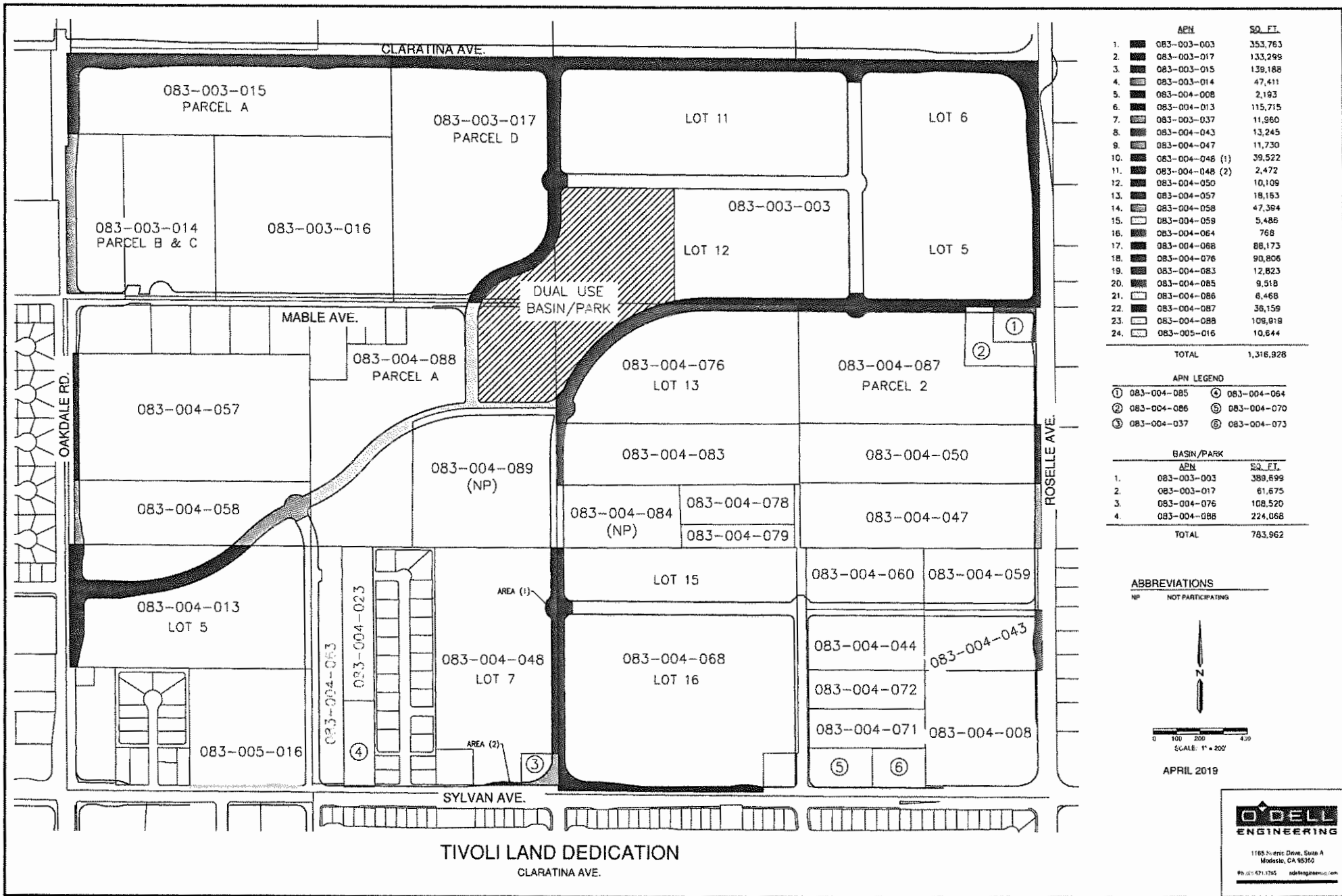
Public Land Definition

Measurements and calculation of Public Land shall be based on land square footage, rounded to the nearest land square foot. Once determined in land square footage, such measurements will be converted to acres, rounded to the **nearest one-thousandth of an acre**. **Table 2** shows the Public Land by facility. Developable Acreage for a developable parcel will be measured by the physical acreage of the parcel excluding all areas associated with major backbone roadways and other backbone infrastructure and public facilities (e.g., parks and open space). A developable parcel's Developable Acreage will include acreage associated with any internal subdivision roads. For purposes of the Fee, net acreage and land square footage shall equal the area measured from the property line where a public facility abuts a private property parcel and measured from the back of the curb where a street is adjacent to a public facility.

Public Land Dedication to City

For any Specific Plan property owner, the City has required the property owners to provide IODs for all Public Land identified in this Nexus Study that is to be provided to the City as a condition of Specific Plan approval. The City will require IODs be provided to the City no later than before

MAP 1



APN	SQ. FT.
1. 083-003-003	353,763
2. 083-003-017	133,299
3. 083-003-015	139,188
4. 083-003-014	47,411
5. 083-004-008	2,193
6. 083-004-013	115,715
7. 083-003-037	11,960
8. 083-004-043	13,245
9. 083-004-047	11,730
10. 083-004-048 (1)	39,522
11. 083-004-048 (2)	2,472
12. 083-004-050	10,109
13. 083-004-057	18,153
14. 083-004-058	47,394
15. 083-004-059	5,486
16. 083-004-064	768
17. 083-004-068	88,173
18. 083-004-076	90,806
19. 083-004-083	12,823
20. 083-004-085	9,518
21. 083-004-086	6,468
22. 083-004-087	36,159
23. 083-004-088	109,919
24. 083-005-016	10,844
TOTAL	1,316,928

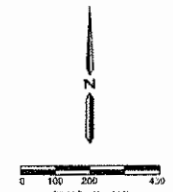
APN LEGEND

① 083-004-085	④ 083-004-064
② 083-004-086	⑤ 083-004-070
③ 083-004-037	⑥ 083-004-073

BASIN/PARK

APN	SQ. FT.
1. 083-003-003	389,699
2. 083-003-017	61,675
3. 083-004-076	108,520
4. 083-004-088	224,068
TOTAL	783,962

ABBREVIATIONS
NP NOT PARTICIPATING



APRIL 2019

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TIVOLI LAND DEDICATION
CLARATINA AVE.

Table 2
Tivoli Specific Plan Public Land Equalization Fee Program
Public Land - By Facility

Item	Land Square Footage
Interior Roadways	
A St: Claratina to B St	40,365
A St: B to Bridgewood	100,832
Aria: Bridgewood to Sylvan	109,556
Aria: Roselle to Bridgewood	203,098
Bridgewood Way: Oakdale - Aria	173,421
Subtotal Interior Roadways	627,272
Exterior Roadways	
Claratina Ave: Oakdale to D St	290,950
Claratina Ave: D St to Roselle	67,769
Roselle Ave: Claratina to Sylvan	122,080
Oakdale Rd: Claratina to Sylvan	152,051
Sylvan: Oakdale to Roselle	56,806
Subtotal Exterior Roadways	689,656
Central Basin/Park	783,962
Total All Public Facility Land	2,100,890

pland

Source: City of Modesto

a final small lot map would be considered by the City Council for single-family residential properties. For multifamily or nonresidential properties, an IOD shall be offered to the City prior to the issuance of the first building permit for a multifamily or nonresidential use on a parcel. A copy of the City's IOD form is included as **Appendix C** to this document.

As described in detail in the next chapter, this Nexus Study includes a VLDP through which property owners may offer the City IODs before the development triggers identified above. Although unknown at this time, the City also may require one or more property owners to offer an IOD for Public Land that may be physically located outside of the Specific Plan Area. In such circumstances, this Nexus Study should be updated to include any additional Off-Site Land that may be required for development in the Specific Plan.

Public Land Requirement

This Nexus Study identifies the Public Land Requirement factor based on the total amount of Public Land required as compared to the total amount of Developable Acreage in the Specific Plan Area. **Table 3** provides the Public Land required for all Specific Plan development that is used to calculate the Public Land Requirement factor, as described below. As the Community Development Department processes small lot tentative maps, final small lot subdivision maps, design review applications, or final development plan review, the amount of Developable Acreage or Public Land may need to be refined. In such circumstances, the Director of Community and Economic Development may request the Fee Program be updated to reflect updated information.

Public Land Requirement Allocation

The total amount of required Public Land is allocated to all developable Specific Plan land uses based on each developable parcel's Developable Acreage. In this manner, each Developable Acre that may accommodate private residential or nonresidential development is equally allocated its proportionate share of the Specific Plan Public Land Requirement. **Table B-1** in **Appendix B** shows the Public Land Requirement for each property owner by County Assessor's Parcel at the time this Nexus Study was prepared. Each County Assessor's Parcel is shown in **Map 1** in **Appendix B**. Assignment of the Public Land required by Assessor's Parcel will make administration of the Fee easier.

Final Determination of Public Land Requirement Shall Be Done at Small Lot Tentative Subdivision Map for Single-Family Development and at Design Review for Multifamily or Nonresidential Development

Using the methods described above, as a condition of approval on a small lot tentative subdivision map, such tentative map shall include assignment of the Public Land Requirement for the property owner's Assessor's Parcels included in such tentative map. Determination of the Public Land Requirement for multifamily or nonresidential development projects shall be completed and included in the conditions of approval on a final development plan for a multifamily or nonresidential project.

Determination of LEFP Fee Credit—Public Land Dedicated to the City

Under certain circumstances, the City may grant credits against the Fee. Circumstances under which fee credits would be granted involve the VLDP as described in **Chapter 4**.

Table 3
Tivoli Specific Plan Public Land Equalization Fee Program
Public Land Requirement Factor

Item	Source	Formula	Amount
Specific Plan Developable Acreage	Table A-1	<i>a</i>	415.97
Estimated Specific Plan Public Land	Table B-1	<i>b</i>	48.23
Public Land Requirement Factor		$c=b/a$	0.1159

req factor

Source: City of Modesto and Tivoli Specific Plan

Valuation of Public Land

The value of Public Land will be determined by a Fee Program Appraisal completed by a certified appraiser chosen by the City. As described below, the Public Land valuation will use a 3-year rolling average value, which will help to mitigate for the potential to have significant land value variations resulting from year-to-year changes in the real estate market. The Fee Program Appraisal shall be completed to determine the weighted average value per net acre of all vacant residential land in the Specific Plan, assuming the property was otherwise developable as residential and had an approved final small lot subdivision map for the land use called out in the existing Specific Plan document. The weighted average value will take account of varying vacant residential land use densities and shall not include or be based on the value of any nonresidential development. The appraised value would take into consideration all required adjustments for applicable Specific Plan-wide Community Facilities District (CFD) and Assessment District obligations, as well as development impact fees and other development cost burdens.

The initial Fee Program Appraisal shall be completed in the year in which the first final small lot map is anticipated to be recorded in the Specific Plan Area. The cost of the initial appraisal and anticipated annual Fee Administration for the year in which the VLDP IODs are granted or the year in which the first final small lot map is recorded shall be advanced by one or more property owners, whichever is earlier. Any such advanced costs would be creditable against the Administration Fee component, as defined in this Nexus Study.

Thereafter, the appraisal may be updated, or a new appraisal may be prepared, as deemed appropriate by the City, to arrive at the Public Land valuation for that given calendar year. The resulting weighted average unit value, expressed per net acre, for that calendar year then would be averaged with the estimates from the prior 2 years to generate a 3-year average land value. For LEFP Fee Credits or for final small lot maps recorded within 1 to 2 years of recordation of the first final small lot map in the Specific Plan Area, the Public Land valuation will be based on an average of available land valuation data. In other words, if an appraisal has been completed for 2 consecutive years at the time a final small lot map is recorded, the valuation will be based on the average of those 2 years. If data for only 1 year are available, that appraisal value will be the basis for the Public Land valuation. Please see **Table 4** for an example of this rolling average concept. Any property owner in the Specific Plan Area requesting review and adjustment of the Fee, other than a request to the City to perform the annual adjustment as provided above, shall be responsible for the costs, including appraisal costs by a certified appraiser chosen by the City and staff time associated with review and adjustment of such fee, and such costs shall be paid to the City before commencement of the work. This Nexus Study includes a placeholder Public Land valuation of **\$150,000** per acre.

LEFP Fee

Based on the Public Land Requirement Factor and placeholder Public Land valuation, the table below shows the LEFP Fee (in 2019 \$). The LEFP Fee will be updated once the Public Land valuation is established with the first appraisal.

LEFP Fee per Developable Acre (2019 \$)

Item	Formula	Amount
Public Land Requirement Factor per Developable Acre	<i>a</i>	0.1159
PLACEHOLDER Public Land Value	<i>b</i>	\$150,000
LEFP Fee per Developable Acre (2019 \$)	$c = a \times b$	\$17,391.93

LEFPfee

Table 4
Tivoli Specific Plan Public Land Equalization Fee Program
Example of Three-Year Rolling Average Public Land Value

Item	Assessed Value [1]	Valuation Used	Comment
Year 1	\$150,000	\$150,000	Year 1 value
Year 2	\$155,000	\$152,500	Rolling average years 1 and 2
Year 3	\$160,000	\$155,000	Rolling average years 1 through 3
Year 4	\$165,000	\$160,000	Rolling average years 2 through 4
Year 5	\$170,000	\$165,000	Rolling average years 3 through 5

Source: EPS.

pub. land valuation

[1] PLACEHOLDER VALUE FOR EXAMPLE PURPOSES ONLY.

4. VOLUNTEER LAND DEDICATION PLAN

Property owners in the Specific Plan Area recognize that for development to occur, the City will require dedication of several Public Land areas needed for roadways and other public facilities, such as drainage basin land. To facilitate orderly development and to provide an incentive for any Specific Plan property owner who wishes to participate, the City has elected to implement the VLDP as part of the Public Facility Fee Program.

VLDP

The purpose of the VLDP would be to incentivize Specific Plan property owners to dedicate (offer an IOD to the City) Public Land on their respective property at the earliest possible date. Participation in the VLDP is entirely voluntary, and the opportunity to participate in the VLDP will be available to all Specific Plan property owners who execute an IOD and deliver the same to the City and enter into a VLDP Fee Credit Agreement with the City on or before the last business day in calendar year **2019**. IODs which are executed and delivered to the City after this time period shall NOT be eligible for LEFP Fee Credits; however, such Public Land dedications would be eligible for reimbursement from the Fee Program, subject to the prioritizations of reimbursements described in this document.

LEFP Fee Credits for IODs through the VLDP

The incentive for a property owner to participate in the VLDP is that Public Land dedicated through the VLDP will be eligible to be used as a fee credit against the Fee. LEFP Fee Credits will be personal to the property owner that earned the fee credits through IOD of Public Land to the City. LEFP Fee Credits may be used against the Fee, may be transferred, or may be sold. LEFP Fee Credits are created when a property owner has an executed LEFP Fee Credit Agreement with the City. Please refer to **Appendix D** for the LEFP Fee Credit/Reimbursement Agreement Template.

Valuation of LEFP Fee Credits

As described in the prior chapter, an annual appraisal will be completed for the LEFP, and the resulting land value will be used to update the 3-year rolling average land value. The valuation of land offered via IOD through the VLDP will be established at the time the IOD is granted and a LEFP Fee Credit Agreement is executed between the property owner and the City. As described below, the value of LEFP Fee Credits will be adjusted to keep pace with land value changes until such time as the LEFP Fee Credits are used to offset the Fee.

LEFP Fee Credits Applied to the Fee

When LEFP Fee Credits are being applied to offset the Fee, the calendar month in which the LEFP Fee Credits were earned is immaterial. Any lawful owner of LEFP Fee Credits may apply such LEFP Fee Credits to offset the Fee. LEFP Fee Credits may be applied on a final small lot map by final small lot map basis, until such LEFP Fee Credits are exhausted. Payment of the Fee will begin with the first final small lot map for which LEFP Fee Credits are not available or will not

provide enough credits for the entire final small lot map. LEFP Fee Credits also may be used to offset the Fee for multifamily or nonresidential development projects. For these properties, LEFP Fee Credits must be applied when the payment is triggered for these property types.

Unused LEFP Fee Credits

Any unused LEFP Fee Credits earned through the VLDP shall have a priority for reimbursement from Fee revenues as compared to Fee Program-owed reimbursements earned after the VLDP has ended. Reimbursement priority for unused LEFP Fee Credits will be established using the calendar month in which the LEFP Fee Credits were earned through an executed LEFP Fee Credit agreement with the City. As an example, a LEFP Fee Credit agreement executed in February 2019 would have priority over a LEFP Fee Credit agreement executed in May 2019. Any LEFP Fee Credit agreements executed in the same calendar month shall have equal priority, and reimbursements in such cases shall be made prorata to the owner of each agreement based on the percentage of Public Land dedicated in one agreement as compared to all other agreements with the same calendar month priority. For example, if two agreements had the same calendar month priority and one agreement dedicated 2 acres of land and the second agreement dedicated 3 acres of land, then reimbursements would be 40 percent to the first agreement and 60 percent to the second agreement.

Adjustments to LEFP Fee Credits

Each year, the City will update the value of any outstanding, unused LEFP Fee Credits using the percentage change in appraised value, either the single year as compared to the prior year in the case of the first two appraisal updates, and by the 3-year rolling average when enough years have passed. For example, in year 2, if the land value has increased by 3 percent, then the City would adjust outstanding LEFP Fee Credits from the prior year by 3 percent. In the fifth year of the program, the updated appraisal in year 5 would result in an updated 3-year rolling average appraisal for that year. That 3-year rolling average, in year 5, would be compared to the 3-year rolling average in year 4 to derive the percentage adjustment to outstanding LEFP Fee Credits.

In this manner, the value of outstanding LEFP Fee Credits will keep in lock step with the latest land valuation and the Fee.

LEFP Fee Credit Examples

By way of illustrating how the LEFP Fee Credits would be implemented and administered, this section provides examples of how a property owner may use LEFP Fee Credits. For simplicity and consistency, all examples are based on the assumption of a single-family developer as the property owner and developer. The chart below shows the amount of Public Land that has been accepted by the City (via IOD) for purposes of the examples illustrated below and indicates whether the Public Land dedication has created LEFP Fee Credits.

Item	Example			
	#1	#2	#3	#4
Dedicated Public Land (acreage)	2.000	1.000	2.000	1.000
Public Land Valuation [1]	\$300,000	\$150,000	\$300,000	\$150,000
LEFP Fee Credits through VLDP?	YES	YES	NO	NO

[1] Based on PLACEHOLDER valuation of \$150,000 per acre.

Also, for purposes of these examples, the Administration Fee is assumed to be a flat rate of \$5,000. This amount is a placeholder for example purposes and will be updated by the City.

Example #1—VLDP Participant Where VLDP Credits Exceed Public Land Requirement

Table 5 illustrates the circumstance where a property has LEFP Fee Credits and the acreage in LEFP Fee Credits exceeds the Public Land Requirement for the property owner. In Example #1, the property owner is assumed to possess 2.0 acres (\$300,000 in 2019 \$) of LEFP Fee Credits. This example is based on the assumption the property owner would be developing their property in two separate final small lot subdivision maps of equal size (approximately 4.32 acres each). For final map #1, the property owner is required to pay, or use LEFP Fee Credits, for their Public Land Requirement of 0.5 acres (\$75,000) with the first final map. In this example, the property owner applies \$75,000 of LEFP Fee Credits against the obligation, and the only fee due for final map #1 is the Administration Fee.

Similarly, for the second final map of equal size, the property owner has a remaining LEFP Fee Credit balance of \$225,000 (original \$300,000 less \$75,000 used) and uses another \$75,000 to offset the Public Land Requirement for final map #2. Again, the only fee due for final map #2 is the Administration Fee. At the end of this example, the property owner still possesses \$150,000 of LEFP Fee Credits that can be used on other property, sold to another property owner, or reimbursed through this program in the applicable priority order.

Example #2—VLDP Participant where Public Land Requirement Exceeds LEFP Fee Credits

Table 6 illustrates the circumstance where a property has LEFP Fee Credits, and the Public Land Requirement for this property owner exceeds their LEFP Fee Credits. In Example #2, the property owner is assumed to possess \$150,000 of LEFP Fee Credits. This example is based on the assumption the property owner would be developing their property in three separate final small lot subdivision maps of equal size (approximately 4.32 acres each). For final map #1, the property owner is required to pay, or use LEFP Fee Credits, for their Public Land Requirement of \$75,000 with the first final map. In this example, the property owner applies \$75,000 of LEFP Fee Credits against the obligation, and the only fee due for final map #1 is the Administration Fee.

Table 5
Tivoli Specific Plan Public Land Equalization Fee Program
Use of LEFP Fee Credits - Example #1

Example 1: LEFP Credits Exceed Public Land Requirement

Item	Public Land Requirement	Public Land Equalization Fee Due	LEFP Credit Application / Balance [1]	Net Public Land Equalization Fee Due	Admin. Fee Due	Total
	<i>PL Req. Factor</i> 0.1159	<i>PL Value [2]</i> \$150,000	<i>Beginning Balance</i> \$300,000			
Final Map #1						
Developable Acreage	4.315					
Public Land Requirement	0.500	\$75,000	(\$75,000)	\$0	-	\$0
Subtotal LEFP Credit Balance	-		\$225,000	-	-	-
Administration Fee [3]	\$5,000				\$5,000	\$5,000
Subtotal				\$0	\$5,000	\$5,000
Final Map #2						
Developable Acreage	4.315					
Public Land Requirement	0.500	\$75,000	(\$75,000)	\$0	-	\$0
Subtotal LEFP Credit Balance	-		\$150,000	-	-	-
Administration Fee [3]	\$5,000				\$5,000	\$5,000
Subtotal				\$0	\$5,000	\$5,000
Total			<i>Ending Balance</i> \$150,000	\$0	\$10,000	\$10,000

exp1

Source: Tivoli Specific Plan

[1] The only way to use offset the LEFP is through credits obtained through a LEFP Fee Credit Agreement or acquisition of LEFP Fee Credits.

Assumes Public Land Dedication of: 2.00 acres resulting in \$300,000 = Public Land Value

[2] Placeholder public land value for example purposes only until the first appraisal is completed.

[3] Administrative fee will be a flat rate per final map of \$5,000.00

Table 6
Tivoli Specific Plan Public Land Equalization Fee Program
Use of LEFP Fee Credits - Example #2

Example 2: Public Land Requirement Exceeds LEFP Credits
--

Item	Public Land Requirement	Public Land Equalization Fee Due	LEFP Credit Application / Balance [1]	Net Public Land Equalization Fee Due	Admin. Fee Due	Total
	<i>PL Req. Factor</i> 0.1159	<i>PL Value [2]</i> \$150,000	<i>Beginning Balance</i> \$150,000			
Final Map #1						
Developable Acreage	4.315					
Public Land Requirement	0.500	\$75,000	(\$75,000)	\$0	-	\$0
Subtotal LEFP Credit Balance	-		\$75,000	-	-	-
Administration Fee [3]	\$5,000				\$5,000	\$5,000
Subtotal				\$0	\$5,000	\$5,000
Final Map #2						
Developable Acreage	4.315					
Public Land Required	0.500	\$75,000	(\$75,000)	\$0	-	\$0
Subtotal LEFP Credit Balance	-		\$0	-	-	-
Administration Fee [3]	\$5,000				\$5,000	\$5,000
Subtotal				\$0	\$5,000	\$5,000
Final Map #3						
Developable Acreage	4.315					
Public Land Required	0.500	\$75,000	\$0	\$75,000	-	\$75,000
Subtotal LEFP Credit Balance	-		\$0	-	-	-
Administration Fee [3]	\$5,000				\$5,000	\$5,000
Subtotal				\$75,000	\$5,000	\$80,000
			<i>Ending Balance</i>			
Total			\$0	\$75,000	\$15,000	\$90,000

exp2

Source: Tivoli Specific Plan

[1] The only way to use offset the LEFP is through credits obtained through a LEFP Fee Credit Agreement or acquisition of LEFP Fee Credits.

Assumes Public Land Dedication of: 1.00 acres resulting in \$150,000 = Public Land Value

[2] Placeholder public land value for example purposes only until the first appraisal is completed.

[3] Administrative fee will be a flat rate per final map of \$5,000.00

Similarly, for the second final map of equal size, the property owner has a remaining LEFP Fee Credit balance of \$75,000 (original \$150,000 less \$75,000 used) and uses another \$75,000 to offset the Public Land Requirement for final map #2. Again, the only fee due for final map #2 is the Administration Fee.

Finally, for the third final map, the property owner is out of LEFP Fee Credits. Consequently, the \$75,000 Public Land Requirement for this third final map would be required to be paid. The example shows \$75,000 (0.5 acres multiplied by the placeholder Public Land Value to derive the Fee of \$75,000 due). That amount with the applicable Administration Fee would be due for this third final map. At the end of this example, the property owner no longer has any LEFP Fee Credits.

Examples Where No LEFP Fee Credits Exist

Because participation in the VLDP portion of this Fee Program is not mandatory, there may be circumstances where a property owner does not have any LEFP Fee Credits. The following two examples are provided to illustrate these circumstances.

Example #3—Non-VLDP Participant Where Public Land Dedication Exceeds Public Land Requirement

Table 7 illustrates Example #3. For ease of understanding, this example uses the same acreage assumptions as Example #1. The difference between the two examples is the lack of LEFP Fee Credits. Before the property owner could obtain final map #1, the property owner would be required to pay \$75,000 in Public Land Requirement for that final map, plus the Administration Fee. Before the property owner could obtain final map #2, the property owner would be required to pay \$75,000 in Public Land Requirement for that final map, plus the Administration Fee. In this example, the total payments by the property owner would equal \$160,000 for both final maps.

Then, subject to the reimbursement priority described in this Fee Program, the property owner would be in line to receive a future reimbursement for the value of the 2 acres of Public Land they dedicated as required by the City (\$300,000 in this example).

Example #4—Non-VLDP Participant Where Public Land Requirement Exceeds Public Land Dedication

Table 8 illustrates Example #4. For ease of understanding, this example uses the same acreage assumptions as Example #2. The difference between the two examples is the lack of LEFP Fee Credits. Before the property owner could obtain final map #1, the property owner would be required to pay \$75,000 in Public Land Requirement for that final map, plus the Administration Fee. Before the property owner could obtain final map #2, the property owner would be required to pay \$75,000 in Public Land Requirement for that final map, plus the Administration Fee. Before the property owner could obtain final map #3, the property owner would be required to pay \$75,000 in Public Land Requirement for that final map, plus the Administration Fee. In this example, the total payments by the property owner would equal \$240,000 for the three final maps.

Table 7
Tivoli Specific Plan Public Land Equalization Fee Program
Use of LEFP Fee Credits - Example #3

Example 3: Public Land Requirement - No LEFP Fee Credits

Item	Public Land Requirement	Public Land Equalization Fee Due	LEFP Credit Application / Balance [1]	Net Public Land Equalization Fee Due	Admin. Fee Due	Total
	<i>PL Req. Factor</i> 0.1159	<i>PL Value [2]</i> \$150,000	<i>Beginning Balance</i> \$0			
Final Map #1						
Developable Acreage	4.315					
Public Land Required	0.500	\$75,000	\$0	\$75,000	-	\$75,000
Subtotal LEFP Credit Balance	-		\$0	-	-	-
Administration Fee [3]	\$5,000				\$5,000	\$5,000
Subtotal				\$75,000	\$5,000	\$80,000
Final Map #2						
Developable Acreage	4.315					
Public Land Required	0.500	\$75,000	\$0	\$75,000	-	\$75,000
Subtotal LEFP Credit Balance	-		\$0	-	-	-
Administration Fee [3]	\$5,000				\$5,000	\$5,000
Subtotal				\$75,000	\$5,000	\$80,000
Total			<i>Ending Balance</i> \$0	\$150,000	\$10,000	\$160,000
Future Public Land Equalization Fee Program Reimbursement						
Public Land Dedicated	2.000 acres					
Public Land Value [2]	\$150,000					
Fee Program Reimbursement [4]	\$300,000					

exp3

Source: Tivoli Specific Plan

[1] LEFP Fee Credits are not available in this example.
 [2] Placeholder public land value for example purposes only until the first appraisal is completed.
 [3] Administrative fee will be a flat rate per final map of \$5,000.00
 [4] Subject to adjustment as the Public Land Value is updated and subject to reimbursement priority as described in the Fee Program.

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Table 8
Tivoli Specific Plan Public Land Equalization Fee Program
Use of LEFP Fee Credits - Example #4

Example 4: Public Land Requirement - No LEFP Fee Credits

Item	Public Land Requirement	Public Land Equalization Fee Due	LEFP Credit Application / Balance [1]	Net Public Land Equalization Fee Due	Admin. Fee Due	Total
	<i>PL Req. Factor</i> 0.1159	<i>PL Value [2]</i> \$150,000	<i>Beginning Balance</i> \$0			
Final Map #1						
Developable Acreage	4.315					
Public Land Required	0.500	\$75,000	\$0	\$75,000	-	\$75,000
Subtotal LEFP Credit Balance	-		\$0	-	-	-
Administration Fee [3]	\$5,000				\$5,000	\$5,000
Subtotal				\$75,000	\$5,000	\$80,000
Final Map #2						
Developable Acreage	4.315					
Public Land Required	0.500	\$75,000	\$0	\$75,000	-	\$75,000
Subtotal LEFP Credit Balance	-		\$0	-	-	-
Administration Fee [3]	\$5,000				\$5,000	\$5,000
Subtotal				\$75,000	\$5,000	\$80,000
Final Map #3						
Developable Acreage	4.315					
Public Land Required	0.500	\$75,000	\$0	\$75,000	-	\$75,000
Subtotal LEFP Credit Balance	-		\$0	-	-	-
Administration Fee [3]	\$5,000				\$5,000	\$5,000
Subtotal				\$75,000	\$5,000	\$80,000
Total			<i>Ending Balance</i> \$0	\$225,000	\$15,000	\$240,000
Future Public Land Equalization Fee Program Reimbursement						
Public Land Dedicated	1.000 acres					
Public Land Value [2]	\$150,000					
Fee Program Reimbursement [4]	\$150,000					

exp4

Source: Tivoli Specific Plan

[1] LEFP Fee Credits are not available in this example.

[2] Placeholder public land value for example purposes only until the first appraisal is completed.

[3] Administrative fee will be a flat rate per final map of \$5,000.00

[4] Subject to adjustment as the Public Land Value is updated and subject to reimbursement priority as described in the Fee Program.

Then, subject to the reimbursement priority described in this Fee Program, the property owner would be in line to receive a future reimbursement for the value of the 1 acre of Public Land they dedicated as required by the City (\$150,000 in this example).

No Other Fee Credits

The intent of the Fee Program and VLDP is that fee credits would be earned only through the VLDP. Once the VLDP period has expired, there are no other means of earning fee credits to offset the Fee, with one exception. The only exception is that the City will consider granting fee credits to any Specific Plan property owner who must acquire Off-Site Land that is outside such owner's ownership interests. In such circumstances, when such Off-Site Land is acquired and dedicated to the City, the City may permit fee credits for that land to offset the Fee.

5. NEXUS FINDINGS

Authority

This report has been prepared to establish the Fee Program in accordance with the procedural guidelines established in Assembly Bill (AB) 1600, which is codified in California Government Code Section 66000 et. seq. This code section sets forth the procedural requirements for establishing and collecting development impact fees. The procedures require that a "reasonable relationship or nexus must exist between a governmental exaction and the purpose of the condition."¹ Specifically, each local agency imposing a fee must:

- Identify the purpose of the fee.
- Identify how the fee is to be used.
- Determine how a reasonable relationship exists between the fee's use and the type of development project on which the fee is imposed.
- Determine how a reasonable relationship exists between the need for the public facility and the type of development project on which the fee is imposed.
- Demonstrate a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

Summary of Nexus Findings

The development impact fee to be collected for each land use is calculated based on the proportionate share of the total facility use each land use represents. With this approach, the following findings are made regarding each Fee Program component.

Public Land Equalization Fee

Purpose of Fee

The purpose of the Fee is to fund the acquisition of land on which City public facilities (roadways and storm drainage detention basins/park facilities) would be constructed to serve new residential and nonresidential development in the Specific Plan Area. Public land on which new public facilities would be constructed was identified in the Specific Plan document for the Specific Plan Area.

¹ *Public Needs & Private Dollars* (July 1993), William Abbott, Marian E. Moe, and Marilee Hanson, page 109.

Use of Fees

The Fee will be used to fund land acquisition of Public Land required by the City for new development in the Specific Plan Area.

Reasonable Relationship Between Use of Fees and Type of Development

The development of new residential and nonresidential land uses in the Specific Plan Area will generate additional demand for Public Land on which public facilities will be constructed. The proposed Fee will be used to acquire land for public facilities at the levels required to meet the demand created by new residential and nonresidential development.

A reasonable relationship therefore exists between the use of the Fee and the residential and nonresidential development on which the Fee is imposed because the Fee will be used to fund acquisition of land on which new public facilities will be constructed.

Reasonable Relationship Between Need for Facility and Type of Project

Each new residential and nonresidential development project will add to the incremental need for City public facilities, and each new project will benefit from the new public facility capacity in proportion to their estimated use of such facilities.

A reasonable relationship therefore exists between the need for new City Public Land and new residential and nonresidential projects on which the Fee is imposed because the specific Public Lands are necessary to accommodate new Specific Plan residents and employees that will use facilities constructed on the Public Lands.

Reasonable Relationship Between Amount of Fees and Cost of or Portion of Facility Attributed to Development on Which Fee Is Imposed

Construction of the new public facilities (on Public Land) will serve new residential and nonresidential development in the Specific Plan Area. The cost of the land to be funded by new Specific Plan development is allocated to all benefiting developable acres proportionally such that each new developable acre of land in the Specific Plan Area demands Public Land proportionally to another developable acre of land. The result is a maximum justifiable fee for each new residential unit or for each 1,000 square feet of new nonresidential development that reflects the relative impact toward the costs of Public Land.

A reasonable relationship therefore exists between the amount of the Fee and the cost of acquiring Public Land attributed to the residential and nonresidential development on which the Fee is imposed because the cost is calculated based on the demand generated by all new Developable Acreage, both residential and nonresidential, proportionally for all new developable acres in the Specific Plan Area.

Administration Fee Component

The Administration Fee component of the Fee helps offset City costs associated with Fee Program administration and implementation, consisting of credit and reimbursement agreement negotiations and implementation, credit and reimbursement tracking, annual reporting

requirements, periodic updates to the Nexus Study, and other related costs. Collection and implementation of the Fee is reliant on funding from the Administration Fee component.

Fee Program administration costs also may include City-advanced or other party-advanced costs that may have been provided to establish the LEFP, to fund the initial appraisal, and to fund the LEFP Fee Credit Agreements. Once established, the Administration Fee component will be collected as a flat fee with the processing of each final small lot map or would be due before issuance of a building permit in the case of multifamily or nonresidential development. Costs for the Administration Fee component therefore are based on the Fee, and associated nexus findings for the Administration Fee are established by the nexus findings for it as outlined above.

6. PUBLIC LAND EQUALIZATION FEE ADMINISTRATION

The proposed Fee is anticipated to be adopted by the City through a fee ordinance approved by the City Council authorizing collection of the Fee. The Fee is anticipated to become effective 60 days after City approval of the fee ordinance.

Dedication of Required Public Land

The City shall require all Specific Plan owners offer an IOD for required Public Land before recordation of a final small lot subdivision map for single-family development and before issuance of the first building permit for multifamily and nonresidential development on a parcel. If the IOD is offered within the time period of the VLDP and the City and property owner enter into a LEFP Fee Credit agreement, the dedication of land would create LEFP Fee Credits that may be used to offset the Fee.

Reimbursement for Dedicated Public Land

If the land dedication does not result in LEFP Fee Credits, the property owner would be eligible to receive reimbursement for the Public Land dedicated. The value of reimbursement will be documented in a Fee Program Reimbursement Agreement executed between the property owner and the City. The Fee Program Reimbursement Agreement would document the value of the Public Land reimbursement by multiplying the amount of Public Land dedicated, as measured to the nearest thousandth of an acre, by the applicable Public Land value for the calendar year in which the Public Land dedication is accepted by the City and the Fee Program Reimbursement Agreement is executed. Please refer to **Appendix E** for a copy of the LEFP Reimbursement Agreement Template.

Fee Program reimbursements are an obligation of the Fee Program only and will be paid for by City collection of Fee Program revenues, when available. Fee Program reimbursements are not an obligation of the City's General Fund or any other operating or reserve funds.

Fee Program reimbursements will be paid semi-annually by the City in September and in February, based on Fee Program revenues collected from January 1 through June 30 of the prior one-half of a City Fiscal Year and between July 1 and December 31 of the prior calendar (first half of a fiscal year). For example, Fee Program reimbursements paid in September 2022 would be based on Fee Program revenues collected by the City between January 1, 2021, and June 30, 2022.

Adjustments to the Reimbursement Amount

Each year, the City will update the value of any outstanding reimbursements using the percentage change in appraised value, either the single year as compared to the prior year in the case of the first two appraisal updates, and by the 3-year rolling average when enough years have passed. For example, in year 2 if the land value has increased by 3 percent, then the City would adjust outstanding reimbursement amounts from the prior year by 3 percent. In the fifth

year of the program, the updated appraisal in year 5 would result in an updated 3-year rolling average appraisal for that year. That 3-year rolling average, in year 5, would be compared to the 3-year rolling average in year 4 to derive the percentage adjustment to outstanding Public Land reimbursement amounts.

In this manner, the value of outstanding Public Land reimbursements will keep in lock step with the latest land valuation and the Fee.

Reimbursement Priority

Reimbursements will be paid to property owners who have an executed agreement with the City entitling them to reimbursements. Reimbursements shall be subject to the following priority order. Each of these priority orders is described in more detail with examples below:

1. Unused LEFP Fee Credits
2. Fee Program Reimbursements

Unused LEFP Fee Credits

A property owner who is holding unused LEFP Fee Credits may elect to receive, but is not required to receive, Fee Program reimbursements when such reimbursements may be available from the Fee Program. When Fee Program revenues are available for reimbursements, the City will offer first right of refusal for Fee Program reimbursement to each holder of unused LEFP Fee Credits to accept reimbursement to retire unused LEFP Fee Credits. Such offers to holders of unused LEFP Fee Credits shall be based on the priority order of LEFP Fee Credit holders. For example, the holder of LEFP Fee Credits with the oldest calendar month agreement shall be offered reimbursement first, followed by the second oldest calendar month, etc.

As described earlier, any unused LEFP Fee Credits earned through the VLDP shall have a priority for reimbursement from Fee revenues as compared to Fee Program reimbursements earned after the VLDP has ended or otherwise not eligible for LEFP Fee Credits. Reimbursement priority for unused LEFP Fee Credits will be established using the calendar month in which the LEFP Fee Credits were earned through an executed LEFP Fee Credit agreement with the City. As an example, a LEFP Fee Credit agreement executed in February 2019 would have priority over a LEFP Fee Credit agreement executed in May 2019. Any LEFP Fee Credit agreements executed in the same calendar month shall have equal priority, and reimbursements in such cases shall be made prorata to the owner of each agreement based on the percentage of Public Land dedicated in one agreement as compared to all other agreements with the same calendar month priority. For example, if two agreements had the same calendar month priority and one agreement dedicated 2 acres of land and the second agreement dedicated 3 acres of land, then reimbursements would be 40 percent to the first agreement and 60 percent to the second agreement.

Fee Program Reimbursements

Fee Program reimbursements would be generated when a property owner offers Public Land for dedication to the City (through an IOD) and has obtained an executed Fee Program Reimbursement Agreement between the property owner and the City **AFTER** the VLDP has ended. Also, at any time, Fee Program reimbursements would be earned if a property owner

offered one or more IODs that were executed and delivered to the City to satisfy a condition of approval on a tentative subdivision map or prior to building permit, for multifamily and nonresidential uses. In such circumstances, when documented in an executed Fee Program Reimbursement Agreement, these Public Land dedications shall also only be eligible for Fee Program reimbursements and would **NOT** be eligible for LEFP Fee Credits for those dedications.

Priority order for Fee Program reimbursements shall be established using the calendar month in which the Fee Program reimbursement was earned through an executed Fee Program Reimbursement Agreement with the City. As an example, a Fee Program Reimbursement Agreement executed in February 2019 would have priority over a Fee Program Reimbursement Agreement executed in May 2019. Any Fee Program Reimbursement Agreements executed in the same calendar month shall have equal priority, and reimbursements in such cases shall be made prorata to the owner of each agreement based on the percentage of Public Land dedicated in one agreement as compared to all other agreements with the same calendar month priority. For example, if two agreements had the same calendar month priority and one agreement dedicated 2 acres of land and the second agreement dedicated 3 acres of land, then reimbursements would be 40 percent to the first agreement and 60 percent to the second agreement.

Fee Payment Basis and Fee Calculation

The Fee shall be collected on a per Developable Acreage basis as described in this Nexus Study.

Fee Calculation

For any given final small lot map for single-family residential development or before building permit for multifamily or nonresidential development, the Fee shall be calculated using the following steps:

1. Identify the Developable Acreage associated with the final small lot map pending City Council consideration or the Developable Acreage associated with the parcel or parcels on which a multifamily or nonresidential project may proceed with a building permit.
2. Multiply the Developable Acreage identified in Step 1 above by the Public Land Requirement Factor in this Nexus Study to identify the Public Land Requirement for the subject property. The Public Land Requirement shall be expressed on an acreage basis with the acres rounded to the nearest thousandth of an acre.
3. Multiply the Public Land Requirement by the then-applicable Public Land Value per acre to derive the Fee for the subject property.
4. Where LEFP Fee Credits may be used, subtract from the Fee determined in Step 3 any LEFP Fee Credits applicable for use by the property owner. If LEFP Fee Credits do not apply, then proceed to Step 6.
5. If the Fee exceeds available LEFP Fee Credits, collect the Fee at the applicable triggers as described below.

6. The amount calculated in either Step 3, Step 4, or Step 5 as appropriate, shall be payable before recordation of the final small lot map for single-family development and shall be payable at issuance of the first building permit for development on a multifamily or nonresidential parcel. Although the first building permit on a multifamily or nonresidential parcel may not represent use of the entire parcel, full payment for that multifamily or nonresidential parcel's obligation will be due at issuance of the first building permit on such parcel.
7. The Fee shall be payable to the City. The City shall use payments for reimbursement for acquisition of Public Land from dedication by Specific Plan property owners. Payments for outstanding reimbursements will be subject to priority order as described in this Nexus Study.

Timing of the Fee

The Fee shall be due before recordation of each final small lot map, subject to available LEFP Fee Credits that may be available via participation in the VLDP feature of this program (conditions for LEFP Fee Credits are described in more detail in **Chapter 5**). Any property owner who has dedicated Specific Plan Public Land to the City while the VLDP is valid or otherwise has acquired LEFP Fee Credits may subsequently use LEFP Fee Credits, on a final small lot map by final small lot map basis, until such LEFP Fee Credits are exhausted. Payment of the Fee will begin with the first final small lot map for which LEFP Fee Credits are not available or will not provide credits for the entire Developable Acreage in the final small lot map. The Fee shall be owed only for those units included in each final small lot map and shall not be paid in advance for any units included in a future final small lot map.

For multifamily or nonresidential development, the Fee shall be payable at issuance of the first building permit for a building on a multifamily or nonresidential parcel. As an example, a 10-acre nonresidential parcel may have a first building permit for a building that will occupy only 4 acres of the entire 10-acre parcel. In this circumstance, at issuance of that first building permit, the Fee for the entire 10-acre nonresidential parcel shall be payable.

Fee Requirement

Because the Fee is allocated to all developable properties on a Developable Acreage basis and because the Fee will be collected based on acreage, there shall be no consideration given to whether a parcel of land is yielding greater or fewer planned residential units or nonresidential building square feet as compared to that permitted through the Specific Plan entitlement. The City will determine a property owner's Fee by first applying the Public Land dedication factor to the Developable Acres in a development project's final small lot subdivision map.

Administration Fee

The Administration Fee constitutes an additional amount of the total costs to be collected by the City (currently shown as a placeholder of \$5,000 per final small lot map). The Administration Fee will be collected to fund the administration, oversight, implementation, and updates of the

Fee Program. The Administration Fee will include adequate funding to cover all City costs, including those of outside consultants, to form and administer the Fee Program.

The Administration Fee shall be paid at the same time as the Fee is due. LEFP Fee Credits may not be applied to offset the Administration Fee.

The only circumstance where a property owner may be entitled to a reimbursement from or credit against the Administration Fee is if that property owner advance-funded the appraisal costs for the Fee or otherwise advance-funded early Fee Program costs before adequate Administration Fee revenue had been collected by the City. In such cases, the amount of cost eligible for reimbursement shall be identified in a separate Administration Fee Reimbursement Agreement.

Finally, adjustments to the Administration Fee may be made as determined by the City, subject to the approval of the Finance Director, to provide continued and ongoing administration of the Fee Program.

Fee Program Adjustments, Updates, and Reviews

The Fee will be subject to annual adjustments as the updated Public Land appraisal is completed. In addition, the Fee is subject to the need for periodic updates and a 5-year review requirement. The purpose of each update is described in this section.

Periodic Fee Updates

After Fee adoption, the Fee would be subject to periodic updates based on changes in the amount of Public Land required or other changes in the data on which the Fee is based. During periodic updates, the City will analyze these items:

- Changes in the number of Developable Acres in the Specific Plan Area.
- Changes in the amount of Public Land required by the City for the Specific Plan Area.
- Changes in other funding sources, if applicable to Public Land acquisition costs.
- Changes in the cost to update or administer the fee.

Five-Year Review

Fees will be collected from new development in the Specific Plan Area immediately; use of these funds, however, may need to wait until a sufficient fund balance can be accrued. According to Government Code Section 66006, the City is required to deposit, invest, account for, and expend the fees in a prescribed manner. The fifth fiscal year following the first deposit into the fee account or fund, and every 5 years thereafter, the City is required to make all the following findings with respect to that portion of the account or fund remaining unexpended:

- Identify the purpose for which the fee is to be put.
- Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.

- Identify all sources and amounts of funding anticipated to complete financing of incomplete facility improvements.
- Designate the approximate dates on which the funding referred to in the above paragraph is expected to be deposited in the appropriate account or fund.

The City must refund the unexpended or uncommitted revenue portion of the Fee for which a need could not be demonstrated in the above findings, unless the administrative costs exceed the amount of the refund.

Annual Reporting

The Mitigation Fee Act requires that a fee-collecting entity account for every fee they collect under its terms. Funds collected for each capital facility or service shall be deposited in separate accounts and not commingled with any other funds for other impact fees. While funds are accruing for individual capital facilities, the entity must keep track of each fund and provide an annual report. If the entity fails to accurately account for the collected fees, the entity can be required to refund the fees.

Within 180 days after the last day of the fiscal year, the City must make available the following information:

- A brief description of the type of fee in each account or fund.
- The amount of the fee.
- The beginning and ending balance of the account or fund.
- The amount of fees collected and the interest earned.
- An identification of each public improvement on which fees were expended and the amount of each expenditure.
- An identification of the approximate date by which the construction of the public improvement will commence.
- A description of any interfund transfer or loan and the public improvement on which the transferred funds will be expended.
- The amount of refunds made and any allocation of unexpended fees that are not refunded.

At the next regularly scheduled public meeting no fewer than 15 days after making the above information available to the public, the City must review the information provided.



APPENDICES:

- Appendix A: Specific Plan Parcels
- Appendix B: Specific Plan Public Lands
- Appendix C: Irrevocable Offer of Dedication of Fee Interest Form
- Appendix D: Voluntary Land Dedication Plan Credit/Reimbursement Agreement Template
- Appendix E: Public Land Equalization Fee Program Reimbursement Agreement Template

APPENDIX A:
Specific Plan Parcels



Table A-1	Estimated Developable Acreage by Specific Plan Parcel (2 pages)	A-1
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**Table A-1
Tivoli Specific Plan Public Land Equalization Fee Program
Estimated Developable Acreage by Participating Specific Plan Parcel [1]**

APN 9/1/16	Property Address	Land Use	Owner	Developable Acreage	Percentage of Developable Acreage
083-003-017	2421 MABLE AVE	MHDR-5 and LDR-13	ALVES PROPERTIES ET AL	26.15	6.29%
Arcadia Development					
083-004-076	0 MCREYNOLDS AVE	MDR-3 and MDR-2	ARCADIA DEVELOPMENT CO INC	19.49	4.69%
083-004-083	0 MCREYNOLDS AVE	MDR-3 and MDR-2	ARCADIA DEVELOPMENT CO INC	9.85	2.37%
Total				29.34	7.05%
Bacchus Vineyards					
083-003-016	0 MABLE AVE	RSC-1	BACCHUS VINEYARDS	19.03	4.57%
083-003-015	0 MABLE AVE	RSC-1	BACCHUS VINEYARDS	17.44	4.19%
083-003-014	4000 OAKDALE RD	RSC-1	BACCHUS VINEYARDS	15.92	3.83%
Total				52.39	12.59%
083-004-071	3530 MC REYNOLDS AVE	LDR-7	BRATZENIA RICHARD H	3.05	0.73%
083-004-079	3731 MCREYNOLDS AVE	LDR-5	BROWN CHAD W & CHERYL A TRS	1.74	0.42%
Burchinal John C & Carole A Trs					
083-004-070	2809 SYLVAN AVE	LDR-7	BURCHINAL JOHN C & CAROLE A TRS	1.65	0.40%
083-004-073	2849 SYLVAN AVE	LDR-7	BURCHINAL JOHN C TRS & BURCHINAL CAROLE A	1.35	0.32%
Total				3.00	0.72%
083-004-078	3737 MCREYNOLDS AVE	LDR-5	COATES PATRICK J & KATHERINE B TRS	3.00	0.72%
083-005-020	3604 OAKDALE RD	NC-3	DULISSE JAMES J TRS & DULISSE LYDIA P	0.22	0.05%
083-004-043	3625 ROSELLE AVE	LDR-7	GONZALES ALBERT E & MONICA M TRS	4.77	1.15%
083-004-058	3722 OAKDALE RD	RSC-2	HAAN HAROLD D TRS & HAAN LINDA M	9.97	2.40%
083-004-023	2431 CARL WAY	LDR-10	HOLIDY LEONARD A & NANCY LOUISE	3.13	0.75%
083-004-064	2427 SYLVAN AVE	LDR-10	HUSTON JAMES B	1.75	0.42%
083-004-013	3608 OAKDALE RD	RSC-2, GC-1, and MDR-4	LEFFLER DUKE THOMAS TRS ET AL	19.67	4.73%
083-004-050	3831 ROSELLE AVE	MHDR-2 and LDR-4	LILLY DENNIS D TRS ET AL	9.50	2.28%
083-004-044	3612 MC REYNOLDS AVE	LDR-7	LILLY JAROD ET AL	4.78	1.15%
083-004-088	0 MABLE AVE	LDR-12 and VLDR-3	MABLE AVENUE PROPERTIES	23.38	5.62%
MVE INC					
083-004-059	3725 ROSELLE AVE	MDR-1	MVE INC	4.63	1.11%
083-004-060	3700 MCREYNOLDS AVE	MDR-1	MVE INC	4.78	1.15%
Total				9.41	2.26%

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Table A-1
Tivoli Specific Plan Public Land Equalization Fee Program
Estimated Developable Acreage by Participating Specific Plan Parcel [1]

APN 9/1/16	Property Address	Land Use	Owner	Developable Acreage	Percentage of Developable Acreage
083-004-057	0 OAKDALE RD	RSC-2, VLDR-2, MHDR-3	PANTALEO FARMS LLC	19.95	4.80%
083-004-048	2519 SYLVAN AVE	LDR-9	PICKREL JACK L & ARLISS A TRS	17.67	4.25%
083-005-016	2313 SYLVAN AVE	LDR-11, MHDR-4	PRICE BROADCASTING COMPANY	9.67	2.32%
083-004-047	3739 ROSELLE AVE	MDR-1	REA ANNA F ET AL TRS	10.18	2.45%
083-004-008	3521 ROSELLE AVE	LDR-7	RORABAUGH LEONARD O TRS & RORABAUGH LAVINA M	8.54	2.05%
083-004-072	3554 MC REYNOLDS AVE	LDR-7	SHOOK ERNEST ET AL	3.05	0.73%
083-004-068	2601 SYLVAN AVE	LDR-8	SNOW PROPERTIES ET AL	37.92	9.12%
083-004-037	2545 SYLVAN AVE	LDR-9	SYLVAN IMPROVEMENT CLUB	0.77	0.19%
Trombetta					
083-003-003	4123 ROSELLE AVE	Park, MHDR-1, LDR-1, LDR-2, NC-1, LDR-14, LDR-3	TROMBETTA PROPERTIES LLC ET AL	79.34	19.07%
083-004-086	3941 ROSELLE AVE	NC-2	TROMBETTA PROPERTIES LLC ET AL	1.81	0.44%
083-004-087	0 ROSELLE AVE	LDR-4 and MHDR-2	TROMBETTA PROPERTIES LLC ET AL	15.91	3.82%
083-004-085	3943 ROSELLE AVE	NC-2	TROMBETTA THOMAS LEON TR ET AL	1.00	0.24%
Total				98.06	23.57%
083-004-063	2401 SYLVAN AVE	LDR-10	VILLAGE LAND MANAGEMENT LLC	4.90	1.18%
Total Dedication Amount				415.97	100.00%

dev acreage

Source: City of Modesto and Tivoli Specific Plan property owners.

[1] The City has excluded certain parcels that are not anticipated to move forward with development. If they do decide to develop, they may be subject to the fee.

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APPENDIX B:
Specific Plan Public Lands



Table B-1 Estimated Public Land Dedication by
 Specific Plan ParcelB-1

Table B-1
 Tivoli Specific Plan Public Land Equalization Fee Program
 Estimated Public Land Dedication by Participating Specific Plan Parcel (in land square footage and acreage) [1]

APN 9/1/16	Property Address	Land Use	Owner	Estimated Land Square Footage [2]												Total	Estimated Public Land Acreage
				A St: Claratina to B St.	A St: B St to Bridgewood	Aria: Bridgewood to Sylvan	Aria: Roselle to Bridgewood	Bridgewood Way: Oakdale to Aria	Claratina: Oakdale to D St	Claratina: D St to Roselle	Roselle: Claratina to Sylvan	Oakdale: Claratina to Sylvan	Sylvan: Oakdale to Roselle	Central Basin/Park Area Required			
083-003-017	2421 MABLE AVE	MHDR-6 and LDR-13	ALVES PROPERTIES ET AL	19,354	50,966	0	0	0	62,959	0	0	0	0	0	61,675	194,974	43,560 4.476
Arcadia Development																	
083-004-076	0 MCREYNOLDS AVE	MDR-3 and MDR-2	ARCADIA DEVELOPMENT CO INC	0	0	0	90,806	0	0	0	0	0	0	0	108,520	199,326	4,576
083-004-083	0 MCREYNOLDS AVE	MDR-3 and MDR-2	ARCADIA DEVELOPMENT CO INC	0	0	12,823	0	0	0	0	0	0	0	0	0	12,823	0,294
Total				0	0	12,823	90,806	0	0	0	0	0	0	0	108,520	212,149	4,870
Bacchus Vineyards																	
083-003-016	0 MABLE AVE	RSC-1	BACCHUS VINEYARDS	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000
083-003-015	0 MABLE AVE	RSC-1	BACCHUS VINEYARDS	0	0	0	0	0	114,502	0	0	0	24,896	0	0	139,188	3,195
083-003-014	4000 OAKDALE RD	RSC-1	BACCHUS VINEYARDS	0	0	0	0	0	0	0	0	47,411	0	0	47,411	1,088	
Total				0	0	0	0	0	114,502	0	0	0	24,896	0	0	186,599	4,284
083-004-071	3530 MC REYNOLDS AVE	LDR-7	BRATZENIA RICHARD H	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000
083-004-079	3731 MCREYNOLDS AVE	LDR-5	BROWN CHAD W & CHERYL A TRS	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000
Burchinal John C & Carole A Trs																	
083-004-070	2809 SYLVAN AVE	LDR-7	BURCHINAL JOHN C & CAROLE A TRS	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000
083-004-073	2849 SYLVAN AVE	LDR-7	BURCHINAL JOHN C TRS & BURCHINAL CAROLE A	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000
Total				0	0	0	0	0	0	0	0	0	0	0	0	0	0.000
083-004-078	3737 MCREYNOLDS AVE	LDR-6	COATES PATRICK J & KATHERINE B TRS	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000
083-005-020	3604 OAKDALE RD	NC-3	DULISSE JAMES J TRS & DULISSE LYDIA P	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000
083-004-043	3625 ROSELLE AVE	LDR-7	GONZALES ALBERT E & MONICA M TRS	0	0	0	0	0	0	0	0	13,245	0	0	13,245	0,304	
083-004-058	3722 OAKDALE RD	RSC-2	HAAN HAROLD D TRS & HAAN LINDA M	0	0	0	0	36,314	0	0	0	11,080	0	0	47,394	1,088	
083-004-023	2431 CARL WAY	LDR-10	HOLIDY LEONARD A & NANCY LOUISE	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000
083-004-064	2427 SYLVAN AVE	LDR-10	HUSTON JAMES B	0	0	0	0	0	0	0	0	0	768	0	768	0,018	
083-004-013	3608 OAKDALE RD	RSC-2, GC-1, and MDR-4	LEFFLER DUKE THOMAS TRS ET AL	0	0	0	0	65,004	0	0	0	50,711	0	0	115,715	2,656	
083-004-050	3831 ROSELLE AVE	MHDR-2 and LDR-4	LILLY DENNIS D TRS ET AL	0	0	0	0	0	0	0	0	10,109	0	0	10,109	0,232	
083-004-044	3612 MC REYNOLDS AVE	LDR-7	LILLY JAROD ET AL	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000
083-004-088	0 MABLE AVE	LDR-12 and VLDR-3	MABLE AVENUE PROPERTIES	0	37,816	0	0	72,103	0	0	0	0	0	0	224,068	333,987	7,667
MVE INC																	
083-004-059	3725 ROSELLE AVE	MDR-1	MVE INC	0	0	0	0	0	0	0	0	5,486	0	0	0	5,486	0,126
083-004-060	3700 MCREYNOLDS AVE	MDR-1	MVE INC	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000
Total				0	0	0	0	0	0	0	0	5,486	0	0	0	5,486	0,126
083-004-067	0 OAKDALE RD	RSC-2, VLDR-2, MHDR-3	PANTALEO FARMS LLC	0	0	0	0	0	0	0	0	0	18,163	0	0	18,163	0,417
083-004-048	2510 SYLVAN AVE	LDR-9	PICKREL JACK L & ARLISS A TRS	0	0	39,522	0	0	0	0	0	0	0	2,472	0	41,994	0,964
083-005-016	2313 SYLVAN AVE	LDR-11, MHDR-4	PRICE BROADCASTING COMPANY	0	0	0	0	0	0	0	0	0	0	10,644	0	10,644	0,244
083-004-047	3739 ROSELLE AVE	MDR-1	REA ANNA F ET AL TRS	0	0	0	0	0	0	0	0	11,730	0	0	11,730	0,269	
083-004-008	3521 ROSELLE AVE	LDR-7	RORABAUGH LEONARD O TRS & RORABAUGH LAVINA M	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000
083-004-072	3554 MC REYNOLDS AVE	LDR-7	SHOOK ERNEST ET AL	0	0	0	0	0	0	0	0	2,193	0	0	0	2,193	0,050
083-004-068	2601 SYLVAN AVE	LDR-8	SNOW PROPERTIES ET AL	0	0	45,251	0	0	0	0	0	0	0	42,922	0	88,173	2,024
083-004-037	2545 SYLVAN AVE	LDR-9	SYLVAN IMPROVEMENT CLUB	0	0	11,960	0	0	0	0	0	0	0	0	0	11,960	0,275
Trombetta																	
083-003-003	4123 ROSELLE AVE	Park, MHDR-1, LDR-1, LDR-2, NC-1, LDR-14, LDR-3	TROMBETTA PROPERTIES LLC ET AL	21,011	12,070	0	69,021	0	113,489	67,769	70,443	0	0	0	369,689	743,462	17,068
083-004-086	3941 ROSELLE AVE	NC-2	TROMBETTA PROPERTIES LLC ET AL	0	0	0	4,586	0	0	0	1,880	0	0	0	0	6,468	0,148
083-004-087	0 ROSELLE AVE	LDR-4 and MHDR-2	TROMBETTA PROPERTIES LLC ET AL	0	0	0	36,527	0	0	0	3,632	0	0	0	0	36,159	0,820
083-004-085	3943 ROSELLE AVE	NC-2	TROMBETTA THOMAS LEON TR ET AL	0	0	0	6,155	0	0	0	3,362	0	0	0	0	9,518	0,219
Total				21,011	12,070	0	112,282	0	113,489	67,769	79,317	0	0	0	389,699	795,607	18,265
083-004-063	2401 SYLVAN AVE	LDR-10	VILLAGE LAND MANAGEMENT LLC	0	0	0	0	0	0	0	0	0	0	0	0	0	0.000
Total Dedication Amount				40,365	100,832	169,856	203,098	173,421	290,050	67,769	122,080	152,051	56,806	783,882	2,100,890	48,230	

Source: City of Modesto and Tivoli Specific Plan property owners.

[1] The City has excluded certain parcels that are not anticipated to move forward with development. If they do decide to develop, they may be subject to the fee.
 [2] Estimates provided by the City.

APPENDIX C:

Irrevocable Offer of Dedication of
Fee Interest Form



Recording Requested by:
City of Modesto

Return to:
City of Modesto
P.O. Box 642
Modesto, California 95353

Recording Fee: Exempt
(Government Code Section 6103 and 27383)

Space above this line for Recorder's use
APN: _____

Documentary Transfer Tax: Exempt
(Revenue and Taxation Code Section 11922)

IRREVOCABLE OFFER OF DEDICATION OF FEE INTEREST

For A Valuable Consideration, receipt of which is hereby acknowledged,

represents that, as the owner(s) of the herein-described real property (in the case of multiple owners, collectively referred to as "Grantor"), Grantor hereby makes an Irrevocable Offer of Dedication of fee interest to THE CITY OF MODESTO, A MUNICIPAL CORPORATION, the hereinafter described real property for the following public purpose:

STREETS AND OTHER PUBLIC PURPOSES

The real property referred to above is situated in the City of Modesto, County of Stanislaus, State of California and is more particularly described as follows:

SEE ATTACHED:

EXHIBIT A FOR LEGAL DESCRIPTION

EXHIBIT B FOR PLAT

This Offer of Dedication is made pursuant to Section 7050 of the Government Code of the State of California and may be accepted at any time by the City of Modesto.

This Offer of Dedication of fee interest shall be irrevocable and shall be binding on the Grantor, its heirs, executors, administrators, successors and assigns.

SIGNATURE PAGE

Signed this _____ day of _____, 20____

Corporation/Business Name: _____

Grantor Signatures: _____
Signature

Print Name and Title

Signature

Print Name and Title

** 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*

(Notary Acknowledgment Required for Each signatory)

CERTIFICATION

This is to certify that the interest in real property offered herein to the City of Modesto is hereby accepted pursuant to the authority conferred by Modesto City Council Resolution No. 96-331, dated June 11, 1996, and the grantee consents to the recordation thereof.

DATED: _____

VICTORIA MICHELLE DION, R.C.E. 58900
City Engineer, City of Modesto

APPENDIX D:

Voluntary Land Dedication Plan
Credit/Reimbursement Agreement Template



**CITY OF MODESTO
TIVOLI SPECIFIC PLAN
VOLUNTARY LAND DEDICATION PLAN
CREDIT/REIMBURSEMENT AGREEMENT**

(LANDOWNER NAME)

This Credit/Reimbursement Agreement (the "Agreement") is entered into by and between the City of Modesto, (hereinafter the "**City**") and _____, a _____, and/or its successors in interest, (hereinafter the "Landowner") as of the ____ day of _____ 20__ (the "**Effective Date**").

RECITALS

WHEREAS, Landowner is the underlying owner of or has legal interest in certain real property under development within the City, known as _____ ("**Project**"), as shown in Figure "A," attached hereto and incorporated herein by this reference; and

WHEREAS, Landowner, or its successor in interest will at some date in the future, be developing the Project; and

WHEREAS, on _____, 20__, the City Council of the City adopted Ordinance No. _____ et seq relating to the City of Modesto Tivoli Specific Plan Voluntary Land Dedication Plan (the "**VLDP**"); and set forth policies associated with fee credits and reimbursements within the VLDP boundaries; and

WHEREAS, pursuant to the terms and conditions of the VLDP, Landowner has agreed to dedicate, and has dedicated to the City certain real property (the "**Public Land**") located in the City of Modesto, in advance of the date that Landowner would have otherwise been required to dedicate the Public Land as a condition of development of the Project. The Public Land is described on **Exhibit B** attached hereto and made apart hereof. The form of Landowner's Irrevocable Offer of Dedication of the Public Land is attached hereto as **Exhibit B-1**; and

WHEREAS, City and Landowner have agreed that the value of the Public Land is \$ _____ (the "**Public Land Value**"); and

WHEREAS, City and Landowner desire to enter into an agreement to provide for allowable credits and/or reimbursements by the City to Landowner in return for said dedication of the Public Land; and

WHEREAS, this Agreement will not apportion the credits granted herein to any particular real property. Such apportionment shall be accomplished at Landowner's discretion as described herein;

NOW, THEREFORE, in consideration of the mutual promises contained herein, City and Landowner agree as follows:

SECTION 1. DEFINITIONS / RECITALS

All capitalized terms not otherwise defined herein, shall have the meaning described thereto in the VLDP. The Recitals above are incorporated into this Agreement by reference.

SECTION 2. REIMBURSEMENT/CREDIT OF THE PUBLIC LAND VALUE

In consideration of the dedication by Landowner of the Public Land, City shall reimburse or credit Landowner for the Public Land Value, with funds collected within the City of Modesto Tivoli Specific Plan Public Land Equalization Fee Program adopted by City on _____ by Ordinance No. _____ (the "LEFP"), in accordance with the terms hereof.

SECTION 3. ALLOWABLE FEE CREDIT/REIMBURSEMENT

In consideration of the dedication to the City of the Public Land, City shall credit Landowner for the full amount of the Public Land Value against LEFP fees. All or any portion of the LEFP Fee Credits may be converted to an equivalent amount of Fee Reimbursements at any time at the election of Landowner, provided, that once converted to Fee Reimbursements, said conversion shall be irrevocable (Fee Reimbursements may not be converted back to Fee Credits). The amount of such LEFP Fee Credits, as described in Section 4, and Fee Reimbursement, as described in Sections 4 and 5, are set forth on **Exhibit C** attached hereto and made a part hereof. The LEFP Fee Credits hereunder shall be available upon full execution of this Agreement. Fee Reimbursements shall be payable to Landowner as provided below.

SECTION 4. LIMITATION ON AND ANNUAL ADJUSTMENTS

On each Annual Adjustment date after the Effective Date, the amount of the LEFP Fee Credits and the Fee Reimbursements shall be adjusted to reflect any change in the Public Land Value pursuant to Section(s) _____ of the VLDP and Section(s) _____ of the LEFP in effect as of the Effective Date.

SECTION 5. FEE REIMBURSEMENTS

If, pursuant to Section 4 above, Landowner is owed a Fee Reimbursement for any portion of the Public Land Value, the priority of payment of such reimbursement shall be made as provided in the LEFP in effect on the Effective Date. Section _____ of the LEFP, as of the Effective Date, provides for priority payment of the Fee Reimbursement to Landowner.

The Fee Reimbursement, if any, shall be paid by the City as fee revenues are collected within the LEFP area. Payments shall be made by the City at least semi-annually as funds become available.

The amount of such Fee Reimbursement shall be adjusted in accordance with Section 4 above.

The obligation arising from this Agreement is not a debt of the City, nor a legal or equitable pledge, charge, lien, or encumbrance, upon any of its property, or upon any of its income, receipts, or revenues, and is payable only from the LEFP fees deposited in the LEFP account.

SECTION 6.. APPLICATION OF LEFP FEE CREDITS

LEFP Fee Credits provided pursuant to this Agreement are personal to Landowner and are not limited to the Project. LEFP Fee Credits may be applied by Landowner to any property located in the LEFP area, upon request of the Landowner, in accordance with the form attached hereto as **Exhibit "D"**. Such LEFP Fee Credits shall only apply to the LEFP fees within the LEFP area.

SECTION 7. TRANSFER OF FEE CREDITS/REIMBURSEMENTS

LEFP Fee Credits/Fee Reimbursements granted to Landowner pursuant to this Agreement may be transferred to other owners, builders, or Landowners. To effect such a transfer, Landowner shall submit a completed form to the City in substantially the same format as set forth in **Exhibit "E"** that will (i) reference this Agreement; (ii) identify the Landowner and assignee if LEFP Fee Credits or Fee Reimbursements are being assigned to a builder or other party; and (iii) identify the LEFP Fee Credit or Fee Reimbursement balance before and after the transfer. The form must be signed by the Landowner, its Assignee, and the City, and an executed copy of the form shall be kept on file. The parties acknowledge that, Fee Reimbursements may not be converted to be used as LEFP Fee Credits by the Assignee of such Fee Reimbursements.

SECTION 8. BINDING ON SUCCESSORS AND ASSIGNS

Each and every provision of this Agreement shall be binding upon and shall inure to the benefit of the respective successors and assigns of the parties hereto, in the same manner as if such parties had been expressly named herein.

SECTION 9. ATTORNEY'S FEES

If any suit, action or proceeding in law or equity is brought to enforce the provisions of this Agreement, the prevailing party shall be entitled to reasonable costs and attorneys' fees.

SECTION 10. AUTHORITY TO ENTER INTO AGREEMENT

Landowner and City certify that they are legally empowered to enter into this Agreement.

SECTION 11. NOTICES

Any notices, requests, demands or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given on the date of service if served personally (FedEx and similar services, each of which is hereinafter called an "Express Courier," shall be considered to be personal service) or by telephone facsimile or other electronic transmission (provided that the sender of a telephone facsimile or other electronic transmission has received confirmation of successful transmission by the sending fax machine), and upon receipt, if mailed to the party to whom notice is to be given, by first-class mail, registered or certified, postage prepaid, return receipt requested, and properly addressed as follows:

(a) If to City:
City of Modesto

With a copy to:

(b) If to Landowner:

Either party may change its mailing address at any time by giving written notice of such changes to the other party in the manner provided herein.

SECTION 12.. TERM

The term of this Agreement shall start on the day and year duly executed by all parties and shall remain in effect until all the terms and conditions contained in this Agreement have been satisfied.

SECTION 13. SEVERABILITY

If any provision of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions hereof shall not in any way be affected or impaired thereby.

SECTION 14. CONFLICTS

This Agreement is intended to implement and be consistent with the requirements of VLDP and the LEFP. Therefore, in the event of any conflicts between the VLDP or the LEFP and this Agreement, the requirements of the VLDP and LEFP shall prevail and control.

SECTION 15. EXHIBITS

The Exhibits attached hereto are hereby incorporated herein by this reference. In the event of any conflict between this Agreement and its Exhibits, the provisions of this Agreement shall govern.

SECTION 16. ENTIRE AGREEMENT

This Agreement constitutes the entire understanding of the parties regarding the subject matter hereof. The Agreement may be amended only by writing executed by both parties.

IN WITNESS WHEREOF, the City of Modesto has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. ____-____, adopted by the City Council of the City on the ____ day of _____, 20____, and LANDOWNER has caused this Agreement to be executed.

CITY:

CITY OF MODESTO,
a municipal corporation

By: _____
Its: City Manager

LANDOWNER:

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Its: City Clerk

APPROVED AS TO FORM:

By: _____
Its: City Attorney

APPROVED AS TO SUBSTANCE:

By: _____
Its: _____

FIGURE "A"

PROJECT LOCATION MAP

(Insert name of Landowner here)
(List Project Name and include map of Project Area Here)
(Date)

EXHIBIT "B"
DESCRIPTION OF PUBLIC LAND

EXHIBIT B-1

IRREVOCABLE OFFER OF DEDICATION OF FEE INTEREST

(see attached)

Recording Requested by:
City of Modesto

Return to:
City of Modesto
P.O. Box 642
Modesto, California 95353

Recording Fee: Exempt
(Government Code Section 6103 and 27383)
APN: _____

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

For A Valuable Consideration, receipt of which is hereby acknowledged,

_____ represents that, as the owner(s) of the herein-described real property (in the case of multiple owners, collectively referred to as "Grantor"), Grantor hereby makes an Irrevocable Offer of Dedication of fee interest to THE CITY OF MODESTO, A MUNICIPAL CORPORATION, the hereinafter described real property for the following public purpose:

STREETS AND OTHER PUBLIC PURPOSES

The real property referred to above is situated in the City of Modesto, County of Stanislaus, State of California and is more particularly described as follows:

SEE ATTACHED:

EXHIBIT A FOR LEGAL DESCRIPTION

EXHIBIT B FOR PLAT

This Offer of Dedication is made pursuant to Section 7050 of the Government Code of the State of California and may be accepted at any time by the City of Modesto.

This Offer of Dedication of fee interest shall be irrevocable and shall be binding on the Grantor, its heirs, executors, administrators, successors and assigns.

SIGNATURE PAGE

Signed this _____ day of _____, 20 _____

Corporation/Business Name: _____

Grantor Signatures: _____
Signature

Print Name and Title

Signature

Print Name and Title

** 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*

(Notary Acknowledgment Required for Each signatory)

CERTIFICATION

This is to certify that the interest in real property offered herein to the City of Modesto is hereby accepted pursuant to the authority conferred by Modesto City Council Resolution No. 96-331, dated June 11, 1996, and the grantee consents to the recordation thereof.

DATED: _____

VICTORIA MICHELLE DION, R.C.E. 58900
City Engineer, City of Modesto

EXHIBIT "C"

IDENTIFICATION OF FEE CREDITS AND REIMBURSEMENTS

LEFP

[Insert Name of Landowner Here]

[List Project Name Here]

Date of Agreement: _____, 20__

Public Land Value = _____ divided by LEFP Fee _____
= Estimated LEFP Fee Credits _____
* Estimated Fee Reimbursements _____

*Should Landowner exercise its option to convert any LEFP Fee Credits to Fee Reimbursements.

EXHIBIT "D"

**FORM OR CERTIFICATE OF APPLICATION OF
LEFP FEE CREDITS**

The undersigned Landowner, as the holder of certain LEFP Fee Credits related to the Credit / Reimbursement Agreement between Landowner and the City of Modesto, dated _____ (the "Agreement"), hereby elects to apply the amount of LEFP Fee Credits indicated below as a credit against the LEFP Fee otherwise payable in connection with the recordation of a small-lot subdivision map or approval of a final development plan of the property within the Project described below:

Landowner's Legal Name: _____

Project Name: _____

Amount of Applied LEFP Fee Credits: \$ _____

Fee Credit Balance Available under Agreement Before Application: \$ _____

Fee Credit Balance Available under Agreement After Application: \$ _____

APPROVED: City Engineer: _____

LANDOWNER:

a _____

By: _____

Name: _____

Title: _____

Date: _____

EXHIBIT "E"

FORM OF CERTIFICATE OF ASSIGNMENT AND TRANSFER OF
LEFP FEE CREDIT AND/OR REIMBURSEMENTS

The undersigned Landowner, as the holder of certain LEFP Fee Credits and/or Reimbursements related to the Credit / Reimbursement Agreement between Landowner and the City of Modesto, dated _____ (the "Agreement"), hereby assigns, transfers and conveys to the undersigned Assignee the amount of LEFP Fee Credits and/or Reimbursements as indicated below:

Landowner's Legal Name: _____

Assignee's Legal Name: _____

Amount of Assigned LEFP Fee Credits: \$ _____

Amount of Assigned Fee Reimbursements: \$ _____

Fee Credit Balance Available under Agreement Before Transfer: \$ _____

Fee Credit Balance Available under Agreement After Transfer: \$ _____

Fee Reimbursement Balance Available under Agreement Before Transfer: \$ _____

Fee Reimbursement Balance Available under Agreement After Transfer: \$ _____

APPROVED: City Engineer: _____

LANDOWNER:

ASSIGNEE:

a _____

a _____

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Landowner Contact:

Assignee Contact:

Name: _____
Address: _____

Telephone: _____
Facsimile: _____
E-Mail: _____

Name: _____
Address: _____

Telephone: _____
Facsimile: _____
E-Mail: _____

APPENDIX E:

Public Land Equalization Fee Program
Reimbursement Agreement Template



**CITY OF MODESTO
TIVOLI SPECIFIC PLAN
PUBLIC LAND EQUALIZATION FEE PROGRAM
REIMBURSEMENT AGREEMENT**

(LANDOWNER NAME)

This Reimbursement Agreement (the "Agreement") is entered into by and between the City of Modesto, (hereinafter the "City") and _____, a _____, and/or its successors in interest, (hereinafter the "Landowner") as of the ____ day of _____ 20__ (the "Effective Date").

RECITALS

WHEREAS, Landowner is the underlying owner of or has legal interest in certain real property under development within the City, known as _____ ("____") (the "Project"), as shown in Figure "A," attached hereto and incorporated herein by this reference; and

WHEREAS, Landowner or its successors-in-interest, will be developing the Project; and

WHEREAS, on _____, 20__, the City Council of the City adopted Ordinance No. _____ et seq relating to the City of Modesto Tivoli Specific Plan Public Land Equalization Fee Program (the "LEFP"); and set forth policies associated with fee reimbursements within the LEFP boundaries; and

WHEREAS, pursuant to the terms and conditions of the LEFP, Landowner has dedicated to the City certain real property (the "Public Land") located in the City of Modesto, required to dedicated as a condition of development of the Project. The Public Land is described on **Exhibit B** attached hereto and made apart hereof. The form of Landowner's Irrevocable Offer of Dedication of the Public Land is attached hereto as **Exhibit B-1**; and

WHEREAS, City and Landowner have agreed that the value of the Public Land is \$_____ (the "Public Land Value"); and

WHEREAS, City and Landowner desire to enter into an agreement to provide for allowable reimbursements by the City to Landowner pursuant to the LEFP in return for said dedication of the Public Land; and

NOW, THEREFORE, in consideration of the mutual promises contained herein, City and Landowner agree as follows:

SECTION 1. DEFINITIONS / RECITALS

All capitalized terms not otherwise defined herein, shall have the meaning described thereto in the LEFP. The Recitals above are incorporated into this Agreement by reference.

SECTION 2. REIMBURSEMENT/CREDIT OF THE PUBLIC LAND VALUE

City shall reimburse Landowner for the Public Land Value, with funds collected within the LEFP in accordance with the terms hereof.

SECTION 3. ALLOWABLE REIMBURSEMENT

City shall reimburse Landowner for the full amount of the Public Land Value ("Reimbursement"). The amount of such Reimbursement, as described in Section 4 is set forth on **Exhibit C** attached hereto and made a part hereof. Reimbursement shall be payable to Landowner as provided below.

SECTION 4. ANNUAL ADJUSTMENTS TO FEE CREDITS

On each Annual Adjustment date after the Effective Date, the amount of the Reimbursement shall be adjusted pursuant to the provisions of the LEFP in effect as of the Effective Date.

SECTION 5. FEE REIMBURSEMENTS

The priority of payment of such Reimbursement shall be made as provided in the LEFP in effect on the Effective Date. Landowner acknowledges that other landowners within the Tivoli Specific Plan boundaries may have priority of reimbursement over that of Landowner.

The Reimbursement, if any, shall be paid by the City as fee revenues are collected within the LEFP area subject to priority reimbursement obligations as provided therein. Payments shall be made by the City at least semi-annually as funds become available.

The amount of such Reimbursement shall be adjusted in accordance with Section 4 above.

The obligation arising from this Agreement is not a debt of the City, nor a legal or equitable pledge, charge, lien, or encumbrance, upon any of its property, or upon any of its income, receipts, or revenues, and is payable only from the LEFP fees deposited in the LEFP account.

SECTION 6. TRANSFER OF REIMBURSEMENT

Reimbursement granted to Landowner pursuant to this Agreement may be transferred to other owners, builders, or Landowners. To effect such a transfer, Landowner shall submit a completed form to the City in substantially the same format as set forth in **Exhibit "D"** that will (i) reference this Agreement; (ii) identify the Landowner and assignee if Reimbursement is being assigned to a builder or other party; and (iii) identify the Reimbursement balance before and after the transfer. The form must be signed by the Landowner, its Assignee, and the City, and an executed copy of the form shall be kept on file.

BINDING ON SUCCESSORS AND ASSIGNS

Each and every provision of this Agreement shall be binding upon and shall inure to the benefit of the respective successors and assigns of the parties hereto, in the same manner as if such parties had been expressly named herein.

SECTION 8. ATTORNEY'S FEES

If any suit, action or proceeding in law or equity is brought to enforce the provisions of this Agreement, the prevailing party shall be entitled to reasonable costs and attorneys' fees.

SECTION 9. AUTHORITY TO ENTER INTO AGREEMENT

Landowner and City certify that they are legally empowered to enter into this Agreement.

SECTION 10. NOTICES

Any notices, requests, demands or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given on the date of service if served personally (FedEx and similar services, each of which is hereinafter called an "Express Courier," shall be considered to be personal service) or by telephone facsimile or other electronic transmission (provided that the sender of a telephone facsimile or other electronic transmission has received confirmation of successful transmission by the sending fax machine), and upon receipt, if mailed to the party to whom notice is to be given, by first-class mail, registered or certified, postage prepaid, return receipt requested, and properly addressed as follows:

(a) If to City:

City of Modesto

With a copy to:

(b) If to Landowner:

Either party may change its mailing address at any time by giving written notice of such changes to the other party in the manner provided herein.

SECTION 11.. TERM

The term of this Agreement shall start on the day and year duly executed by all parties and shall remain in effect until all the terms and conditions contained in this Agreement have been satisfied.

SECTION 12. SEVERABILITY

If any provision of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions hereof shall not in any way be affected or impaired thereby.

SECTION 13. CONFLICTS

This Agreement is intended to implement and be consistent with the requirements of the LEFP. Therefore, in the event of any conflicts between the LEFP and this Agreement, the requirements of the LEFP shall prevail and control.

SECTION 14. EXHIBITS

The Exhibits attached hereto are hereby incorporated herein by this reference. In the event of any conflict between this Agreement and its Exhibits, the provisions of this Agreement shall govern.

SECTION 15. ENTIRE AGREEMENT

This Agreement constitutes the entire understanding of the parties regarding the subject matter hereof. The Agreement may be amended only by writing executed by both parties.

IN WITNESS WHEREOF, the City of Modesto has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. __-__, adopted by the City Council of the City on the ____ day of _____, 20__, and LANDOWNER has caused this Agreement to be executed.

(Signatures on Next Page)

CITY:

CITY OF MODESTO,
a municipal corporation

By: _____
Its: City Manager

LANDOWNER:

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Its: City Clerk

APPROVED AS TO FORM:

By: _____
Its: City Attorney

APPROVED AS TO SUBSTANCE:

By: _____
Its: _____

FIGURE "A"

PROJECT LOCATION MAP

(Insert name of Landowner here)
(List Project Name and include map of Project Area Here)
(Date)

EXHIBIT "B"
DESCRIPTION OF PUBLIC LAND

.....

.....

.....

EXHIBIT B-1

IRREVOCABLE OFFER OF DEDICATION OF FEE INTEREST

(see attached)

Recording Requested by:
City of Modesto

Return to:
City of Modesto
P.O. Box 642
Modesto, California 95353

Recording Fee: Exempt
(Government Code Section 6103 and 27383)
APN: _____

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

For A Valuable Consideration, receipt of which is hereby acknowledged,

_____ represents that, as the owner(s) of the herein-described real property (in the case of multiple owners, collectively referred to as "Grantor"), Grantor hereby makes an Irrevocable Offer of Dedication of fee interest to THE CITY OF MODESTO, A MUNICIPAL CORPORATION, the hereinafter described real property for the following public purpose:

STREETS AND OTHER PUBLIC PURPOSES

The real property referred to above is situated in the City of Modesto, County of Stanislaus, State of California and is more particularly described as follows:

SEE ATTACHED:

EXHIBIT A FOR LEGAL DESCRIPTION

EXHIBIT B FOR PLAT

This Offer of Dedication is made pursuant to Section 7050 of the Government Code of the State of California and may be accepted at any time by the City of Modesto.

This Offer of Dedication of fee interest shall be irrevocable and shall be binding on the Grantor, its heirs, executors, administrators, successors and assigns.

SIGNATURE PAGE

Signed this _____ day of _____, 20____

Corporation/Business Name: _____

Grantor Signatures: _____
Signature

Print Name and Title

Signature

Print Name and Title

** 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*

(Notary Acknowledgment Required for Each signatory)

CERTIFICATION

This is to certify that the interest in real property offered herein to the City of Modesto is hereby accepted pursuant to the authority conferred by Modesto City Council Resolution No. 96-331, dated June 11, 1996, and the grantee consents to the recordation thereof.

DATED: _____

VICTORIA MICHELLE DION, R.C.E. 58900
City Engineer, City of Modesto

EXHIBIT "C"

IDENTIFICATION OF FEE REIMBURSEMENTS

LEFP

[Insert Name of Landowner Here]

[List Project Name Here]

Date of Agreement: _____, 20__

REIMBURSEMENT

Reimbursement (equal to Public Land Value)

= \$ _____

EXHIBIT "D"

FORM OF CERTIFICATE OF ASSIGNMENT AND TRANSFER OF REIMBURSEMENT

The undersigned Landowner, as the holder of certain rights to Reimbursement related to Reimbursement Agreement between Landowner and the City of Modesto, dated _____ (the "Agreement"), hereby assigns, transfers and conveys to the undersigned Assignee the amount of Reimbursement as indicated below:

Landowner's Legal Name: _____

Assignee's Legal Name: _____

Amount of Assigned Reimbursement: \$ _____

Reimbursement Balance Available under Agreement Before Transfer: \$ _____

Reimbursement Balance Available under Agreement After Transfer: \$ _____

APPROVED: City Engineer: _____

LANDOWNER:

ASSIGNEE:

_____ a _____

_____ a _____

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

Landowner Contact:

Assignee Contact:

Name: _____
Address: _____

Telephone: _____
Facsimile: _____
E-Mail: _____

Name: _____
Address: _____

Telephone: _____
Facsimile: _____
E-Mail: _____

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-198**

RESOLUTION APPROVING THE 2019 STATE AND FEDERAL LEGISLATIVE PLATFORM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CARRY OUT THE NECESSARY STEPS TO HELP THE CITY ACHIEVE THE PRIORITIES IDENTIFIED IN THE PLATFORM

WHEREAS, the State and Federal Government allocate several million dollars for cities for programs and support with policy adoption on an annual basis, and

WHEREAS, best practices show that cities and organizations alike need to proactively engage with legislature by taking positions, providing testimony, monitoring legislation, and employing strategic advocacy to receive favorable legislation or funding, and

WHEREAS, the City has not previously had a Legislative Platform since 2008, which was adopted by the Modesto City Council by Resolution 2008-001, and

WHEREAS, in light of increasing local obligations with issues such as homelessness, public pensions, housing development, and increasing expectations from residents, cities are actively seeking additional support from the State and Federal government to help meet these obligations, and

WHEREAS, the City intends to update the Legislative Platform to educate and inform the State and Federal Government of the legislative priorities for the City to help ensure the City is proactively tackling some of its most pressing issues.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2019 State and Federal Legislative Platform 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 23rd day of April, 2019, by Councilmember Madrigal, who moved for its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-199**

RESOLUTION APPROVING THE APPOINTMENT OF SAVANNAH WILLIAMS TO THE CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE WITH A TERM EXPIRATION OF JANUARY 1, 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, Savannah Williams meets the requirements of the position and is willing to serve on the Citizens Housing and Community Development Committee, and

WHEREAS, the Appointments Committee met on April 11, 2019, and recommended appointment of Savannah Williams to the Citizens Housing and Community Development Committee.

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

1. Savannah Williams is hereby appointed to the Modesto Citizens Housing and Community Development Committee with a term expiration of January 1, 2023.
2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Citizens Housing and Community Development Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

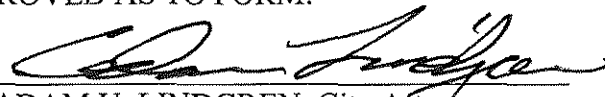
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-200**

**RESOLUTION APPROVING THE APPOINTMENT OF RACHEL HERNANDEZ
TO THE CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT
COMMITTEE WITH A TERM EXPIRATION OF JANUARY 1, 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, Rachel Hernandez meets the requirements of the position and is willing to serve on the Citizens Housing and Community Development Committee, and

WHEREAS, the Appointments Committee met on April 11, 2019, and recommended appointment of Rachel Hernandez to the Citizens Housing and Community Development Committee.

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

1. Rachel Hernandez is hereby appointed to the Modesto Citizens Housing and Community Development Committee with a term expiration of January 1, 2023.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Citizens Housing and Community Development Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

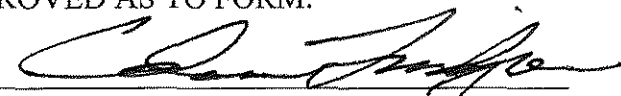
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-201**

**RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AMENDED
AND RESTATED BYLAWS FOR THE MODESTO CONVENTION AND
VISITORS BUREAU**

WHEREAS, the City desires to restore the CVB as an independent agency, and

WHEREAS, on December 4, 2018, by Resolution No. 2018-534, Council
approved the Amended and Restated By-Laws, and

WHEREAS, on April 11, 2019, the Appointments Committee directed staff to
amend the Bylaws and forward to the City Council for adoption, and

WHEREAS, the First Amendment to the Amended and Restated Bylaws have
been developed and herein **attached** as **“Exhibit A”**.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the First Amendment to the Amended and Restated Bylaws for
the Modesto Convention and Visitors Bureau, herein **attached** as **Exhibit “A”**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**FIRST AMENDMENT TO THE AMENDED AND RESTATED BYLAWS OF
MODESTO CONVENTION AND VISITORS BUREAU, INC.
A California Nonprofit Mutual Benefit Corporation**

**ARTICLE 1
NAME**

The name of this corporation is: Modesto Convention and Visitors Bureau, Inc., (the "Corporation").

**ARTICLE 2
PURPOSE**

The Corporation is a nonprofit mutual benefit corporation organized under the Nonprofit Mutual Benefit Corporation Law of California and shall be operated exclusively for non-profit trade or business development purposes within the meaning of Section 501(c)(6) of the Internal Revenue Code of 1986, as amended, and as set forth in the Articles of Incorporation. The specific purposes for which this Corporation was formed are: (1) To attract visitors to the area by promoting and marketing Modesto as a convention, sports, tourism, and leisure travel destination; (2) to provide coordination and leadership for the community and the visitor industry on matters relating to convention activity and tourism; (3) to gather community information designed to convey to opinion leaders and the public at large the status of the visitor industry; and (4) to work with local governmental agencies, private enterprise and other interested parties to structure suitable financing plans for the Corporation, and to implement those plans.

The Corporation shall be non-profit and non-partisan and shall neither participate in nor lend its support to the election of any candidate for public office.

**ARTICLE 3
PRINCIPAL OFFICE**

The principal office of the Corporation shall be located in the City of Modesto.

**ARTICLE 4
MEMBERSHIP**

The Board may provide for a manner in which individuals or businesses may become members of the Corporation, including the imposition of dues for such memberships. Any such program for membership shall be adopted by the Board by

resolution and shall not create "members" as that term is defined in California Corporations Code section 5056.

**ARTICLE 5
DIRECTORS**

Section 1. Initial Appointments to the Board of Directors.

The Board of Directors at the time of the adoption of these Bylaws consists of the City Council members of the City of Modesto. Subsequent to the adoption of these bylaws, that Board of Directors may appoint an entirely new Board, these appointments are referred to herein as the initial appointments to the Board of Directors, and shall consist of seven members who shall meet the qualifications and serve for a term as set forth below:

a. Qualifications. Each initial appointment to the Board of Directors shall be a resident of the City of Modesto or Stanislaus County, or an employee of a business located in the City of Modesto or its metropolitan area, however, at least a majority of the appointees must be residents of the City of Modesto. The appointments shall be selected so that the composition of the Board meets the following:

i. Three Board members shall represent a major entertainment, restaurant, sports venue, or retail business or attraction in the City of Modesto and reside in Stanislaus County.

ii. Two Board members shall represent the lodging industry within the City of Modesto and shall reside in Stanislaus County.

iii. Two Board members shall be residents of the City of Modesto and may or may not be directly associated with the tourism, hospitality or entertainment industries, but shall have demonstrated an interest in the City.

b. Term. Three of the initial appointees to the Board of Directors shall serve until the January 1, following the date of their appointment and the remaining four shall serve until the following January 1. The term to be served by each initial appointee shall be determined by the Board of Directors making the appointment at the time of each such appointment. All subsequently appointed Board members shall meet the qualifications and serve on the Board as provided in the Sections below.

Section 2. Board of Directors – Appointment and Composition.

Appointments to the Board of Directors which are made after the initial appointments to the Board pursuant to Section 1., above, shall be made by a majority of the Board members. The Board of Directors shall consist of a minimum of seven (7) and a maximum of nine (9) Directors, as determined from time to time by the Board of Directors. No reduction in the number of Directors shall have the effect of removing a Director before his or her term expires.

Section 3. Qualifications.

Each Director shall be a resident of Stanislaus County, and shall be an owner or employee of a business located in the City of Modesto.

At least 50% of the Board members shall represent the hospitality industry including entertainment, attractions, food and beverage establishments, travel industry professionals, convention and meeting clients, and transportation representatives.

Section 4. Term of Office.

The term of office shall be set as of the first of January. Directors will be appointed for a term of two years and may serve a maximum of three consecutive terms. A director who has been appointed to fill an unexpired term of another director may, upon completion of that appointed term, serve three full, additional, two-year terms. Board members who have served three consecutive terms are eligible for re-appointment to the Board after a one year absence from the Board.

Section 5 Vacancies.

A vacancy on the Board shall exist on the occurrence of the following:

- a. The resignation of any Director
- b. The removal of any Director pursuant to Section 16, below
- c. The Director no longer meets the qualifications set forth in these Bylaws.

In the event of a vacancy, a replacement shall be appointed by a majority of the directors to serve the remainder of the term of the vacating Director.

Section 6. General Powers.

Subject to the provisions and limitations of the California Nonprofit Mutual Benefit Corporation Law, and any other applicable laws, the Corporation's activities shall

be governed and managed, and all corporate powers shall be exercised by or under the Board's direction.

Section 7. Appointment of Chief Executive Officer.

The Board has the power to appoint and remove, at the pleasure of the Board, the Chief Executive Officer (CEO), and to approve the compensation range and describe the powers and duties for that position.

Section 8. Contracts.

The Board may authorize any officer or officers to enter into any contract or execute and deliver any instrument on behalf of the Corporation and such authority may be general or confined to a specific instance.

Section 9. Loans.

No loans shall be contracted on behalf of the Corporation and no evidence of indebtedness shall be issued in its name unless authorized by resolution of the Corporation. The Corporation shall not lend any money or property to, or guarantee the obligation of, any Director or Officer of the Corporation.

Section 10. Payment of Monies.

All checks, drafts, and other orders of payment of money issued in the name of the Corporation within budget shall be signed by such officer or officers, agent or agents, and in such manner as shall be determined by resolution of the Board.

Section 11. Deposits.

All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such depositories as the Board may direct by resolution.

Section 12. Meetings.

The Board shall hold regular quarterly meetings in January, April, July, and October. The specific dates, times and location of these meetings shall be established from time to time by resolution of the Board. The agenda for each regular quarterly meeting shall include a fiscal report for the preceding quarter.

The Board may hold adjourned regular meetings at such additional times as may be designated by the Board.

Special meetings may be called by the Chair of the Board, or at the request of a third of the Directors.

Section 13. Compensation.

The Board of Directors may establish a fee to be paid to directors for attendance at meetings. The amount of such fee shall not exceed \$50.00 per meeting with a maximum of \$50.00 per month, regardless of the number of meetings attended during the month, without the written approval of The City of Modesto. No director shall receive any other form of salary or compensation from the Corporation.

Section 14. Agendas and Notice of Meetings.

Agendas for, and Notices of, regular and special meetings shall be prepared and given in the manner required by the Brown Act, found at California Government Code Section 54950 et seq.

Section 15. Quorum and Voting.

A majority of Directors shall constitute a quorum for the transaction of business. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors unless the act of a greater number is required by statute, the Articles of Incorporation, or these Bylaws, in which case the act of such greater number shall be required to constitute the act of the Board. If a quorum is not present at any meeting, the Directors present may adjourn the meeting from time to time until a quorum shall be present.

Section 16. Resignations and Removals.

a. Resignation. Any Member of the Board may resign from the Board or a committee at any time by giving notice to the Chair of the Board or the chair of the committee.

b. Removal. If any Member of the Board does not attend two consecutive meetings of the Board without the prior consent of the Chair of the Board, the Chair may remove such Member from his or her position on the Board subject to approval of a majority of the members of the Board of Directors. The Board of Directors may remove any member of any committee at any time with or without cause.

**ARTICLE 6
OFFICERS**

Section 1. Officers.

The officers of the Corporation shall be the Chair of the Board, the Vice-Chair of the Board, and the CEO. The Board may also appoint such other officers as the business of the Corporation may require.

Section 2. Election.

All officers, except the CEO, shall be elected by the Board from their own number and shall hold office for two years or until the end of their term, if their term ends prior to the expiration of two years and they are not reappointed to the Board.

Section 3. Positions and Responsibilities.

a. The Chair of the Board. The Chair of the Board shall: Preside at all meetings of the Directors; annually recommend to the Board of Directors a slate of committee chairpersons for appointment by the Board; and, perform such other duties as the Board of Directors shall from time to time designate. The Chair shall serve as an ex-officio member of all committees.

b. Vice-Chair.

The Vice-Chair of the Board shall, in the absence of the Chair, or in the event of his or her death, inability or refusal to act, assume the duties of the Chair. The Vice-Chair shall also perform such other duties as may be assigned by the Board of Directors.

c. Chief Executive Officer (CEO).

The CEO shall have general charge of the business of the Corporation and shall perform all duties delegated him or her by the Board of Directors.

**ARTICLE 7
COMMITTEES**

Section 1. The Executive Committee.

The Executive Committee will be comprised of the CEO, the Chair and Vice-Chair of the Board, two other members of the Board who are elected to the Executive Committee by majority vote of the Board and one member who is appointed by the City

of Modesto. The two members who are selected by the majority vote of the Board shall serve on the Committee for two years or until the end of their term on the Board, if their term ends prior to the expiration of two years and they are not reappointed to the Board. The term of the City appointee shall be determined by the City. The City appointee to the Committee shall be a non-voting member of the Committee but shall be entitled to participate fully in all Committee discussion.

The Executive Committee shall perform all duties delegated to it by the Board.

Section 2. Formation of Additional Committees.

The Board may establish other standing or ad hoc committees, in addition to the Executive Committee, as it determines from time to time, by resolution of the Board. The Chair of each such committee shall be selected by a majority of the Board. Committee members shall be appointed by a majority of the Board unless such appointment has been delegated by the Board to the Chair.

**ARTICLE 8
FISCAL YEAR**

The fiscal year of the Corporation shall be the calendar year July 1 through June 30.

**ARTICLE 9
RECORDS AND REPORTS**

Section 1. Records.

The Corporation shall keep adequate and correct books and records of accounts and minutes of the proceedings of the Board and committees. The minutes shall be placed in the minute book of the Corporation with copies sent to the City of Modesto upon approval of minutes by the Board. The Articles of Incorporation and Bylaws of the Corporation, with amendments to current dates, shall also be maintained at the principal office of the Corporation.

Section 2. Budget, Business Plan and Marketing Plan.

No later than June 1 of each year, the Corporation shall provide the City of Modesto with a proposed written Budget, Business and Marketing Plan for the next fiscal year.

Section 3. Annual Report.

The Board shall cause an annual report to be prepared at the end of each fiscal year. The report shall contain all of the information required by California Corporations Code Section 8321.

**ARTICLE 10
LIABILITY AND INDEMNIFICATION**

Section 1. Liability.

To the fullest extent allowed by law, there shall be no monetary liability and no cause of action for damages shall arise against any nonpaid Director, including a nonpaid Director who is serving as a nonpaid Officer or committee member of the Corporation.

Section 2. Contracts with Directors and Officers.

No Director of this Corporation, nor any person or entity in which a Director has a material financial interest, shall be interested directly or indirectly, in any contract of other transaction with the Corporation, unless the material facts regarding the Director's financial interest are fully disclosed to the Board before consideration of the contract or transaction, are noted in the minutes, and are approved in good faith by a majority of the Board by a vote sufficient for that purpose without the vote of the interested Director.

Section 3. Indemnity.

To the fullest extent permitted by law, the Corporation shall indemnify the Directors and Officers, employees and other persons described in California Corporations Code Section 7237(a), including persons formerly occupying any such positions, against all expenses, judgments, fines, settlements, and other amounts actually and reasonable incurred by them in connection with any proceeding, as that term is used that section. For purposes of this Section, "expenses" shall have the meaning set forth in Section 7237.

On written request to the Board by any person seeking indemnification under Corporations Code Section 7237, the Board shall promptly decide under Section 7237(e) whether the applicable standard of conduct has been met and, if so, the Board shall authorize indemnification.

Section 4. Insurance.

The corporation shall have the right to purchase and maintain insurance to the fullest extent permitted by law on behalf of its Directors, Officers, employees and other

EXHIBIT "A"

agents, to cover any liability asserted against or incurred by any Director, Officer, employee or agents in such capacity or arising from their status as such.

**ARTICLE 11
AMENDMENTS**

These bylaws may be amended at any meeting of the Board by a vote of a majority of the Board, except that any provision of the Bylaws which provides a requirement that the Corporation give a notice to, or obtain permission for an action from, the City of Modesto, may not be amended without the prior written approval of the City of Modesto.

3080139.1

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-202**

RESOLUTION APPOINTING DENISE CROSBY, THOMAS LOPES, RODNEY CORDOVA, PERVEZ KHAN, BEHZAD (BERT) TABRIZI, LEE LUNDRIGAN, VICKEY CHU-HERMIS, CHRIS MURPHY, AND ATHINODOROS (THEO) CHRONIS TO THE MODESTO CONVENTION AND VISITORS BUREAU BOARD OF DIRECTORS

WHEREAS, the City has worked to restore the Convention and Visitors Bureau (CVB) as an independent agency, and

WHEREAS, in June 2018, by Resolution No. 2018-189, the Mayor and City Council were named as the Interim Board of Directors (BOD) of the CVB, and

WHEREAS, in December 2018, by Resolution NO. 2018-534, Council adopted the Amended and Restated Bylaws for the CVB, and

WHEREAS, on May 7, 2019, by Resolution No. 2019-201, Council adopted the First Amendment to the Amended and Restated Bylaws for the CVB (CVB Bylaws), and

WHEREAS, the CVB Bylaws define the eligibility requirements for the CVB BOD, and

WHEREAS, the BOD shall consist of a minimum of seven and a maximum of nine Directors, and

WHEREAS, Directors shall be a resident of the City of Modesto, Stanislaus County or an employee of a business located in the City of Modesto or its metropolitan area, with a majority of the appointees residing in Modesto, and

WHEREAS, at least 50% of the BOD shall represent the hospitality industry including entertainment, attractions, food and beverage establishments, travel industry professionals, convention and meeting clients, and transportation representatives, and

WHEREAS, the minimum BOD shall be composed of three members representing a major entertainment, restaurant, sports venue, retail business, or attraction; three members representing the lodging industry; and three members representing residents of City of Modesto who may or may not be directly associated with the tourism, hospitality or entertainment industries, but shall have demonstrated an interest in the City, and

WHEREAS, Directors will be appointed to serve until January 1, 2020 or the following January 1st, and may serve a total of three two-year terms, and

WHEREAS, on April 11, 2019, the Appointments Committee (Committee) recommended making appointments for nine Directors, and

WHEREAS, the Committee recommended the appointments of Denise Crosby, Rodney Cordova, Behzad (Bert) Tabrizi, Vickey Chu-Hermis, and Anthinodoros (Theo) Chronis to the CVB BOD for the term of May 8, 2019 to January 1, 2021, and

WHEREAS, the Committee recommended the appointments of Thomas Lopes, Pervez Khan, Lee Lundrigan, and Chris Murphy to the CVB BOD for the term of May 8, 2019 and to January 1, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Denise Crosby, Rodney Cordova, Behzad (Bert) Tabrizi, Vickey Chu-Hermis, and Anthinodoros (Theo) Chronis to the Modesto Convention and Visitors Bureau Board of Directors for the term of May 8, 2019 to January 1, 2021.

BE IT FURTHER RESOLVED that it hereby appoints Thomas Lopes, Pervez Khan, Lee Lundrigan, and Chris Murphy to the Modesto Convention and Visitors Bureau Board of Directors for the term of May 8, 2019 to January 1, 2020.

BE IT FURTHER RESOLVED that these appointments are made concurrently with the Council's adoption of the 2019 Amended and Restated Bylaws for the Convention and Visitors Bureau on May 7, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

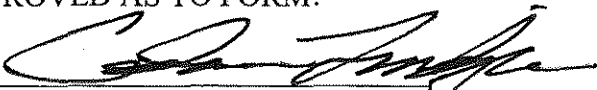
ABSENT: Councilmembers: Grewal

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-203**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 ANNUAL
OPERATING AND CAPITAL IMPROVEMENT FUND BUDGETS**

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 2018-19.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2018-19 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 May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

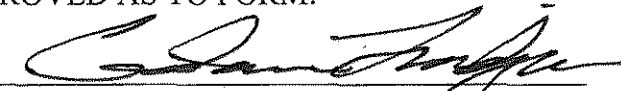
By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2018-19

COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment is necessary to recognize unbudgeted revenue in the amount of \$85,000 from the Federal Highway Administration (DOT) for Project #100586 – 7th Street Bridge at Tuolumne River and amend the Eng/Design/Administration expense task. Additionally, the Local Match expense task in the project is being increased by \$155,100 for the City's portion of match with Stanislaus County on the project. This increase in expense budget will be taken from Streets Capital Facility Fee Fund (3410) reserves.

HUMAN RESOURCES

A budget adjustment in the amount of \$64,000 is needed to increase the "Interfund Charges - Service Credit Labor Charges" (45004) revenue account and increase the "Budget Only – Salary Adjustment – Increase" (51400) and "Budget Only – Benefit Adjustment – Increase" (51900) expense accounts by \$64,000 to fully fund the Safety Officer position in the Insurance Administration Fund (5310), as approved by Council on July 10th, 2018 (Reso 2018-283). The Safety Officer position is half funded by the Insurance Administration Fund and half funded via direct charge agreements with public works and the utility funds. The item approved by Council on July 10th, 2018 did not include a fiscal resolution to allow the necessary \$64,000 budget adjustments to fully fund the Safety Officer position or recoup half of the position's expense from public works and the utility funds.

A budget adjustment in the amount of \$500,000 is needed in the Workers Compensation Fund (5320) to cover unbudgeted claim payments for the remainder of FY2018-19. The funds for this increase will come from the Workers Compensation Fund Reserves.

HUMAN RESOURCES (CONT.)

A budget adjustment in the amount of \$113,928 is needed to establish a transfer from the various funds listed in the table below to the Health (5360) Dental (5350) EAP (5380) and Vision (5390) Insurance Funds to account for previously uncollected employer dental, medical, EAP and vision contributions for periods of the time when an employee was on protected leave, from calendar year 2012 through June 2018.

Fund	Amount
0100 - General Fund	\$ 49,610
1700 - Surface Transportation Fund	\$ 5,814
3220 - Infrastructure Financing Program Administration	\$ 184
4100 - Water Fund	\$ 30,619
4210 - Sewer Operations Fund	\$ 4,491
4480 - Storm Drainage Fund	\$ 1,242
4540 - Bus Fixed Route Max Operations Fund	\$ 8,467
4890 - Compost Fund	\$ 510
4891 - Solid Waste Fund	\$ 3,135
4892 - Green Waste Fund	\$ 3,930
5310 - Insurance - Administration Fund	\$ 1,395
5400 - Fleet Management Fund	\$ 2,927
5520 - Employee Benefits Administration Fund	\$ 1,558
5800 - P/R Building Services Fund	\$ 46
Grand Total	\$ 113,928

POLICE DEPARTMENT

A budget adjustment is necessary to 1) recognize \$50,000 in unbudgeted revenue in the Citation Processing Cost Center (19440) in the Parking Fines account within the Modesto Police Department, and reallocate \$26,000 to the Services City Forces Non Labor expense account for increased costs related to a Direct Charge Agreement between the Finance Department and the Modesto Police Department; 2) Increase the Finance Department Citation Processing Cost Center (12450) Interfund – Admin Cost Non-Labor Direct Charge Agreement revenue and Criminal Justice Mandatory Fees expense account by \$26,000. The increase in expense and revenue is a result of an increase in Parking Citation issuances.

PUBLIC WORKS

A budget adjustment is necessary to increase the Fleet Management Fund (5400) revenue (vehicle and equipment maintenance-Interfund account) and expense (professional services account) budget by \$193,665 due to the increase in City vehicle and equipment rentals. As part of the new rental policy and to allow for more appropriate tracking of rentals, all expenses related to equipment and vehicle rentals are incurred within the Fleet Management Fund and are offset with revenue collected through the Fleet monthly O&M billing.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-204**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
CLAUS ROAD PAVEMENT REHABILITATION – PHASE II PROJECT,
ACCEPTING THE BID, AND AWARDING A CONTRACT TO DSS COMPANY,
DBA KNIFE RIVER CONSTRUCTION, OF STOCKTON, CALIFORNIA, IN
THE AMOUNT OF \$1,036,423 AND AUTHORIZING THE CITY MANAGER, OR
HIS DESIGNEE TO EXECUTE THE AGREEMENT**

WHEREAS, plans and specifications have been prepared for the Claus Road Pavement Rehabilitation – Phase II project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Claus Road Pavement Rehabilitation – Phase II Project were publicly opened at 11:00 a.m. on April 2, 2019, and later tabulated by the Director of Community and Economic Development for the consideration of Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$1,036,423 received from DSS Company, dba Knife River Construction, of Stockton, CA be accepted as the lowest responsible and responsive bid and the contract be awarded to DSS Company, dba Knife River Construction, 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. An award of \$1,036,423 and agreement for construction for Community and Economic Development Department to use DSS Company, dba Knife River Construction, Stockton, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and DSS Company, dba Knife River Construction, was the lowest responsive bidder.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Claus Road Pavement Rehabilitation – Phase II project, accepts the bid of DSS Company, dba Knife River Construction, of Stockton, CA, in the amount of \$1,036,423 and awards DSS Company, dba Knife River Construction the contract for the Claus Road Pavement Rehabilitation – Phase II 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 May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-205**

RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF \$103,643 (10% OF THE ORIGINAL CONTRACT PRICE) FOR THE CLAUS ROAD PAVEMENT REHABILITATION – PHASE II PROJECT

WHEREAS, the Claus Road Pavement Rehabilitation – Phase II project bids were publicly opened on April 2, 2019, and DSS Company, dba Knife River Construction, of Stockton California was the apparent low bidder with the amount of \$1,036,423, and

WHEREAS, the contingency cost for the Claus Road Pavement Rehabilitation – Phase II project is estimated to be \$103,643 10% of the original contract price, an amount which exceeds the Director’s authority for the project as enacted by Council Resolution No. 94-443 on July 19, 1994.

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 \$103,643 (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 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-206**

**RESOLUTION APPROVING AN AMENDED AND RESTATED
MEMORANDUM OF AGREEMENT WITH STANISLAUS COUNTY FOR THE
PRELIMINARY ENGINEERING AND FINAL DESIGN PHASE OF THE 7TH
STREET BRIDGE PROJECT IN AN AMOUNT NOT TO EXCEED \$344,500 AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE MEMORANDUM OF AGREEMENT**

WHEREAS, the 7th Street Bridge at the Tuolumne River was built in 1916 and has a sufficiency rating of 2 on a scale of 1 of 100, with 100 being the best, and

WHEREAS, the bridge is listed as Structurally Deficient on the Caltrans Structures Maintenance and Investigation Local Bridge List, and

WHEREAS, the bridge requires reconstruction or replacement to meet standards for seismic events, and

WHEREAS, on April 5, 2011, by Resolution No. 2011-113, Council approved a Memorandum of Agreement (MOA) to facilitate the cooperation between the City of Modesto and Stanislaus County for the construction of the 7th Street Bridge, and

WHEREAS, the MOA obligated the parties to split costs for project planning throughout the Preliminary Engineering Phase (50% City and 50% County) with the intent to create a separate MOA for the Right-of-Way and Utility Relocation Phase and the Construction Phase of the project, and

WHEREAS, Preliminary Engineering is anticipated to be completed by July 2019 and Stanislaus County desires to move forward with developing project Plans, Specifications and Estimates (PS&E), and

WHEREAS, although not clearly indicated, it has been determined that the intent of the MOA was to include PS&E in the future.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amended and Restated Memorandum of Agreement with

Stanislaus County for the Preliminary Engineering and Final Design Phase of the 7th Street Bridge Project in an amount not to exceed \$344,500.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Amended and Restated Memorandum of Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-207**

**RESOLUTION APPROVING THE INSTALLATION OF A FIXED,
PERMANENT COMMUNITY IDENTIFIER SIGN WITH THE
CONSTRUCTION CONTRACT FOR THE SR-132 FREEWAY/EXPRESSWAY
PHASE 1 PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE ALL DOCUMENTS AND COOPERATIVE
AGREEMENTS NECESSARY FOR THIS INSTALLATION AND
MAINTENANCE**

WHEREAS, the purpose of the State Route (SR) 132 West Freeway/Expressway - Phase 1 Project (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, Phase 1 of the PROJECT is approximately four miles in length and will replace the existing 2-lane highway segment of SR132 along Maze Boulevard from SR99 to Dakota Avenue, and

WHEREAS, the Community Identifier resides on State of California property and within State of California right of way of the PROJECT, and

WHEREAS, the Community Identifier resides within the jurisdiction of lands of the County of Stanislaus within the State of California, and

WHEREAS, the City of Modesto will perform the maintenance of the Community Identifier on behalf of the County per a future SR-132 Freeway Maintenance Agreement between Caltrans and Stanislaus County, and

WHEREAS, the Community Identifier Sign was presented to the public at community meetings held on September 27, 2018 and November 8, 2018, and

WHEREAS, the proposed lifespan of the Project is 100 years, and

WHEREAS, the City of Modesto agrees to ensure maintenance of the Community Identifier, including timely graffiti removal/repair and removal (or restoration) at the end of its life span.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the installation of a fixed, permanent Community Identifier Sign with the construction contract for the State Route 132 Freeway/Expressway Phase 1 Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute all documents and cooperative agreements necessary for this installation and maintenance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved for its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-208**

RESOLUTION APPROVING THE SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH DOKKEN ENGINEERING, FOR PROFESSIONAL DESIGN SERVICES FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT BY \$144,422 FROM \$7,344,096 TO A TOTAL AMOUNT OF \$7,488,518, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT

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 May 2, 2017, by Resolution No. 2017-174, 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, Council approved a First Amendment to the agreement with Dokken in the amount of \$344,096, for a total contract amount of \$7,488,518, and

WHEREAS, on April 16, 2019, Dokken Engineering submitted to the City a budget augmentation for additional tasks in the amount of \$144,422, for a total contract amount of \$7,488,518, and

WHEREAS, these additional needs are described by task as follows:

Task 7.1: Bid Support (Hourly)

Task 17.1: Preparation and Caltrans Approval of Paleo Plan (Hourly)

Task 18.1: Bird Nesting Surveys for Tree Removals (Hourly)

- Task 19.1: Foundation Investigation for 2 MID Poles (Hourly)
- Task 20.1: On-Site Electrical Modifications (Hourly)
- Task 20.2: Site Visit (Hourly)
- Task 20.3: Building Demolition Sheet (Hourly)
- Task 21.1: Coordination/Administration (Hourly)
- Task 22.1: Revise Custom Design of 54" Sewer Vaults (Hourly)
- Task 23.1: Fairy Shrimp Identification and Documentation (Hourly)
- Task 23.2: Raptor and Burrowing Owl Survey (Pre-construction) (Hourly)
- Task 24.1: Prepare Freeway Agreement Exhibit for SR-99 (Hourly)

WHEREAS, as Dokken Engineering has nearly completed the previously identified scope of services, a Second Amendment to the Dokken Engineering Agreement is needed to increase the contract by a total of \$144,422.

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 Dokken Engineering, for professional design services for the State Route 132 West Freeway/Expressway - Phase 1 Project by \$144,422 from \$7,344,096 to a total amount of \$7,488,518.


BE IT FURTHER RESOLVED, that the City Manager, or his designee, is 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 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STÉPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-209**

RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #100614 IN THE AMOUNT OF \$144,422 FOR THE STATE ROUTE 132 WEST FREEWAY / EXPRESSWAY - PHASE 1 PROJECT AND APPROPRIATION OF FUNDS FROM THE STREETS CAPITAL FACILITY FEES FUND RESERVES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

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 May 2, 2017, by Resolution No. 2017-175, Council authorized the appropriation of \$4,000,000 in Streets Capital Facility Fees reserve funds to the State Route 132 West Expressway Project, and

WHEREAS, on May 2, 2017, by Resolution No. 2017-174, 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, Council approved a First Amendment to the agreement with Dokken in the amount of \$344,096, for a total contract amount of \$7,344,096, and

WHEREAS, on April 16, 2019, Dokken Engineering submitted to the City a budget augmentation for additional tasks in the amount of \$144,422, for a total contract amount of \$7,488,518, and

WHEREAS, as Dokken Engineering has nearly completed the previously identified scope of services, a Second Amendment to the Dokken Engineering Agreement is needed to increase the contract by a total of \$144,422, and

WHEREAS, the Fiscal Year 2018-2019 Capital Improvement Program Budget needs to be amended by \$144,422 for the State Route 132 West Freeway/Expressway - Phase 1 Project and funds need to be appropriated from the Streets Capital Facility Fees reserve funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018-2019 Capital Improvement Program (CIP) Budget, project #100614 in the amount of \$144,422 for the State Route 132 West Freeway/Expressway - Phase 1 Project and appropriation of funds from the Streets Capital Facility Fees fund reserves.

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 May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

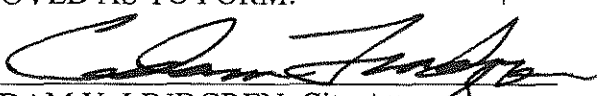
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-210**

RESOLUTION APPROVING AN AGREEMENT WITH FLEET TIRE INC. DBA BRANNON TIRE, STOCKTON, CA FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS FOR AN ANNUAL COST NOT TO EXCEED \$88,920 AND A TOTAL AMOUNT NOT TO EXCEED \$444,600 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Council approved a purchasing agreement with Brannon Tires, Stockton, CA for the furnishing of tire recapping, flat repairs, tire mounting and balancing for the City's Fleet of Vehicles; and

WHEREAS, and due to changes in the market conditions and continuous increasing prices for services and labor Brannon Tire officially notified the Purchasing Division that they would be terminating Agreement #84247 effective November 15, 2018; and

WHEREAS, Public Works, Fleet Division has an ongoing need for an hourly tire service for heavy and light duty work that current Fleet staff is unable to perform; and

WHEREAS, On March 26, 2019 Bids were formally opened with the City Clerk's Office; and

WHEREAS, seven vendors downloaded the RFB, two vendors responded, one of which was a local vendor; and

WHEREAS, one vendor was considered non-responsive for not returning mandatory forms as outlined in the RFB, 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, the award of RFB 1819-30 for On-Site Tire Technician conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Fleet Tire Inc. dba Brannon Tire 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 an On-Site Tire Technician to Fleet Tire Inc., dba Brannon Tire, Stockton, CA for a two year agreement with three one-year extension options for an annual cost not to exceed \$88,920 and a total amount not to exceed \$444,600 over five years.

BE IT FURTHER RESOLVED, the City Manager, or his designee, to execute an 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 May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-211**

RESOLUTION APPROVING THE PURCHASE OF ONE 3/4 TON PICKUP TRUCK WITH SPECIFIC CONFIGURATIONS TO TOWNE FORD, REDWOOD CITY, CA FOR A TOTAL AMOUNT NOT TO EXCEED \$28,974 AND TWO ¾ TON PICKUP TRUCKS WITH SPECIFIC CONFIGURATIONS TO AMERICAN CHEVROLET, MODESTO, CA FOR A TOTAL AMOUNT NOT TO EXCEED \$65,746, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, all three 3/4 ton pickup truck replacements will be used by the Wastewater Division; and

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services assigned to various departments; and

WHEREAS, on January 29, 2019 the Purchasing Division issued RFB 1819-358 for the purchase of three ¾ ton pickup trucks with specific configurations on the City's website; and

WHEREAS, on February 26, 2019 bids were formally opened in the City Clerk's Office; and

WHEREAS, eleven companies downloaded the RFB, two vendors responded, one of which was a local vendor; and

WHEREAS, both bids were responsive and responsible; and

WHEREAS, under the two specific configurations for this bid the first vehicle configuration for one ¾ ton regular cab long bed pickup one bidder responded and was lowest bidder; and

WHEREAS, the second vehicle configuration for two ¾ ton extended cab short bed pickup one bidder responded and lowest bidder; and

WHEREAS, based on overall lowest responsive and responsible bids staff recommends awarding one ¾ ton regular cab long bed pickup to Towne Ford, Redwood City, CA; and

WHEREAS, based on overall lowest responsive and responsible bids staff recommends awarding two ¾ ton extended cab short bed pickups to American Chevrolet, Modesto, CA; and

WHEREAS, sufficient funds for three ¾ ton pickup trucks have been encumbered in the Fleet Replacement Fund: 5409.

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 one ¾ ton pickup truck to Towne Ford, Redwood City, CA and two ¾ ton pickup trucks to American Chevrolet, Modesto, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager or her designee is hereby authorized to issue a purchase order for an estimated total cost \$94,720.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

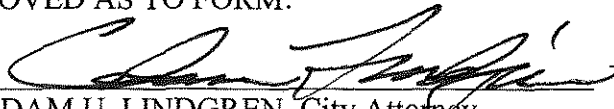
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-212**

RESOLUTION APPROVING A ONE-TIME PURCHASE WITH MUNICIPAL MAINTENANCE EQUIPMENT (MME), SACRAMENTO, CA BY UTILIZING “PIGGYBACKING” UNDER THE COMPETITIVE BID PROCESS WITH NATIONAL JOINT POWERS ALLIANCE (NJPA), FOR SEWER VACUUM, HYDRO-EXCAVATION, AND STREET SWEEPER EQUIPMENT WITH RELATED ACCESSORIES AND SUPPLIES FOR A TOTAL AMOUNT NOT TO EXCEED \$455,917, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, sewer vacuum, hydro-excavation and street sweeper equipment with related accessories and supplies are replacement units and will be used by the Water Construction Division; and

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services assigned to various departments; and

WHEREAS, the hydro-excavator has the capacity to clean up large water leaks in emergency situations and is used to excavate around buried utilities such; and

WHEREAS, in reviewing the National Joint Powers Alliance (NJPA)/Sourcewell Request for Proposals (RFP) for Sewer Vacuum, Hydro-Excavation and Street Sweeper Equipment with Related Accessories and Supplies; and

WHEREAS, on December 21, 2017 thirty proposals were formally opened; and

WHEREAS, thirteen vendors were awarded contracts; and

WHEREAS, Modesto Municipal Code authorizes entities to rely on terms that have already been competitively bid “piggybacking” in certain situations; based on the review of the bidding process for National Joint Powers Alliance (NJPA)/Sourcewell, the City will “piggybacking” on their bid; and

WHEREAS, the Purchasing Manager has determined, pursuant to Section 8-3.204(d) of the MMC, that the process other than the formal bid procedure set forth in

Section 8-3.201 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality; and

WHEREAS, sufficient funds for Vac-Con Combination Sewer and Storm Drain Cleaner have been encumbered in the Fleet Replacement Fund 5409.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase agreement with Municipal Maintenance Equipment (MME) Sacramento, CA for the purchase of one Vac-Con Hydro-Excavation Combination Sewer and Storm Drain Cleaner.

BE IT FURTHER RESOLVED, that the Purchasing Manager or her designee is hereby authorized to issue a purchase order for an estimated cost of \$455,917

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

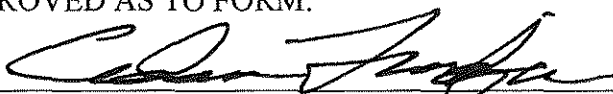
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-213**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
DECLARING ITS INTENTION TO ESTABLISH THE MODESTO TOURISM
MARKETING DISTRICT (MTMD) AND FIXING THE TIME AND PLACE OF A
PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING
NOTICE THEREOF**

WHEREAS, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the City to establish business improvement districts for the purposes of promoting tourism; and

WHEREAS, Modesto Convention and Visitors Bureau, lodging business owners, and representatives from the City of Modesto have met to consider the formation of the MTMD; and

WHEREAS, the Modesto Convention and Visitors Bureau has drafted a Management District Plan (Plan) which sets forth the proposed boundary of the MTMD, a service plan and budget, and a proposed means of governance; and

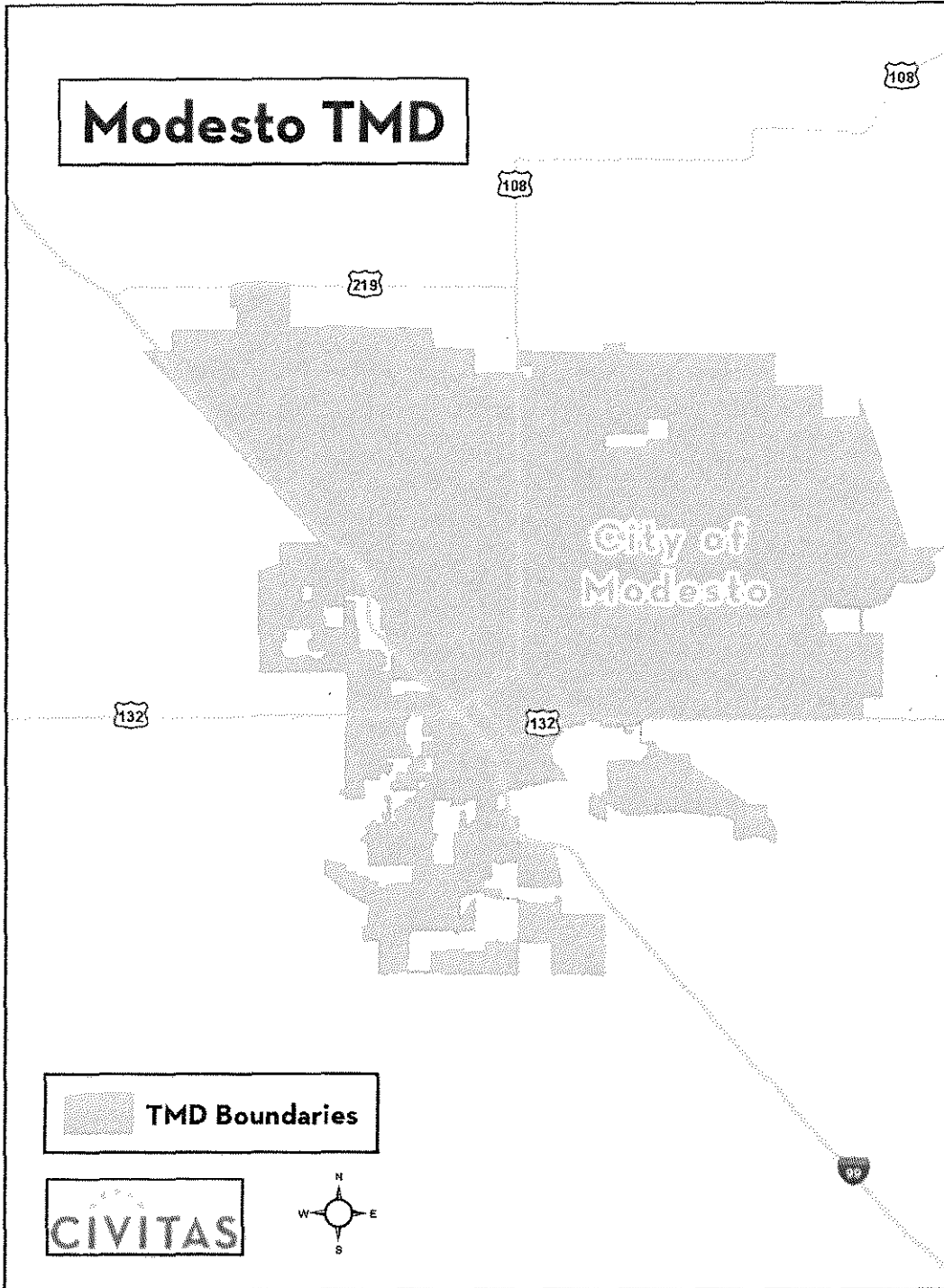
WHEREAS, lodging business who will pay more than fifty percent (50%) of the assessment under the MTMD have petitioned the City Council to establish the MTMD.

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

1. The recitals set forth herein are true and correct.
2. The City Council finds that lodging businesses that will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted petitions in support of the formation of the MTMD. The City Council accepts the petitions and adopts this Resolution of Intention to establish the MTMD and to levy an assessment on certain lodging businesses within the MTMD boundaries in accordance with the Property and Business Improvement District Law of 1994.

3. The City Council finds that the Plan satisfies all requirements of Streets and Highways Code §36622.
4. The City Council declares its intention to establish the MTMD and to levy and collect assessments on lodging businesses within the MTMD boundaries pursuant to the Property and Business Improvement District Law of 1994.
5. The MTMD shall include all lodging businesses located within the boundaries of City of Modesto, as shown in the map **attached** as **Exhibit A**.
6. The name of the district shall be Modesto Tourism Marketing District (MTMD).
7. The annual assessment rate is one percent (1%) of gross short-term room rental revenue. Based on the benefit received, assessments will not be collected on: stays of more than twenty-seven (27) consecutive days; stays by any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty; stays by any officer or employee of the United States Government, or of a federal credit union, or of a state, county, city or other domestic public entity who pays rent in the discharge of official government business; stays by any officer or employee of a bank or insurance company who pays rent in the discharge of official bank or insurance company business; and stays pursuant to contracts executed prior to August 1, 2019. During the four (4) years and eleven (11) month term, the total assessment rate may be increased by the Owners' Association up to a maximum of two percent (2%) of gross short-term rental revenue. The increase in any year shall not exceed one-half of one percent (0.50%) of gross room rental revenue.
8. The assessments levied for the MTMD shall be applied toward sales and marketing programs to market assessed lodging businesses in Modesto as tourist, meeting, and event destinations, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which MTMD assessments are levied as long as they are used consistent with the requirements of this resolution and the Plan.
9. The proposed MTMD will have a four (4) year and eleven (11) month term, beginning August 1, 2019 through June 30, 2024, unless renewed pursuant to Streets and Highways Code §36660.
10. Bonds shall not be issued.
11. The time and place for the public meeting to hear testimony on establishing the MTMD and levying assessments are set for June 11, 2019,

EXHIBIT A
District Boundaries



at 5:30 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at 1010 10th Street, Modesto CA 95354.

12. The time and place for the public hearing to establish the MTMD and the levy of assessments are set for June 25, 2019, at 5:30 PM, or as soon thereafter as the matter may be heard, at the Council Chambers located at 1010 10th Street, Modesto CA 95354. The City Clerk is directed to provide written notice to the lodging businesses subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code § 36623, no later than May 8, 2019.
13. At the public meeting and hearing the testimony of all interested persons for or against the establishment of the MTMD may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the lodging businesses within the proposed MTMD that will pay more than fifty percent (50%) of the estimated total assessment of the entire MTMD, no further proceedings to establish the MTMD shall occur for a period of one (1) year.
14. The complete Plan is on file with the City Clerk and may be reviewed upon request.
15. This resolution shall take effect immediately upon its adoption by the City Council.

The foregoing resolution was introduced and adopted at a regular meeting of the City Council held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote.

AYES: Council Members: Ah You, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

NOES: Council Members: None

ABSENT: Council Members: Grewal, Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-214**

RESOLUTION APPROVING MODESTO AREA EXPRESS (MAX) FARE CHANGES TO THE HALF FARE FOR SENIORS/DISABLED AND OTHERS TO PROMOTE HIGH RIDERSHIP ON PUBLIC TRANSPORTATION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE CHANGES

WHEREAS, Transit Division staff frequently receive comments and suggestions from bus riders regarding the cost of the Modesto Area Express (MAX) bus system being a barrier to using MAX, and

WHEREAS, many bus riders rely on MAX and are eligible for the discounted senior/disabled pass program required by the Federal Transit Administration (FTA), and

WHEREAS, the FTA requires a half fare for seniors, disabled, and Medicare cardholders, and

WHEREAS, this fare change will provide people an incentive for using the bus more often, thus increasing ridership, and

WHEREAS, MAX extends this half fare to the 31-Day pass, but not to the 1-Day or the 7-Day Pass, and

WHEREAS, other categories should be added to the half fare discount, including veterans and youth (ages 5-18), and

WHEREAS, it is common in the transit industry to have youth in the half fare category with senior and disabled riders.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the fare change as shown on **Attachment A**.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to implement the fare changes 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 May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

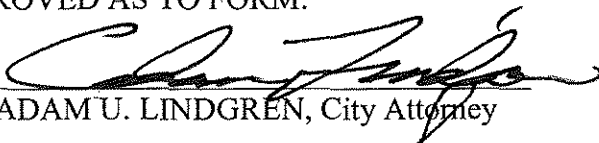
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

MODESTO AREA EXPRESS**Urban Service** **Fare**

Cash Fares (one trip)	
Regular	\$2.00
Student	\$1.50
Half Fare (Senior/Disabled/Medicare/Veterans/Youth)	\$1.00

1 Day Passes (unlimited trips)	
Day Pass (unlimited trips)	\$4.00
Half Fare Day Pass (Senior/Disabled/Medicare/Veterans/Youth)	\$2.00

7 Day Passes (unlimited trips)	
Day Pass (unlimited trips)	\$15.00
Half Fare 7 Day Pass (Senior/Disabled/Medicare/Veterans/Youth)	\$7.50

Student Field Trips	
Student Field Trip - One Trip	\$0.50
Student Field Trip - Day Pass	\$1.00

31 Day Passes (unlimited trips)	
Regular Pass	\$58.00
Student Pass	\$48.00
Half Fare 31 Day Pass (Senior/Disabled/Medicare/Veterans/Youth)	\$29.00

Ticket Books (50 Tickets)	
Regular	\$100.00
Student	\$75.00
Half Fare (Senior/Disabled/Medicare/Veterans/Youth)	\$50.00

BART Express Commuter Service

31 Day Passes	\$175.00
7 Day Passes	\$50.00
One-Way	\$14.00
Round-Trip	\$16.00

ACE Express Commuter Service

Single Trip (No change proposed)	\$3.00
20 Ride Ticket	\$42.00

MODESTO AREA DIAL-A-RIDE

Cash	\$3.00
Ticket Book (10 Tickets)	\$30.00

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-215**

RESOLUTION APPROVING THE IMPLEMENTATION OF A NEW MODESTO AREA EXPRESS (MAX) COMMUTER ROUTE TO SACRAMENTO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE ROUTE

WHEREAS, the Amtrak service did not perform at performance levels satisfactory to Amtrak, and will be discontinued leaving a gap in service, and

WHEREAS, Modesto Area Express (MAX) can start operating a new route to Sacramento using a MAX commuter bus, and

WHEREAS, the service would be similar to the buses used for the commuter service to Bay Area Rapid Transit (BART) and Altamont Commuter Express (ACE), and

WHEREAS, the Transit Division has received some inquiries to operate a route that provides service between Modesto, Stockton and Sacramento to replace the service being stopped by Amtrak, and

WHEREAS, the Transit Division is still reviewing possible stops in Stockton and Sacramento, but plan to start operating the new route on January 1, 2020.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the implementation of a new MAX commuter route to Sacramento, CA.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to implement the new route.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-216**

RESOLUTION APPROVING THE SUBMISSION OF THE TRANSPORTATION DEVELOPMENT ACT (TDA) TRANSIT CLAIM TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) FOR FISCAL YEAR 2019-20 IN THE AMOUNT OF \$13,529,650, AND A REGIONAL TRANSIT CLAIM IN THE AMOUNT OF \$839,769

WHEREAS, the greatest portion of the City's funding for the Transit Service Program is made available under the Transportation Development Act (TDA), which includes Local Transportation Fund (LTF) funds and State Transit Assistance (STA) funds, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the Finance Department that TDA funds have been apportioned by the State to StanCOG for allocation to public transit agencies pursuant to Article 4 of Chapter 4 of the California Public Utilities Code (PUC), and

WHEREAS, the City has prepared its TDA claim for Fiscal Year 2019-20 pursuant to these sections of the California PUC, and

WHEREAS, the City's Transit TDA Claim for Fiscal Year 2019-20 is \$13,529,650, and

WHEREAS, the City's Transit TDA Claim for Fiscal Year 2019-20 for Regional Projects is \$839,769, and

WHEREAS, the total Transit Operating Budget for Fiscal Year 2018-2019 is \$20,848,610, and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99233.11 of the California PUC before any TDA funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submission of the TDA transit claim for Fiscal Year 2018-2019 to StanCOG in the amount of \$13,529,650 and a Regional Transit Claim for \$839,769.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-217**

RESOLUTION APPROVING ADJUSTMENTS TO VARIOUS AIRPORT RATES AND FEES FOR SPECIFIC ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT (AIRPORT), EFFECTIVE JULY 1, 2019, AND RESCINDING RESOLUTION NO. 2017-451

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 CPI revealed a deficiency in Airport Rates and Fees at Modesto City-County Airport thus the implementation of the increase to Airport rates and fees, and

WHEREAS, adjusting Airport Rates and Fees will increase revenue that will allow the airport to recover 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 A**, attached hereto.

BE IT FURTHER RESOLVED that Resolution 2017-451 shall be rescinded on July 1, 2019 at 12 am.

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on July 1, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, 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 2019

Small T-Hangars
(No electricity provided) \$184.03 per month
Hangar A Units 2-12
Hangar B Units 2-9
Hangar C Units 2, 3, 7
Hangar D Units 2-5 & 7-9

Small T-Hangars
(Electricity provided) \$215.48 per month
Hangar A Unit 1
Hangar C Units 4-6
Hangar D Unit 6

Medium T-Hangars
(no electricity provided) \$229.14 per month
Hangar B Units 1, 10
Hangar C Unit 8
Hangar D Unit 10

Medium T-Hangars
(electricity provided) \$288.58 per month
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

Large T-Hangars
(Electricity provided) \$339.08 per month
Hangar G Unit 9
Hangar H Unit 9
Hangar K Units 2-6, 8-11

Large Modified Box Hangar
(electricity provided) \$412.40 per month
Hangar K Unit 1

Modesto City-County Airport Rates & Fees
Effective July 1, 2019

Attachment A

Extra Large T-Hangars (Electricity provided) Hangar I Units 1-8 Hangar K Unit 7	\$489.20 per month
Storage Units	
Hangar G Storage Unit	\$50.95 per month
Hangar H Storage Unit	\$50.95 per month
Hangar I Storage Unit	\$133.95 per month
Hangar J Storage Unit	\$50.95 per month
Hangar L Storage Unit	\$50.95 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	\$1,771.81 per month
Hangar 2	\$1,442.99 per month
Hangar 3	\$791.62 per month
Hangar 4	\$1,348.43 per month
Hangar 5	\$1,341.60 per month
Hangar 6	\$785.69 per month
Hangar 7	\$89.77 per month (ground lease)

(c) Portable Hangars and Ground Lease

Portable Hangars 1-14	\$72.49 per month
Ground Lease - Developed (per sq. ft.)	\$.059 per month
Ground Lease – Undeveloped (per sq. ft.)	\$.027 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 \$47.82 per month
 - Transient \$7.88 per day
- (b) Aircraft greater than 12,501 lbs. maximum certificated gross landing weight
 - Permanent \$80.68 per month
 - Transient \$15.63 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:

Old Administration Building Utilities furnished by Airport	\$1.00 per sq. ft.
Office Building(s) 1 & 2 Utilities furnished by Tenant	\$1.00 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	\$1.00 per sq. ft.
(b) Other areas	\$1.00 per sq. ft.

SECTION 6. 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 - \$1.13 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 7. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding "frequent flyers" or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

- (a) Enplaned passenger by airline - \$4.63 per ticketed passenger

SECTION 8. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

<u>Display Size</u>	<u>Display Only</u>	<u>Display & Telephone</u>
7.5" x 9.5"	\$20.00	\$30.00
7.5" x 21"	\$40.00	\$60.00
19" x 21"	\$50.00	\$70.00

SECTION 9. 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 10. FUEL FLOWAGE FEES. A fuel flowage fee of seven cents (\$.07357) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 12. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of two hundred and no/100ths (\$200.00) dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of ninety and no/100ths (\$90.00) dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. 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 13. 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 seven and no/100ths (\$7.00) dollars per day or forty-two and no/110ths (\$42.00) dollars per week.

SECTION 14. 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 15. 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. 2019-218**

RESOLUTION APPROVING THE CITY OF MODESTO SPONSORSHIP OF THE 21ST ANNUAL 2019 NORTH MODESTO KIWANIS GRAFFITI PARADE AND CAR SHOW, INCLUDING A WAIVER OF CITY PERMIT FEES, POLICE DEPARTMENT OVERTIME AND VEHICLE COSTS, STREETS DIVISION LABOR AND EQUIPMENT COSTS ESTIMATED TO BE \$65,027, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY DOCUMENTS NECESSARY RELATED TO THE SPONSORSHIP

WHEREAS, the 21st Annual 2019 North Modesto Kiwanis Graffiti Parade and Car Show is a Modesto tradition, and

WHEREAS, the North Modesto Kiwanis have sponsored this event for the past 20 years, and

WHEREAS, in 2018 there were 1200 classic cars and 20,000 spectators that raised over \$130,000 for support of local children charities through scholarships, grants, and multiple funding programs, and

WHEREAS, this annual event draws participants and spectators from miles around that benefit Modesto lodging, restaurants, and entertainment venues, and

WHEREAS, the sponsorship will include the waiver of City permit fees, Police Department overtime and vehicle costs, and Street Division labor and equipment costs, and

WHEREAS, the estimated expense to the City of Modesto to sponsor the 21st Annual 2019 North Modesto Kiwanis Graffiti Parade and Car Show is approximately \$65,027.

NOW THEREFORE, BE IT RESOLVED by Council of the City of Modesto that it hereby approves the City of Modesto sponsorship of the 21st Annual 2019 North Modesto Kiwanis Graffiti Parade and Car Show including waiver of City permit fees,

Police Department overtime and vehicle costs, and Streets Division labor and equipment estimated at \$65,027.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary documents related to the sponsorship.

The forgoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-219**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH UNITED PAVEMENT MAINTENANCE, INC. OF HUGHSON, CA FOR THE PROJECT TITLED, "BUS TURNOUT S.R. 132/MAZE BOULEVARD" IN THE AMOUNT OF \$74,000, PLUS \$6,000, IF NEEDED, FOR AN AGREEMENT TOTAL NOT TO EXCEED \$80,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Bus Turnout S.R. 132/Maze Boulevard Project installs a new bus turnout by Franklin Elementary School, on Modesto Area Express (MAX) Route 26, a heavily used bus stop that will give passengers a platform to board and alight the bus, and

WHEREAS, construction of this project relocated an existing stop near the Modesto Irrigation District (MID) canal and meet current Americans with Disabilities Act (ADA) standards at the new location, and

WHEREAS, on March 12, 2019, the project was advertised for bids, and

WHEREAS, on April 2, 2019 , bids were publicly opened pursuant to Modesto Municipal Code Section 8-3.403 and later tabulated by the Director of Public Works for the consideration of Council, and

WHEREAS, the Director of Finance and the City Manager have recommended that the bid of \$74,000 received from United Pavement Maintenance, Inc. of Hughson, CA, be accepted and awarded as the lowest responsive and responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications, accepting the bid, and approving a construction contract with United Pavement Maintenance, Inc. of Hughson, CA for the

project titled, "Bus Turnout S.R. 132/Maze Boulevard" in the amount of \$74,000, plus \$6,000, if needed, for an agreement total not to exceed \$80,000.

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 May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

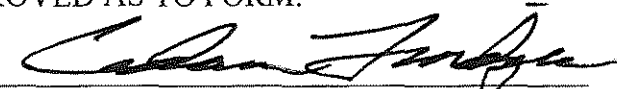
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-220**

RESOLUTION ACCEPTING THE NEW TRAFFIC SIGNALS 2013 AT BELLHARBOUR AND FLOYD AT MILLBROOK AND PRESCOTT AT MT. VERNON PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$917,910 TO TIM PAXIN'S PACIFIC EXCAVATION, INC., OF ELK GROVE, CA

WHEREAS, in April 2010, City staff applied for and received Congestion Mitigation and Air Quality (CMAQ) funds to construct a new traffic signal at the following three intersections in the City: Roselle Avenue at Belharbour Drive, Floyd Avenue at Millbrook Avenue, and Prescott Road at Mount Vernon Drive, and

WHEREAS, construction of this project installed new traffic signals, including LED Street lighting at the intersections, and meets current Americans with Disabilities Act (ADA) standards, and

WHEREAS, the Capital Improvement Project (CIP) Task force has reviewed and approved the Prescott Road at Mount Vernon Drive traffic signal installation, and

WHEREAS, on December 8, 2015, Council approved by Resolution 2015-465 the installation of the traffic signals at Roselle Avenue at Belharbour Drive, Floyd Avenue at Millbrook Avenue, and Prescott Road at Mount Vernon Drive, and

WHEREAS, the Village I Specific Plan and Facilities Master Plans called for traffic signals on Floyd Avenue at Millbrook Avenue and on Roselle Avenue at Belharbour Drive, and

WHEREAS, staff worked with Stanislaus Council of Governments (StanCOG) and on May 8, 2017, additional CMAQ funds of \$174,000 were added to the project to help

offset anticipated increases in construction costs. There were no other CMAQ funds available at that time, and

WHEREAS, in addition, on July 6, 2017 Council obligated \$160,000 of Measure L funds for this project. An additional \$100,000 of CFD Village One No. 2 funds was needed to help fund the traffic signals constructed at Roselle Avenue at Belharbour Drive, and

WHEREAS, bids were advertised July 17, 2017, and

WHEREAS, four bids were publicly opened on August 15, 2017, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, Tim Paxin's Pacific Excavation, Inc., of Elk Grove, CA was the apparent low bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the New Traffic Signals 2013 project is hereby accepted as complete from said contractor Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and authorize payments totaling \$917,910.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-221**

RESOLUTION ACCEPTING THE BUS MAINTENANCE FACILITY IMPROVEMENTS CANOPY STRUCTURE PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$579,911 TO DOCON, INC., OF CERES, CA

WHEREAS, on June 27, 2017, by Resolution No. 2017-248, Council awarded a contract to DOCON, Inc., for the construction of the Bus Maintenance Facility Improvements Canopy Structure, and

WHEREAS, staff provided the construction management, inspection, survey staking, and project administration, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of August 14, 2017, and

WHEREAS, all contract and administrative work was completed by May 4, 2018, and

WHEREAS, the Bus Maintenance Facility Improvements Canopy Structure project has been completed by DOCON, Inc., of Ceres, CA, in accordance with the contract agreement dated June 27, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Bus Maintenance Facility Improvements Canopy Structure project as complete by DOCON, Inc., of Ceres, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling \$579,911 as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

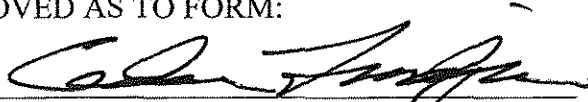
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-222**

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MODESTO, UTILITIES DEPARTMENT AND THE
COUNTY OF STANISLAUS, DEPARTMENT OF ENVIRONMENTAL
RESOURCES, REGARDING ONSITE WASTEWATER TREATMENT
SYSTEMS**

WHEREAS, the State of California adopted Assembly Bill 885 on September 27, 2000, which required the California State Water Resources Control Board (Board) to adopt specific regulations or standards for the permitting and operation of onsite wastewater treatment systems (OWTS), commonly known as septic systems, and

WHEREAS, on June 19, 2012, the Board adopted the Water Quality Control Plan for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) which became effective May 13, 2013, and

WHEREAS, the OWTS Policy establishes low-risk siting and design requirements for septic systems and authorizes local agencies to submit a Local Agency Management Program (LAMP) to the Board for approval of alternate methods of siting and design to achieve the same purpose, and

WHEREAS, the County of Stanislaus (County), Department of Environmental Resources (DER) operates a program for the approval of the siting, design, operation, and maintenance of OWTS for individual residences within its Environmental Health Division and has adequate staffing and technical knowledge to meet the requirements of the OWTS Policy, and

WHEREAS, OWTS Policy Section 4.3 identifies Central Valley Regional Water Quality Control Board (Central Valley Board) as the designated Regional Board for the County, for purposes of reviewing and, if appropriate, approving new LAMPs and the

County submitted a LAMP to the Central Valley Board, which was approved on June 9, 2017, and was granted a conditional waiver of waste discharge requirements, and

WHEREAS, on March 14, 2017, the Stanislaus County Board of Supervisors approved amendments of Stanislaus County Code Sections 16.10.030 and 20.56.170, implementing the requirements of the LAMP, and

WHEREAS, the Stanislaus County Board of Supervisors delegated authority to the Director of DER to enter into agreements with local jurisdictions to provide services under the LAMP, and

WHEREAS, the Memorandum of Understanding (MOU) with Stanislaus County for OWTS will allow the City to avoid the lengthy and costly process of developing and obtaining Central Valley Board approval of a LAMP, and

WHEREAS, the City's responsibility will be to provide information to the County on properties within the City that have OWTS, location of all nearby City wells, and information concerning the installation of a new well or abandonment of an existing well and the City will notify the County of any new building with an OWTS when a certification of occupancy is issued, and

WHEREAS, the County will be responsible for all regulatory oversight, reporting, permitting, inspections, and approvals of installation or destruction of the OWTS, and

WHEREAS, the City may terminate this MOU, with or without cause, upon ninety days with written notice.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the city of Modesto, Utilities Department and the County of Stanislaus, Department of Environmental Resources, regarding Onsite Wastewater Treatment Systems.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-223**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR TRANSPORTATION OF WASTEWATER GRIT TO BERTOLOTTI MODESTO DISPOSAL INC., CERES, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$45,000 AND A TOTAL AMOUNT NOT TO EXCEED \$245,250 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City uses Republic Services, Inc., Forward Landfill (Forward), to dispose of Wastewater Screening and Grit, and

WHEREAS, Forward is located in Manteca, CA, and is the closest landfill to the City that is approved by the Central Valley Regional Water Quality Control Board to accept wastewater solids and the City must contract with a trucking company to move the City owned bins filled with the grit to Forward; the City currently uses Bertolotti Modesto Disposal Inc., and

WHEREAS, on November 13, 2018, the Purchasing Division issued RFB No.17189-38RB for Transportation of Wastewater Grit on the City's website; prospective bidders were notified online of the bid opportunity and six companies chose to download the RFB document, however, no companies responded with a bid, and

WHEREAS, Purchasing reached out to the prospective bidders, including PSC Industrial Outsourcing, and requested quotes for the Transportation of Wastewater Grit and two vendors were still interested in bidding, but after multiple attempts, only one bid was received, and

WHEREAS, staff recommends the award of bid to Bertolotti Modesto Disposal Inc., Ceres, CA, for the furnishing of Transportation of Wastewater Grit for the Wastewater Division, and

WHEREAS, Wastewater averages two bins a week to be transported; with the cost at \$406 per bin, staff is requesting a two-year agreement with three one-year extension options at the sole discretion of the City, and

WHEREAS, in anticipation of increases in CPI and fuel for years three, four and five, an increase of 5% per year has been included; Therefore, years one and two will be \$45,000 each and years three, four and five will be for \$51,750 each, making a not to exceed cost of \$245,250 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 follow the formal bid procedures, and

WHEREAS, 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, additionally MMC 8-3.204(d) states "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 the award of bid and agreement for Transportation of Wastewater Grit to Bertolotti Modesto Disposal Inc., Ceres, CA for a two-year agreement with three one-year extension options, for an annual cost not to exceed \$45,000 and a total amount not to exceed \$245,250 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 7th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-224**

RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT AMONG BANK OF THE WEST, THE CITY OF MODESTO AND MODESTO PUBLIC FINANCING AUTHORITY, AND A RELATED FEE LETTER AGREEMENT; A SUPPLEMENT TO AN OFFICIAL STATEMENT; A REMARKETING AND INTEREST SERVICES AGREEMENT BY AND BETWEEN MODESTO PUBLIC FINANCE AUTHORITY AND RAYMOND JAMES AND ASSOCIATES, INC.; AND AUTHORIZING CERTAIN OTHER ACTIONS RELATED TO AUTHORITY'S LEASE REVENUE REFUNDING BONDS, SERIES 2008

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"), of which approximately \$50,915,000 remain outstanding as of September 1, 2019; and

WHEREAS, Bank of America, N.A., as the initial Credit Facility Provider ("BofA") 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, subsequently, on various occasions, the City requested BofA to extend the Stated Expiration Date of the Initial Credit Facility, and BofA agreed, most recently extending the Stated Expiration Date to June 22, 2019; and

WHEREAS, following a competitive solicitation and upon the advice of its municipal financial advisor, Public Financial Management, the City has determined that it is in its best interest to replace the Initial Credit Facility with a new letter of credit (the "Replacement Credit Facility") provided by Bank of the West (the "BotW"); and

WHEREAS, in connection with the issuance of the Replacement Credit Facility, the City, the Authority and BotW will enter into a Reimbursement Agreement (the "Reimbursement Agreement") and related Fee Letter Agreement (the "Fee Letter"); and

WHEREAS, the City and the Authority will prepare a supplement to the Official Statement for the 2008 Bonds describing certain material information regarding BotW and the substitution of the Replacement of Credit Facility (the "Supplement to Official Statement"); and

WHEREAS, in connection with the delivery of the Replacement of Credit Facility, the City has also determined, to facilitate the remarketing of the Bonds in the most cost-effective manner and upon the advice of its municipal financial advisor, to replace Merrill Lynch/BofA as dealer and remarketing agent for the Bonds and to appoint Raymond James & Associates Inc. as the new remarketing agent and to enter into a new Remarketing and Interest Services Agreement (substantially identical to the agreement with BofA) with Raymond James & Associates Inc.; 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:

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.

2. Approval of the Reimbursement Agreement and Fee Letter. The Reimbursement Agreement and related 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 Reimbursement Agreement and Fee Letter in substantially said forms, with such changes therein as such officer executing the Reimbursement Agreement and Fee Letter may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

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.

4. Approval of the Remarketing and Interest Services Agreement. The Remarketing and Interest Services Agreement proposed to be executed and entered into by the Authority with Raymond James & Associates, Inc., in the form presented at this meeting and on file with the City Clerk, is hereby approved, in substantially said forms, with such changes therein as such officer of the Authority executing the Agreement may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

5. 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.

6. 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, the Fee Letter, the Supplement to Official Statement and the Remarketing and Interest Services Agreement, and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

7. 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 7th day of May, 2019, by Councilmember Grewal, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-225**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR BANKING SERVICES TO BANK OF THE WEST, MONTEREY PARK, CA, FOR A FOUR-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$30,691 AND A TOTAL AMOUNT NOT TO EXCEED \$213,374 OVER SEVEN YEARS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on July 2, 2013, by Resolution 2013-247, Council awarded the banking services agreement to Bank of America based on its determination that the City's financial needs are best served by a full-service financial institution that provides day-to-day banking services in addition to a Direct Pay Letter of Credit (LOC) for its General Fund Lease Revenue Bonds, Series 2008 (Series 2008 Bonds), and

WHEREAS, the existing banking services agreement is for a two (2) year term and three (3) one-year extension options and the City exercised all three (3) one-year extension options and the Agreement is scheduled to expire on July 31, 2018, and

WHEREAS, on July 10, 2018 by Resolution 2018-276, the Council approved an amendment increasing the agreement amount with Bank of America Merrill Lynch, for the banking services by \$51,034 from \$460,000 to \$511,034, and extending the term of the agreement from July 31, 2018 to June 30, 2019 to align the Letter of Credit termination date to the end of June 2019 in anticipation of a future Request for Proposal (RFP) for both of these services, and

WHEREAS, on November 9, 2018, the Purchasing Division issued RFP 1819-21 for Banking Services and Letter of Credit through PlanetBids, and

WHEREAS, on December 11, 2018, the proposals were formally opened in the City Clerk's office, and

WHEREAS, five companies choose to respond, one of which was a local vendor,
and

WHEREAS, the RFP categories were based on government banking experience,
quality of customer service, ability to support product and service, financial strength in
the banking market, and overall cost, and

WHEREAS, based on this evaluation review, it was determined by the committee
that Bank of the West was ranked the highest overall.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the award of proposal and agreement for banking services to Bank
of the West, Monterey Park, CA, for a four-year agreement with three one-year extension
options, for an annual cost not to exceed \$30,691 and a total amount not to exceed
\$213,374 over seven 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 May, 2019, by Councilmember Grewal, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-226**

RESOLUTION APPROVING A SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH BANK OF AMERICA MERRILL LYNCH FOR BANKING SERVICES BY \$28,200 FROM \$511,034 TO \$539,234, AND EXTENDING THE TERM OF THE AGREEMENT FROM JUNE 30, 2019 TO DECEMBER 31, 2019; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on July 2, 2013, by Resolution 2013-247, Council awarded the banking services agreement to Bank of America based on its determination that the City's financial needs are best served by a full-service financial institution that provides day-to-day banking services in addition to a Direct Pay Letter of Credit (LOC) for its General Fund Lease Revenue Bonds, Series 2008 (Series 2008 Bonds), and

WHEREAS, the existing banking services agreement is for a two (2) year term and three (3) one-year extension options and the City exercised all three (3) one-year extension options and the Agreement is scheduled to expire on July 31, 2018, and

WHEREAS, on July 10, 2018 by Resolution 2018-276, the Council approved an amendment increasing the agreement amount with Bank of America Merrill Lynch, for the banking services by \$51,034 from \$460,000 to \$511,034, and extending the term of the agreement from July 31, 2018 to June 30, 2019 to align the Letter of Credit termination date to the end of June 2019 in anticipation of a future Request for Proposal (RFP) for both of these services, and

WHEREAS, on June 7, 2016 by Resolution 2016-243, the City approved a 3-year extension of the Letter of Credit for the Series 2008 Bonds at 60 basis points (0.60%) and a reduction in banking pricing modification by around 21% with Bank of America, and

WHEREAS, staff will be recommending awarding the proposal for a new banking services agreement to Bank of the West for Council to approve in May 2019; and the anticipated award date to bank of the West and the termination date of the current banking contract does not provide sufficient time for the transition of the many banking services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a second amendment increasing the agreement amount with Bank of America Merrill Lynch for banking services by \$28,200 from \$511,034 to \$539,234, and extending the term of the agreement from June 30, 2019 to December 31, 2019.

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 May, 2019, by Councilmember Grewal, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-227**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR CITYWIDE REGULATORY SAFETY TRAINING AND CONSULTATION TO DU-ALL SAFETY, FREMONT, CALIFORNIA, FOR A ONE-YEAR AGREEMENT WITH ONE ONE-YEAR EXTENSION OPTION, FOR AN ANNUAL COST NOT TO EXCEED \$311,859 AND A TOTAL AMOUNT NOT TO EXCEED \$623,718 OVER TWO YEARS, AUTHORIZING THE DIRECTOR OF FINANCE OR DESIGNEE TO APPROVE ADDITIONAL TRAINING AS NEEDED WITHIN THE NOT TO EXCEED AMOUNT, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT; AND APPROVING THE TERMINATION OF THE AGREEMENT WITH YORK SERVICES EFFECTIVE APRIL 20, 2019

WHEREAS, the City recognizes the right of all employees to a safe workplace and values the importance of education and training for all staff to ensure safe work practices are understood and adhered to, and to aid in recognizing and mitigating hazards in the workplace, and

WHEREAS, through an extensive and on-going safety needs assessment, the City has identified the need for citywide safety training and consultation services to achieve and maintain compliance with Federal, State, and local regulations, and

WHEREAS, the Purchasing Division issued Request for Proposals (RFP) 1718-13 for Safety Training and Consultant Services, and

WHEREAS, a selection committee comprised of staff representing pertinent divisions for citywide safety needs reviewed all proposals and vendor presentations, and

WHEREAS, the selection committee chose York (formerly Bickmore) as the City's new Safety Consultant/Training Provider, and

WHEREAS, on January 22, 2019, by Resolution No. 2019-07, Council approved award of a contract for safety consultation and training services to York Risk Services, Sacramento, California, for an amount not to exceed \$85,120 annually, and

WHEREAS, it became evident during interactions with the vendor that York's training staff did not meet the expectations of City Risk Management or operations staff, and

WHEREAS, the selection committee reconvened and determined it is in the best interest of the City and its employees to terminate the agreement and re-award to the 2nd place vendor, Du-All Safety, and

WHEREAS, Du-All has demonstrated expertise in the areas of Risk Management and Safety and a solid understanding of the City's organizational structure and program gaps, and

WHEREAS, Du-All Safety will provide mandatory safety training, prepare and update written safety programs and provide additional guidance and consultation, and

WHEREAS, this agreement will authorize the necessary funds and authorities to provide continuous, ongoing mandatory training.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and agreement for citywide regulatory safety training and consultation to Du-All Safety, Fremont, California, for a one year agreement with one one-year extension option, for an annual cost not to exceed \$311,859 and a total amount not to exceed \$623,718 over two years.

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to approve additional training as needed within the not to exceed amount.

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

BE IT FURTHER RESOLVED that the agreement between City of Modesto and York Services is terminated effective April 20, 2019.

The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

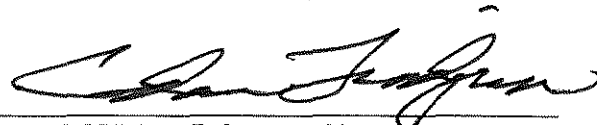
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-228**

**RESOLUTION ACCEPTING THE “FEASIBILITY STUDY – PROPOSED
CONVENTION CENTER HOTEL” BY HVS CONVENTION, SPORTS, AND
ENTERTAINMENT AND FACILITIES CONSULTING, AND AUTHORIZING
STAFF TO PROCEED WITH THE NEXT STEPS**

WHEREAS, the 2006 Redevelopment Master Plan (Plan) provided updated goals and implementation strategies for the redevelopment project area, and

WHEREAS, the Plan identified that development should support the vision for downtown as the “commercial and cultural heart of the city” and prioritization of land use and economic development goals to attract new development, and

WHEREAS, the Plan identified target areas and catalyst and opportunity sites for development, and

WHEREAS, one catalyst site, identified for potential development of a new hotel with ground floor commercial and retail space, is the surface parking lot adjacent to the Modesto Centre Plaza (MCP), and

WHEREAS, the site is owned by the Redevelopment Successor Agency, which, prior to its dissolution in 2012, supported the downtown hotel concept, and

WHEREAS, in August 2018, the City issued an informal Request for Proposals (RFP) for a lodging and market study to explore the feasibility of an additional hotel adjacent to MCP, and

WHEREAS, on October 24, 2018, by City Manager authority, the City retained HVS Convention, Entertainment, Sports, and Facilities Consulting (HVS) to conduct the lodging and market study, and

WHEREAS, on January 22, 2019, HVS submitted the “Feasibility Study – Proposed Convention Center Hotel” (Study) to the City, and

WHEREAS, the Study, based on the hotel market and a feasibility analysis, concluded that a 200-room select service hotel with minimum function space and limited food service would be the most viable due to the subject property size, development costs, and steadily growing demand for this product in the larger area hotel market, and

WHEREAS, based on the findings, development of the proposed hotel are projected to yield \$8.6 million in new direct spending, 106 new full-time jobs, and \$1.2 million in annual tax revenue in a stable year, and

WHEREAS, the Study identified the following practical next steps to determine whether the proposed hotel can be developed including 1) Project Management, 2) Site Parameters, Valuation and Parking, and 3) Solicitation of Development Partner, and

WHEREAS, on April 12, 2019, the Economic Development Committee unanimously recommended forwarding the Study to Council and proceeding with the next steps.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the “Feasibility Study – Proposed Convention Center Hotel” by HVS Convention, Entertainment, Sports, and Facilities Consulting, and authorizing staff to proceed with the next steps.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

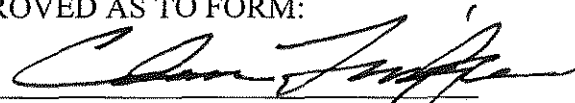
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-229**

RESOLUTION APPROVING AN AGREEMENT WITH OPTICOS DESIGN, INC., TO PREPARE A DOWNTOWN MASTER PLAN, IN THE AMOUNT OF \$210,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on September 4, 2018, by Resolution No. 2018-380, Council established a list of projects to be funded with Measure L tax proceeds in Fiscal Year 2018-2019, and

WHEREAS, the established list of projects allocated \$210,000 for the Downtown Master Plan project, and

WHEREAS, staff distributed a Request for Proposals in late 2018, which resulted in eleven (11) responsive proposals being submitted and the top five (5) firms being interviewed, and

WHEREAS, after interviews with the top five consulting firms based on review of the proposals received, the consultant selection committee unanimously determined that Opticos Design, Inc., was the best qualified firm to prepare the Downtown Master 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 follow the formal bid procedures. An award of RFP 1819-24 and agreement for preparing the Downtown Master Plan for the Community and Economic Development Department to Opticos Design, Inc., of Berkeley, California, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Opticos Design, Inc., was the highest scoring proposer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with Opticos Design, Inc., for the preparation of the Downtown Master Plan and related project work, in an amount not to exceed \$210,000 for the identified scope of services.

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 May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-230**

RESOLUTION APPROVING AN AGREEMENT WITH CLARK PEST CONTROL INC., MODESTO CA, BY UTILIZING THE COMPETITIVE BID PROCESS WITH STANISLAUS COUNTY GENERAL SERVICES AGENCY, FOR THE PURCHASE OF CITY-WIDE PEST CONTROL SERVICES, FOR A FIVE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$42,630 PER YEAR FOR ROUTINE PEST SERVICE IN YEARS ONE AND TWO AND \$10,000 PER YEAR FOR SITE ADDITIONS, SITE REMOVALS, EXTRA SERVICES, OR SERVICE CHANGES, AS AUTHORIZED BY THE DIRECTOR OF FINANCE OR HER DESIGNEE, WITH ANY COST INCREASES IN YEARS THREE THROUGH FIVE NOT TO EXCEED 2% PER YEAR AND REQUIRING NEGOTIATION WITH THE PURCHASING DIVISION, FOR A TOTAL AMOUNT NOT TO EXCEED \$269,550 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City owns, operates and manages a variety of public access facilities throughout the City that require pest control services, and

WHEREAS, Stanislaus County recently completed a competitive RFP process for pest control services, and

WHEREAS, based on being ranked highest in total evaluation criteria the Stanislaus County Board of Supervisors approved Board Action No. 2018-0388, authorizing the award of a Master Agreement to Clark Pest Control, Inc., and

WHEREAS, by accessing the terms or “piggybacking,” City staff recommends the award of contract for the furnishing of pest control services for City-wide use to Clark Pest Control, Inc., Modesto, CA, and

WHEREAS, Modesto Municipal Code Section (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. Section MMC 8-3.204(d) is available where the Purchasing Manager, in his/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 would be served, and

WHEREAS, the furnishing of pest control services for City-wide use conforms by accessing the terms of a competitively bid Master Agreement from Stanislaus County, Board Action No. 2018-0388, to Clark Pest Control Inc., Modesto CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Clark Pest Control Inc., Modesto CA, by utilizing the competitive bid process with Stanislaus County General Services Agency, for the purchase of city-wide pest control services, for a five-year agreement with two one-year extension options, for an annual cost not to exceed \$42,630 per year for routine pest service in Years 1 and 2 and \$10,000 per year for site additions, site removals, extra services, or service changes, as authorized by the Director of Finance or her designee, with any cost increases in Years 3-5 not to exceed 2% per year and requiring negotiation with the Purchasing Division, for a total amount not to exceed \$269,550 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.

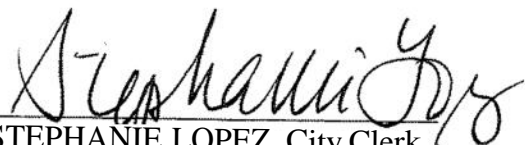
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Momey

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-231**

RESOLUTION CANCELLING ALL PROPOSALS RECEIVED FOR REQUEST FOR PROPOSALS NO. 1819-20 FOR MODESTO AREA DIAL-A-RIDE OPERATIONS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO REISSUE A RFP AT A FUTURE DATE, WITH AN AMENDED SCOPE OF SERVICES

WHEREAS, the proposals received for the Modesto Area Dial-A-Ride operations were opened at 11:00 a.m. on February 5, 2019, and

WHEREAS, the City only received two proposals for the project, where staff acknowledges several other companies that could have provided a proposal on the project, and

WHEREAS, the Federal Transit Administration (FTA) expects full and open competition for transit operations contracts and more than two proposers, and

WHEREAS, the Transit Division staff determined that it would be in the best interest of the City to cancel the request for proposals and re-advertise the project with revised specifications.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to cancel all proposals received for Request for Proposals No. 1819-20 for Modesto Area Dial-A-Ride operations; and authorizing the City Manager, or his designee, to reissue a RFP at a future date, with an amended Scope of Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

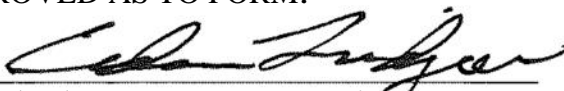
NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-232**

**RESOLUTION APPROVING AN INCREASE TO THE PURCHASING
AGREEMENT WITH STORER TRANSIT SYSTEMS FOR MODESTO AREA
DIAL-A-RIDE OPERATIONS BY \$3,643,138 FROM \$16,171,515 TO \$19,814,653,
FOR A NEW TOTAL AMOUNT OF \$19,814,653 AND EXTENDING THE TERM
OF THE AGREEMENT FROM JUNE 28, 2019 TO JUNE 30, 2020**

WHEREAS, the City is in the final year of a five year contract with Storer Transit Systems (Storer) to operate Modesto Area Dial-A-Ride (MADAR) through June 28, 2019, and

WHEREAS, the City issued a Request for Proposal (RFP) on October 25, 2018, soliciting firms to provide a turnkey operation of the MADAR American Disabilities Act (ADA) paratransit service, and

WHEREAS, the proposals received for the MADAR operations were opened at 11:00 a.m. on February 5, 2019, and

WHEREAS, the City only received two proposals for the project, where staff acknowledges several other companies that could have provided a proposal on the project, and

WHEREAS, the Federal Transit Administration (FTA) expects full and open competition for transit operations contracts and more than two proposers, and

WHEREAS, the Transit Division staff determined that it would be in the best interest of the City to cancel the request for proposals and re-advertise the project with revised specifications, and

WHEREAS, the City wishes to continue providing MADAR service to the citizens and visitors of Modesto, and

WHEREAS, the existing agreement with Storer allows for a one year extension,

which accommodate the time staff requires to review the operation, make adjustments and re-advertise the solicitation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase to the agreement with Storer Transit Systems for Modesto Area Dial-A-Ride operations by \$3,643,138 from \$16,171,515 to \$19,814,653, for a new total amount of \$19,814,653 and extending the term of the agreement from June 28, 2019 to June 30, 2020.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-233**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,
TO NEGOTIATE AN AMENDMENT TO THE AGREEMENT WITH STORER
TRANSIT SYSTEMS FOR A RATE CHANGE FOR THE MODESTO AREA
DIAL-A-RIDE OPERATIONS AND TO EXECUTE THAT AMENDMENT**

WHEREAS, the City is in the final year of a five year contract with Storer Transit Systems (Storer) to operate Modesto Area Dial-A-Ride (MADAR) through June 28, 2019, and

WHEREAS, the City issued a Request for Proposal (RFP) on October 25, 2018, soliciting firms to provide a turnkey operation of the MADAR American Disabilities Act (ADA) paratransit service, and

WHEREAS, the proposals received for the MADAR operations were opened at 11:00 a.m. on February 5, 2019, and

WHEREAS, the City only received two proposals for the project, where staff acknowledges several other companies that could have provided a proposal on the project, and

WHEREAS, the Federal Transit Administration (FTA) expects full and open competition for transit operations contracts and more than two proposers, and

WHEREAS, the Transit Division staff determined that it would be in the best interest of the City to cancel the request for proposals and re-advertise the project with revised specifications, and

WHEREAS, the City wishes to continue providing MADAR service to the citizens and visitors of Modesto, and

WHEREAS, the existing agreement with Storer allows for a one year extension,

which accommodate the time staff requires to review the operation, make adjustments and re-advertise the solicitation, and

WHEREAS, an agreement amendment may be needed to continue MADAR operations with Storer Transit Systems.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to negotiate an amendment to the agreement with Storer Transit Systems for a rate change for the Modesto Area Dial-A-Ride operations, and to execute that amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

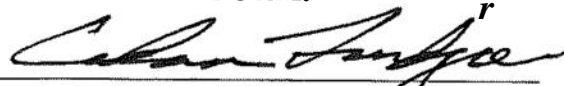
NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-234**

RESOLUTION ACCEPTING THE GRAYSON REPLACEMENT WELL 274 AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$413,811 TO MAGGIORA BROS. DRILLING, INC. OF WATSONVILLE, CA

WHEREAS, the Grayson water service area was acquired from the Del Este Water Company in 1995 as part of the overall acquisition of Del Este's water system, and

WHEREAS, the City now operates and maintains Well 274, Well 295 and Tank 9 in the outlying service area of Grayson. Elevated nitrate concentrations have been a problem at Well 274, and

WHEREAS, the water required treatment for nitrate removal at the Well 295/Tank 9 site, and

WHEREAS, a feasibility study addressing nitrate concentrations in Well 274 was completed in January 2015, and recommended a replacement well due to the age and relative shallow depth of the existing well originally constructed in 1967, and

WHEREAS, on November 24, 2015, by Resolution 2015-454, Council accepted a 9,945 square foot site from Stanislaus County expanding the Well 274 site to accommodate drilling a replacement well, and

WHEREAS, on March 22, 2016, by Resolution 2016-116, Council approved an agreement with Kleinfelder, Inc. to provide a geophysical investigation of the site, and

WHEREAS, the geophysical investigation results determined that a production zone of approximately 270-340 feet below ground surface (bgs) could potentially produce

400-500 gallons per minute (gpm), which would be sufficient to meet water supply demands in the Grayson community per the 2010 Water System Engineer's Report, and

WHEREAS, on January 10, 2017, by Resolution 2017-18, the Council approved a hydrogeological and design services agreement with Hazen-Sawyer, Inc. (Hazen) for the Well 274 site, and

WHEREAS, after final design of the below-ground well drilling and casing portion of the project was complete; bids were advertised on November 28, 2017, and

WHEREAS, one bid was publicly opened on December 19, 2017 pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, Maggiora Bros Drilling, Inc., of Watsonville, California was the apparent low bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Replacement Well 274 project is hereby accepted as complete from said contractor, Maggiora Brothers Drilling Inc. of Watsonville, California, 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 \$413,811, as is authorized.

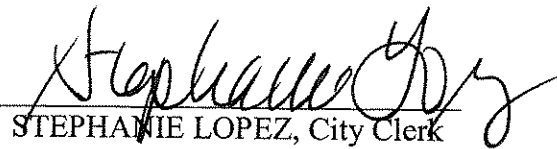
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-235**

RESOLUTION APPROVING AN AGREEMENT WITH HAZEN AND SAWYER, SAN FRANCISCO, CA, FOR WASTEWATER TREATMENT CORROSION EVALUATION AND PROCESS OPTIMIZATION IN THE AMOUNT OF \$69,850 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$6,985 IN ADDITIONAL SERVICES, IF NEEDED, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$76,835 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, shortly following the startup of Phase 2 tertiary treatment process at the Jennings Treatment Plant (Jennings Plant), maintenance and operations staff began noticing corrosion on equipment, pipe and fittings downstream of the tertiary process, and

WHEREAS, a failure occurred on a utility pump that, upon inspection, revealed extreme corrosion of the pump, and

WHEREAS, initially, staff issued a Request for Proposals for a caustic soda facility to address corrosion issues, and

WHEREAS, staff received three proposals from firms on the prequalified list of consultants to provide wastewater engineering services, and

WHEREAS, staff concluded that prior to initiating a design project, additional analysis should be conducted to determine the cause of the corrosion issues, and

WHEREAS, to determine the correct long term solution to this problem, staff is recommending that a whole plant study be conducted to include a detailed analysis of water quality, evaluation of the wastewater treatment process and the optimization.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Hazen and Sawyer, San Francisco, CA, for Wastewater Treatment Corrosion Evaluation and Process Optimization in the amount

\$69,850 for the identified scope of services, plus \$6,985 in additional services if needed, for an agreement total of \$76,835.


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 May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

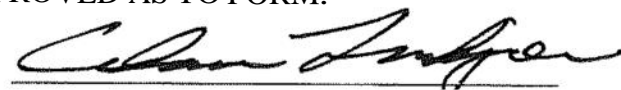
NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHAME LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-236**

**RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN
AREA GENERAL PLAN TO ELIMINATE THE REQUIREMENT TO PREPARE
A SPECIFIC PLAN FOR THE PELANDALE / MCHENRY COMPREHENSIVE
PLANNING DISTRICT AND RELATED TEXT AMENDMENTS**

WHEREAS, on March 5, 2019, by Resolution 2019-109 , 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, a new General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan”, as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 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, and 2019-109 copies of which are on file in the office of the City Clerk, and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body, and

WHEREAS, Tesoro Homes and Calandev, LLC, have applied for an amendment to the General Plan to eliminate the requirement to prepare a specific plan for the Pelandale / McHenry Comprehensive Planning District and related text amendments, and

WHEREAS, the Community & Economic Development Department has analyzed the proposed amendment and concluded that it is within the scope of the General Plan Master EIR, and

WHEREAS, a Final Master Environmental Impact Report was prepared for the Urban Area General Plan Update (SCH No. 2014042081) which analyzed the potential environmental effects of the proposed Project, and

WHEREAS, on April 15, 2019, 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 eliminate the requirement to prepare a specific plan for the Pelandale / McHenry Comprehensive Planning District and related text amendments, and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2019-12, recommending to the City Council an amendment to the Modesto Urban Area General Plan to eliminate the requirement to prepare a specific plan for the Pelandale / McHenry Comprehensive Planning District and related text amendments, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 14, 2019, 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 to eliminate the requirement to prepare a specific plan for the Pelandale / McHenry Comprehensive Planning District and related text amendments.

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

1. The Pelandale / McHenry Comprehensive Planning District is small and there is a limited area remaining for development because much of it has already been developed. There is no need for a specific plan or infrastructure master plan because there is no centralized storm water drainage basin and most of the sewer and water lines are built or planned.

BE IT FURTHER 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 to as described in **Exhibit “A”, attached** hereto and incorporated herein by reference, is approved for the reasons cited above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts 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 the Community and Economic Development Department Director 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

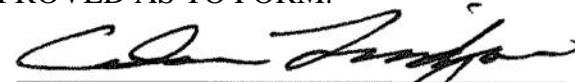
NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

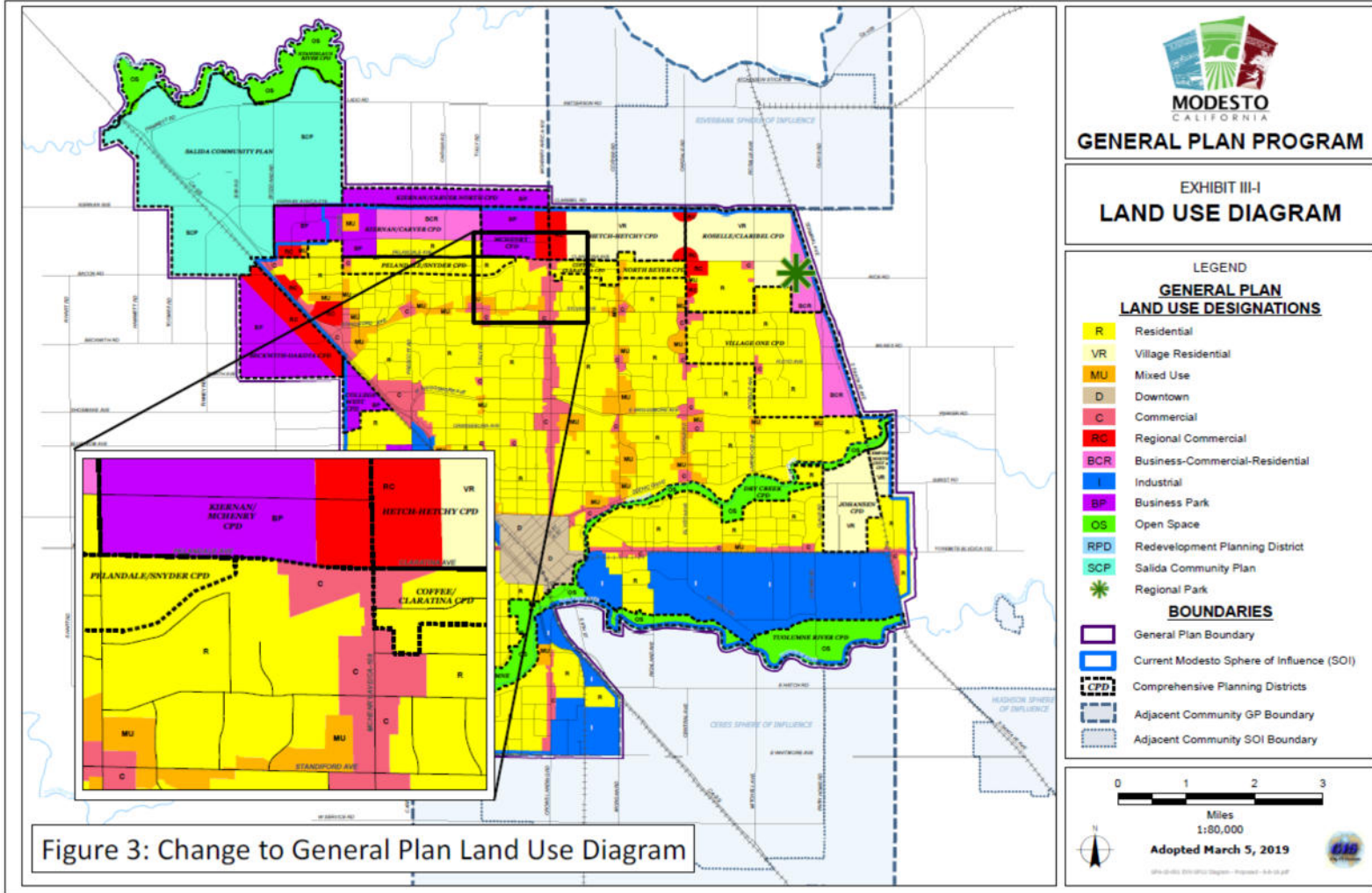


EXHIBIT A

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-237**

RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(607)

WHEREAS, a verified application for an amendment to Sections 5-3-9 and 8-3-9 of the Zoning Map was filed by Tesoro Homes and Calandev, LLC, on November 19, 2018, to prezone property in the unincorporated area west of McHenry Avenue and south of Pelandale Avenue to Planned Development zone, P-P-D(607), in order to allow for the annexation of said property, to provide for the subsequent development of single family residences in a gated subdivision on said properties, property located west of McHenry Avenue and south of Pelandale Avenue, described as follows:

Prezone to P-P-D(607)

All that portion of the Southwest ¼ of the Southeast ¼ of Section 5, Township 3 South, Range 9 East, and a portion of the Northwest ¼ of the Southeast ¼ of Section 5, Township 3 South, Range 9 East, Mount Diablo Meridian, being more particularly described as follows:

BEGINNING at the southwest corner of Lot “A” as shown on that map filed in Volume 52 of Parcel Maps at Page 18, Stanislaus County Records, thence commencing the following ten courses:

1. South 88° 44’ 29” East, a distance of 182.2 feet, thence;
2. A Tangent Curve with a radius of 5067.5 feet, arc length of 588.27 feet, and chord bearing South 85° 24’ 57” East, said curve being along the northerly Right-of-Way line of Pelandale Avenue and the southern lot line of the Remainder parcel as shown on that map filed in Volume 49 of Parcel Maps at Page 88, Stanislaus County Records, thence;
3. South 0° 38’ 19” West, a distance of 118.99 feet to a point at the north corner of Lot “A” as shown on that map filed in Volume 33 of Maps at Page 17, Stanislaus County Records, thence;
4. South 1° 11’ 49” East, a distance of 184.23 feet to a point at the southeast corner of aforementioned Lot “A” thence;
5. South 88° 48’ 11” East, a distance of 215.08 feet, thence;
6. South 1° 31’ 0” East a distance of 1186.82 feet, thence;
7. North 88° 48’ 26” West, a distance of 524.89 feet, thence;

8. South 70° 11' 8" West, a distance of 535.66 feet, thence;
9. North 1° 5' 32" West, a distance of 1725.34 feet, thence;
10. South 83° 31' 18" East, a distance of 60.54 feet to the Point of Beginning.

Containing 35.19 Acres, more or less.

WHEREAS, after a public hearing held on April 15, 2019, 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. 2019-13, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the prezone of unincorporated area to Planned Development (P-P-D(607)) would provide for development that is compatible with adjacent residential and storage uses, the requested zone change will result in an orderly planned use of land because it would facilitate the development of a gated single family residential development that is compatible with adjacent residential and storage uses, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the allowed use of the Planned Development (P-P-D(607)) Zone is consistent with the site's General Plan Land Use Designation of Residential, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 14, 2019, 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 Tesoro Homes and Calandev, LLC, for a Planned Development Zone 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. 2019-13 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3695-C.S. on the 14th day of May, 2019, rezoning the above-described property, to Planned Development Zone, P-D(607).

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

1. DEVELOPMENT PLAN. Following annexation, but prior to development, the Applicants shall apply for and receive Planning Commission approval for a Planned Development amendment, to satisfy the requirements of Title 10, Chapter 7, Sections 101 – 109 of the Modesto Municipal Code.

2. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 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.

3. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(607), 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 May 14, 2019, 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.

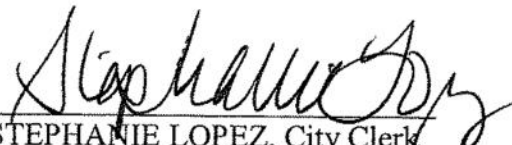
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

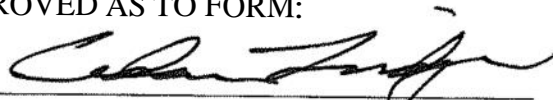
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By


Community & Economic Development Department
Planning Division

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-238**

RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION FOR THE WELLS AVENUE RESIDENTIAL REORGANIZATION CONSISTING OF ANNEXATION TO THE CITY OF MODESTO AND SIMULTANEOUS DETACHMENT FROM THE SALIDA FIRE PROTECTION DISTRICT OF APPROXIMATELY 35.19 ACRES LOCATED WEST OF MCHENRY AVENUE AND SOUTH OF PELANDALE AVENUE (TESORO HOMES AND CALANDEV, LLC—UNINHABITED)

WHEREAS, Tesoro Homes and Calandev, LLC (“Applicants”), are the owners of approximately 24 acres of real property, located west of McHenry Avenue and south of Pelandale Avenue and the remaining approximately 11.2 acres of real property are owned by public agencies (“Property”), and

WHEREAS, the City has received a request from the Applicants to initiate reorganization of the Property and adjacent right-of-way on Pelandale Avenue, a total of approximately 35.19 acres, for annexation to the City of Modesto and simultaneous detachment from the Salida Fire Protection District under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq., and

WHEREAS, the Resolution of Application is proposed pursuant to the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, and

WHEREAS, the Property proposed for reorganization is uninhabited as defined by Government Code Section 56079.5 (fewer than twelve registered voters), and a description of the boundaries of the subject Property is set forth in **Exhibits “A” and “B”, attached** hereto and by this reference incorporated herein, and

WHEREAS, the Property proposed for reorganization is within Stanislaus County, is contiguous to the existing City limits, and is within the Sphere of Influence of the City of Modesto as adopted by LAFCO, and

WHEREAS, the property has been rezoned to Planned Development (P-P-D(607)) with a Residential land use designation, and

WHEREAS, the proposed Property is not subject to a Williamson Act contract, and

WHEREAS, the proposed Property is covered by the North McHenry Corridor Agreement that address tax sharing entered into between the County of Stanislaus and City of Modesto which was approved on December 8, 1998, and

WHEREAS, the reorganization area received a Measure M advisory vote approval in November 1999, and

WHEREAS, the reasons for this proposed reorganization are as follows:

1. The proposed reorganization is consistent with the Urban Area General Plan and can be serviced by City services;
2. The proposed reorganization will result in planned, orderly and efficient development of the area and provision for services; and

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

WHEREAS, on April 15, 2019, City of Modesto Planning Commission held a duly noticed public hearing in the Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which time both oral and documentary evidence were received and considered, and

WHEREAS, after said public hearing, the City of Modesto Planning Commission adopted Resolution No. 2019-14, recommending to the City Council that it adopt the Resolution of Application for an reorganization to annex the Property to the City of Modesto and simultaneously detach the Property from the Salida Fire Protection District, and

WHEREAS, said matter was set for public hearing of the City Council to be held on May 14, 2019, 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 annexation.

NOW, THEREFORE, the Council of the City of Modesto hereby finds and determines as follows:

1. The Property has been rezoned to Planned Development (P-P-D(607)) with a Residential land use designation.
2. The requested reorganization will result in an orderly and logical addition of land because would facilitate the development of a gated single family residential development that is compatible with adjacent residential and storage uses.
3. The Property is located within Stanislaus County, within the City's adopted Sphere of Influence, is contiguous to the existing City limits and can be most efficiently served with City services.
4. The Property proposed to be annexed to the City of Modesto is uninhabited as defined by Government Code Section 56079.5 (fewer than twelve registered voters) and a description of the boundaries of the subject Property is set forth in **Exhibits "A" and "B", attached** hereto and by this reference incorporated herein.
5. The Property is covered by the North McHenry Corridor Agreement for the sharing of property tax, sales tax, business and mill tax, and utility tax between the County of Stanislaus and City of Modesto which was approved December 8, 1998.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts this Resolution Authorizing Application for reorganization to annex the

Property to the City of Modesto, and simultaneously detach of the Property from the Stanislaus Consolidated Fire Protection District.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this Resolution of Application includes annexation of the Property to the Modesto Sewer District No. 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, pursuant to Government Code section 56653, the City Council submit the Plan for Services as set forth in **Exhibit “C”**, **attached** hereto and by this reference incorporated herein.

BE IT FURTHER RESOLVED that 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 reorganization for the Property. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding.

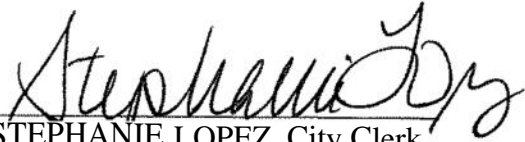
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvoid

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

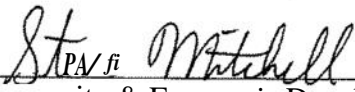
By: 
Community & Economic Development Department
Planning Division

EXHIBIT “A”

LEGAL DESCRIPTION

WELLS AVENUE RESIDENTIAL REORGANIZATION

TO THE CITY OF MODESTO

All that portion of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 5, Township 3 South, Range 9 East, and a portion of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 5, Township 3 South, Range 9 East, Mount Diablo Meridian, being more particularly described as follows:

BEGINNING at the southwest corner of Lot “A” as shown on that map filed in Volume 52 of Parcel Maps at Page 18, Stanislaus County Records, thence commencing the following ten courses:

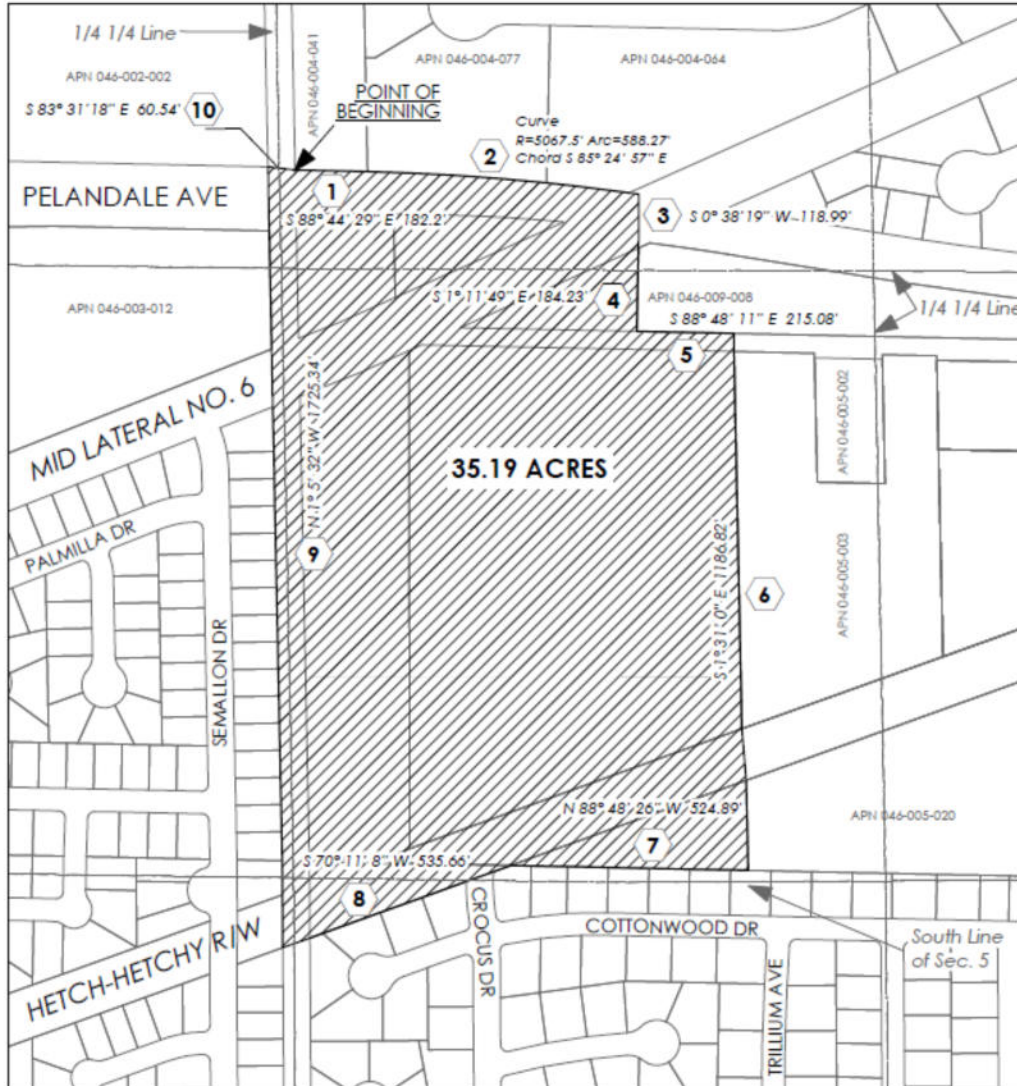
1. South $88^{\circ} 44' 29''$ East, a distance of 182.2 feet, thence;
2. A Tangent Curve with a radius of 5067.5 feet, arc length of 588.27 feet, and chord bearing South $85^{\circ} 24' 57''$ East, said curve being along the northerly Right-of-Way line of Pelandale Avenue and the southern lot line of the Remainder parcel as shown on that map filed in Volume 49 of Parcel Maps at Page 88, Stanislaus County Records, thence;
3. South $0^{\circ} 38' 19''$ West, a distance of 118.99 feet to a point at the north corner of Lot “A” as shown on that map filed in Volume 33 of Maps at Page 17, Stanislaus County Records, thence;
4. South $1^{\circ} 11' 49''$ East, a distance of 184.23 feet to a point at the southeast corner of aforementioned Lot “A” thence;
5. South $88^{\circ} 48' 11''$ East, a distance of 215.08 feet, thence;
6. South $1^{\circ} 31' 0''$ East a distance of 1186.82 feet, thence;
7. North $88^{\circ} 48' 26''$ West, a distance of 524.89 feet, thence;
8. South $70^{\circ} 11' 8''$ West, a distance of 535.66 feet, thence;
9. North $1^{\circ} 5' 32''$ West, a distance of 1725.34 feet, thence;
10. South $83^{\circ} 31' 18''$ East, a distance of 60.54 feet to the Point of Beginning.

Containing 35.19 Acres, more or less.

APNs 046-004-011, 046-004-021, 046-009-001, 046-005-008, 046-005-018,
046-005-019, 055-036-016

EXHIBIT “B”

**MAP FOR LEGAL DESCRIPTION
WELLS AVENUE RESIDENTIAL REORGANIZATION
TO THE CITY OF MODESTO**



ANX-18-001

**PLAT TO ACCOMPANY LEGAL DESCRIPTION
EXHIBIT "B"**

Being a portion of the Southwest 1/4 of the Southeast 1/4
and a portion of the Northwest 1/4 of the Southeast 1/4
of Section 5, Township 3 South, Range 9 East,
Mount Diablo Meridian



Community and Economic Development
Planning Division
April 5, 2017

EXHIBIT “C”

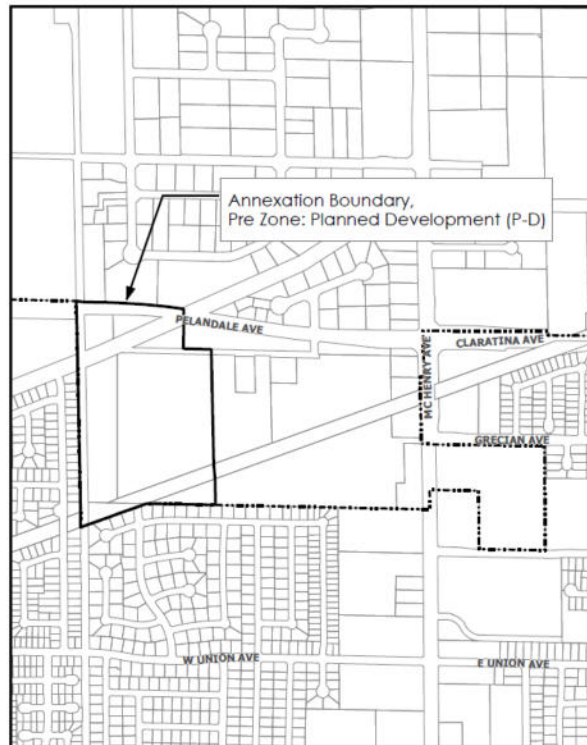
PLAN FOR SERVICES

WELLS AVENUE RESIDENTIAL REORGANIZATION TO THE CITY OF MODESTO

Background:

The Wells Avenue Residential Annexation area consists of seven parcels located west of McHenry Avenue and south of Pelandale Avenue. Four of the parcels are publicly owned, with the remaining three parcels to be developed, totaling approximately 24 acres. Including adjacent street right-of-way, the annexation area is 35.2 acres total. The proposed annexation area was rezoned as Planned Development (P-P-D).

The purpose of the annexation is to allow residential development on the privately owned parcels. Although the project proponent is not ready to develop the site at this time, the eventual proposal is expected to consist of a gated, single family detached subdivision with a drainage basin and open space.



Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Wells Avenue Residential Annexation to the City of Modesto:

A. Project Area and Service Agreements

1. Traffic and Circulation: The annexation area is bounded by City of Modesto jurisdiction to the west and south. No roadway dedication or improvements are required as a part of the annexation. Transit services are provided by the Modesto Area Express (MAX), which has three routes in the vicinity of the property along McHenry Avenue, Tully Road, and Standiford Avenue.
2. Waste Water Collection: There is an existing 10-inch sewer main in Pelandale Avenue that terminates just north of MID Lateral #6 on the west side of Modesto's Pelandale Storm Basin. This main is not connected to the downstream waste water collection system, and is dry. Modesto has a project to extend the North Trunk in Bangs Avenue from Carver Road to Tully Road, including an extension of the 10-inch main in Tully Road and connection to the North Trunk extension, which is anticipated to be completed by the end of 2019. These pipelines would serve the annexation area and have adequate capacity to do so. The project proponent will be required to extend the 10-inch main under MID Lateral #6 and connect to the existing 6-inch main in Detroit Lane, to serve both future residential development and adjacent commercial and industrial areas.
3. Water Delivery: Modesto has existing 10-inch water mains in Detroit Lane and Crocus Drive. The project proponent will be required to extend a 10-inch main from Crocus Drive to Detroit Lane, including a crossing of the Hetch Hetchy right of way. The City of Modesto has adequate water supply to serve the annexation area.
4. Storm Water Drainage: Future residential development will be required to address its storm water drainage on site. Drainage from public roadways is being captured in existing storm drainage basins.
5. Solid Waste Disposal: The annexation area is not developed and has no need for waste disposal at this time. Following development, Gilton Waste Management will collect and dispose of solid waste from the site.
6. Fire Protection: The annexation area will detach from Salida Fire Protection District and be served by the Modesto Fire Department following annexation. Two fire stations are located near the site. Station No. 7, located at 1800 Mable Avenue, is approximately 2.2 miles east of the site. Station No. 11, located at 4225 Carver Road, is approximately 1.25 miles west of the site. No

adverse impacts on staffing or response times are expected to occur with this annexation.

7. Police Protection: Following annexation, the area will be served by Modesto Police Department. The police department has expressed no concerns about staffing or response times for this area.

B. Level and Range of Services

The City of Modesto is a full service provider of municipal services. The City will provide full services to the area upon annexation.

C. When Can Services Be Provided?

The services described above will be provided or available upon development. The project proponent will be required to construct some infrastructure prior to development in order to connect with the waste water collection and water delivery systems.

D. Improvements Required as a Condition of Annexation

No improvements are required as a condition of annexation.

E. How Will Services be Financed?

Capital facilities fees will be levied at the time building permits are issued. Additional funding for services will be financed through utility and service fees, property tax revenues, and the general fund.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-239**

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): GENERAL PLAN AMENDMENT TO ELIMINATE THE REQUIREMENT TO PREPARE A SPECIFIC PLAN FOR THE PELANDALE / McHENRY COMPREHENSIVE PLANNING DISTRICT, TO PREZONE 35.19 ACRES TO PLANNED DEVELOPMENT (P-D) ZONE, AND TO ANNEX THE SAME AREA TO THE CITY OF MODESTO AND SIMULTANEOUS DETACHMENT FROM THE SALIDA FIRE PROTECTION DISTRICT

WHEREAS, on March 5, 2019, by Resolution 2019-109 ,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, Tesoro Homes and Calandev, LLC, have proposed the Wells Avenue Residential Annexation, consisting of annexation to the City of Modesto and the simultaneous detachment from the Salida Fire Protection District of 35.19 acres located west of McHenry Avenue and south of Pelandale Avenue, 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 2019-08 (“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 April 24, 2019, 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 14, 2019, 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 general plan amendment, prezone to Planned Development (P-D) zone, and annexation, 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 14th day of May, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: All You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2019-08

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist C&ED No. 2019-08

For the proposed:

**Wells Avenue Residential Annexation and
General Plan Amendment**

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

April 5, 2019

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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 Wells Avenue Residential Annexation and general plan amendment 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: Wells Avenue Residential Annexation and General Plan Amendment
- B. Address or Location: west of McHenry Avenue and south of Pelandale Avenue
- C. Applicant: Tesoro Homes and Calandev LLC
- D. Project Manager: Cindy van Empel, AICP, CNU-A
Department: Community & Economic Development
Phone Number: 209-577-5267
E-mail address: cvanempel@modestogov.com
- E. Current General Plan Designation(s): R, Residential (Modesto)
UT, Urban Transition; PI, Planned Industrial; PD, Planned Development (Stanislaus County)
- F. Current Zoning Classification(s): A-2-10, PI (24), PD (143) (Stanislaus County)

- G. Surrounding Land Uses:
North: self storage and industrial properties
South: residential development
East: vacant land proposed for mini-storage / RV parking
West: residential development
- 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):

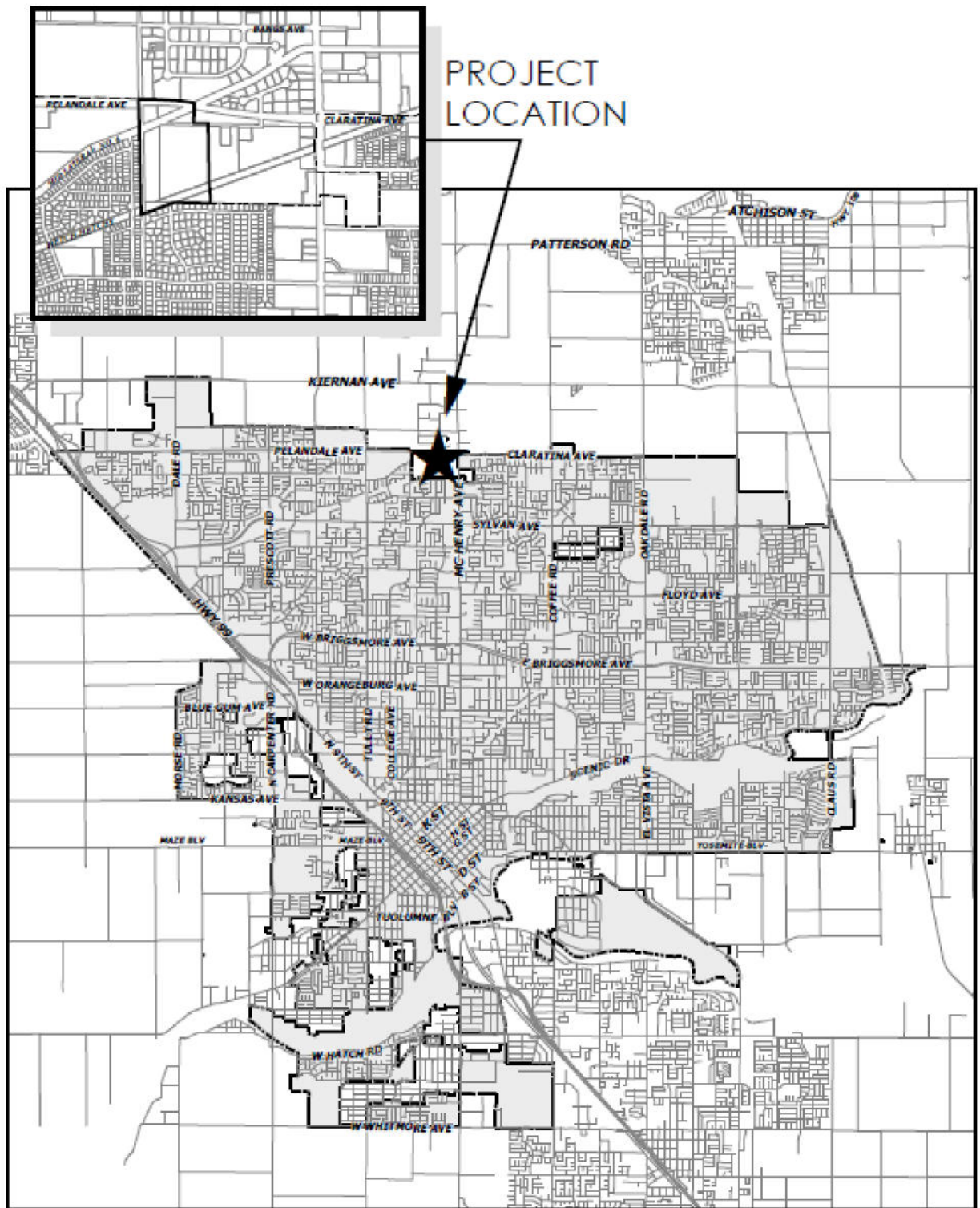
The proposed project is a general plan amendment, prezone, and annexation. The general plan amendment affects the entire Pelandale / McHenry Comprehensive Planning District (CPD), and the prezone and annexation affect approximately 35.19 acres at the western end of that CPD. **Figure 1** illustrates the location of the proposed project.

A general plan amendment is proposed that would eliminate the requirement for preparation of a specific plan for the Pelandale / McHenry CPD and to remove the CPD from the Planned Urbanizing Area and add it to the Baseline Developed Area. **Figure 2** shows the general plan designations in the CPD, reflecting the designations on the adjoining property as they are today and as proposed under a separate application by a different applicant. (City Council will hear this request on April 23.) Other supporting amendments to the General Plan would be made, including changes to Figure III-1 of the General Plan, as shown on **Figure 3**.

The applicant proposes the annexation of seven parcels totaling 35.19 acres within the Sphere of Influence and including roadways and the former Tidewater Southern Railroad right of way to attach to the City of Modesto and Modesto Municipal Sewer District #1 and the simultaneous detachment from the Salida Fire Protection District, as shown on **Figure 5**. Three of these parcels (APNs 046-004-011, 046-004-021, and 046-009-001) are publicly-owned storm drainage basins. Another parcel (APN 155-036-016) is owned by the City and County of San Francisco and is underlain by a portion of the Hetch Hetchy pipelines. The remaining three parcels would be developed as a gated single-family residential subdivision with a storm drain basin and open space.

Figure 5 also shows the area to be prezoned to P-D, Planned Development. A development plan, P-D amendment, and tentative subdivision map will eventually be processed together and heard before Planning Commission and an environmental evaluation specific to the development proposal will be required at that time.

- I. Other Public Agencies Whose Approval is Required: Stanislaus Local Agency Formation Commission, San Francisco Public Utilities Commission.

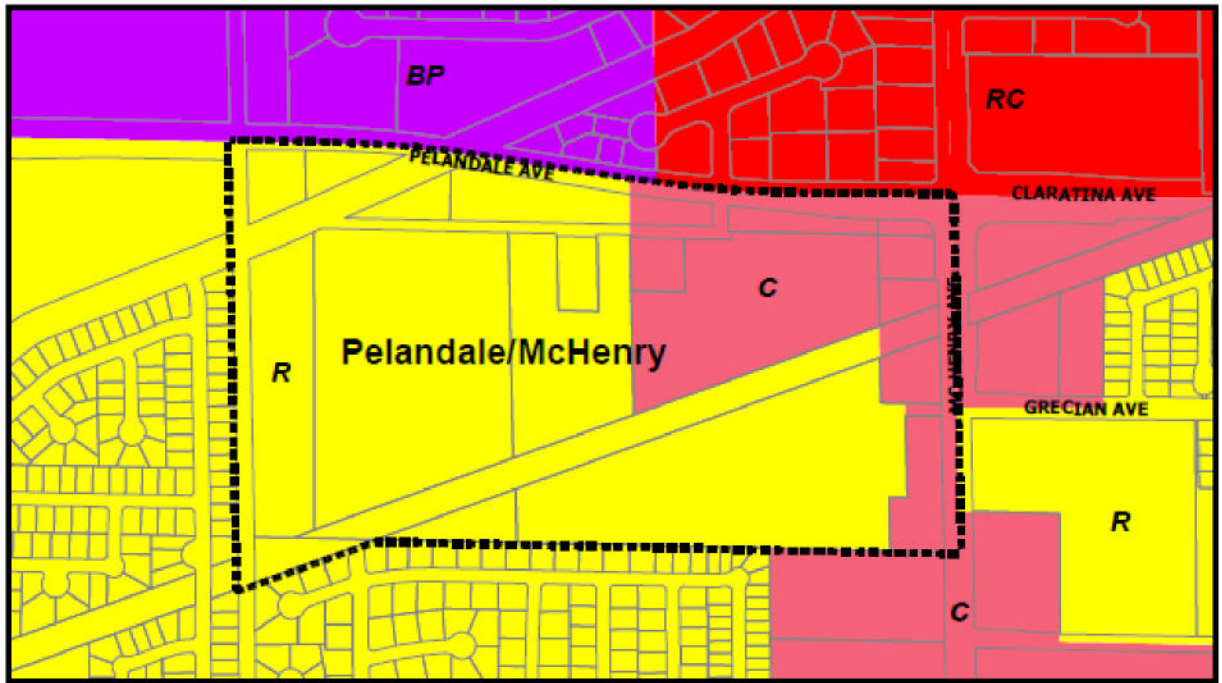


PROJECT
LOCATION

Figure 1:
Vicinity Map



Current Land Use



Land Use After GPA-17-002

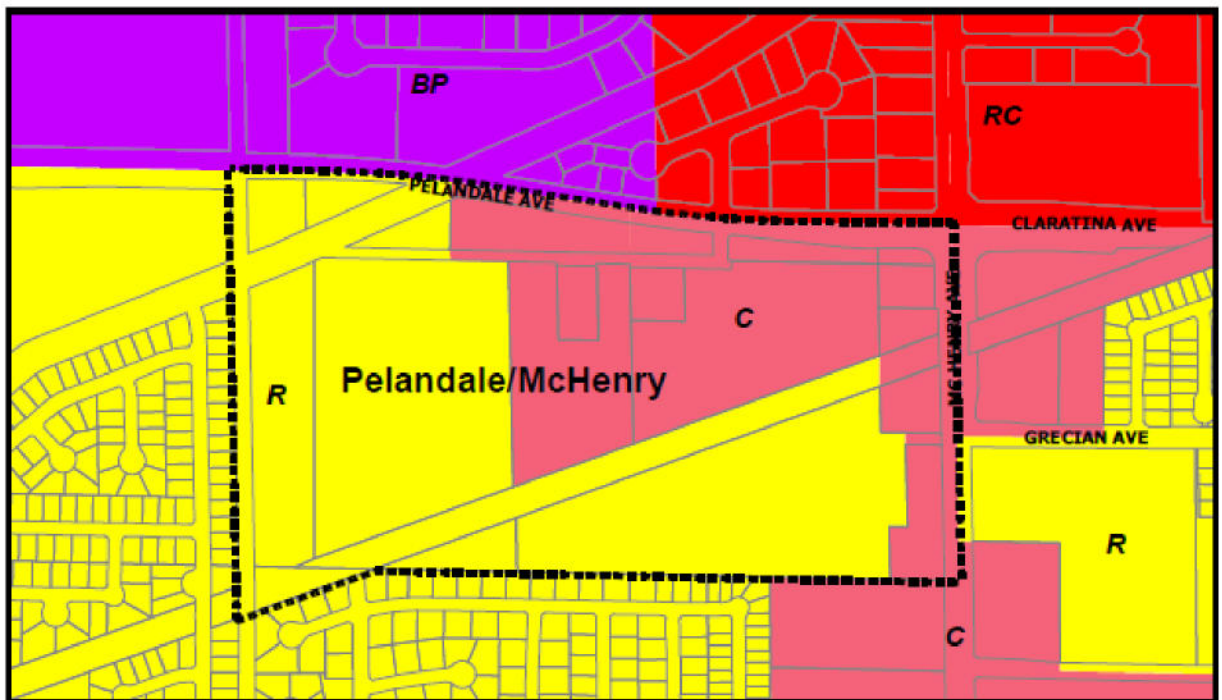
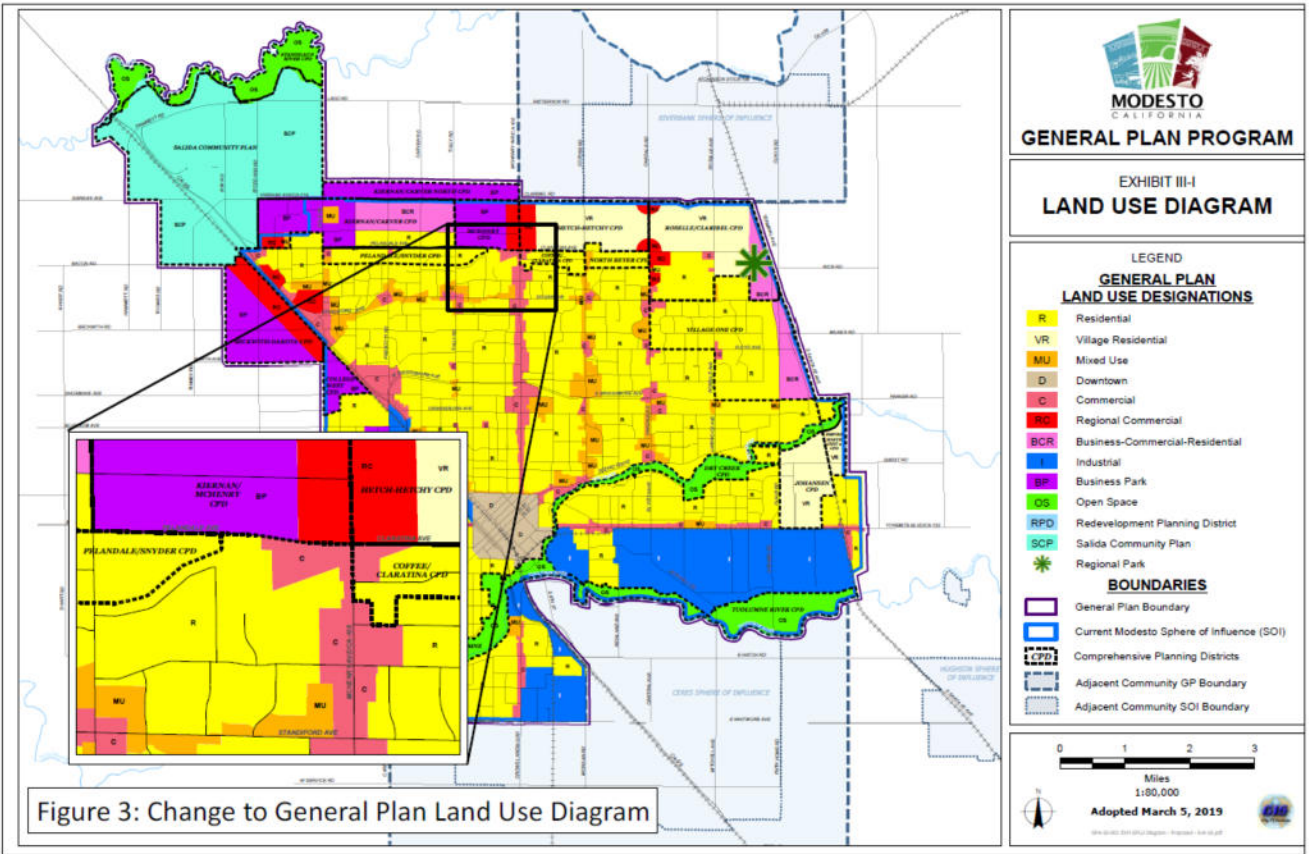


Figure 2:
Existing Pelandale/McHenry
Comprehensive Planning District

0 250 500 1,000 Feet





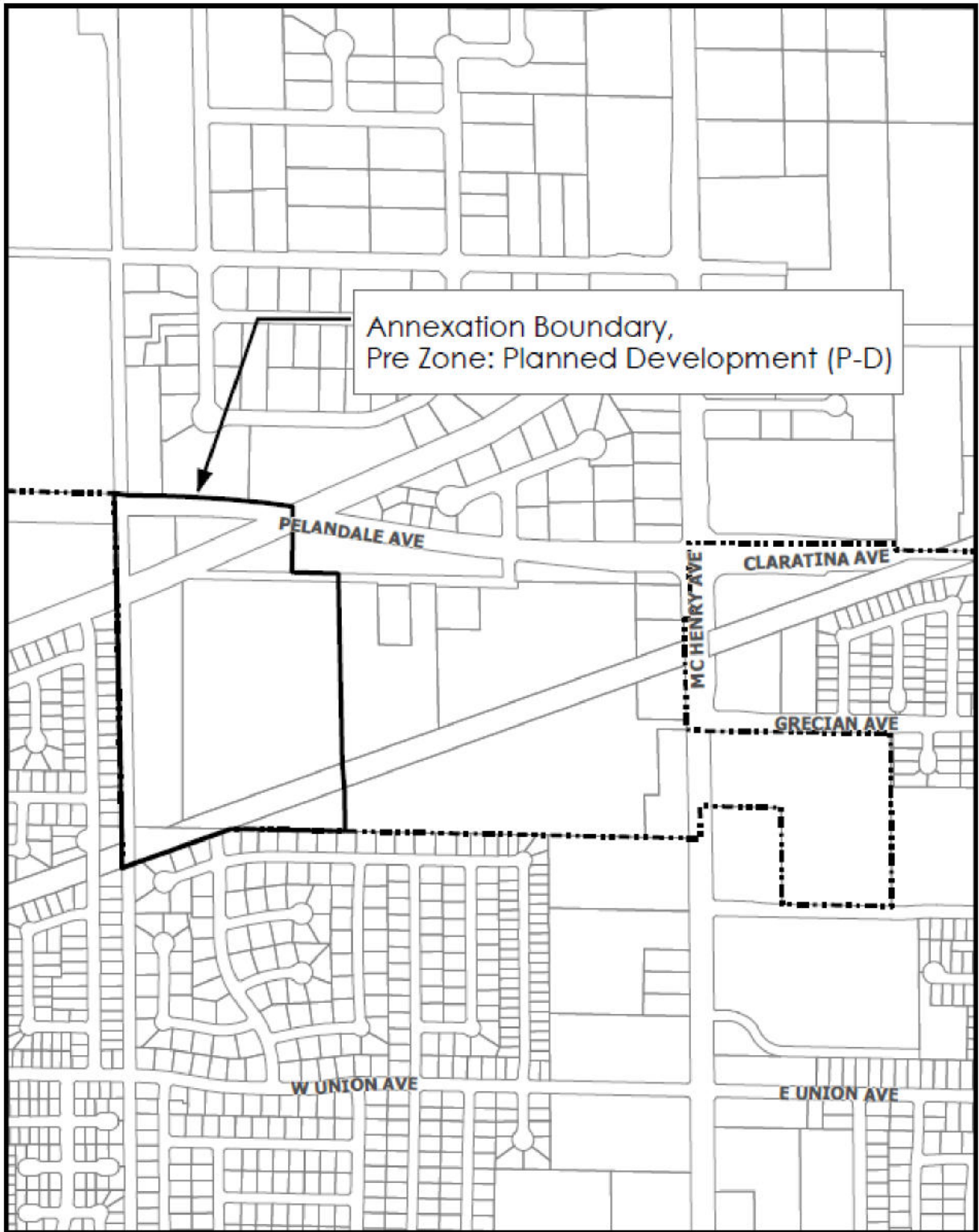
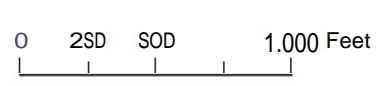


Figure 4:
Annexation Boundary
and Pre Zone Map



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

1. **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,
- E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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,
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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,
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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.	X	<input type="checkbox"/>
(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.	X	<input type="checkbox"/>
(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).	X	<input type="checkbox"/>
(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.	X	<input type="checkbox"/>
(5) The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	X	<input type="checkbox"/>
(6) Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	X	<input type="checkbox"/>

Discussion:

- (1) The City of Modesto is the lead agency for processing general plan amendments and rezones / rezones within the corporate limits and sphere of influence. The Stanislaus County Local Agency Formation Commission is the lead agency for determining whether the City has services adequate for future development and whether the annexation to the City of Modesto can occur.
- (2) General plan policies will be applied to the proposed development. Should LAFCo approve the annexation application, Planning Commission will have authority over subsequent future entitlements.
- (3) This project does not propose and City staff is unaware of any changes to local, State, or federal policies that would have the effect of being less restrictive than existing policies. The proposed general plan amendment requests the requirement that areas developing at the edges of the City prepare specific plans and environmental documents prior to processing an annexation. General plan policy requiring the preparation of a specific plan is intended to ensure that development over a large area—approximately 480 acres, or an area large enough to support an elementary school. The developable area of this CPD is so small that the preparation of a specific plan has become an impediment to development, in addition to physical impediments affecting the CPD. City staff is ensuring that the development that occurs in the area is orderly and consistent with policies affecting development.
- (4) There are no known resources in the area, as disclosed in the General Plan Master EIR.

- (5) The proposed project lies within the City of Modesto’s Sphere of Influence.
- (6) The proposed annexation and subsequent development will be required to comply with all relevant policies in the general plan.

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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 mitigating policies in the Master EIR will be applied to this project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-6) Nothing in the proposed project would increase the amount of traffic expected to occur from development of the Pelandale / McHenry Comprehensive Planning District, nor change any element of the transportation system, nor add any hazards to the system. The proposal is also consistent with relevant regional plans, including the Congestion Management Plan. The project site is not near any airport and would affect no air traffic.

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 (PM₁₀) 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, PM₁₀, 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:

No mitigating policies in the Master EIR will be applied to this project, although some policies will be applied to future development. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-8) The proposed project is consistent with development that is anticipated in the General Plan Master EIR. The general plan amendment, prezone, and annexation are fundamentally administrative activities that will result in no physical impacts. The proposed project does not conflict with an air quality plan nor impair the attainment of air quality goals. Odors anticipated to occur as a result of future development would be consistent with residential development throughout the area. Prior to development, further environmental review of a future proposed subdivision map and planned development amendment will be required.

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:

No mitigating policies in the Master EIR will be applied to this project, although some policies will be applied to future development. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-7) The proposed project consists of a general plan amendment, prezone, and annexation. These are administrative activities that will have no physical impacts and generate no noise. Prior to development, further environmental review of a the specific future proposed subdivision map and planned development amendment will be required.

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:

None of the mitigating policies in the General Plan Master EIR will be applied to this project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-4) The property in question is vacant land and has not been farmed in many years. The property is classified by the State of California as Grazing Land, although stock is not grazed in this location and the property is substantially surrounded by urban development.

The proposed project is consistent with the Residential land use designation in the General Plan and is, therefore, future development of the site is consistent with Policy AL-16. The potential for agricultural use of the property is compromised by being virtually surrounded by urban development, as described in Policy AL-19. The project includes a general plan amendment that would reclassify the site as within the Baseline Developed Area. Policy AL-12 indicates that development in the Baseline Developed Area is considered to have a minimal impact on the conversion of agricultural land.

No impacts on farmland are expected to occur.

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:

None of the mitigating policies in the General Plan Master EIR will be applied to this project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-3) The City of Modesto has adequate water supply to serve future residential development on the site. However, the infrastructure needed to deliver water to the site has not yet been built. Water lines are expected to be extended to the west side of the MID canal by winter of 2019-2020.

In order to receive water service, the developer will be expected to extend water lines across the MID right of way and from Crocus Drive to the site across the Hetch Hetchy right of way as a condition of development. A third connection point may also be required. No major facilities will be required to be expanded or constructed for this project, and no impacts are expected to occur that are greater than those anticipated in the General Plan 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:

None of the mitigating policies in the General Plan Master EIR will be applied to this project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-3) The proposed project is consistent with the wastewater policies contained in the General Plan and the City of Modesto has adequate capacity to provide service to the project site without need to expand major facilities.

In order to receive sewer service, the developer will be expected to extend the sewer line across the Hetch Hetchy right of way as a condition of development. No major facilities will be required to be expanded or constructed for this project, and no impacts are expected to occur that are greater than those anticipated in the General Plan 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:

None of the mitigating policies in the General Plan Master EIR will be applied to this project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-7) The project, which is a general plan amendment, prezone, and annexation, will not affect any wildlife, wildlife habitat, or wetlands is consistent with General Plan policies relating to wildlife and habitat. The site is not a wildlife corridor, nor does the City of Modesto have any ordinance protecting native trees, and there is no habitat conservation plan or other conservation plan that affects the project site. Further environmental review will be conducted at the time a specific development proposal is received, in order to ensure that policies applied are current and relevant.

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:

None of the mitigating policies in the General Plan will be applied to this project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would involve the removal of known significant resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-6) There are no known historic or archaeological resources on or anywhere near the project site. No discoveries are expected and no impacts are expected occur. The project, which is a general plan amendment, prezone, and annexation, would have no physical impact. However, additional environmental review will be required when a specific development proposal has been received.

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:

No mitigating policies in the General Plan will be applied to the proposed project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-3) Although the annexation area includes storm drain basins, the capacity of these basins is committed to existing development. A future development proposal will be evaluated to determine consistency with General Plan policies that require on-site retention of storm water.

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:

No mitigating policies in the General Plan will be applied to the proposed project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would place housing within a 100-year flood hazard area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) The project site does not lie within or near a 100-year flood zone or near any dam. Flooding risk associated with dam failure is similar on the project site to all areas within the City of Modesto. Development will be required to be consistent with the terms of the City's Stormwater Pollution Prevention Program. Runoff will be required to be controlled on site and treated if it is to be moved off site. No impacts are anticipated to occur, although specific environmental review will be required for a future development proposal.

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 mitigating policies in the General Plan will be applied to the proposed project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	X

Discussion:

- (1-3) The proposed project consists of an administrative general plan amendment, a prezone to Planned Development, and annexation. None of these activities is anticipated to result in physical impacts. Additional environmental review will be required to evaluate a future, specific development proposal.

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 mitigating policies in the General Plan will be applied to the proposed project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) Future development of the project site, which would be facilitated by the requested entitlements, is consistent with the expected use of the site, as described in the General Plan. Modesto City Schools and Sylvan Union School District had no comments on the project, which is administrative in nature. They will have another opportunity to comment on the project when a subdivision map and planned development amendment applications are received. School impact fees will be assessed at the time building permits are applied for and no impacts greater than those anticipated in the General Plan Master EIR are expected.

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 mitigating policies in the General Plan will be applied to the proposed project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) Modesto Police Department had no comments on the proposed project, and no impacts greater than those anticipated in the General Plan Master EIR are expected to occur. The Police Department will have additional opportunities to comment when the subdivision map and planned development amendment applications are received.

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 mitigating policies in the General Plan will be applied to the proposed project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) Modesto Fire Department had no comments on the proposed project, and no impacts greater than those anticipated in the General Plan Master EIR are expected to occur. The development concept includes gating the future residential development, which will require the provision of emergency access, as specified by the Fire Marshal’s office. The Fire Department will have additional opportunities to comment when the subdivision map and planned development amendment applications are received.

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 mitigating policies in the General Plan will be applied to the proposed project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) Impacts on solid waste collection and disposal resulting from the proposed project are expected to be similar in scope and scale to impacts resulting from other residential areas throughout the City of Modesto. There is currently adequate landfill capacity to handle household 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:

No mitigating policies in the General Plan will be applied to the proposed project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-4) The project site is not on the State's list of known hazardous sites and there is no feature of the proposed project or future development of the site that would involve hazardous materials other than those typically being used as part of development or in a typical household. No impacts are expected to result.
- (5) The project site is farther than two miles from the nearest public or private airport. The risks associated with airport proximity would not be expected to occur at this site.
- (7-8) There are no know hazards on the site that are different from or greater than hazards that occur elsewhere throughout Modesto on similar sites. No impact on the City's emergency response or evacuation plans would result from the proposed project or from eventual development on the site.

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 mitigating policies in the General Plan will be applied to the proposed project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-2) The proposed project consists of administrative activities, including a general plan amendment, prezone, and annexation. None of these actions will have a physical impact on the environment. Additionally, future development is not expected to have an impact on geology, soils, and mineral resources, as there are no known hazards or resources in the project area.

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 mitigating policies in the General Plan will be applied to the proposed project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-2) The proposed general plan amendment, prezone, and annexation are administrative in nature and would result in no impacts on the type of development expected to occur on the site in the General Plan Master EIR analysis. When a specific development proposal is received by the City, it will be evaluated to determine whether it is consistent with General Plan policies in effect at that time.

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 mitigating policies in the General Plan will be applied to the proposed project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would substantially degrade views from riverside areas and parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-7) The proposed project consists of a series of administrative activities that will facilitate urban development on the project site, but is not expected to result in physical impacts. The future specific development application will be further evaluated to determine whether it will be consistent with General Plan policies. However, the project site is not a scenic area, nor is it near a scenic area and there are no views on or off site that are considered to be of scenic value.

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 mitigating policies in the General Plan will be applied to the proposed project. 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.	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1) The proposed general plan amendment would eliminate the requirement for preparation of a specific plan for the Pelandale / McHenry Comprehensive Planning District (CPD) and to remove the CPD from the Planned Urbanizing Area and add it to the Baseline Developed Area, as shown on **Figures 2, 3, and 4**. The purpose of a CPD is to ensure that planning and development are coordinated over a relatively large area. This CPD, however, is both fairly small (80 acres) and largely developed or committed to development, and much of the infrastructure needed to serve the area has been designed. An area of approximately 27 acres remains to be committed to development or developed. In light of the small area and the planned and designed infrastructure, it is unnecessary for the applicant to go to the significant effort and expense of preparing a specific plan. General Plan policies relating the provision of infrastructure will be adhered to and no impact is expected to occur.
- (2-4) The project site is at the edge of an established neighborhood, at the end of a stubbed residential street, Crocus Drive. The conceptual development proposals include gating the future residential development, which would reduce traffic impacts. Additional environmental review of a future specific development proposal will be required prior to development.

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:

None.

Air Quality and Greenhouse Gases:

None.

Generation of Noise and Vibration:

None.

Effects on Agricultural Lands:

None.

Increased Demand for Long-Term Water Supplies:

None.

Increased Demand for Sanitary Sewer Services:

None.

Loss of Sensitive Wildlife and Plant Habitat:

None.

Disturbance of Archaeological/Historic Sites:

None.

Increased Demand for Storm Drainage:

None.

Flooding and Water Quality:

None.

Increased Demand for Parks and Open Space:

None.

Increased Demand for Schools:

None.

Increased Demand for Police Services:

None.

Increased Demand for Fire Services:

None.

Generation of Solid Waste:

None.

Generation of Hazardous Materials:

None.

Geology, Soils, and Mineral Resources:

None.

Energy:

None.

Effects on Visual Resources:

None.

Land Use and Planning:

None.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-240**

RESOLUTION APPROVING THE CITY OF MODESTO PROGRAM YEAR 2019-2020 ANNUAL ACTION PLAN FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS, EMERGENCY SOLUTIONS GRANT, AND HOME INVESTMENT PARTNERSHIP PROGRAM FUNDING 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 OF THE PROGRAM YEAR 2019-2020 ANNUAL ACTION PLAN 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, 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 2019-20 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 2019-2020 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 City of Modesto Program Year 2019-2020 U.S. Department of Housing and Urban Development Department (HUD) 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 hereby authorized to submit applicable documentation and provide technical alterations, as required by HUD, negotiate and execute any related program agreements, contracts or other documents required for implementation of the "Program Year 2019-2020 Annual Action Plan", **attached** hereto as **Exhibit A** and incorporated herein by reference, 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 14th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City/Cttomey

Annual Action Plan Program Year 2019-2020



CITY OF
MODESTO
C A L I F O R N I A

City Of Modesto
Community and Economic Development Department
1010 10th Street, Suite 3100
Modesto, CA 95354
www.modestogov.com
housing@modestogov.com

Committee:
City Council:

Citizens Housing and Community Development Committee
Pending

Approved:
Approved:

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Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Modesto's Program Year (PY) 2019-2020 Annual Action Plan represents the fifth (5th) year plan of the City of Modesto's 2015-2020 Consolidated Plan. The PY 2019-2020 AAP identifies activities to be undertaken during the program year to address community priority needs. Further, the PY 2019-2020 AAP identifies the expected resources to be available and the activities to be funded along with related activity accomplishments.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The City of Modesto has identified the following areas on which to focus funds, based on the 2015-2020 Consolidated Plan Priorities,

- Affordable Housing
- Fair Housing
- Ending Chronic Homelessness
- Public Services
- Public Facilities Improvements
- Public Improvements

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The City of Modesto identified a number of activities in the PY 2018-2019 Annual Action Plan in an attempt to address the community needs as identified in the Consolidated Plan. Through these activities, the City of Modesto continued to take an active role in promoting and producing affordable housing, addressing the social and economic needs of low- and moderate-income individuals, and serving the special needs populations within the City of Modesto.

Specific activities that were accomplished include:

Affordable Housing Activities:

1. 522 E. Granger: Partnered with Stanislaus County Affordable Housing Corporation (STANCO) for the completion of four 650 square foot one bedroom, one bath energy efficient apartments (HOME Funds - \$563,000); CDBG funds were also awarded to this project for the renovation of a community center to provide services to tenants of the housing project.

2. 615 5th Street: Awarded CDBG funds to STANCO for the acquisition of a 2 bed/1 bath unit to provide transitional affordable housing to special needs populations (CDBG Funds \$189,600).
3. 201 E. Coolidge Ave: Partnered with the Housing Authority of the County of Stanislaus (HACS) to rehabilitate a 40-unit multi-family housing complex. The project scope included rehabilitation work to address health and safety repairs, landing replacements, mold remediation, water leaks, dry rot, replace outer walls of existing stairwells and stairwell headers to assist with the first Housing First Pilot project for HACS (CDBG Funds - \$450,000).
4. Vine Street Acquisition: Partnered with the HACS to acquire property to develop a two phase affordable housing project. Phase I will consist of 23, 1 bedroom units to provide housing for veterans. Phase II will consist of 12 senior housing units (CDBG Funds - \$280,000).
5. 416 E. Coolidge Ave: Awarded funds to the HACS for the construction of eight (8) 1 bedroom units to provide affordable housing to mental health clients served by Stanislaus County Behavioral Health and Recovery Services (BHRS) (HOME Funds - \$800,000).
6. Edwards Estates: Awarded HOME CHDO funds to Great Valley Housing Development Corporation for the construction of two affordable housing units to be sold to first time homebuyers (HOME – \$488,657).

Owner Occupied Housing Rehabilitation:

A total of 22 households have received housing rehabilitation assistance to address health and safety related repairs on their homes including but not limited to installation of energy efficient windows, energy efficient HVAC systems, re-roof improvements, ADA bathroom improvements, electrical repairs, and ADA ramps.

CDBG Public Services

Under the City of Modesto's 2018-2019 CDBG Public Service program, the City provided a total of \$309,484 to 10 non-profit organizations to deliver essential public services to extremely low to moderate income families and individuals.

ESG Homeless Services

The City awarded a total of \$152,195 four (4) non-profit organizations to deliver essential homeless services homeless or persons at risk of homelessness.

In PY 2018-2019 the City carried out several affordable housing activities to supplement the City's affordable housing stock. These projects have paved the way for work to be carried out in PY 2019-2020 continuing efforts to provide affordable housing opportunities to low income households. In PY 2019-2020, the City will continue to work with its local partners to carry out more affordable housing projects including shelter, transitional, and permanent housing.

4. Summary of Citizen Participation Process and consultation process

For the 2019-2020 Annual Action Plan, the City held community meetings within each City Council Districts and when possible, community meetings were held within low income Census Block Group areas. The meetings were held at different times and locations in an effort to accommodate the needs of low-income residents, particularly persons with Limited English Proficiency community needs.

Spanish-speaking translators were made available at all meetings. Limited English Proficiency assistance may be accommodated for other languages upon advance notice. All community input meetings were held at public buildings accessible to disabled individuals.

All community meetings were open to the public. A meeting notice listing all the meetings and the public hearing were distributed via email and published in the Modesto Bee. The draft AAP was made available online at: <https://www.modestogov.com/1850/Annual-Action-Plans> and hard copies were made available for review at the City of Modesto Community and Economic Development Department at 1010 10th street, Suite 3100, Modesto CA.

The draft AAP was made available for a minimum 30-day public review and comment period from March 25, 2019 to May 14, 2019.

See section AP-12 for a summary of Citizen Participation community meetings held.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

See AP-12 Participation for a summary of comments received.

A summary of all public comments will be provided to the City of Modesto City Council at the May 14, 2019 Public Hearing to consider adoption of this AAP.

6. Summary of comments or views not accepted and the reasons for not accepting them.

Pending end of public comment period.

7. Summary

The City of Modesto's Program Year (PY) 2019-2020 Annual Action Plan represents the fifth (5th) year plan of the City of Modesto's 2015-2020 Consolidated Plan. The PY 2019-2020 AAP identifies activities to be undertaken during the program year to address community priority needs.

For the 2019-2020 Annual Action Plan, the City held community meetings within each City Council Districts and when possible, community meetings were held within low income Census Block Group areas. The meetings were held at different times and locations in an effort to accommodate the needs of low-income residents, particularly persons with Limited English Proficiency community needs.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan
 Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	MODESTO, CA	
CDBG Administrator	MODESTO, CA	Community & Economic Development Department
HOME Administrator	MODESTO, CA	Community & Economic Development Department
ESG Administrator	MODESTO, CA	Community & Economic Development Department

Table 1 – Responsible Agencies

Narrative (optional)

The City of Modesto’s Community and Economic Development Department, Community Development Division is the lead agency responsible for the preparation of the Consolidated Plan and related Annual Action Plans.

The Community Development Division collaborates with two Citizen Advisory committees in the development and approval of HUD planning documents as well as for the approval of HUD funded projects and activities: 1) the Citizens Housing and Community Development Committee (CH&CDC), and 2) the Housing Rehabilitation Loan Committee (HRLC).

The CH&CDC is an 11-member committee appointed by the Modesto City Council and is comprised of representatives from the Modesto City Council, Planning Commission, Housing Rehabilitation Loan Committee, Human Relations Commission and several citizens-at-large. Generally, the citizens-at-large represent low-income and racial minority groups. The CH&CDC provides overall review of the City's Housing and Urban Development (HUD) plans (Con Plan, AAP, CAPER) and funds. The committee makes funding recommendations to the Modesto City Council regarding the HUD Community Development Block Grant, Emergency Shelter Grant, and Home Investment Partnerships Grant programs.

The Housing Rehabilitation and Loan Committee considers all Homeowner Rehabilitation Program projects for eligibility and approval.

Consolidated Plan Public Contact Information

The following contact information may be used by the public to submit inquiries/comments related to the PY 2019-2020 Annual Action Plan/Consolidated Plan.

- Telephone: (209) 577-5211
- Hearing Impaired Dial the California Relay Service Number: Dial 711, and then ask for 209-577-5211
- Email: housing@modestogov.com
- In person: City of Modesto, Community & Economic Development Department 1010 Tenth Street, 3rd Floor, Modesto, California, 95354
- Mail: City of Modesto, Community & Economic Development Department Community Development Division, P.O. Box 642, Modesto, California 95353

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

The City of Modesto consulted with various organizations including service providers within Stanislaus County. Consultation with service providers not only takes place during the development of the Annual Action plan but occurs throughout the year through the City's engagement in the Community System of Care and Focus on Prevention initiative. The City realizes that consultation and collaboration with stakeholders and service providers is key in ensuring that meaningful dialogue takes place so that the best strategy to address underserved needs is set in place and HUD resources are used in the most effective way.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

Since 2014, there has been an extraordinary amount of coordination among service providers throughout Stanislaus County. This coordination began with the launch of the Focus on Prevention Countywide initiative with the aim to improve the quality of life for all Stanislaus County residents and families through coordinated prevention efforts that work across multiple sectors and address root causes. The sectors include arts, entertainment and sports, business, education, faith, government, healthcare, media, non-profits, neighborhoods, and philanthropy. When this initiative began, the first area of focus was preventing and reducing homelessness.

The City of Modesto has been a key partner in the Focus on Prevention initiative. The City's active involvement in the Community System of Care (CSOC), which acts as the local Continuum of Care, is key in ensuring that there's coordination between public and assisted housing providers and private governmental health, mental health and service agencies.

In January 2019, the CSOC released a “Plan to Address Homelessness in Stanislaus County”. The plan consolidates and updates community planning and feedback processes from the past four years, and draws upon the work of community leaders and agencies at the front lines of serving homeless people and families. Included in the plan are strategies designed to strengthen and further unite the efforts of government and community partners in multiple sectors: housing and shelter providers, healthcare providers, the members of the CSOC, housing developers, law enforcement/justice system stakeholders, behavioral health/substance abuse treatment agencies, emergency response system members, faith-based community, educational leaders, people with lived experience of homelessness, and a wide range of service providers.

In an effort to create a formal public/private governance structure to establish a single point of community leadership and oversight to guide the response to homelessness in Stanislaus County, a new governance structure called the Stanislaus Homeless Alliance is being established. The intent of this new community-wide leadership structure is to develop one vision, one program strategy, and one funding strategy to communicate performance outcomes to the community and serve as the framework for mutual accountability. The Homeless Alliance will include elected officials, executive staff and non-government community leaders to reinforce the core principle that effective solutions must include all sectors of the community working together with a common purpose and strategy.

With regard to economic development, the City of Modesto has strong partnerships with Opportunity Stanislaus, the county-wide economic development partner that focuses on growing and strengthening Stanislaus County through programs designed to build a strong workforce and create a thriving business environment. The City continues to coordinate with Opportunity Stanislaus to enhance business opportunities for low income individuals. The City currently has a contract with Opportunity Stanislaus to support operations of its VOLT Institute program which offers fast-paced training for high-wage, in demand careers in industrial maintenance mechanics to low income individuals.

In addition, the City of Modesto partners with Access Plus Capital (previously Fresno Community Development Financial Institution) on a small business loan project. The program provides competitive loans to business start-ups and/or existing businesses for working capital, tenant improvements, and/or equipment.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

As part of the CSOC’s Plan to Address Homelessness in Stanislaus County, the CSOC is currently working on efforts to better align local, state, and federal resources to respond to the needs of the community’s homeless population including families and individuals living with serious mental illness who are homeless, chronically homeless, or at risk of chronic homelessness.

The City continues to coordinate efforts and leverage funds with our local Community System of Care and jurisdictions to have a greater impact in the areas of housing and homeless services. The City of Modesto and its partners also continue to work toward an effective and efficient Coordinated Entry system designed to ensure that people experiencing homelessness and those at risk of homelessness are quick matched to the supportive services, shelter, and housing that most effectively and efficiently end their homelessness.

In addition, the City is working with the CSOC on the coordination with local institutions to minimize the discharge of people from publicly funded institutions, hospitals, and prisons into homelessness. Due to the California law change in January 2019, the local Behavioral Health and Recovery Services County agency is working with medical institutions and their discharge policies to assist homeless patients in preparing for their return to the community and helping identify a post-discharge destination, with priority given to identifying a sheltered destination with supportive services. There is still a large shortage in permanent supportive housing and supportive services and the community has applied for No Place Like Home Funding in order to help address those shortages.

In the coming year, the City will partner with the local youth service provider to assist with additional youth facilities such as a one-stop-shop “Youth Access Center”.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

With regard to consultation with the Continuum of Care in determining how to allocate ESG funds, the CSOC is currently working on restructuring the CSOC oversight to form a homeless alliance which will oversee all funds designated for homeless services in the community, including ESG, to ensure the funding has the greatest impact among the population it serves.

To develop performance standards and evaluate outcomes of projects and activities assisted by ESG funds, the City of Modesto uses performance measures captured annually by HMIS to evaluate the outcomes of projects assisted with ESG funds. The performance measures will help evaluate the performance to determine the most effective services and assist with future allocation of ESG funds. These include: length of homelessness, returns to homelessness, number of sheltered homes persons, employment and income growth for persons, homeless for the first time, and exit and retention to permanent housing.

The CSOC has adopted policies and procedures to administer the operation of the Homeless Management Information System. The City of Modesto, as HMIS Lead, will utilize California Emergency Solutions and Housing (CESH) Program funds from the State of California and HMIS Capacity building funds to enhance the current HMIS system for more streamlined coordinated entry and to illustrate the outcomes of individual homeless services.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction’s consultations with housing, social service agencies and other entities.

1	Agency/Group/Organization	Housing Authority of the County of Stanislaus
	Agency/Group/Organization Type	Housing PHA Services – Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Consulted via ongoing collaboration of housing projects that the City has as well as coordination during CSOC (CoC) meetings. Anticipated outcomes include the identification of gaps and services and continued partnership in delivery of affordable housing projects and services with the end goal of serving low income and homeless households in the most effective and efficient manner.
2	Agency/Group/Organization	Haven Women's Center
	Agency/Group/Organization Type	Services-Victims of Domestic Violence
	What section of the Plan was addressed by Consultation?	Housing Needs - Victims of Domestic Violence
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC. The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
3	Agency/Group/Organization	STANISLAUS COUNTY
	Agency/Group/Organization Type	Other government - County

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	City and County staff collaborate on an ongoing basis to address homeless needs in the community. The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC. The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
4	Agency/Group/Organization	THE SALVATION ARMY - MODESTO CA
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC. As one of the largest homeless services provider, located in and serving Modesto, this agency provides insight in the needs and issues the homeless population are facing. The anticipated outcome is that the City and County governments continue to work closely with this agency to increase its capacity with the goal of delivering effective and efficient services to the homeless population as well as improving program related requirements.

5	Agency/Group/Organization	THE DISABILITY RESOURCE AGENCY FOR INDEPENDENT LIVING (DRAIL)
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
6	Agency/Group/Organization	Stanislaus County Community Services Agency
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-homeless Services-Health Other government - County
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
8	Agency/Group/Organization	Turning Point Community Programs
	Agency/Group/Organization Type	Housing Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs

	<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>As the operator of the Outreach and Engagement Center and Housing Assessment Team, the anticipated outcome is that the City and County governments continue to work closely with this agency to increase its capacity with the goal of delivering effective and efficient services to the homeless population as well as improving program related requirements. They will also assist in being the provider for the low-barrier shelter. We have reached out to the HCD Department from the State of California for technical assistance and training for the shelters and the Housing First model.</p>
9	<p>Agency/Group/Organization</p>	<p>Community Impact Central Valley</p>
	<p>Agency/Group/Organization Type</p>	<p>Housing Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-homeless</p>
	<p>What section of the Plan was addressed by Consultation?</p>	<p>Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans</p>
	<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>As a housing provider serving persons with HIV/AIDS, the CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>

10	Agency/Group/Organization	West Modesto King Kennedy Neighborhood Collaborative
	Agency/Group/Organization Type	Services-Children Services-homeless Services-Education
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The neighborhood collaborative was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing community collaboration. Anticipated outcomes include ongoing collaboration with neighborhood groups and working together to address and solve social and neighborhood problems via HUD programs and other community resources.
12	Agency/Group/Organization	Airport Neighborhood Collaborative
	Agency/Group/Organization Type	Services-Children Services-Education
	What section of the Plan was addressed by Consultation?	Homelessness Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The neighborhood collaborative was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing community collaboration. Anticipated outcomes include ongoing collaboration with neighborhood groups and working together to address and solve social and neighborhood problems via HUD programs and other community resources.
13	Agency/Group/Organization	CITY OF TURLOCK
	Agency/Group/Organization Type	Other government - Local Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>As a member of the CSOC and an entitlement community of CDBG and HOME funds, the City seeks to improve the coordination of regional housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
14	Agency/Group/Organization	Parent Resource Center
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
15	Agency/Group/Organization	UNITED WAY
	Agency/Group/Organization Type	Services-Health Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
16	Agency/Group/Organization	United Samaritans Foundation
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
17	Agency/Group/Organization	PROJECT SENTINEL
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Fair Housing
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>As the fair housing provider in Stanislaus County, the anticipated outcome is to continue coordination with this agency to provide essential fair housing services to the community.</p>

19	Agency/Group/Organization	Stanislaus County Sheriff Department/Law Enforcement
	Agency/Group/Organization Type	Services - Victims Other government - Local Services - Law Enforcement
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy General Services
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC. The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
20	Agency/Group/Organization	CHILDREN'S CRISIS CENTER
	Agency/Group/Organization Type	Services-Children Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC. The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
21	Agency/Group/Organization	Opportunity Stanislaus
	Agency/Group/Organization Type	Services-Employment
	What section of the Plan was addressed by Consultation?	Economic Development Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>Anticipated outcomes are to continue to collaborate to continue to provide economic development opportunities for low income persons and/or provide assistance to small businesses.</p>
24	Agency/Group/Organization	FAMILY PROMISE OF GREATER MODESTO
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
25	Agency/Group/Organization	Center For Human Services
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Homelessness Needs - Unaccompanied youth Homelessness Needs - Youth
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

Not applicable

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care Consolidated Application	City of Modesto	The goals of the CoC’s annual submissions to HUD are similar in that they address the coordination, needs and goals of housing service providers and participating jurisdictions.
Housing Element	City of Modesto	Goals of the City’s Housing Element of the General Plan were considered when preparing the Annual Action Plan. The goals of the Annual Action Plan address some of the housing needs identified in the Housing Element.
Plan to Address Homelessness in Stanislaus County	Stanislaus Community System of Care (aka CoC)	The City’s Strategic Plan addresses homelessness via various funded projects/activities including ESG, CDBG, or HOME funds.
Strategic Plan	City of Modesto	The City of Modesto is currently updating the Strategic Plan which includes efforts on how to address homelessness and affordable housing.

Table 2 – Other local / regional / federal planning efforts

Narrative (optional)

No additional narrative.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

In order to ensure maximum participation in the AAP process among all populations and special needs groups and to ensure that their issues and concerns are adequately addressed, the City of Modesto has a Citizen Participation Plan (CPP) in place. The community outreach process included community meetings, CH&CDC public meetings, and a City Council Public Hearing.

All community meetings are open to the public, and in addition to newspaper publications, notices of the meetings were distributed via e-mail, and hard copy posting. Community meetings provide a forum for citizens to participate in matters related to the City’s HUD Programs as well as provide staff an opportunity to review policy issues and obtain public feedback.

In compliance with Citizen Participation requirements, the City encourages citizen participation among all community sectors including but not limited to low and moderate income persons, residents from

blighted areas predominantly low and moderate income neighborhoods, areas where CDBG funds are proposed for use, minorities, non-English speaking persons, persons with disabilities, public housing residents, and local and regional institutions including the CoC, businesses, developers, and non-profit organizations, among others. The following efforts took place for each of these groups:

- Low and moderate income persons: City staff conducted community meetings in each of the six City Council Districts. Meetings were strategically located within or near Census Block Groups categorized as low-income block groups by HUD. The intent was to reach out to and encourage low income residents living within low income block groups to participate in the AAP process.
- Residents from slum and blighted areas: City staff conducted community meetings in each of the six City Council Districts. Meetings were strategically located within or near Census Block Groups categorized as low-income block groups by HUD. The intent was to reach out to and encourage low income residents living within low income block groups to participate in the AAP process.
- Minorities: The City of Modesto encourages participation of all population groups. Many of the low income block groups where community meetings were held contain a high concentration of minorities.
- Non-English Speaking Persons: AAP publications are posted in English and Spanish. Spanish speaking staff is also available at all community meetings to assist Spanish speaking persons. Assistance to persons in other languages is available upon request.
- Persons with Disabilities: Community meetings are held in places accessible to persons with disabilities. Special accommodations requests are addressed on a case by case basis.
- Public Housing residents: The City of Modesto collaborates with the Housing Authority of the County of Stanislaus, the largest public housing provider in Stanislaus County, during the development of the AAP.
- Local & regional institutions including the CoC: The CoC is consulted during the development of the AAP. The CoC is made up of representatives of multiple community sectors such as business, nonprofit organizations, philanthropic organizations, and community and faith based organizations

The public comment period was held from March 25, 2019 through May 14, 2019. During the Citizen Participation process, a number of community meetings were held to inform community groups of the 2019-2020 Annual Action Plan (AAP) and the programs offered by the various funding sources covered under the AAP. Comments received at meetings were considered for goal setting. An AAP publication announcing the AAP citizen participation process was published in the Modesto Bee and Vida en el Valle, the local Spanish newspaper. Dates, times and locations of community meetings as well as public hearings were published through these mediums and are summarized in Table 4 below.

Any comments obtained from the community meetings will be incorporated into the Program Year 2019-2020 Annual Action Plan. HUD has directed entitlement grantees to submit the AAP only after

official allocation awards are made available by HUD. The public review period to review and comment on the draft documents opened on March 25, 2019 and is scheduled to close with a public hearing at the Council meeting on May 14, 2019, subject to official HUD allocation award amounts being available. Per HUD's direction, the public hearing may be changed to a different date if awards are not available by May 14, 2019.

The following is a list of meetings that were held during the public comment period.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of comments received	Summary of comments not accepted and reasons
1	Public Meeting 3/21/19 Strategic Plan Meeting – Enochs High School – District 6	Minorities Broad Community	Comments were received expressing the need for more affordable housing.	N/A
2	Public Meeting 3/26/19 Strategic Plan Meeting – Modesto Fire Station 6 – District 1	Minorities Broad Community	Comments were received expressing the need for more affordable housing.	N/A
3	Public Meeting 3/27/19 Strategic Plan Meeting – Stanislaus Veterans Center – District 5	Minorities Broad Community	Comments were received expressing the need for more affordable housing.	N/A
4	Public Meeting 4/4/19 Strategic Plan Meeting – La Loma Jr High – District 4	Minorities Broad Community	Comments were received expressing the need for more affordable housing.	N/A
5	Public Meeting 4/8/19 Airport Neighborhood Collaborative – District 4	Minorities Other: Low Income Block Group area Low Income individuals	A general discussion about the AAP and City's housing programs was held. No comments were received.	N/A

6	Public meeting 4/11/19 CH&CDC Meeting - Citywide	Minorities Other: Low income Block Group area Low Income individuals	The draft AAP and proposed projects was presented to the CH&CDC committee. Support was expressed for the AAP and featured projects including the proposed Microenterprise project for West Modesto, South Modesto, and Airport Neighborhood residents.	N/A
7	Public meeting 4/11/19 Strategic Plan Meeting – West Modesto King Kennedy Memorial Center – District 2	Minorities Other: Low income Block Group area Low Income individuals	Comments were received expressing the need for more affordable housing.	
8	Public meeting 4/17/19 Strategic Plan Meeting – Modesto Senior Citizens Center – District 3	Minorities Broad Community	Comments were received expressing the need for more affordable housing.	
9	Public meeting 4/17/19 West Modesto People of Action Council Monthly Meeting – District 2	Minorities Other: Low Income Block Group area Low Income individuals	A general discussion about the AAP and City’s projects in West Modesto was held. Parks and Recreation Department staff conducted a presentation related to CA Prop 68 Parks grant opportunities and its plans to submit an application for additional Mellis Park improvements.	

10	Public Meeting 4/18/19 Community System of Care (CSOC/CoC) – Citywide	Minorities Broad Community	The draft AAP and proposed projects was presented to the CSOC. No comments were received.	
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Table 3 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

- Funds covered under the Consolidated Plan: CDBG, HOME and ESG:

During Program Year 2019-2020, the City of Modesto anticipates receiving \$1,872,692 of Community Development Block Grant (CDBG) program funds, \$871,210 of HOME Investment Partnerships (HOME) Program funds, and \$170,023 of Emergency Solutions Grant (ESG) funds. The table below is a summary of expected resources in PY 2019-2020.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public-federal	Admin and Planning Acquisition Public Services	\$1,872,692	\$500,000 \$900,000 (RLF) \$500,000 (NSP P.I Convert to CDBG)	\$500,000	\$4,272,692	\$0.00	Expected Uses: Program Administration; Public Services; Housing Programs; Fair Housing Enforcement ;Public Facility Improvements Eligible ADA Improvements Homeless Services Activities
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	\$871,210	\$400,000	\$3,313,882	\$4,585,092	\$0.00	Expected Uses: Homebuyer Assistance Owner Occupied Housing Rehabilitation Rental Housing Rehabilitation Rental Housing New Construction

ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re- housing (rental assistance) Rental Assistance Services Transitional housing	\$170,023	\$0.00	\$23,474*	\$193,497	\$0.00	Expected Uses: Homeless Services Homeless Prevention Rapid Re- Housing
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Table 5 - Expected Resources – Priority Table

**HUD allows up to 24 months for the expenditure of ESG funds. Via this AAP, the City will reprogram any funds unable to be spent by any of the ESG sub-recipients during Program Year 2018-2019. Up to \$23,474 of 2018-2019 ESG funds may need to be reprogrammed. The exact amount will be unknown until June 30, 2019.*

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City understands the importance of leveraging federal HUD funds with other resources. In the upcoming program year, the City is looking at leveraging HUD funds with funds such as No Place Like HOME (NPLH), California Emergency Solutions and Housing (CESH) Program, State Low income Tax Credits and Homeless Emergency Aid Program (HEAP) to maximize the impact of HUD funded programs. During the last program year the City of Modesto was able to leverage funding from a multitude of places.

The following is a list of sample HUD assisted projects in 2018-2019 that leveraged with other sources:

Project Name	HUD Source	Leverage Amount(s)	Total Project Cost
615 5 th Street	CDBG- \$189,600	BHRS- \$59,775	\$249,375
0 Vine Street	CDBG- \$280,000	Self Help Enterprises, No Place Like Home, HOME funding: \$5,519,882	\$5,799,882
Fire Hydrants	CDBG \$627,000	Local Water Fund \$299,591	\$926,591
201 E Coolidge	CDBG \$450,000	BHRS \$550,000	\$1,000,000
VOLT	CDBG: \$50,000	Other: \$550,000	\$600,000

With relation to Public Services and ESG funded activities, the City tracks leverage amounts from all sub-recipients via the ZoomGrants software reporting/invoicing system. Public Service sub-recipients are required to submit leverage amounts with supporting documentation as part of the City of Modesto’s quarterly monitoring reviews. The City of Modesto uses this data for its HUD reports in IDIS.

HOME – 25% Match Requirement

The 25% HOME match requirements are met through the contributions or layers of funds that the developers provide for each HOME -assisted project. The match includes private financing, waiver or deferral of development fees approved by the Modesto City Council, Tax Credit Allocations, and any other eligible source.

During the 2018-2019 Program Year, the City leveraged HOME funding for the following projects:

Project Name	HUD Source	Match Amount(s)	Total Project Cost
416 E. Coolidge	HOME \$800,000	\$475,000	\$1,275,000
Edwards Estates	HOME CHDO \$488,657	\$50,000	\$538,657
TOTAL	\$1,288,657	\$525,000	\$1,813,657

ESG – 100% Match Requirement

For the ESG program, the City of Modesto requires that ESG sub-recipients provide a dollar-for-dollar match for ESG funds received. Typically, the City of Modesto is able to generate significantly more match than the amount required for ESG activities primarily through the cash and non-cash contributions provided by ESG sub-recipients as a result of the generosity of their donors, supporters, and other funders. As part of the ESG monitoring process, ESG sub-recipients submit reimbursement requests; invoices and accompanying receipts are reviewed for reimbursement eligibility. Sub-recipients are

required to submit dollar-for-dollar match verification with each reimbursement request and City of Modesto reimbursement is conducted after match verification documentation is satisfied.

During Program Year 2018-2019 ESG subrecipients were able to match ESG funds through local, state, and other sources as shown below:

Project Name	HUD Source	Match Amount(s)	Total Project Cost
CHS Hutton House	ESG \$35,000	\$596,525	\$631,525
CHSS Homeless Prevention	ESG \$30,000	\$30,000	\$60,000
The Salvation Army Berberian Shelter	ESG \$63,721	\$396,940	\$460,661
TOTAL	128,721	\$1,023,465	\$1,152,186

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Discussion

The City is reviewing its inventory of City owned properties to determine the best use for the upcoming AAP. The intent is to transfer eligible properties to non-profit organizations to utilize the units for low income households or rehabilitate the units and sell them to a low income household. Additionally, the City as the successor housing entity to the former Redevelopment Agency of the City of Modesto, owns a parcel that will be utilized to develop 74 affordable housing units for low and very low income households. The City is working with EAH, a non-profit affordable housing developer, to obtain project construction financing including State grants and tax credits to leverage HOME funding.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator

Goal Descriptions

Projects

AP-35 Projects – 91.220(d)

Introduction

The activities to be undertaken in PY 2019-2020 are summarized below. The City’s focus will be the provision of affordable housing opportunities, through acquisition, rehabilitation and construction of housing, along with public services including homeless services, and economic development activities.

Projects

#	Project Name
	CDBG PROJECTS
1	CDBG: FY 2019-2020 CDBG PLANNING & ADMINISTRATION
2	CDBG: AFFORDABLE HOUSING – ACQUISITION
3	CDBG: 2018 HOUSING REHAB ADMINISTRATION/ACTIVITY DELIVERY (14H)
4	CDBG: SECTION 108 LOAN REPAYMENT FY 2019-2020
5	CDBG: MICROENTERPRISE COTTAGE FOOD OPERATOR PROGRAM
6	CDBG: ACCESS CENTER
7	CDBG: WATER LINE REPLACEMENT PROJECT
	REVOLVING LOAN FUND ACTIVITIES
8	CDBG: AFFORDABLE HOUSING – OWNER OCCUPIED HOUSING REHABILITATION
9	CDBG: AFFORDABLE HOUSING – ACQUISITION
	FY 2019-2020 PUBLIC SERVICES
10	PS-19 DOWNTOWN STREETS TEAM
11	PS-19 CENTER FOR HUMAN SERVICES – PATHWAYS PROGRAM
12	PS-19 CHILDREN’S CRISIS CENTER – RESPITE CHILDCARE SHELTER PROJECT
13	PS-19 COURT APPOINTED SPECIAL ADVOCATES (CASA) – CASA OF STANISLAUS COUNTY
14	PS-19 HAVEN WOMEN’S CENTER – DOMESTIC VIOLENCE SHELTER
15	PS-19 OPPORTUNITY STANISLAUS – VOLT INSTITUTE
16	PS-19 PARENT RESOURCE CENTER – MOMS PARENTS PLUS
17	PS-19 PROJECT SENTINEL – FAIR HOUSING PROGRAM
18	PS-19 UNITED SAMARITANS FOUNDATION – DAILY BREAD LUNCH PROGRAM
19	PS-19 SALVATION ARMY – BERBERIAN SHELTER
	ESG PROJECTS
1	FY 2019-2020 ESG PLANNING & ADMINISTRATION
	ESG-19 CENTER FOR HUMAN SERVICES – HUTTON HOUSE
	ESG-19 COMMUNITY HOUSING & SHELTER SERVICES – HOMELESS PREVENTION
	ESG-19 THE SALVATION ARMY – BERBERIAN SHELTER
	HOME PROJECTS
1	2019-2020 HOME PROGRAM PLANNING & ADMINISTRATION
2	HOME: CHDO OPERATING SUPPORT – STANCO
3	HOME: ARCHWAY COMMONS PHASE 2
4	HOME: AFFORDABLE HOUSING – HOMEBUYER ASSISTANCE
5	HOME: 416 E. COOLIDGE AVE
6	HOME: 0 VINE STREET
	HOME: CHDO SET ASIDE
	FY 2018 CHDO SET ASIDE – GREAT VALLEY EDWARDS ESTATES
	FY 2018 CHDO SET ASIDE – STANCO VINE STREET TINY HOME

#	Project Name
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Table 4 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

There is a great need for affordable housing in the area. According to an August 2018 report by the California Housing Partnership Corporation, Stanislaus County needs approximately 20,000 more affordable rental homes to meet current demand. The report further indicates that, the elimination of redevelopment in 2012 and exhaustion of stat bond funding foreshadowed a 16% rise in homelessness from 2016 to 2017.

Allocation priorities for the use of HUD CDBG, ESG, and HOME focus on addressing homelessness and the shortage of affordable housing. Local efforts are currently focused on addressing the local homeless crisis while at the same time trying to identify ways to supplement the City’s affordable housing stock with limited financial resources available to the community.

Because of the shortage, the City has shifted funding to assist with acquisition and rehabilitation of the affordable housing stock. Additionally, funding is being allocated to assist with the expansion of public facilities to include additional shelter beds, and transitional housing. The housing and rental costs continue to increase, and for the first time in over five years the FMR has decreased for the area.

An additional obstacle we have been struggling with is Rapid-rehousing. We are working hard to engage additional landlords to partner with, and we are applying for technical assistance from the State of California to assist with engaging more landlords.

AP-38 Project Summary

Project Summary Information

1	Project Name	CDBG: FY 20192-020 CDBG PLANNING & ADMINISTRATION
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	CDBG: \$474,538

	Description	This project will fund administrative expenses related to the planning and administration of CDBG projects and activities including but not limited to development of HUD plans, contract development, project monitoring, and enforcement of federal regulations. Matrix Code: 21A - General Program Administration Regulatory Citation: 570.206 National Objective: N/A
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	1010 10th Street, Modesto CA 95354
	Planned Activities	Program Administration.
2	Project Name	CDBG: AFFORDABLE HOUSING – ACQUISITION
	Target Area	N/A
	Goals Supported	Acquisition and Rehabilitation
	Needs Addressed	HM-2 Increase Transitional Housing
	Funding	CDBG: \$613,154
	Description	Partner with local homeless service providers and/or affordable housing developers to acquire properties and convert to homeless facilities and/or supplement the City's affordable housing stock. Matrix Code: 01 Acquisition of Real Property Regulatory Citation: 570.201(a) National Objective: 570.208(a)(3) LMH
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	1 homeless facility
	Location Description	Modesto

	Planned Activities	Homeless Facility
3	Project Name	CDBG: 2018 HOUSING REHAB ADMINISTRATION/ACTIVITY DELIVERY (14H)
	Target Area	
	Goals Supported	Housing Rehabilitation Program
	Needs Addressed	H-3 Preserve Existing Affordable Housing
	Funding	CDBG: \$250,000
	Description	Activity delivery costs related to carrying out housing rehabilitation activities (rental and owner occupied). Examples include appraisal, architectural, engineering, and other professional services; preparation of work specifications and work write-ups; loan processing; survey, site and utility plans; application processing; and other fees. Matrix Code: 14H Rehabilitation Administration Regulatory Citation: 570.202(b)(9) National Objective: N/A
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	City staff will facilitate housing rehabilitation projects for 20 eligible households at or below 80% of the Area Median Income.
	Location Description	Citywide/Low Income Census Tracts.
	Planned Activities	Owner Occupied Housing Rehabilitation Activity Delivery.
4	Project Name	CDBG: SECTION 108 LOAN REPAYMENT FY 2019-2020
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	CDBG: \$300,000
	Description	Planned repayment of Section 108 Loan Principal.
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	N/A
	Planned Activities	Repayment of Section 108 Loan Matrix Code: 19F Planned Repayment of Section 108 Loan Principal Regulatory Citation: 570.700 National Objective: N/A
5	Project Name	CDBG: MICROENTERPRISE COTTAGE FOOD OPERATOR PROGRAM
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	
	Funding	CDBG: \$110,000
	Description	Partner with Opportunity Stanislaus to fund a pilot Microenterprise Cottage Food Operator program for West Modesto, South Modesto, and Airport neighborhood residents to allow small artisan food makers producing goods out of their own home kitchens. The program will offer food entrepreneurship accelerator classroom instruction covering: food safety, city/county regulations, marketing, liability, and small business planning. Assistance will be provided to those interested in obtaining CFO business license and microenterprise business startup. Matrix Code: 18C Economic Development: Micro-Enterprise Assistance Regulatory Citation: <u>570.201(o)(1)</u> National Objective: 570.208(a)(2)
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	30 unduplicated business entrepreneurs participating in CFO program; 5 businesses created.
	Location Description	South Modesto, West Modesto, Airport Neighborhood.
	Planned Activities	Economic Development

6	Project Name	CDBG: ACCESS CENTER
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$500,000
	Description	<p>This is a multi-year project that has been carried over from previous years.</p> <p>Partnership with Stanislaus County and Salvation Army. Acquisition of property be used a one-stop-shop Access Center for homeless services coordinated assessment system. The permanent location of the facility is yet to be determined.</p> <p>Matrix Code: 01 Acquisition of Real Property</p> <p>Regulatory Citation: 570.201(a)</p> <p>National Objective: 570.208(c) LMA</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	100 homeless individuals per year
	Location Description	608 E. Granger Avenue, Unit 25, Modesto, CA 95350
	Planned Activities	Housing services for youth experiencing homelessness.
7	Project Name	CDBG: WATER LINE REPLACEMENT PROJECT
	Target Area	
	Goals Supported	Public Improvements
	Needs Addressed	Arrest Physical Decline of LMAs
	Funding	CDBG: 500,000

	Description	<p>Replace existing water mains around South Martin Luther King Boulevard. The existing water mains in this area are old 2"- 4" undersized galvanized steel mains which are prone to leaking and low pressures. The project will replace water lines in the alleys for the following streets: Vine Street, Spruce Street, Walnut Street, Ruberto Street, Ash Street and Leon Avenue. The project will improve the existing water system with new City Standard water mains, valves and hydrants to improve system reliability, flows and pressures.</p> <p>Matrix Code: 03J Water/Sewer Improvements</p> <p>Regulatory Citation: 570.201(c)</p> <p>National Objective: 570.208(c) LMA</p>
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	50 housing units within a low income project area will benefit from project improvements.
	Location Description	
	Planned Activities	
8	Project Name	RLF: AFFORDABLE HOUSING – OWNER OCCUPIED HOUSING REHABILITATION
	Target Area	N/A
	Goals Supported	Housing Rehabilitation Program
	Needs Addressed	H-3 Preserve Existing Affordable Housing
	Funding	CDBG: \$740,000
	Description	<p>Provide direct financial assistance eligible households through the Homeowner Rehabilitation Program to address health and safety repairs.</p> <p>Matrix Code: 14A Rehab: Single Unit Residential</p> <p>Regulatory Citation: 570.202(a)(1)</p> <p>National Objective: 570.208(a)(3) LMH</p>
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	20 households at or below 80% of the AMI
	Location Description	Citywide
	Planned Activities	Housing Rehabilitation
9	Project Name	RLF: AFFORDABLE HOUSING – ACQUISITION
	Target Area	N/A
	Goals Supported	Acquisition and Rehabilitation
	Needs Addressed	HM-2 Increase Transitional Housing
	Funding	CDBG: \$400,000
	Description	Revolving Loan Fund: Partner with local homeless service providers and/or affordable housing developers to acquire properties and convert to homeless facilities and/or supplement the City's affordable housing stock. Matrix Code: 01 Acquisition of Real Property Regulatory Citation: 570.201(a) National Objective: 570.208(a)(1) LMH
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	1 homeless facility
	Location Description	N/A
	Planned Activities	Homeless Facility
10	Project Name	PS-19 DOWNTOWN STREETS TEAM
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$50,000

	Description	Provide case management and employment services to homeless individuals. Homeless and low-income people volunteer and work collaboratively on beautification projects around the community. Team Members will pick up litter, needles, trash, and encampment debris and other such garbage items in the Program area while outreaching to the current residents. The Downtown Streets Team will work with existing housing and shelter providers, other service providers (medical, legal, etc.), employers, and local government agencies to remove barriers to self-sufficiency for every Team Member. Matrix Code: 05Z Other Public Services Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	30 individuals at or below 80% AMI
	Location Description	Citywide
	Planned Activities	Public Services
11	Project Name	PS-19 CENTER FOR HUMAN SERVICES – PATHWAYS PROGRAM
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$23,100
	Description	Pathways is a 16 bed transitional housing program that addresses the need for shelter and support services for homeless youth 18 to 21 years of age. Shelter is provided up to 21 months. This project addresses the City of Modesto Five-Year Consolidated Plan, 2015-2020 priority of transitional housing, particularly for an at- risk population. (HM 2 and 4). Matrix Code: 05D Youth Services Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC

	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	25 low income youth at or below 80% AMI.
	Location Description	608 E. Granger Avenue, Unit 25, Modesto, CA 95350
	Planned Activities	Homeless Services
12	Project Name	PS-19 CHILDREN'S CRISIS CENTER – RESPITE CHILDCARE SHELTER PROJECT
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$24,501
	Description	<p>This project is designed to deliver child/youth services to a disadvantaged population of abused, neglected and high risk infants, toddlers, preschool and school-age children residing in Modesto. This program will offer respite childcare and shelter services to impoverished children endangered by detrimental family circumstances of domestic violence, incest, molestation, substance abuse, mental illness, homelessness, transgenerational trauma and/or generational abuse. Services will be responsive to the poverty and safety related needs of children disadvantaged by socioeconomic events or trauma. Child beneficiaries will be members of households subsisting in very low to moderately low income circumstances (below 80% of the area median income), while enduring various social and economic difficulties.</p> <p>Matrix Code: 05L Child Care Services Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC</p>
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	215 children from households 80% AMI or below.
	Location Description	Sawyer House
	Planned Activities	Respite Childcare Shelter
13	Project Name	PS-19 COURT APPOINTED SPECIAL ADVOCATES (CASA) – CASA OF STANISLAUS COUNTY
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$27,699
	Description	<p>This project will provide coordinated case management to address the needs of dependent youth in the foster care system. The advocate works with everyone involved and makes independent, informed recommendations on the child's behalf directly to the Judge who makes all orders regarding the case. The dedication of CASA volunteers allows judges to ensure successful outcomes for children.</p> <p>Matrix Code: 05D Youth Services</p> <p>Regulatory Citation: 570.201(e)</p> <p>National Objective: 570.208(a)(2) LMC</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	28 foster youth at or below 80% AMI
	Location Description	801 11th Street, 3rd Floor, Modesto, CA 95354
	Planned Activities	Advocacy through court system
14	Project Name	PS-19 HAVEN WOMEN'S CENTER – DV SHELTER
	Target Area	
	Goals Supported	Services - Anti-poverty

	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$22,164
	Description	Haven Womens Center will offer a variety of supportive services to individuals and families impacted by domestic violence, sexual assault, and human trafficking. Haven operates the only confidential domestic violence shelter in Stanislaus County. Victims fleeing abuse, who are homeless or imminently homeless, are eligible for up to six weeks of shelter. Available services include 24 hour crisis intervention and safety planning, peer counseling, legal advocacy, and support groups for adults and children affected by trauma. Matrix Code: 05G Battered and Abused Spouses Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	105 unduplicated individuals at or below 80% AMI.
	Location Description	Haven Women’s Center Emergency Shelter is identified as a confidential domestic violence shelter as defined in the California’s Welfare and Institutions Code 18301. The location of the shelter is confidential in accordance with California Penal Code 273.7.
	Planned Activities	Services to DV victims.
15	Project Name	PS-19 OPPORTUNITY STANISLAUS – VOLT INSTITUTE
	Target Area	N/A
	Goals Supported	
	Needs Addressed	Services - Anti-poverty
	Funding	\$28,350

	Description	<p>VOLT Institute is an industry led manufacturing training center that teaches advanced manufacturing skills to area workers. In our first graduating class we placed 88 percent of our class into good jobs. Currently, there is a huge skill gap issue in the manufacturing sector. There are approximately 200 open, unfilled maintenance mechanics positions which start at \$50,000 a year with benefits. These type of jobs are living wage positions that will elevate people out of poverty and give them a great career.</p> <p>Matrix Code: 05H Employment Training Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	20 unduplicated individuals below 80% AMI.
	Location Description	1625 I Street Modesto, CA 95354
	Planned Activities	Job Training
16	Project Name	PS-19 PARENT RESOURCE CENTER – MOMS PARENTS PLUS
	Target Area	N/A
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$21,000

	Description	<p>PRC will offer an expansion of individuals served with the Connecting Families program, a 12-week co-ed parenting education program offered in multiple sessions throughout the year in English and Spanish, through partnerships with Housing Authority, Stanislaus Family Justice Center, Modesto Gospel Mission, Community Housing and Shelter Services, Modesto City Schools Healthy Start sites, Salvation Army Red Shield Center, Family Promise and the Department of Family Self-Sufficiency, and other partners. The program will target low-income parents and their at-risk children through a 12-week parenting education program enhanced with life skills education. Partnership with other agencies includes providing the location for classes or providing instruction for the life skills components.</p> <p>Matrix Code: 05Z Other Public Services Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC</p>
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	100 individuals at or below 80% AMI
	Location Description	811 5th St. Modesto, CA 95350
	Planned Activities	Parenting education to young parents.
17	Project Name	PS-19 PROJECT SENTINEL – FAIR HOUSING PROGRAM
	Target Area	
	Goals Supported	Fair Housing Services and Education
	Needs Addressed	H-4 Continue to Support Fair Housing.
	Funding	CDBG: \$25,000

	Description	<p>The proposed project will enable people to resolve housing problems. By providing fair housing services, the project will also assist the City of Modesto to affirmatively further fair housing by combating housing discrimination and promoting diverse and inclusive communities.</p> <p>Fair housing coordinators investigate complaints through testing, interviews, surveys, and document review. When there is evidence of a violation the complainant is given a range of options: educate the person causing the violation, conciliate/mediate the complaint, refer the complainant to HUD, DFEH or to an attorney for enforcement.</p> <p>Matrix Code: 05J Fair Housing Activities (subject to 15% cap)</p> <p>Regulatory Citation: 570.201(e)</p> <p>National Objective: 570.208(a)(2) LMC</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	5 fair housing discrimination investigation cases; 350 persons will receive fair housing education via workshops, presentations, and information & referral.
	Location Description	1231 8th St., Ste 425, Modesto, CA 95354.
	Planned Activities	Fair housing discrimination investigation, Tenant/Landlord Mediation, Fair Housing Education
18	Project Name	PS-19 UNITED SAMARITANS FOUNDATION – DAILY BREAD LUNCH PROGRAM
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$23,100

	Description	Daily Bread Mobile Lunch Program delivers nutritious meals directly into the neighborhoods where extremely low, very low, low income, and, homeless individuals reside. The program ensures those individuals living in these neighborhoods have access to at least one nutritious meal a day, five days a week, 52 weeks a year. During the week we provide as many EXTRAS (milk, juice, bread, eggs, dairy, produce, etc) as we have available to supplement their diet with higher nutrition foods. Matrix Code: 05Z Other Public Services Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	385 unduplicated individuals at or below 80% AMI.
	Location Description	
	Planned Activities	Mobile Lunch Program.
19	Project Name	PS-19 SALVATION ARMY – BERBERIAN SHELTER
	Target Area	
	Goals Supported	Emergency Shelter Beds
	Needs Addressed	HM-1 Address Chronic Homelessness HM-5 Coordinated case management
	Funding	CDBG: \$100,000

	Description	<p>The Salvation Army shelter addresses chronic homelessness for individuals including the elderly and persons with physical disabilities by providing overnight shelter. Shelter services include beds, showers and restrooms for individuals to care for basic hygiene and have a nutritious hot meal. The project will serve the homeless population including no income to low- and very low- income which impedes ability to secure housing.</p> <p>This safe environment enables one to focus on other areas of need to self-sufficiency. Such services include those directed at the social and health needs of homeless individuals. By moving homeless individuals into a shelter aids in the prevention or elimination of slums or blight.</p> <p>Matrix Code: 05Z Other Public Services Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC</p>
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	694 extremely low income individuals at or below 30% AMI.
	Location Description	320 Ninth Street Modesto, CA 95351
	Planned Activities	Emergency Shelter
1	Project Name	ESG-19 FY 2019-2020 ESG PLANNING & ADMINISTRATION
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	ESG: \$12,340

	Description	All HESG Activities will be set up using this project: Administration, Street Outreach (CHS - Youth Street Outreach), Shelter (Salvation Army Berberian Shelter), and Community Housing and Shelter Services (Homeless prevention / Rapid Rehousing). HESG Administration 576.21(a)5 HESG Street Outreach 576.101 HESG Homeless Prevention 576.103 HESG Shelter 576.102 HESG Rapid Re-Housing 576.104
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	1010 10TH ST. MODESTO CA 95354
	Planned Activities	ESG ADMINISTRATION
2	Project Name	ESG-19 CENTER FOR HUMAN SERVICES – YOUTH STREET OUTREACH
	Target Area	
	Goals Supported	Emergency Shelter Beds Supportive Services - Homeless
	Needs Addressed	HM-4 Prevent Homelessness for those at Risk HM-5 Coordinated case management
	Funding	ESG: \$35,000
	Description	CHS will continue a project which started in July 2018. CHS will provide street outreach and navigation/case management services targeting Modesto youth, ages 13-24 years of age who are homeless and unsheltered. This staff position will work directly with the Community System of Care's Homeless Outreach & Engagement team through the Access Center.
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	62 homeless youth.
	Location Description	
	Planned Activities	Supportive housing for youth experiencing homelessness.
3	Project Name	ESG-19 COMMUNITY HOUSING & SHELTER SERVICES – HOMELESS PREVENTION RENTAL ASSISTANCE
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	HM-4 Prevent Homelessness for those at Risk & Rapid Rehousing
	Funding	ESG: \$40,000 – Homeless Prevention \$15,259 – Rapid Rehousing
	Description	<p>Community Housing and Shelter Services (CHSS) will provide Homeless Prevention short-term rental assistance program. This program could help alleviate the stress of housing costs for a minimum of (12) twelve households (consisting of 24 individuals) from within the City of Modesto area, and have an income at or below 30% of the median income.</p> <p>The Homeless Prevention funding (average of \$3,048 per household) will be utilized to provide short-term rental assistance to (12) twelve households who are at imminent risk of becoming homeless by preventing eviction for households who have received a 3-day notice and have written verifiable documentation of an emergency that has caused them to enter into default on their rent.</p> <p>Rapid Rehousing assistance will be provided to provide short term rental assistance via first months rent and security deposits.</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	12 Families at or below 30% AMI.

	Location Description	708 H Street, Modesto, CA 95354
	Planned Activities	Homeless Prevention & Rapid Rehousing
4	Project Name	ESG-19 THE SALVATION ARMY - BERBERIAN SHELTER
	Target Area	
	Goals Supported	Emergency Shelter Beds
	Needs Addressed	HM-1 Address Chronic Homelessness HM-5 Coordinated case management
	Funding	ESG: \$67,013
	Description	<p>The Salvation Army shelter addresses chronic homelessness for individuals including the elderly and persons with physical disabilities by providing overnight shelter. Shelter services include beds, showers and restrooms for individuals to care for basic hygiene and have a nutritious hot meal. The project will serve the homeless population including no income to low- and very low- income which impedes ability to secure housing.</p> <p>This safe environment enables one to focus on other areas of need to self-sufficiency. Such services include those directed at the social and health needs of homeless individuals. By moving homeless individuals into a shelter aids in the prevention or elimination of slums or blight.</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	694 extremely low income individuals at or below 30% AMI.
	Location Description	320 Ninth Street Modesto, CA 95351
	Planned Activities	Emergency Shelter
1	Project Name	HOME: FY 2019-2020 HOME PROGRAM PLANNING & ADMINISTRATION
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	HOME: \$281,130

	Description	This project will fund administrative services related to the oversight and implementation of the HOME program. Regulatory Citation: 92.205(a) Administration
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	N/A
	Planned Activities	HOME Administration
2	Project Name	HOME: CHDO OPERATING SUPPORT – STANCO
	Target Area	
	Goals Supported	Supportive Housing Services
	Needs Addressed	
	Funding	HOME: \$47,702
	Description	CHDO operating support funds to CHDO certified organizations carrying out affordable housing projects in partnership with the City of Modesto. Regulatory Citation: 92.208 CHDO Operating
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	
	Planned Activities	CHDO Operating
3	Project Name	HOME: ARCHWAY COMMONS PHASE 2
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	\$1,260,151

Description	Archway Commons Phase II: 74 affordable housing units for families at or below 80% of AMI. Regulatory Citation: 92.205(a) Rental
Target Date	06/30/2022
Estimate the number and type of families that will benefit from the proposed activities	74 housing units.
Location Description	Carver Rd
Planned Activities	Affordable Housing Development
Project Name	HOME: HOMEBUYER ASSISTANCE
Target Area	
Goals Supported	Homebuyer Assistance
Needs Addressed	H-2 Provide Homeownership Opportunities
Funding	HOME: \$400,000
Description	Provide direct financial assistance eligible first time homebuyers via the City's Homebuyer Assistance Program (HAP). Regulatory Citation: 92.205(a) Homebuyer
Target Date	6/30/2020
Estimate the number and type of families that will benefit from the proposed activities	5 eligible first time homebuyer families at or below 80% AMI.
Location Description	Citywide
Planned Activities	Homebuyer Assistance
Project Name	HOME: 416 E. COOLIDGE AVE
Target Area	
Goals Supported	
Needs Addressed	
Funding	\$840,000

Description	Kestrel Ridge is a collaborative effort involving the Housing Authority of the County of Stanislaus (HACS), Stanislaus County Behavioral Health and Recovery Services (BHRS) and the City of Modesto. The Partners are working together with their respective missions, to provide safe affordable housing in our community. The HACS has purchased property located at 416 E. Coolidge Ave., Modesto and will develop eight (8) single family homes as permanent supportive housing for behavioral health clients. Regulatory Citation: 92.205(a) Rental
Target Date	06/30/2020
Estimate the number and type of families that will benefit from the proposed activities	8 households below 80% AMI.
Location Description	416 E. Coolidge Ave
Planned Activities	Affordable Housing
Project Name	HOME: 0 VINE STREET
Target Area	
Goals Supported	
Needs Addressed	
Funding	HOME: \$873,318
Description	Affordable housing units for veterans and seniors (23 veterans units; 12 senior units) Regulatory Citation: 92.205(a) Rental
Target Date	6/30/2020
Estimate the number and type of families that will benefit from the proposed activities	35 households below 80% AMI
Location Description	
Planned Activities	Affordable Housing
Project Name	CHDO SET ASIDE – GREAT VALLEY EDWARDS ESTATES

	Target Area	
	Goals Supported	Rental Housing Construction
	Needs Addressed	H-1 Increase affordable rental housing
	Funding	HOME: \$488,657
	Description	CHDO set aside for affordable housing development. Regulatory Citation: 92.205(a) Rental
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	2 households below 80% AMI.
	Location Description	
	Planned Activities	
	Project Name	CHDO SET ASIDE – STANCO VINE STREET TINY HOME
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	\$98,200
	Description	CHDO set aside for affordable housing development. Regulatory Citation: 92.205(a) Rental
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	1 household below 80% AMI
	Location Description	
	Planned Activities	

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Wherever possible, the City reviews low income Block Groups to determine where the City can direct assistance. Over the next several years, the City’s goal will be to create a CDBO or NRSA to have a greater impact in disadvantaged communities and take advantage of CDBO or NRSA flexibilities related to program requirements and project implementation.

Geographic Distribution

Target Area	Percentage of Funds

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

SP-10 of the Consolidated Plan identifies the City of Modesto’s “Low Income Census Tracts” as geographic areas of investment. Wherever possible, the City has identified activities that will benefit residents within these geographic areas. For area based activities, the City must ensure that the project is located within an eligible block group which meets this SP-10 requirement. Where possible, the City of Modesto will distribute CDBG funds throughout the low income block groups located throughout the six city council districts.

Discussion

No additional discussion.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Rental Assistance:

- 0; The City of Modesto does not provide tenant-based rental assistance.
- Production of New Units:
- Special Needs: 8 units for BHRS mental health clients – 416 E. Coolidge Ave Project.
- Homeless: Acquisition of 1 public facility and convert into a Youth Access Center. This project will add beds for homeless youth and serve as a temporary emergency shelter.
- Rehab of Existing Units:
- Non-Homeless: Assist 20 owner occupied households with housing rehabilitation assistance.
- Acquisition of Existing Units:

- Non Homeless: 2 First Time Homebuyer loans: Assist 2 first time homebuyer households with the purchase of their first home

Total Units: 31

One Year Goals for the Number of Households to be Supported	
Homeless	1
Non-Homeless	22
Special-Needs	8
Total	31

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	9
Rehab of Existing Units	20
Acquisition of Existing Units	2
Total	31

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City of Modesto, in partnership with the CoC and Stanislaus County, is working with The Salvation Army, one of Modesto’s homeless shelters, to expand the capacity of the shelter by 150 beds. CDBG funds may be used for the renovation to allow expansion of its current shelter.

The City is also working with Center for Human Services, a local youth service provider, for a potential partnership for the acquisition of a property to convert into a Youth Access Center. This project would include the addition of youth shelter beds to serve as an emergency shelter, and transitional housing for homeless youth.

The City will also continue to assist owner occupied households through the Homeowner Rehabilitation program with grants and loans to address health and safety related repairs in their home. In addition, an eight (8) single family unit project will be completed in partnership with the Housing Authority of the County of Stanislaus to serve persons with mental health issues.

AP-60 Public Housing – 91.220(h)

Introduction

The Housing Authority of the County of Stanislaus (HACS) is the largest public housing provider in Stanislaus County. The City of Modesto has a close working relationship with the Housing Authority of the County of Stanislaus (HACS) and meets on an as needed basis to discuss concerns relevant to public housing and other housing matters. In prior years the City of Modesto has partnered with the HACS by leveraging available funds to address affordable housing needs through the development and/or

rehabilitation of affordable housing units for low and moderate income persons and families. Whenever possible, City will continue to work with the HACS and any other housing and social service providers to foster public housing improvements and resident initiatives.

Actions planned during the next year to address the needs to public housing:

- The following actions are planned during the next year to address public housing
- 201 E. Coolidge Ave: Continue partnership with the HACS to rehabilitate a 40 unit multifamily affordable housing complex to address health and safety repairs, landing replacements, mold remediation, water leaks, dry rot, replace outer walls of existing stairwells , stairwell headers, and damaged flooring. Project rehabilitation began in PY 2018 and should be completed in PY 2019-2020.
- Vine Street Acquisition: Continue partnership with the HACS to acquire property to develop a two phase affordable housing project. Phase I will consist of 23, 1 bedroom units to provide housing for veterans. Phase II will consist of 12 senior housing units (CDBG Funds - \$280,000).
- 416 E. Coolidge Ave: Partner with the HACS for the construction of eight (8) 1 bedroom units to provide affordable housing to mental health clients served by Stanislaus County Behavioral Health and Recovery Services (BHRS) (HOME Funds - \$800,000).
- Edwards Estates: Partner with Great Valley Housing Development Corporation (GVHDC) for the construction of two affordable housing units to be sold to first time homebuyers (HOME – \$488,657).

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The Housing Authority of the County of Stanislaus (HACS) provides homeownership resources to participants in the Housing Choice Voucher Program. The Family Self-Sufficiency (FSS) Program has established partnerships with a variety of community resources to refer participants for services including pre- and post-secondary education, health care, child care, employment development, supported employment, and small business development including micro-loans. The FSS Program also encourages families to participate in financial wellness programs including financial literacy and credit repair with an emphasis on long-term financial stability for the purposes of homeownership.

Efforts to improve communications with residents and program participants include: on site resident training/informational meetings, regular newsletters and flyers. The HACS has implemented a “curb-side” appearance program. The focus of the program is the exterior of buildings, parking areas, play grounds and other areas of the complexes. Rodent and insect problems are addressed when residents report a problem and/or on Annual Inspections. In an effort to better education residents concerning these problems, information is regularly provided through the HACS newsletter. These actions have assisted the HACS in creating an atmosphere which emphasizes customer satisfaction and communication.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable. The PHA is not designated as troubled.

Discussion

No additional discussion.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

In the coming year, the City will continue to partner with local service providers and agencies with the goal of reducing and ending homelessness via street outreach, homeless prevention, and rapid rehousing. In addition, the City will work with the Community System of Care on addressing the emergency shelter and transitional housing needs of homeless persons as well as continuing to find creative approaches to addressing homelessness and special needs populations.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including: Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Modesto has participated in CSOC's planning process to move individuals and families from homelessness to permanent housing and independent living through a network of housing linked to supportive services. The primary strategy document is the annual CSOC Application. Additionally, the CSOC continues to work with its members toward a continuum-wide coordinated intake system.

In the coming year, the City will continue to partner with organizations such as Center for Human Services (CHS) which conducts street outreach to unsheltered homeless youth. CHS' goal, through street outreach, is to engage with homeless youth and connect them to resources including housing at CHS' Hutton House, a runaway and homeless youth shelter (ages 13-17), or Pathways, a transitional living place for older youth (ages 18-21). With the funding to assist with a Youth Access Center for 19-20 it will increase the outreach opportunities and services for the youth population with everything being available at one location.

HEART Team: In April 2018, the Homeless Engagement and Response Team (HEART) has provided intensive outreach and engagement over the last couple years. This team was later reassigned to join the CARE team described below.

CARE Team: In 2017, a City and County joint effort created a "Community Assessment Response and Engagement" (CARE) initiative. The CARE team met over a 90 day period on a weekly basis to map assets and identify service gaps while building a new approach that could increase accountability, and alignment-developing a system and services model that had never been used in the community. As part of the CARE initiative, a CARE Engagement Team emerged to conduct and coordinate daily outreach and engagement in Downtown Modesto, the McHenry Avenue corridor, and surrounding parks with the aim

of building trusting relationships, implementing coordinated individualized intervention plans, and connecting with individuals directly to services. The team's goal is to connect with those most in need and be available to respond to crisis situations to ensure that the target population is connected to vital services.

Access Center: The end goal of the efforts carried out by the CARE team is to reduce homelessness in the community. In February 2019, the City and County entered into a Memorandum of Understanding (MOU) aimed at addressing emergency shelter bed capacity. As part of the MOU, the county will lease space from the Salvation Army to provide these high-access shelter beds, and will lease space from the city for the one-stop Access Center. As a partner in the MOU, the city will be making substantial infrastructure improvements to the facility, including to Salvation Army's sewer and water lines, and parking lots.

Addressing the emergency shelter and transitional housing needs of homeless persons

CHS Youth Shelter

Increasing capacity of Salvation Army: In February 2019, the City and County entered into a Memorandum of Understanding which established a creative arrangement between the City and County and the Salvation Army aimed at increasing the transitional beds available to those experiencing homelessness in the Modesto community. The MOU, seeks to add 180 additional beds to those existing – roughly 150 – at the Salvation Army shelter on 9th and D Streets in downtown Modesto.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Our community's most recent System Performance Measures (comparing data between Fiscal Years 2016 and 2017) has demonstrated a 98% successful retention rate of clients placed in permanent housing, which is slightly higher than the previous year. This means that 98% of clients who are placed in permanent housing do not return to homelessness.

With regard to the length of time persons remain homeless, although the average length of time people remained homeless slightly increased by 13 days, could possibly be explained by the fact that the number of persons experiencing homelessness for the first time increased by 1,244 persons. As a community, we have helped clients increase their total income by 38% and upon exit, clients also increased their earned income by 16%.

In order to assist in helping homeless persons making the transition to permanent housing and independent living, , the City will partner with Community Housing and Shelter Services (CHSS) to assist

with homeless prevention and rapid re-housing. CHSS offers the entire spectrum of housing services for residents that includes housing counseling, emergency shelter, rental assistance and permanent housing supportive services. CHSS is the only HUD- approved agency in Stanislaus County that is certified to provide Rental Housing Counseling and Homeless Services Counseling.

Housing Assessment Team (HAT): Turning Point Community Programs' (TPCP) Housing Assessment Team (HAT) is co-located at the Outreach and Engagement Center (OEC) with other community partners serving the homeless and providing a variety of services to help support individuals/households into housing. HAT uses a strength-based, flexible and integrated approach to services. The staff of HAT are the first line of contact with individuals coming into the OEC. HAT has been serving an average of 60 homeless individuals each month. Services being provided include a housing and needs assessments; completion of the VI-SPDAT when appropriate; assisting clients with collecting documentation necessary to obtain permanent housing and benefits; providing a supportive environment for individuals/households to explore housing opportunities utilizing evidence-based and supportive approaches; and connecting clients with needed services (i.e., mental health, substance abuse).

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City of Modesto has been funding homeless prevention for the last five years in order to assist families and individuals from becoming homeless.

The city will partner with Center for Human Services to serve youth 14-24 who have aged out of the foster care system and are in need of assistance to help obtain support and housing. In Program Year 2019-2020 CHS expects to expand their services for an access center for Youth to have the services all in one area.

As part of the COC the City works directly with BHRS, Golden Valley Health Centers, and probation department to discuss the process and issues when individuals are discharged health care facilities, mental health facilities, corrections programs and institutions.

Discussion

No additional discussion.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The City of Modesto will continue to work with its partners at the local, state and federal levels to find innovative ways to provide affordable housing opportunities for low income families and individuals

including addressing barriers to affordable housing. The State of California's 2019-2020 budget includes various proposals aimed at improving the affordability of housing in the state including but not limited to providing planning and production grants to local governments, expanding the state Low Income Housing Tax Credit program and expanding a loan program for middle income housing production. Wherever possible, the City will seek funding opportunities

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Discussion:

In order to ameliorate the negative effects of public policies that serve as barriers to affordable housing, the City of Modesto has policies in its impact fee program for affordable housing. The current CFF Policies and Procedures provide, with respect to very low and low income housing exemptions, the total number of housing exemptions granted are not to exceed two percent (2%) of the cumulative total CFF program housing units. The CFF Policies and Procedures also allow a Community Housing and Development Organization (CHDO) to submit an application and request CFF be waived on new affordable units for households earning sixty (60%) or less of the Area Median Income.

Since 1989, a total of 13,913 residential building permits have been issued, of which 678 were granted CFF exemptions.

In December 2018, the City of Modesto declared a shelter crisis. This declaration allows the City to adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

During the shelter crisis, provisions of any housing, health, habitability, planning and zoning, or safety standards, procedures, or laws shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards and procedures for homeless shelters consistent with ensuring minimal public health and safety and those standards are complied with.

The City is utilizing this declaration to assist with the 150 bed expansion at the local Salvation Army shelter. This declaration will help streamline and expedite development to ensure the shelter opens in fall 2019.

AP-85 Other Actions – 91.220(k)

Introduction:

Actions planned to address obstacles to meeting underserved needs

City of Modesto 2019-2020 Annual Action Plan

Because of the shortage, the City has shifted funding to assist with acquisition and rehabilitation of the affordable housing stock. Additionally, funding is being allocated to assist with the expansion of public facilities to include additional shelter beds, and transitional housing. The housing and rental costs continue to increase, and for the first time in over five years the FMR has decreased for the area.

An additional obstacle we have been struggling with as a region, is finding housing units and willing landlords to work with service providers in local Rapid-rehousing efforts. The City is diligently working to engage additional landlords to partner with, and we are applying for technical assistance from the State of California to assist with engaging more landlords.

Actions planned to foster and maintain affordable housing

Affordable housing is identified as one of the high priorities of the 2015-2020 Consolidated Plan. In order to address need for additional affordable housing the City of Modesto works with local affordable housing developers in efforts to identify new projects and/or ways to enhance the supply of affordable housing. As described in AP-55, the following are the City’s 2019-2020 affordable housing goals:

Rental Assistance	0
The Production of New Units	9
Rehab of Existing Units	20
Acquisition of Existing Units	2
Total	31

Actions planned to reduce lead-based paint hazards

The City of Modesto has adopted policies to be implemented in its housing programs, which comply with HUD requirements relating to lead-based paint hazards. In alignment with HUD’s requirements, lead-based paint remediation actions will depend on the level of subsidy provided on a project by project basis. The following is the City’s lead based policy for reduction of lead paint hazards:

	Subsidy Amount		
	<\$5,000	\$5,000-\$25,000	>\$25,000
Approach to Lead Hazard Evaluation and Reduction	“Do No Harm”: Use lead safe work practices	Identify and control Lead hazards	Identify and Abate Lead Hazards
Homeowner Notification	Yes	Yes	Yes
Lead Hazard Evaluation	Presume Presence of LBP (alternative: Paint testing of surfaces to be disturbed by rehabilitation)	Paint testing of surfaces to be disturbed by rehabilitation AND Risk assessment	Paint testing of surfaces to be disturbed by rehabilitation AND Risk assessment
Lead Hazard Reduction	Repair surfaces disturbed during rehabilitation, use lead-safe work practices, clearance test of work site upon completion.	Interim controls, lead- safe work practices, clearance test of unit upon completion.	Complete abatement, lead-safe work practices, clearance test of unit upon completion.

Most housing rehabilitation projects are subject to federal regulations for Lead-Based Paint and contractors must be certified in safe work practices when completing the rehabilitation work. This effort in the past has resulted in more contractors being able to bid on and participate in the projects that contain lead-based paint.

The cost for the stabilization of lead based paint can be included in the City of Modesto’s housing rehabilitation loan program. The cost of the lead-based paint inspection and/or clearance is paid from entitlement funds.

The City of Modesto will continue to provide lead-based paint testing as a component of its housing repair and rehabilitation programs when required by HUD regulations. Given the age and condition of the City of Modesto’s housing stock, there are a significant number of homes where lead-based paint testing is needed.

Actions planned to reduce the number of poverty-level families

The City of Modesto, through its engagement in the local Focus on Prevention initiative, is engaged in the Coordinated Entry system. Coordinated entry (also known as coordinated assessment system) is a consistent, community wide process to match people experiencing homelessness or at-risk of homelessness to community resources that are the best fit for their situation. In a community using coordinated entry, homeless individuals and families complete standard triage assessment survey that identifies the best type of services for that household. Participating programs accept referrals from the system, reducing the need for people to traverse the county seeking assistance at every provider separately. The process helps prioritize housing and homeless assistance based on vulnerability and severity of service needs to ensure that people who need assistance the most can receive it in a timely manner. The process also provides information about service needs and gaps to help plan assistance and identify needed resources in our community.

The intent is to provide coordinated entry to the entire geographic area through Access Points. Access Points are places—either virtual or physical—where an individual or family in need of assistance accesses the coordinated entry process. People experiencing homelessness can complete the assessment survey to participate in coordinated entry and are matched with community resources that best fit their situation. All locations and methods offer the same assessment approach and referrals using uniform decision-making processes. The Access Points in Stanislaus County include: 1) A centralized physical location (Access Center) in Stanislaus County where housing and support services, among others are provided, 2) 211 hotline system that screens and directly connects people to services, 3) Continuum of Care partners that provide assessments using the same tool county-wide, 4) A specialized Multi-disciplinary Outreach and Engagement Team that scouts the geographic area to provide access to those who might not want to engage at a physical access point.

Actions planned to develop institutional structure

Modesto will continue to work collaboratively with service and shelter providers to identify and address gaps in the institutional structure and service delivery system.

Modesto generally has a well-developed institutional structure and service delivery system.

Modesto will continue to work to increase the resources devoted to permanently affordable housing to serve as a stabilizing force preventing homelessness.

Modesto will focus increased resources on homeless prevention/crisis intervention, especially on homeless youth, aging-out foster youth, families with children, and persons being discharged from institutions.

Modesto will continue to devote resources to address the needs of the chronically homeless including comprehensive case management, supportive housing, shelters and transitional housing.

Modesto will target resources to the lowest income groups with the highest needs including the chronically homeless, homeless youth, homeless families with children, and those living in transitional shelters.

Actions planned to enhance coordination between public and private housing and social service agencies

City of Modesto relies primarily on its (A) close consultation with the CSOC, which is made up of representative stakeholders and (B) monthly meetings with its public and private housing development partners, which include local private CHDOs (e.g., Habitat for Humanity, Stanislaus County and Stanislaus Affordable Housing Corporation, and Great Valley Housing Development Corporation (GVHDC)) and the Housing Authority (to enhance coordination in the areas of community housing and social services).

The City of Modesto relies on non-profit organizations and for-profit developers to build and acquire, develop, and rehabilitate affordable units. The City of Modesto will continue to work closely with these entities to ensure that each year as many new affordable units are developed or made available.

The City of Modesto also relies on the non-profit service sector to provide emergency shelter and transitional and special needs housing. The City of Modesto will continue to support eligible organizations and their activities with local, state and federal funding as it's made available and upon their governing entity's approval.

Discussion:

No additional discussion

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

The following subsections identify specific requirements of each HUD program covered under this Annual Action Plan – CDBG, ESG, and HOME. The City has tools and measures in place to address each of these requirements during the implementation of every HUD funded activity:

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0.00
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	0.00
3. The amount of surplus funds from urban renewal settlements	0.00
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	0.00
5. The amount of income from float-funded activities	0.00
Total Program Income	

Other CDBG Requirements

1. The amount of urgent need activities	0.00
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HOME Investment Partnership Program (HOME)

Reference 24 CFR 91.220(I)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Modesto does not use forms of investment within the local HOME program other than those identified in Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

Pursuant to 24 CFR 92.254(a)(5)(ii), the City requires that HOME funds be recaptured if the property does not continue to be the principal residence of the buyer for the duration of the Affordability Period secured by an Affordable Housing Covenant. The Recapture Provision shall apply to a HOME assisted property only when a Direct HOME Subsidy is provided to a homebuyer.

The Recapture provision will ensure that the City of Modesto recoups all or a portion of the HOME assistance to the homebuyers, if the housing does not continue to be the principal residence of the family for the duration of the affordability period.

Per, 24 CFR 92.254(a)(5)(ii)(A), In establishing recapture requirements, the City of Modesto is subject to the limitation that when the recapture requirement is triggered by a sale (voluntarily or involuntarily) of the housing unit, and there are no net proceeds or the net proceeds are insufficient to repay the HOME investment due, the City of Modesto will only recapture the net proceeds, if any. The net proceeds are the sales price minus superior loan repayment (other than HOME funds) and any closing costs.

Of the recapture options described in 92.254(a)(5)(ii)(A), the City of Modesto will use a the "Shared Net Proceeds" option as outlined in 24 CFR 92.254(a)(5)(ii)(A)(3). With this option, if the net proceeds are

not sufficient to recapture the entire HOME investment, the City and original homebuyer will share the net proceeds.

To calculate the amount of net proceeds (or shared appreciation) to be returned to the City the following formula will be applied:

$$\frac{\text{HOME investment}}{\text{HOME Investment} + \text{Homeowner Investment}} \times \text{Net proceeds} = \text{HOME amount to be recaptured}$$

To calculate the amount of net proceeds (or shared appreciation) to available to the homebuyer the following formula will be applied:

$$\frac{\text{HOME investment}}{\text{Direct HOME Subsidy} + \text{Homeowner Investment}} \times \text{Net proceeds} = \text{HOME amount to be recaptured}$$

Since the HOME rule limits recapture to available net proceeds, the City will only recapture what is available from net proceeds. In this case, the City is not required to repay the difference between the total direct HOME subsidy and the amount the City is able to recapture from available net proceeds.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

The same methodology outlined in question 2 above will be used to ensure affordability for any units acquired with HOME funds.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City does not intend to use HOME funds to refinance existing debt.

Emergency Solutions Grant (ESG)

Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)

Standards for providing ESG homelessness prevention and rapid re-housing assistance include respectively targeting households with dependent children and persons experiencing homelessness connected to or eligible to receive (within 6 months) assistance from mainstream benefits and services.

These standards also include limiting assistance for a period of up to six (6) months and extending the period of assistance up to the maximum 18 months on a case-by-case basis.

HUD-VASH (U.S. Department of Housing and Urban Development-U.S. Department of Veterans Affairs Supportive Housing) program participants are also prioritized to receive security deposit assistance upon HUD-VASH intake.

Income qualification guidelines are no less restrictive than ESG guidelines (30% or below AMI for homelessness prevention assistance and not-applicable for rapid re-housing).

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The City of Modesto is currently working with the Community System of Care (local Continuum of Care) to develop the Coordinated Entry System and include larger scale service provider participation. The CSOC is in the process of updating the Coordinated Entry System's policies and procedures and is currently providing a series training sessions to CoC and ESG service providers to further enhance Coordinated Entry within the community. The goal is to continue working with the CSOC to improve the Coordinated Entry System and have a system that complies with applicable regulations.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The City of Modesto competitively awards ESG funding through an RFP process. This RFP process conforms to the City of Modesto's rigorous procurement process, including public noticing and utilizing its ZoomGrants online based system.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The City of Modesto is unable to meet the homeless participation requirement in 24 CFR 576.405(a) due to the fact that its policy-making entity is made up of elected officials. The City of Modesto, however, works very closely with the CSOC which is made up of a representative group of diverse stakeholders, including persons experiencing homelessness and those who at one time in their lives had experienced homelessness. The City of Modesto intends to work with the CSOC and elected and appointed City of Modesto officials to develop a formal homeless participation plan that will engage persons experiencing homelessness in a meaningful way that influences homelessness-related policies, including development of funding priorities and funding allocation.

5. Describe performance standards for evaluating ESG.

The City of Modesto conducts quarterly performance reviews of each ESG subrecipient. This includes review of HMIS data entry requirements, accomplishment narratives, reimbursement requests, ESG dollar to dollar match documentation, and review of program beneficiary files.

This allows City staff to closely monitor the performance of each subrecipient and address any deficiencies as well as the ability to provide any technical assistance necessary.

Discussion

The City of Modesto consults closely and regularly (at least monthly) with the CSOC and its HMIS, ESG/HPRP, and SHP subcommittees, which develop policies and procedures for these programs and is taking the lead in building the service infrastructure that will be necessary to sustain a centralized or coordinated assessment system. This consultation takes the form of reports and presentations that are placed on the CSOC monthly meeting agendas.

The operation and administration of the Homeless Information Management System (HMIS) designated by the CSOC is led by the Stanislaus Housing Authority. The City of Modesto may pay the costs of contributing data to the HMIS via funding to sub-grantees or to the HMIS Lead.

The City of Modesto is member of the CSOC/HMIS Subcommittee which meets monthly to develop policies, procedures, and best practices and offers trainings developed by the developed by the HMIS Lead.

Estimated CDBG Entitlement Program Budget

**CITY OF MODESTO
FISCAL YEAR 2019-2020 PROJECT SUMMARY**

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)								
	Project/Activity Name	IDIS Activity #	Previous Year Funds	FY 2019* Amount	RLF	PROGRAM INCOME	NSP P.I. (Convert to CDBG)	Total Project Budget - 2019
	FY 2019-2020 CDBG DIRECT ACTIVITIES		\$500,000.00	\$ 1,872,692.00	\$ 900,000.00	\$ 500,000.00	\$ 500,000.00	\$ 4,272,692.00
1	FY 2018-2019 CDBG PLANNING & ADMINISTRATION	1330	\$ -	\$ (374,538.00)		\$ (100,000.00)		\$ (474,538.00)
2	AFFORDABLE HOUSING - ACQUISITION	1331	\$ -	\$ (408,240.00)		\$ (160,000.00)		\$ (568,240.00)
	ACTIVITY DELIVERY ACQUISITION		\$ -	\$ (50,000.00)				\$ (50,000.00)
3	2018 HOUSING REHABILITATION ADMINISTRATION/ACTIVITY DELIVERY (14H)	1332	\$ -	\$ (250,000.00)				\$ (250,000.00)
4	SECTION 108 LOAN REPAYMENT FY 2018-2019	1333	\$ -	\$ (300,000.00)				\$ (300,000.00)
5	MICROENTERPRISE PROJECT - Cottage Food Operation Project	1334		\$ (100,000.00)				\$ (100,000.00)
	ACTIVITY DELIVERY MICROENTERPRISE			\$ (10,000.00)				\$ (10,000.00)
6	ACCESS CENTER	1232	\$ (450,000.00)	\$ -	\$ -	\$ -	\$ -	\$ (450,000.00)
	ACTIVITY DELIVERY ACCESS CENTER		\$ (50,000.00)					\$ (50,000.00)
7	WATER CONNECTION PROJECT	1335					\$ (500,000.00)	\$ (500,000.00)
	REVOLVING LOAN ACTIVITIES							
8	AFFORDABLE HOUSING - OWNER OCCUPIED HOUSING REHABILITATION	1336	\$ -	\$ -	\$ (500,000.00)	\$ (240,000.00)		\$ (740,000.00)
9	AFFORDABLE HOUSING- ACQUISITION	1337			\$ (400,000.00)			\$ (400,000.00)
	FY 2019-2020 PUBLIC SERVICES							
10	PS-19 DOWNTOWN STREETS TEAM	1338	\$ -	\$ (50,000.00)	\$ -	\$ -	\$ -	\$ (50,000.00)
11	PS-19 CENTER FOR HUMAN SERVICES - PATHWAYS	1339		\$ (23,100.00)				\$ (23,100.00)
12	PS-19 CHILDRENS CRISIS CENTER - RESPITE CHILDCARE SHELTER	1340		\$ (24,501.00)				\$ (24,501.00)
13	PS-19 CASA OF STANISLAUS COUNTY	1341		\$ (27,699.00)				\$ (27,699.00)
14	PS-19 HAVEN WOMENS CENTER - DV SHELTER	1342		\$ (22,164.00)				\$ (22,164.00)
15	PS-19 OPPORTUNITY STANISLAUS - VOLT INSTITUTE	1343		\$ (28,350.00)				\$ (28,350.00)
16	PS-19 PARENT RESOURCE CENTER - MOMS PARENTS PLUS	1344		\$ (21,000.00)				\$ (21,000.00)
17	PS-19 PROJECT SENTINEL - FAIR HOUSING PROGRAM	1345		\$ (25,000.00)				\$ (25,000.00)
18	PS-19 NITED SAMARITANS FOUNDATION - DAILY BREAD LUNCH PROGRAM	1346		\$ (23,100.00)				\$ (23,100.00)
19	PS-19 SALVATION ARMY - BERBERIAN SHELTER	1347		\$ (100,000.00)				\$ (100,000.00)
	ACTIVITY DELIVERY PUBLIC SERVICES	NA		\$ (35,000.00)				\$ (35,000.00)
	BALANCE		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.00

Estimated ESG Entitlement Program Budget

**CITY OF MODESTO
FISCAL YEAR 2019-2020 PROJECT SUMMARY**

EMERGENCY SOLUTIONS GRANT (HESG)

Project/Activity Name	IDIS Activity #	FY 2019* Amount	Total Project Budget - 2019
ESG ENTITLEMENT ACTIVITIES		\$ 170,023.00	\$ 170,023.00
ESG ENTITLEMENT ADMINISTRATION	1348	\$ (12,751.00)	\$ (12,751.00)
CENTER FOR HUMAN SERVICES -YOUTH STREET OUTREACH	1349	\$ (35,000.00)	\$ (35,000.00)
CHSS- HMLSS PREV & RENTAL ASISTANCE (HOMLESS PREVENTION)	1350	\$ (40,000.00)	\$ (40,000.00)
CHSS - RAPID REHOUSING ASSISTANCE	1351	\$ (15,259.00)	\$ (15,259.00)
SALVATION ARMY - BERBERIAN SHELTER (SHELTER)	1352	\$ (67,013.00)	\$ (67,013.00)
		\$ -	\$ -

Estimated HOME Entitlement Program Budget

CITY OF MODESTO FISCAL YEAR 2019-2020 PROJECT SUMMARY

HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

Project/Activity Name	IDIS Activity #	2012	2013	2014	2015	2016	2017	FY 2018	FY 2019	Program Income	Total Budget
ENTITLEMENT ALLOCATION		\$ -	\$ 186,566.62	\$ 36,790.70	\$ 559,583.54	\$ 541,020.03	\$ 475,743.06	\$ 843,986.25	\$ 740,528.00	\$ 400,000.00	\$ 3,784,238.20
HOME PROGRAM PLANNING & ADMINISTRATION	1353				\$ (58,627.79)			\$ (99,292.50)	\$ (87,210.00)	\$ (40,000.00)	\$ (285,130.29)
CHDO OPERATING SUPPORT- STANCO	1286							\$ (47,702.41)		\$ -	\$ (47,702.41)
ARCHWAY COMMONS PHASE 2	1282		\$ (2,297.59)				\$ (183,159.51)	\$ (696,997.34)	\$ (300,000.00)	\$ -	\$ (1,180,156.85)
ACTIVITY DELIVERY- ARCHWAY COMMONS										\$ (80,000.00)	\$ (80,000.00)
522 E GRANGER AVENUE, MODESTO CA	1184				\$ (75,639.06)					\$ -	\$ (75,639.06)
AFFORDABLE HOUSING - HOMEBUYER ASSISTANCE								\$ (200,000.00)		\$ (200,000.00)	\$ (400,000.00)
416 E. COOLIDGE	1322		\$ (184,289.03)	\$ (36,790.70)	\$ (425,316.69)	\$ (153,603.58)				\$ (40,000.00)	\$ (800,000.00)
ACTIVITY DELIVERY 416 E. COOLIDGE	1322									\$ (40,000.00)	\$ (40,000.00)
VINE STREET						\$ (387,416.45)	\$ (92,583.55)		\$ (353,318.00)	\$ -	\$ (833,318.00)
ACTIVITY DELIVERY VINE STREET										\$ (40,000.00)	\$ (40,000.00)
TOTAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,297.59
CHDO SET ASIDE		\$ 80,566.95	\$ 102,567.75	\$ 124,339.61		\$ 108,203.70	\$ 105,556.35	\$ 148,938.00	\$ 130,682.00	\$ -	\$ 800,854.36
FY 2018 CHDO SET ASIDE - GREAT VALLEY - EDWARDS ESTATES	1284	\$ (80,566.95)	\$ (102,567.75)	\$ (114,487.02)		\$ (108,203.70)	\$ (82,831.58)			\$ -	\$ (488,657.00)
520 E GRANGER AVENUE, MODESTO CA				\$ (9,852.59)						\$ -	\$ (9,852.59)
FY 2018 CHDO SET ASIDE- ACTIVITY DELIVERY GREAT VALLEY	1284									\$ -	\$ -
FY 2018 CHDO SET ASIDE - STANCO - VINE STREET SUPP. HOUSING							\$ (22,724.77)	\$ (75,475.23)		\$ -	\$ (98,200.00)
FY 2018 CHDO SET ASIDE- ACTIVITY DELIVERY STANCO										\$ -	\$ -
TOTAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 73,462.77	\$ 130,682.00	\$ -	\$ 204,144.77

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-241**

**RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 CITY OF
MODESTO'S ANNUAL OPERATING, MULTI-YEAR AND CAPITAL
IMPROVEMENT PROJECT BUDGETS TO REFLECT THE ALLOCATION OF
FUNDS OUTLINED IN THE PROGRAM YEAR 2019-2020 ANNUAL ACTION
PLAN BUDGET 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 2019-20 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 2019-2020 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 amending the Fiscal Year 2019-2020 City of Modesto's annual operating, multi-year and capital improvement project budgets to reflect the allocation of funds outlined in the program year 2019-2020 Annual Action Plan budget proposal,

which is **attached** hereto as **Exhibit A**, submitted to the U.S. Department of Housing and Urban Development.

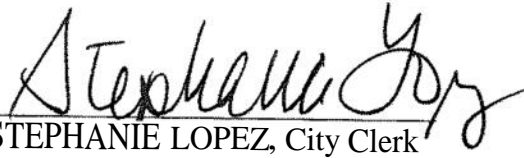
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**CITY OF MODESTO
FISCAL YEAR 2019-2020 PROJECT SUMMARY**

EMERGENCY SOLUTIONS GRANT (HESG)

Project/Activity Name	IDIS Activity #	FY 2019* Amount	Total Project Budget - 2019
ESG ENTITLEMENT ACTIVITIES		\$ 170,023.00	\$ 170,023.00
ESG ENTITLEMENT ADMINISTRATION	1348	\$ (12,751.00)	\$ (12,751.00)
CENTER FOR HUMAN SERVICES -YOUTH STREET OUTREACH	1349	\$ (35,000.00)	\$ (35,000.00)
CHSS- HMLSS PREV & RENTAL ASISTANCE (HOMLESS PREVENTION)	1350	\$ (40,000.00)	\$ (40,000.00)
CHSS - RAPID REHOUSING ASSISTANCE	1351	\$ (15,259.00)	\$ (15,259.00)
SALVATION ARMY - BERBERIAN SHELTER (SHELTER)	1352	\$ (67,013.00)	\$ (67,013.00)
		\$ -	\$ -

**CITY OF MODESTO
FISCAL YEAR 2019-2020 PROJECT SUMMARY**

HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

Project/Activity Name	IDIS Activity #	2012	2013	2014	2015	2016	2017	FY 2018	FY 2019	Program Income	Total Budget
ENTITLEMENT ALLOCATION		\$ -	\$ 186,586.62	\$ 36,790.70	\$ 559,583.54	\$ 541,020.03	\$ 475,743.06	\$ 843,986.25	\$ 740,528.00	\$ 400,000.00	\$ 3,784,238.20
HOME PROGRAM PLANNING & ADMINISTRATION	1353				\$ (58,627.79)			\$ (99,292.50)	\$ (87,210.00)	\$ (40,000.00)	\$ (285,130.29)
CHDO OPERATING SUPPORT- STANCO	1286							\$ (47,702.41)		\$ -	\$ (47,702.41)
ARCHWAY COMMONS PHASE 2	1282		\$ (2,297.59)				\$ (183,159.51)	\$ (696,991.34)	\$ (300,000.00)		\$ (1,180,150.85)
ACTIVITY DELIVERY- ARCHWAY COMMONS										\$ (80,000.00)	\$ (80,000.00)
522 E.GRANGER AVENUE, MODESTO CA	1184				\$ (75,639.06)						\$ (75,639.06)
AFFORDABLE HOUSING - HOMEBUYER ASSISTANCE							\$ (200,000.00)			\$ (200,000.00)	\$ (400,000.00)
416 E. COOLIDGE	1322		\$ (184,289.03)	\$ (36,790.70)	\$ (425,316.69)	\$ (153,603.58)					\$ (800,000.00)
ACTIVITY DELIVERY 416 E. COOLIDGE	1322									\$ (40,000.00)	\$ (40,000.00)
VINE STREET						\$ (387,416.45)	\$ (92,583.55)		\$ (353,318.00)		\$ (833,318.00)
ACTIVITY DELIVERY VINE STREET										\$ (40,000.00)	\$ (40,000.00)
TOTAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,297.59
CHDO SET ASIDE		\$ 80,566.95	\$ 102,567.75	\$ 124,339.61		\$ 108,203.70	\$ 105,556.35	\$ 148,938.00	\$ 130,682.00		\$ 800,854.36
FY 2018 CHDO SET ASIDE - GREAT VALLEY - EDWARDS ESTATES	1284	\$ (80,566.95)	\$ (102,567.75)	\$ (114,487.02)		\$ (108,203.70)	\$ (82,831.58)			\$ -	\$ (488,657.00)
522 E.GRANGER AVENUE, MODESTO CA				\$ (9,852.59)							\$ (9,852.59)
FY 2018 CHDO SET ASIDE- ACTIVITY DELIVERY GREAT VALLEY	1284										\$ -
FY 2018 CHDO SET ASIDE - STANCO - VINE STREET SUPP. HOUSING							\$ (22,724.77)	\$ (75,475.23)			\$ (98,200.00)
FY 2018 CHDO SET ASIDE- ACTIVITY DELIVERY STANCO											\$ -
TOTAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 73,462.77	\$ 130,682.00	\$ -	\$ 204,144.77

Annual Action Plan Program Year 2019-2020



CITY OF
MODESTO
C A L I F O R N I A

City Of Modesto
Community and Economic Development Department
1010 10th Street, Suite 3100
Modesto, CA 95354
www.modestogov.com
housing@modestogov.com

Committee:
City Council:

Citizens Housing and Community Development Committee
Pending

Approved:
Approved:

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Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Modesto's Program Year (PY) 2019-2020 Annual Action Plan represents the fifth (5th) year plan of the City of Modesto's 2015-2020 Consolidated Plan. The PY 2019-2020 AAP identifies activities to be undertaken during the program year to address community priority needs. Further, the PY 2019-2020 AAP identifies the expected resources to be available and the activities to be funded along with related activity accomplishments.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The City of Modesto has identified the following areas on which to focus funds, based on the 2015-2020 Consolidated Plan Priorities,

- Affordable Housing
- Fair Housing
- Ending Chronic Homelessness
- Public Services
- Public Facilities Improvements
- Public Improvements

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The City of Modesto identified a number of activities in the PY 2018-2019 Annual Action Plan in an attempt to address the community needs as identified in the Consolidated Plan. Through these activities, the City of Modesto continued to take an active role in promoting and producing affordable housing, addressing the social and economic needs of low- and moderate-income individuals, and serving the special needs populations within the City of Modesto.

Specific activities that were accomplished include:

Affordable Housing Activities:

1. 522 E. Granger: Partnered with Stanislaus County Affordable Housing Corporation (STANCO) for the completion of four 650 square foot one bedroom, one bath energy efficient apartments (HOME Funds - \$563,000); CDBG funds were also awarded to this project for the renovation of a community center to provide services to tenants of the housing project.

2. 615 5th Street: Awarded CDBG funds to STANCO for the acquisition of a 2 bed/1 bath unit to provide transitional affordable housing to special needs populations (CDBG Funds \$189,600).
3. 201 E. Coolidge Ave: Partnered with the Housing Authority of the County of Stanislaus (HACS) to rehabilitate a 40-unit multi-family housing complex. The project scope included rehabilitation work to address health and safety repairs, landing replacements, mold remediation, water leaks, dry rot, replace outer walls of existing stairwells and stairwell headers to assist with the first Housing First Pilot project for HACS (CDBG Funds - \$450,000).
4. Vine Street Acquisition: Partnered with the HACS to acquire property to develop a two phase affordable housing project. Phase I will consist of 23, 1 bedroom units to provide housing for veterans. Phase II will consist of 12 senior housing units (CDBG Funds - \$280,000).
5. 416 E. Coolidge Ave: Awarded funds to the HACS for the construction of eight (8) 1 bedroom units to provide affordable housing to mental health clients served by Stanislaus County Behavioral Health and Recovery Services (BHRS) (HOME Funds - \$800,000).
6. Edwards Estates: Awarded HOME CHDO funds to Great Valley Housing Development Corporation for the construction of two affordable housing units to be sold to first time homebuyers (HOME – \$488,657).

Owner Occupied Housing Rehabilitation:

A total of 22 households have received housing rehabilitation assistance to address health and safety related repairs on their homes including but not limited to installation of energy efficient windows, energy efficient HVAC systems, re-roof improvements, ADA bathroom improvements, electrical repairs, and ADA ramps.

CDBG Public Services

Under the City of Modesto's 2018-2019 CDBG Public Service program, the City provided a total of \$309,484 to 10 non-profit organizations to deliver essential public services to extremely low to moderate income families and individuals.

ESG Homeless Services

The City awarded a total of \$152,195 four (4) non-profit organizations to deliver essential homeless services homeless or persons at risk of homelessness.

In PY 2018-2019 the City carried out several affordable housing activities to supplement the City's affordable housing stock. These projects have paved the way for work to be carried out in PY 2019-2020 continuing efforts to provide affordable housing opportunities to low income households. In PY 2019-2020, the City will continue to work with its local partners to carry out more affordable housing projects including shelter, transitional, and permanent housing.

4. Summary of Citizen Participation Process and consultation process

For the 2019-2020 Annual Action Plan, the City held community meetings within each City Council Districts and when possible, community meetings were held within low income Census Block Group areas. The meetings were held at different times and locations in an effort to accommodate the needs of low-income residents, particularly persons with Limited English Proficiency community needs.

Spanish-speaking translators were made available at all meetings. Limited English Proficiency assistance may be accommodated for other languages upon advance notice. All community input meetings were held at public buildings accessible to disabled individuals.

All community meetings were open to the public. A meeting notice listing all the meetings and the public hearing were distributed via email and published in the Modesto Bee. The draft AAP was made available online at: <https://www.modestogov.com/1850/Annual-Action-Plans> and hard copies were made available for review at the City of Modesto Community and Economic Development Department at 1010 10th street, Suite 3100, Modesto CA.

The draft AAP was made available for a minimum 30-day public review and comment period from March 25, 2019 to May 14, 2019.

See section AP-12 for a summary of Citizen Participation community meetings held.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

See AP-12 Participation for a summary of comments received.

A summary of all public comments will be provided to the City of Modesto City Council at the May 14, 2019 Public Hearing to consider adoption of this AAP.

6. Summary of comments or views not accepted and the reasons for not accepting them.

Pending end of public comment period.

7. Summary

The City of Modesto's Program Year (PY) 2019-2020 Annual Action Plan represents the fifth (5th) year plan of the City of Modesto's 2015-2020 Consolidated Plan. The PY 2019-2020 AAP identifies activities to be undertaken during the program year to address community priority needs.

For the 2019-2020 Annual Action Plan, the City held community meetings within each City Council Districts and when possible, community meetings were held within low income Census Block Group areas. The meetings were held at different times and locations in an effort to accommodate the needs of low-income residents, particularly persons with Limited English Proficiency community needs.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan
 Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	MODESTO, CA	
CDBG Administrator	MODESTO, CA	Community & Economic Development Department
HOME Administrator	MODESTO, CA	Community & Economic Development Department
ESG Administrator	MODESTO, CA	Community & Economic Development Department

Table 1 – Responsible Agencies

Narrative (optional)

The City of Modesto’s Community and Economic Development Department, Community Development Division is the lead agency responsible for the preparation of the Consolidated Plan and related Annual Action Plans.

The Community Development Division collaborates with two Citizen Advisory committees in the development and approval of HUD planning documents as well as for the approval of HUD funded projects and activities: 1) the Citizens Housing and Community Development Committee (CH&CDC), and 2) the Housing Rehabilitation Loan Committee (HRLC).

The CH&CDC is an 11-member committee appointed by the Modesto City Council and is comprised of representatives from the Modesto City Council, Planning Commission, Housing Rehabilitation Loan Committee, Human Relations Commission and several citizens-at-large. Generally, the citizens-at-large represent low-income and racial minority groups. The CH&CDC provides overall review of the City's Housing and Urban Development (HUD) plans (Con Plan, AAP, CAPER) and funds. The committee makes funding recommendations to the Modesto City Council regarding the HUD Community Development Block Grant, Emergency Shelter Grant, and Home Investment Partnerships Grant programs.

The Housing Rehabilitation and Loan Committee considers all Homeowner Rehabilitation Program projects for eligibility and approval.

Consolidated Plan Public Contact Information

The following contact information may be used by the public to submit inquiries/comments related to the PY 2019-2020 Annual Action Plan/Consolidated Plan.

- Telephone: (209) 577-5211
- Hearing Impaired Dial the California Relay Service Number: Dial 711, and then ask for 209-577-5211
- Email: housing@modestogov.com
- In person: City of Modesto, Community & Economic Development Department 1010 Tenth Street, 3rd Floor, Modesto, California, 95354
- Mail: City of Modesto, Community & Economic Development Department Community Development Division, P.O. Box 642, Modesto, California 95353

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

The City of Modesto consulted with various organizations including service providers within Stanislaus County. Consultation with service providers not only takes place during the development of the Annual Action plan but occurs throughout the year through the City's engagement in the Community System of Care and Focus on Prevention initiative. The City realizes that consultation and collaboration with stakeholders and service providers is key in ensuring that meaningful dialogue takes place so that the best strategy to address underserved needs is set in place and HUD resources are used in the most effective way.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

Since 2014, there has been an extraordinary amount of coordination among service providers throughout Stanislaus County. This coordination began with the launch of the Focus on Prevention Countywide initiative with the aim to improve the quality of life for all Stanislaus County residents and families through coordinated prevention efforts that work across multiple sectors and address root causes. The sectors include arts, entertainment and sports, business, education, faith, government, healthcare, media, non-profits, neighborhoods, and philanthropy. When this initiative began, the first area of focus was preventing and reducing homelessness.

The City of Modesto has been a key partner in the Focus on Prevention initiative. The City's active involvement in the Community System of Care (CSOC), which acts as the local Continuum of Care, is key in ensuring that there's coordination between public and assisted housing providers and private governmental health, mental health and service agencies.

In January 2019, the CSOC released a “Plan to Address Homelessness in Stanislaus County”. The plan consolidates and updates community planning and feedback processes from the past four years, and draws upon the work of community leaders and agencies at the front lines of serving homeless people and families. Included in the plan are strategies designed to strengthen and further unite the efforts of government and community partners in multiple sectors: housing and shelter providers, healthcare providers, the members of the CSOC, housing developers, law enforcement/justice system stakeholders, behavioral health/substance abuse treatment agencies, emergency response system members, faith-based community, educational leaders, people with lived experience of homelessness, and a wide range of service providers.

In an effort to create a formal public/private governance structure to establish a single point of community leadership and oversight to guide the response to homelessness in Stanislaus County, a new governance structure called the Stanislaus Homeless Alliance is being established. The intent of this new community-wide leadership structure is to develop one vision, one program strategy, and one funding strategy to communicate performance outcomes to the community and serve as the framework for mutual accountability. The Homeless Alliance will include elected officials, executive staff and non-government community leaders to reinforce the core principle that effective solutions must include all sectors of the community working together with a common purpose and strategy.

With regard to economic development, the City of Modesto has strong partnerships with Opportunity Stanislaus, the county-wide economic development partner that focuses on growing and strengthening Stanislaus County through programs designed to build a strong workforce and create a thriving business environment. The City continues to coordinate with Opportunity Stanislaus to enhance business opportunities for low income individuals. The City currently has a contract with Opportunity Stanislaus to support operations of its VOLT Institute program which offers fast-paced training for high-wage, in demand careers in industrial maintenance mechanics to low income individuals.

In addition, the City of Modesto partners with Access Plus Capital (previously Fresno Community Development Financial Institution) on a small business loan project. The program provides competitive loans to business start-ups and/or existing businesses for working capital, tenant improvements, and/or equipment.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

As part of the CSOC’s Plan to Address Homelessness in Stanislaus County, the CSOC is currently working on efforts to better align local, state, and federal resources to respond to the needs of the community’s homeless population including families and individuals living with serious mental illness who are homeless, chronically homeless, or at risk of chronic homelessness.

The City continues to coordinate efforts and leverage funds with our local Community System of Care and jurisdictions to have a greater impact in the areas of housing and homeless services. The City of Modesto and its partners also continue to work toward an effective and efficient Coordinated Entry system designed to ensure that people experiencing homelessness and those at risk of homelessness are quick matched to the supportive services, shelter, and housing that most effectively and efficiently end their homelessness.

In addition, the City is working with the CSOC on the coordination with local institutions to minimize the discharge of people from publicly funded institutions, hospitals, and prisons into homelessness. Due to the California law change in January 2019, the local Behavioral Health and Recovery Services County agency is working with medical institutions and their discharge policies to assist homeless patients in preparing for their return to the community and helping identify a post-discharge destination, with priority given to identifying a sheltered destination with supportive services. There is still a large shortage in permanent supportive housing and supportive services and the community has applied for No Place Like Home Funding in order to help address those shortages.

In the coming year, the City will partner with the local youth service provider to assist with additional youth facilities such as a one-stop-shop “Youth Access Center”.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

With regard to consultation with the Continuum of Care in determining how to allocate ESG funds, the CSOC is currently working on restructuring the CSOC oversight to form a homeless alliance which will oversee all funds designated for homeless services in the community, including ESG, to ensure the funding has the greatest impact among the population it serves.

To develop performance standards and evaluate outcomes of projects and activities assisted by ESG funds, the City of Modesto uses performance measures captured annually by HMIS to evaluate the outcomes of projects assisted with ESG funds. The performance measures will help evaluate the performance to determine the most effective services and assist with future allocation of ESG funds. These include: length of homelessness, returns to homelessness, number of sheltered homes persons, employment and income growth for persons, homeless for the first time, and exit and retention to permanent housing.

The CSOC has adopted policies and procedures to administer the operation of the Homeless Management Information System. The City of Modesto, as HMIS Lead, will utilize California Emergency Solutions and Housing (CESH) Program funds from the State of California and HMIS Capacity building funds to enhance the current HMIS system for more streamlined coordinated entry and to illustrate the outcomes of individual homeless services.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction’s consultations with housing, social service agencies and other entities.

1	Agency/Group/Organization	Housing Authority of the County of Stanislaus
	Agency/Group/Organization Type	Housing PHA Services – Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Consulted via ongoing collaboration of housing projects that the City has as well as coordination during CSOC (CoC) meetings. Anticipated outcomes include the identification of gaps and services and continued partnership in delivery of affordable housing projects and services with the end goal of serving low income and homeless households in the most effective and efficient manner.
2	Agency/Group/Organization	Haven Women's Center
	Agency/Group/Organization Type	Services-Victims of Domestic Violence
	What section of the Plan was addressed by Consultation?	Housing Needs - Victims of Domestic Violence
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC. The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
3	Agency/Group/Organization	STANISLAUS COUNTY
	Agency/Group/Organization Type	Other government - County

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	City and County staff collaborate on an ongoing basis to address homeless needs in the community. The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC. The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
4	Agency/Group/Organization	THE SALVATION ARMY - MODESTO CA
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC. As one of the largest homeless services provider, located in and serving Modesto, this agency provides insight in the needs and issues the homeless population are facing. The anticipated outcome is that the City and County governments continue to work closely with this agency to increase its capacity with the goal of delivering effective and efficient services to the homeless population as well as improving program related requirements.

5	Agency/Group/Organization	THE DISABILITY RESOURCE AGENCY FOR INDEPENDENT LIVING (DRAIL)
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
6	Agency/Group/Organization	Stanislaus County Community Services Agency
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-homeless Services-Health Other government - County
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
8	Agency/Group/Organization	Turning Point Community Programs
	Agency/Group/Organization Type	Housing Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs

	<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>As the operator of the Outreach and Engagement Center and Housing Assessment Team, the anticipated outcome is that the City and County governments continue to work closely with this agency to increase its capacity with the goal of delivering effective and efficient services to the homeless population as well as improving program related requirements. They will also assist in being the provider for the low-barrier shelter. We have reached out to the HCD Department from the State of California for technical assistance and training for the shelters and the Housing First model.</p>
9	<p>Agency/Group/Organization</p>	<p>Community Impact Central Valley</p>
	<p>Agency/Group/Organization Type</p>	<p>Housing Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-homeless</p>
	<p>What section of the Plan was addressed by Consultation?</p>	<p>Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans</p>
	<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>As a housing provider serving persons with HIV/AIDS, the CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>

10	Agency/Group/Organization	West Modesto King Kennedy Neighborhood Collaborative
	Agency/Group/Organization Type	Services-Children Services-homeless Services-Education
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The neighborhood collaborative was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing community collaboration. Anticipated outcomes include ongoing collaboration with neighborhood groups and working together to address and solve social and neighborhood problems via HUD programs and other community resources.
12	Agency/Group/Organization	Airport Neighborhood Collaborative
	Agency/Group/Organization Type	Services-Children Services-Education
	What section of the Plan was addressed by Consultation?	Homelessness Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The neighborhood collaborative was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing community collaboration. Anticipated outcomes include ongoing collaboration with neighborhood groups and working together to address and solve social and neighborhood problems via HUD programs and other community resources.
13	Agency/Group/Organization	CITY OF TURLOCK
	Agency/Group/Organization Type	Other government - Local Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>As a member of the CSOC and an entitlement community of CDBG and HOME funds, the City seeks to improve the coordination of regional housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
14	Agency/Group/Organization	Parent Resource Center
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
15	Agency/Group/Organization	UNITED WAY
	Agency/Group/Organization Type	Services-Health Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
16	Agency/Group/Organization	United Samaritans Foundation
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	<p>Homeless Needs - Chronically homeless</p> <p>Homeless Needs - Families with children</p> <p>Homelessness Needs - Veterans</p> <p>Homelessness Needs - Unaccompanied youth</p> <p>Homelessness Strategy</p>
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
17	Agency/Group/Organization	PROJECT SENTINEL
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	<p>Housing Need Assessment</p> <p>Public Housing Needs</p> <p>Fair Housing</p>
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>As the fair housing provider in Stanislaus County, the anticipated outcome is to continue coordination with this agency to provide essential fair housing services to the community.</p>

19	Agency/Group/Organization	Stanislaus County Sheriff Department/Law Enforcement
	Agency/Group/Organization Type	Services - Victims Other government - Local Services - Law Enforcement
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy General Services
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC. The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
20	Agency/Group/Organization	CHILDREN'S CRISIS CENTER
	Agency/Group/Organization Type	Services-Children Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC. The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
21	Agency/Group/Organization	Opportunity Stanislaus
	Agency/Group/Organization Type	Services-Employment
	What section of the Plan was addressed by Consultation?	Economic Development Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>Anticipated outcomes are to continue to collaborate to continue to provide economic development opportunities for low income persons and/or provide assistance to small businesses.</p>
24	Agency/Group/Organization	FAMILY PROMISE OF GREATER MODESTO
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>
25	Agency/Group/Organization	Center For Human Services
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Homelessness Needs - Unaccompanied youth Homelessness Needs - Youth
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	<p>The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the CSOC.</p> <p>The CSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.</p>

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

Not applicable

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care Consolidated Application	City of Modesto	The goals of the CoC’s annual submissions to HUD are similar in that they address the coordination, needs and goals of housing service providers and participating jurisdictions.
Housing Element	City of Modesto	Goals of the City’s Housing Element of the General Plan were considered when preparing the Annual Action Plan. The goals of the Annual Action Plan address some of the housing needs identified in the Housing Element.
Plan to Address Homelessness in Stanislaus County	Stanislaus Community System of Care (aka CoC)	The City’s Strategic Plan addresses homelessness via various funded projects/activities including ESG, CDBG, or HOME funds.
Strategic Plan	City of Modesto	The City of Modesto is currently updating the Strategic Plan which includes efforts on how to address homelessness and affordable housing.

Table 2 – Other local / regional / federal planning efforts

Narrative (optional)

No additional narrative.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

In order to ensure maximum participation in the AAP process among all populations and special needs groups and to ensure that their issues and concerns are adequately addressed, the City of Modesto has a Citizen Participation Plan (CPP) in place. The community outreach process included community meetings, CH&CDC public meetings, and a City Council Public Hearing.

All community meetings are open to the public, and in addition to newspaper publications, notices of the meetings were distributed via e-mail, and hard copy posting. Community meetings provide a forum for citizens to participate in matters related to the City’s HUD Programs as well as provide staff an opportunity to review policy issues and obtain public feedback.

In compliance with Citizen Participation requirements, the City encourages citizen participation among all community sectors including but not limited to low and moderate income persons, residents from

blighted areas predominantly low and moderate income neighborhoods, areas where CDBG funds are proposed for use, minorities, non-English speaking persons, persons with disabilities, public housing residents, and local and regional institutions including the CoC, businesses, developers, and non-profit organizations, among others. The following efforts took place for each of these groups:

- Low and moderate income persons: City staff conducted community meetings in each of the six City Council Districts. Meetings were strategically located within or near Census Block Groups categorized as low-income block groups by HUD. The intent was to reach out to and encourage low income residents living within low income block groups to participate in the AAP process.
- Residents from slum and blighted areas: City staff conducted community meetings in each of the six City Council Districts. Meetings were strategically located within or near Census Block Groups categorized as low-income block groups by HUD. The intent was to reach out to and encourage low income residents living within low income block groups to participate in the AAP process.
- Minorities: The City of Modesto encourages participation of all population groups. Many of the low income block groups where community meetings were held contain a high concentration of minorities.
- Non-English Speaking Persons: AAP publications are posted in English and Spanish. Spanish speaking staff is also available at all community meetings to assist Spanish speaking persons. Assistance to persons in other languages is available upon request.
- Persons with Disabilities: Community meetings are held in places accessible to persons with disabilities. Special accommodations requests are addressed on a case by case basis.
- Public Housing residents: The City of Modesto collaborates with the Housing Authority of the County of Stanislaus, the largest public housing provider in Stanislaus County, during the development of the AAP.
- Local & regional institutions including the CoC: The CoC is consulted during the development of the AAP. The CoC is made up of representatives of multiple community sectors such as business, nonprofit organizations, philanthropic organizations, and community and faith based organizations

The public comment period was held from March 25, 2019 through May 14, 2019. During the Citizen Participation process, a number of community meetings were held to inform community groups of the 2019-2020 Annual Action Plan (AAP) and the programs offered by the various funding sources covered under the AAP. Comments received at meetings were considered for goal setting. An AAP publication announcing the AAP citizen participation process was published in the Modesto Bee and Vida en el Valle, the local Spanish newspaper. Dates, times and locations of community meetings as well as public hearings were published through these mediums and are summarized in Table 4 below.

Any comments obtained from the community meetings will be incorporated into the Program Year 2019-2020 Annual Action Plan. HUD has directed entitlement grantees to submit the AAP only after

official allocation awards are made available by HUD. The public review period to review and comment on the draft documents opened on March 25, 2019 and is scheduled to close with a public hearing at the Council meeting on May 14, 2019, subject to official HUD allocation award amounts being available. Per HUD's direction, the public hearing may be changed to a different date if awards are not available by May 14, 2019.

The following is a list of meetings that were held during the public comment period.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of comments received	Summary of comments not accepted and reasons
1	Public Meeting 3/21/19 Strategic Plan Meeting – Enochs High School – District 6	Minorities Broad Community	Comments were received expressing the need for more affordable housing.	N/A
2	Public Meeting 3/26/19 Strategic Plan Meeting – Modesto Fire Station 6 – District 1	Minorities Broad Community	Comments were received expressing the need for more affordable housing.	N/A
3	Public Meeting 3/27/19 Strategic Plan Meeting – Stanislaus Veterans Center – District 5	Minorities Broad Community	Comments were received expressing the need for more affordable housing.	N/A
4	Public Meeting 4/4/19 Strategic Plan Meeting – La Loma Jr High – District 4	Minorities Broad Community	Comments were received expressing the need for more affordable housing.	N/A
5	Public Meeting 4/8/19 Airport Neighborhood Collaborative – District 4	Minorities Other: Low Income Block Group area Low Income individuals	A general discussion about the AAP and City's housing programs was held. No comments were received.	N/A

6	Public meeting 4/11/19 CH&CDC Meeting - Citywide	Minorities Other: Low income Block Group area Low Income individuals	The draft AAP and proposed projects was presented to the CH&CDC committee. Support was expressed for the AAP and featured projects including the proposed Microenterprise project for West Modesto, South Modesto, and Airport Neighborhood residents.	N/A
7	Public meeting 4/11/19 Strategic Plan Meeting – West Modesto King Kennedy Memorial Center – District 2	Minorities Other: Low income Block Group area Low Income individuals	Comments were received expressing the need for more affordable housing.	
8	Public meeting 4/17/19 Strategic Plan Meeting – Modesto Senior Citizens Center – District 3	Minorities Broad Community	Comments were received expressing the need for more affordable housing.	
9	Public meeting 4/17/19 West Modesto People of Action Council Monthly Meeting – District 2	Minorities Other: Low Income Block Group area Low Income individuals	A general discussion about the AAP and City’s projects in West Modesto was held. Parks and Recreation Department staff conducted a presentation related to CA Prop 68 Parks grant opportunities and its plans to submit an application for additional Mellis Park improvements.	

10	Public Meeting 4/18/19 Community System of Care (CSOC/CoC) – Citywide	Minorities Broad Community	The draft AAP and proposed projects was presented to the CSOC. No comments were received.	
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Table 3 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

- Funds covered under the Consolidated Plan: CDBG, HOME and ESG:

During Program Year 2019-2020, the City of Modesto anticipates receiving \$1,872,692 of Community Development Block Grant (CDBG) program funds, \$871,210 of HOME Investment Partnerships (HOME) Program funds, and \$170,023 of Emergency Solutions Grant (ESG) funds. The table below is a summary of expected resources in PY 2019-2020.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Public-federal	Admin and Planning Acquisition Public Services	\$1,872,692	\$500,000 \$900,000 (RLF) \$500,000 (NSP P.I Convert to CDBG)	\$500,000	\$4,272,692	\$0.00	Expected Uses: Program Administration; Public Services; Housing Programs; Fair Housing Enforcement ;Public Facility Improvements Eligible ADA Improvements Homeless Services Activities
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	\$871,210	\$400,000	\$3,313,882	\$4,585,092	\$0.00	Expected Uses: Homebuyer Assistance Owner Occupied Housing Rehabilitation Rental Housing Rehabilitation Rental Housing New Construction

ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re- housing (rental assistance) Rental Assistance Services Transitional housing	\$170,023	\$0.00	\$23,474*	\$193,497	\$0.00	Expected Uses: Homeless Services Homeless Prevention Rapid Re- Housing
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Table 5 - Expected Resources – Priority Table

**HUD allows up to 24 months for the expenditure of ESG funds. Via this AAP, the City will reprogram any funds unable to be spent by any of the ESG sub-recipients during Program Year 2018-2019. Up to \$23,474 of 2018-2019 ESG funds may need to be reprogrammed. The exact amount will be unknown until June 30, 2019.*

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City understands the importance of leveraging federal HUD funds with other resources. In the upcoming program year, the City is looking at leveraging HUD funds with funds such as No Place Like HOME (NPLH), California Emergency Solutions and Housing (CESH) Program, State Low income Tax Credits and Homeless Emergency Aid Program (HEAP) to maximize the impact of HUD funded programs. During the last program year the City of Modesto was able to leverage funding from a multitude of places.

The following is a list of sample HUD assisted projects in 2018-2019 that leveraged with other sources:

Project Name	HUD Source	Leverage Amount(s)	Total Project Cost
615 5 th Street	CDBG- \$189,600	BHRS- \$59,775	\$249,375
0 Vine Street	CDBG- \$280,000	Self Help Enterprises, No Place Like Home, HOME funding: \$5,519,882	\$5,799,882
Fire Hydrants	CDBG \$627,000	Local Water Fund \$299,591	\$926,591
201 E Coolidge	CDBG \$450,000	BHRS \$550,000	\$1,000,000
VOLT	CDBG: \$50,000	Other: \$550,000	\$600,000

With relation to Public Services and ESG funded activities, the City tracks leverage amounts from all sub-recipients via the ZoomGrants software reporting/invoicing system. Public Service sub-recipients are required to submit leverage amounts with supporting documentation as part of the City of Modesto’s quarterly monitoring reviews. The City of Modesto uses this data for its HUD reports in IDIS.

HOME – 25% Match Requirement

The 25% HOME match requirements are met through the contributions or layers of funds that the developers provide for each HOME -assisted project. The match includes private financing, waiver or deferral of development fees approved by the Modesto City Council, Tax Credit Allocations, and any other eligible source.

During the 2018-2019 Program Year, the City leveraged HOME funding for the following projects:

Project Name	HUD Source	Match Amount(s)	Total Project Cost
416 E. Coolidge	HOME \$800,000	\$475,000	\$1,275,000
Edwards Estates	HOME CHDO \$488,657	\$50,000	\$538,657
TOTAL	\$1,288,657	\$525,000	\$1,813,657

ESG – 100% Match Requirement

For the ESG program, the City of Modesto requires that ESG sub-recipients provide a dollar-for-dollar match for ESG funds received. Typically, the City of Modesto is able to generate significantly more match than the amount required for ESG activities primarily through the cash and non-cash contributions provided by ESG sub-recipients as a result of the generosity of their donors, supporters, and other funders. As part of the ESG monitoring process, ESG sub-recipients submit reimbursement requests; invoices and accompanying receipts are reviewed for reimbursement eligibility. Sub-recipients are

required to submit dollar-for-dollar match verification with each reimbursement request and City of Modesto reimbursement is conducted after match verification documentation is satisfied.

During Program Year 2018-2019 ESG subrecipients were able to match ESG funds through local, state, and other sources as shown below:

Project Name	HUD Source	Match Amount(s)	Total Project Cost
CHS Hutton House	ESG \$35,000	\$596,525	\$631,525
CHSS Homeless Prevention	ESG \$30,000	\$30,000	\$60,000
The Salvation Army Berberian Shelter	ESG \$63,721	\$396,940	\$460,661
TOTAL	128,721	\$1,023,465	\$1,152,186

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Discussion

The City is reviewing its inventory of City owned properties to determine the best use for the upcoming AAP. The intent is to transfer eligible properties to non-profit organizations to utilize the units for low income households or rehabilitate the units and sell them to a low income household. Additionally, the City as the successor housing entity to the former Redevelopment Agency of the City of Modesto, owns a parcel that will be utilized to develop 74 affordable housing units for low and very low income households. The City is working with EAH, a non-profit affordable housing developer, to obtain project construction financing including State grants and tax credits to leverage HOME funding.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator

Goal Descriptions

Projects

AP-35 Projects – 91.220(d)

Introduction

The activities to be undertaken in PY 2019-2020 are summarized below. The City’s focus will be the provision of affordable housing opportunities, through acquisition, rehabilitation and construction of housing, along with public services including homeless services, and economic development activities.

Projects

#	Project Name
	CDBG PROJECTS
1	CDBG: FY 2019-2020 CDBG PLANNING & ADMINISTRATION
2	CDBG: AFFORDABLE HOUSING – ACQUISITION
3	CDBG: 2018 HOUSING REHAB ADMINISTRATION/ACTIVITY DELIVERY (14H)
4	CDBG: SECTION 108 LOAN REPAYMENT FY 2019-2020
5	CDBG: MICROENTERPRISE COTTAGE FOOD OPERATOR PROGRAM
6	CDBG: ACCESS CENTER
7	CDBG: WATER LINE REPLACEMENT PROJECT
	REVOLVING LOAN FUND ACTIVITIES
8	CDBG: AFFORDABLE HOUSING – OWNER OCCUPIED HOUSING REHABILITATION
9	CDBG: AFFORDABLE HOUSING – ACQUISITION
	FY 2019-2020 PUBLIC SERVICES
10	PS-19 DOWNTOWN STREETS TEAM
11	PS-19 CENTER FOR HUMAN SERVICES – PATHWAYS PROGRAM
12	PS-19 CHILDREN’S CRISIS CENTER – RESPITE CHILDCARE SHELTER PROJECT
13	PS-19 COURT APPOINTED SPECIAL ADVOCATES (CASA) – CASA OF STANISLAUS COUNTY
14	PS-19 HAVEN WOMEN’S CENTER – DOMESTIC VIOLENCE SHELTER
15	PS-19 OPPORTUNITY STANISLAUS – VOLT INSTITUTE
16	PS-19 PARENT RESOURCE CENTER – MOMS PARENTS PLUS
17	PS-19 PROJECT SENTINEL – FAIR HOUSING PROGRAM
18	PS-19 UNITED SAMARITANS FOUNDATION – DAILY BREAD LUNCH PROGRAM
19	PS-19 SALVATION ARMY – BERBERIAN SHELTER
	ESG PROJECTS
1	FY 2019-2020 ESG PLANNING & ADMINISTRATION
	ESG-19 CENTER FOR HUMAN SERVICES – HUTTON HOUSE
	ESG-19 COMMUNITY HOUSING & SHELTER SERVICES – HOMELESS PREVENTION
	ESG-19 THE SALVATION ARMY – BERBERIAN SHELTER
	HOME PROJECTS
1	2019-2020 HOME PROGRAM PLANNING & ADMINISTRATION
2	HOME: CHDO OPERATING SUPPORT – STANCO
3	HOME: ARCHWAY COMMONS PHASE 2
4	HOME: AFFORDABLE HOUSING – HOMEBUYER ASSISTANCE
5	HOME: 416 E. COOLIDGE AVE
6	HOME: 0 VINE STREET
	HOME: CHDO SET ASIDE
	FY 2018 CHDO SET ASIDE – GREAT VALLEY EDWARDS ESTATES
	FY 2018 CHDO SET ASIDE – STANCO VINE STREET TINY HOME

#	Project Name
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Table 4 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

There is a great need for affordable housing in the area. According to an August 2018 report by the California Housing Partnership Corporation, Stanislaus County needs approximately 20,000 more affordable rental homes to meet current demand. The report further indicates that, the elimination of redevelopment in 2012 and exhaustion of stat bond funding foreshadowed a 16% rise in homelessness from 2016 to 2017.

Allocation priorities for the use of HUD CDBG, ESG, and HOME focus on addressing homelessness and the shortage of affordable housing. Local efforts are currently focused on addressing the local homeless crisis while at the same time trying to identify ways to supplement the City’s affordable housing stock with limited financial resources available to the community.

Because of the shortage, the City has shifted funding to assist with acquisition and rehabilitation of the affordable housing stock. Additionally, funding is being allocated to assist with the expansion of public facilities to include additional shelter beds, and transitional housing. The housing and rental costs continue to increase, and for the first time in over five years the FMR has decreased for the area.

An additional obstacle we have been struggling with is Rapid-rehousing. We are working hard to engage additional landlords to partner with, and we are applying for technical assistance from the State of California to assist with engaging more landlords.

AP-38 Project Summary

Project Summary Information

1	Project Name	CDBG: FY 20192-020 CDBG PLANNING & ADMINISTRATION
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	CDBG: \$474,538

	Description	This project will fund administrative expenses related to the planning and administration of CDBG projects and activities including but not limited to development of HUD plans, contract development, project monitoring, and enforcement of federal regulations. Matrix Code: 21A - General Program Administration Regulatory Citation: 570.206 National Objective: N/A
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	1010 10th Street, Modesto CA 95354
	Planned Activities	Program Administration.
2	Project Name	CDBG: AFFORDABLE HOUSING – ACQUISITION
	Target Area	N/A
	Goals Supported	Acquisition and Rehabilitation
	Needs Addressed	HM-2 Increase Transitional Housing
	Funding	CDBG: \$613,154
	Description	Partner with local homeless service providers and/or affordable housing developers to acquire properties and convert to homeless facilities and/or supplement the City's affordable housing stock. Matrix Code: 01 Acquisition of Real Property Regulatory Citation: 570.201(a) National Objective: 570.208(a)(3) LMH
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	1 homeless facility
	Location Description	Modesto

	Planned Activities	Homeless Facility
3	Project Name	CDBG: 2018 HOUSING REHAB ADMINISTRATION/ACTIVITY DELIVERY (14H)
	Target Area	
	Goals Supported	Housing Rehabilitation Program
	Needs Addressed	H-3 Preserve Existing Affordable Housing
	Funding	CDBG: \$250,000
	Description	Activity delivery costs related to carrying out housing rehabilitation activities (rental and owner occupied). Examples include appraisal, architectural, engineering, and other professional services; preparation of work specifications and work write-ups; loan processing; survey, site and utility plans; application processing; and other fees. Matrix Code: 14H Rehabilitation Administration Regulatory Citation: 570.202(b)(9) National Objective: N/A
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	City staff will facilitate housing rehabilitation projects for 20 eligible households at or below 80% of the Area Median Income.
	Location Description	Citywide/Low Income Census Tracts.
	Planned Activities	Owner Occupied Housing Rehabilitation Activity Delivery.
4	Project Name	CDBG: SECTION 108 LOAN REPAYMENT FY 2019-2020
	Target Area	N/A
	Goals Supported	N/A
	Needs Addressed	N/A
	Funding	CDBG: \$300,000
	Description	Planned repayment of Section 108 Loan Principal.
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	N/A
	Planned Activities	Repayment of Section 108 Loan Matrix Code: 19F Planned Repayment of Section 108 Loan Principal Regulatory Citation: 570.700 National Objective: N/A
5	Project Name	CDBG: MICROENTERPRISE COTTAGE FOOD OPERATOR PROGRAM
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	
	Funding	CDBG: \$110,000
	Description	Partner with Opportunity Stanislaus to fund a pilot Microenterprise Cottage Food Operator program for West Modesto, South Modesto, and Airport neighborhood residents to allow small artisan food makers producing goods out of their own home kitchens. The program will offer food entrepreneurship accelerator classroom instruction covering: food safety, city/county regulations, marketing, liability, and small business planning. Assistance will be provided to those interested in obtaining CFO business license and microenterprise business startup. Matrix Code: 18C Economic Development: Micro-Enterprise Assistance Regulatory Citation: <u>570.201(o)(1)</u> National Objective: 570.208(a)(2)
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	30 unduplicated business entrepreneurs participating in CFO program; 5 businesses created.
	Location Description	South Modesto, West Modesto, Airport Neighborhood.
	Planned Activities	Economic Development

6	Project Name	CDBG: ACCESS CENTER
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$500,000
	Description	<p>This is a multi-year project that has been carried over from previous years.</p> <p>Partnership with Stanislaus County and Salvation Army. Acquisition of property be used a one-stop-shop Access Center for homeless services coordinated assessment system. The permanent location of the facility is yet to be determined.</p> <p>Matrix Code: 01 Acquisition of Real Property</p> <p>Regulatory Citation: 570.201(a)</p> <p>National Objective: 570.208(c) LMA</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	100 homeless individuals per year
	Location Description	608 E. Granger Avenue, Unit 25, Modesto, CA 95350
	Planned Activities	Housing services for youth experiencing homelessness.
7	Project Name	CDBG: WATER LINE REPLACEMENT PROJECT
	Target Area	
	Goals Supported	Public Improvements
	Needs Addressed	Arrest Physical Decline of LMAs
	Funding	CDBG: 500,000

	Description	<p>Replace existing water mains around South Martin Luther King Boulevard. The existing water mains in this area are old 2"- 4" undersized galvanized steel mains which are prone to leaking and low pressures. The project will replace water lines in the alleys for the following streets: Vine Street, Spruce Street, Walnut Street, Ruberto Street, Ash Street and Leon Avenue. The project will improve the existing water system with new City Standard water mains, valves and hydrants to improve system reliability, flows and pressures.</p> <p>Matrix Code: 03J Water/Sewer Improvements</p> <p>Regulatory Citation: 570.201(c)</p> <p>National Objective: 570.208(c) LMA</p>
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	50 housing units within a low income project area will benefit from project improvements.
	Location Description	
	Planned Activities	
8	Project Name	RLF: AFFORDABLE HOUSING – OWNER OCCUPIED HOUSING REHABILITATION
	Target Area	N/A
	Goals Supported	Housing Rehabilitation Program
	Needs Addressed	H-3 Preserve Existing Affordable Housing
	Funding	CDBG: \$740,000
	Description	<p>Provide direct financial assistance eligible households through the Homeowner Rehabilitation Program to address health and safety repairs.</p> <p>Matrix Code: 14A Rehab: Single Unit Residential</p> <p>Regulatory Citation: 570.202(a)(1)</p> <p>National Objective: 570.208(a)(3) LMH</p>
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	20 households at or below 80% of the AMI
	Location Description	Citywide
	Planned Activities	Housing Rehabilitation
9	Project Name	RLF: AFFORDABLE HOUSING – ACQUISITION
	Target Area	N/A
	Goals Supported	Acquisition and Rehabilitation
	Needs Addressed	HM-2 Increase Transitional Housing
	Funding	CDBG: \$400,000
	Description	Revolving Loan Fund: Partner with local homeless service providers and/or affordable housing developers to acquire properties and convert to homeless facilities and/or supplement the City's affordable housing stock. Matrix Code: 01 Acquisition of Real Property Regulatory Citation: 570.201(a) National Objective: 570.208(a)(1) LMH
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	1 homeless facility
	Location Description	N/A
	Planned Activities	Homeless Facility
10	Project Name	PS-19 DOWNTOWN STREETS TEAM
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$50,000

	Description	<p>Provide case management and employment services to homeless individuals. Homeless and low-income people volunteer and work collaboratively on beautification projects around the community. Team Members will pick up litter, needles, trash, and encampment debris and other such garbage items in the Program area while outreaching to the current residents. The Downtown Streets Team will work with existing housing and shelter providers, other service providers (medical, legal, etc.), employers, and local government agencies to remove barriers to self-sufficiency for every Team Member.</p> <p>Matrix Code: 05Z Other Public Services Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	30 individuals at or below 80% AMI
	Location Description	Citywide
	Planned Activities	Public Services
11	Project Name	PS-19 CENTER FOR HUMAN SERVICES – PATHWAYS PROGRAM
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$23,100
	Description	<p>Pathways is a 16 bed transitional housing program that addresses the need for shelter and support services for homeless youth 18 to 21 years of age. Shelter is provided up to 21 months. This project addresses the City of Modesto Five-Year Consolidated Plan, 2015-2020 priority of transitional housing, particularly for an at- risk population. (HM 2 and 4).</p> <p>Matrix Code: 05D Youth Services Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC</p>

	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	25 low income youth at or below 80% AMI.
	Location Description	608 E. Granger Avenue, Unit 25, Modesto, CA 95350
	Planned Activities	Homeless Services
12	Project Name	PS-19 CHILDREN'S CRISIS CENTER – RESPITE CHILDCARE SHELTER PROJECT
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$24,501
	Description	<p>This project is designed to deliver child/youth services to a disadvantaged population of abused, neglected and high risk infants, toddlers, preschool and school-age children residing in Modesto. This program will offer respite childcare and shelter services to impoverished children endangered by detrimental family circumstances of domestic violence, incest, molestation, substance abuse, mental illness, homelessness, transgenerational trauma and/or generational abuse. Services will be responsive to the poverty and safety related needs of children disadvantaged by socioeconomic events or trauma. Child beneficiaries will be members of households subsisting in very low to moderately low income circumstances (below 80% of the area median income), while enduring various social and economic difficulties.</p> <p>Matrix Code: 05L Child Care Services Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC</p>
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	215 children from households 80% AMI or below.
	Location Description	Sawyer House
	Planned Activities	Respite Childcare Shelter
13	Project Name	PS-19 COURT APPOINTED SPECIAL ADVOCATES (CASA) – CASA OF STANISLAUS COUNTY
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$27,699
	Description	<p>This project will provide coordinated case management to address the needs of dependent youth in the foster care system. The advocate works with everyone involved and makes independent, informed recommendations on the child's behalf directly to the Judge who makes all orders regarding the case. The dedication of CASA volunteers allows judges to ensure successful outcomes for children.</p> <p>Matrix Code: 05D Youth Services</p> <p>Regulatory Citation: 570.201(e)</p> <p>National Objective: 570.208(a)(2) LMC</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	28 foster youth at or below 80% AMI
	Location Description	801 11th Street, 3rd Floor, Modesto, CA 95354
	Planned Activities	Advocacy through court system
14	Project Name	PS-19 HAVEN WOMEN'S CENTER – DV SHELTER
	Target Area	
	Goals Supported	Services - Anti-poverty

	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$22,164
	Description	<p>Haven Womens Center will offer a variety of supportive services to individuals and families impacted by domestic violence, sexual assault, and human trafficking. Haven operates the only confidential domestic violence shelter in Stanislaus County. Victims fleeing abuse, who are homeless or imminently homeless, are eligible for up to six weeks of shelter. Available services include 24 hour crisis intervention and safety planning, peer counseling, legal advocacy, and support groups for adults and children affected by trauma.</p> <p>Matrix Code: 05G Battered and Abused Spouses</p> <p>Regulatory Citation: 570.201(e)</p> <p>National Objective: 570.208(a)(2) LMC</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	105 unduplicated individuals at or below 80% AMI.
	Location Description	Haven Women’s Center Emergency Shelter is identified as a confidential domestic violence shelter as defined in the California’s Welfare and Institutions Code 18301. The location of the shelter is confidential in accordance with California Penal Code 273.7.
	Planned Activities	Services to DV victims.
15	Project Name	PS-19 OPPORTUNITY STANISLAUS – VOLT INSTITUTE
	Target Area	N/A
	Goals Supported	
	Needs Addressed	Services - Anti-poverty
	Funding	\$28,350

	Description	<p>VOLT Institute is an industry led manufacturing training center that teaches advanced manufacturing skills to area workers. In our first graduating class we placed 88 percent of our class into good jobs. Currently, there is a huge skill gap issue in the manufacturing sector. There are approximately 200 open, unfilled maintenance mechanics positions which start at \$50,000 a year with benefits. These type of jobs are living wage positions that will elevate people out of poverty and give them a great career.</p> <p>Matrix Code: 05H Employment Training Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	20 unduplicated individuals below 80% AMI.
	Location Description	1625 I Street Modesto, CA 95354
	Planned Activities	Job Training
16	Project Name	PS-19 PARENT RESOURCE CENTER – MOMS PARENTS PLUS
	Target Area	N/A
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$21,000

	Description	<p>PRC will offer an expansion of individuals served with the Connecting Families program, a 12-week co-ed parenting education program offered in multiple sessions throughout the year in English and Spanish, through partnerships with Housing Authority, Stanislaus Family Justice Center, Modesto Gospel Mission, Community Housing and Shelter Services, Modesto City Schools Healthy Start sites, Salvation Army Red Shield Center, Family Promise and the Department of Family Self-Sufficiency, and other partners. The program will target low-income parents and their at-risk children through a 12-week parenting education program enhanced with life skills education. Partnership with other agencies includes providing the location for classes or providing instruction for the life skills components.</p> <p>Matrix Code: 05Z Other Public Services Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC</p>
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	100 individuals at or below 80% AMI
	Location Description	811 5th St. Modesto, CA 95350
	Planned Activities	Parenting education to young parents.
17	Project Name	PS-19 PROJECT SENTINEL – FAIR HOUSING PROGRAM
	Target Area	
	Goals Supported	Fair Housing Services and Education
	Needs Addressed	H-4 Continue to Support Fair Housing.
	Funding	CDBG: \$25,000

	Description	<p>The proposed project will enable people to resolve housing problems. By providing fair housing services, the project will also assist the City of Modesto to affirmatively further fair housing by combating housing discrimination and promoting diverse and inclusive communities.</p> <p>Fair housing coordinators investigate complaints through testing, interviews, surveys, and document review. When there is evidence of a violation the complainant is given a range of options: educate the person causing the violation, conciliate/mediate the complaint, refer the complainant to HUD, DFEH or to an attorney for enforcement.</p> <p>Matrix Code: 05J Fair Housing Activities (subject to 15% cap)</p> <p>Regulatory Citation: 570.201(e)</p> <p>National Objective: 570.208(a)(2) LMC</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	5 fair housing discrimination investigation cases; 350 persons will receive fair housing education via workshops, presentations, and information & referral.
	Location Description	1231 8th St., Ste 425, Modesto, CA 95354.
	Planned Activities	Fair housing discrimination investigation, Tenant/Landlord Mediation, Fair Housing Education
18	Project Name	PS-19 UNITED SAMARITANS FOUNDATION – DAILY BREAD LUNCH PROGRAM
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	CDBG: \$23,100

	Description	Daily Bread Mobile Lunch Program delivers nutritious meals directly into the neighborhoods where extremely low, very low, low income, and, homeless individuals reside. The program ensures those individuals living in these neighborhoods have access to at least one nutritious meal a day, five days a week, 52 weeks a year. During the week we provide as many EXTRAS (milk, juice, bread, eggs, dairy, produce, etc) as we have available to supplement their diet with higher nutrition foods. Matrix Code: 05Z Other Public Services Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	385 unduplicated individuals at or below 80% AMI.
	Location Description	
	Planned Activities	Mobile Lunch Program.
19	Project Name	PS-19 SALVATION ARMY – BERBERIAN SHELTER
	Target Area	
	Goals Supported	Emergency Shelter Beds
	Needs Addressed	HM-1 Address Chronic Homelessness HM-5 Coordinated case management
	Funding	CDBG: \$100,000

	Description	<p>The Salvation Army shelter addresses chronic homelessness for individuals including the elderly and persons with physical disabilities by providing overnight shelter. Shelter services include beds, showers and restrooms for individuals to care for basic hygiene and have a nutritious hot meal. The project will serve the homeless population including no income to low- and very low- income which impedes ability to secure housing.</p> <p>This safe environment enables one to focus on other areas of need to self-sufficiency. Such services include those directed at the social and health needs of homeless individuals. By moving homeless individuals into a shelter aids in the prevention or elimination of slums or blight.</p> <p>Matrix Code: 05Z Other Public Services Regulatory Citation: 570.201(e) National Objective: 570.208(a)(2) LMC</p>
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	694 extremely low income individuals at or below 30% AMI.
	Location Description	320 Ninth Street Modesto, CA 95351
	Planned Activities	Emergency Shelter
1	Project Name	ESG-19 FY 2019-2020 ESG PLANNING & ADMINISTRATION
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	ESG: \$12,340

	Description	All HESG Activities will be set up using this project: Administration, Street Outreach (CHS - Youth Street Outreach), Shelter (Salvation Army Berberian Shelter), and Community Housing and Shelter Services (Homeless prevention / Rapid Rehousing). HESG Administration 576.21(a)5 HESG Street Outreach 576.101 HESG Homeless Prevention 576.103 HESG Shelter 576.102 HESG Rapid Re-Housing 576.104
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	1010 10TH ST. MODESTO CA 95354
	Planned Activities	ESG ADMINISTRATION
2	Project Name	ESG-19 CENTER FOR HUMAN SERVICES – YOUTH STREET OUTREACH
	Target Area	
	Goals Supported	Emergency Shelter Beds Supportive Services - Homeless
	Needs Addressed	HM-4 Prevent Homelessness for those at Risk HM-5 Coordinated case management
	Funding	ESG: \$35,000
	Description	CHS will continue a project which started in July 2018. CHS will provide street outreach and navigation/case management services targeting Modesto youth, ages 13-24 years of age who are homeless and unsheltered. This staff position will work directly with the Community System of Care's Homeless Outreach & Engagement team through the Access Center.
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	62 homeless youth.
	Location Description	
	Planned Activities	Supportive housing for youth experiencing homelessness.
3	Project Name	ESG-19 COMMUNITY HOUSING & SHELTER SERVICES – HOMELESS PREVENTION RENTAL ASSISTANCE
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	HM-4 Prevent Homelessness for those at Risk & Rapid Rehousing
	Funding	ESG: \$40,000 – Homeless Prevention \$15,259 – Rapid Rehousing
	Description	<p>Community Housing and Shelter Services (CHSS) will provide Homeless Prevention short-term rental assistance program. This program could help alleviate the stress of housing costs for a minimum of (12) twelve households (consisting of 24 individuals) from within the City of Modesto area, and have an income at or below 30% of the median income.</p> <p>The Homeless Prevention funding (average of \$3,048 per household) will be utilized to provide short-term rental assistance to (12) twelve households who are at imminent risk of becoming homeless by preventing eviction for households who have received a 3-day notice and have written verifiable documentation of an emergency that has caused them to enter into default on their rent.</p> <p>Rapid Rehousing assistance will be provided to provide short term rental assistance via first months rent and security deposits.</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	12 Families at or below 30% AMI.

	Location Description	708 H Street, Modesto, CA 95354
	Planned Activities	Homeless Prevention & Rapid Rehousing
4	Project Name	ESG-19 THE SALVATION ARMY - BERBERIAN SHELTER
	Target Area	
	Goals Supported	Emergency Shelter Beds
	Needs Addressed	HM-1 Address Chronic Homelessness HM-5 Coordinated case management
	Funding	ESG: \$67,013
	Description	<p>The Salvation Army shelter addresses chronic homelessness for individuals including the elderly and persons with physical disabilities by providing overnight shelter. Shelter services include beds, showers and restrooms for individuals to care for basic hygiene and have a nutritious hot meal. The project will serve the homeless population including no income to low- and very low- income which impedes ability to secure housing.</p> <p>This safe environment enables one to focus on other areas of need to self-sufficiency. Such services include those directed at the social and health needs of homeless individuals. By moving homeless individuals into a shelter aids in the prevention or elimination of slums or blight.</p>
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	694 extremely low income individuals at or below 30% AMI.
	Location Description	320 Ninth Street Modesto, CA 95351
	Planned Activities	Emergency Shelter
1	Project Name	HOME: FY 2019-2020 HOME PROGRAM PLANNING & ADMINISTRATION
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	HOME: \$281,130

	Description	This project will fund administrative services related to the oversight and implementation of the HOME program. Regulatory Citation: 92.205(a) Administration
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	N/A
	Planned Activities	HOME Administration
2	Project Name	HOME: CHDO OPERATING SUPPORT – STANCO
	Target Area	
	Goals Supported	Supportive Housing Services
	Needs Addressed	
	Funding	HOME: \$47,702
	Description	CHDO operating support funds to CHDO certified organizations carrying out affordable housing projects in partnership with the City of Modesto. Regulatory Citation: 92.208 CHDO Operating
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	
	Planned Activities	CHDO Operating
3	Project Name	HOME: ARCHWAY COMMONS PHASE 2
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	\$1,260,151

Description	Archway Commons Phase II: 74 affordable housing units for families at or below 80% of AMI. Regulatory Citation: 92.205(a) Rental
Target Date	06/30/2022
Estimate the number and type of families that will benefit from the proposed activities	74 housing units.
Location Description	Carver Rd
Planned Activities	Affordable Housing Development
Project Name	HOME: HOMEBUYER ASSISTANCE
Target Area	
Goals Supported	Homebuyer Assistance
Needs Addressed	H-2 Provide Homeownership Opportunities
Funding	HOME: \$400,000
Description	Provide direct financial assistance eligible first time homebuyers via the City's Homebuyer Assistance Program (HAP). Regulatory Citation: 92.205(a) Homebuyer
Target Date	6/30/2020
Estimate the number and type of families that will benefit from the proposed activities	5 eligible first time homebuyer families at or below 80% AMI.
Location Description	Citywide
Planned Activities	Homebuyer Assistance
Project Name	HOME: 416 E. COOLIDGE AVE
Target Area	
Goals Supported	
Needs Addressed	
Funding	\$840,000

Description	Kestrel Ridge is a collaborative effort involving the Housing Authority of the County of Stanislaus (HACS), Stanislaus County Behavioral Health and Recovery Services (BHRS) and the City of Modesto. The Partners are working together with their respective missions, to provide safe affordable housing in our community. The HACS has purchased property located at 416 E. Coolidge Ave., Modesto and will develop eight (8) single family homes as permanent supportive housing for behavioral health clients. Regulatory Citation: 92.205(a) Rental
Target Date	06/30/2020
Estimate the number and type of families that will benefit from the proposed activities	8 households below 80% AMI.
Location Description	416 E. Coolidge Ave
Planned Activities	Affordable Housing
Project Name	HOME: 0 VINE STREET
Target Area	
Goals Supported	
Needs Addressed	
Funding	HOME: \$873,318
Description	Affordable housing units for veterans and seniors (23 veterans units; 12 senior units) Regulatory Citation: 92.205(a) Rental
Target Date	6/30/2020
Estimate the number and type of families that will benefit from the proposed activities	35 households below 80% AMI
Location Description	
Planned Activities	Affordable Housing
Project Name	CHDO SET ASIDE – GREAT VALLEY EDWARDS ESTATES

	Target Area	
	Goals Supported	Rental Housing Construction
	Needs Addressed	H-1 Increase affordable rental housing
	Funding	HOME: \$488,657
	Description	CHDO set aside for affordable housing development. Regulatory Citation: 92.205(a) Rental
	Target Date	6/30/2019
	Estimate the number and type of families that will benefit from the proposed activities	2 households below 80% AMI.
	Location Description	
	Planned Activities	
	Project Name	CHDO SET ASIDE – STANCO VINE STREET TINY HOME
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	\$98,200
	Description	CHDO set aside for affordable housing development. Regulatory Citation: 92.205(a) Rental
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	1 household below 80% AMI
	Location Description	
	Planned Activities	

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Wherever possible, the City reviews low income Block Groups to determine where the City can direct assistance. Over the next several years, the City’s goal will be to create a CDBO or NRSA to have a greater impact in disadvantaged communities and take advantage of CDBO or NRSA flexibilities related to program requirements and project implementation.

Geographic Distribution

Target Area	Percentage of Funds

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

SP-10 of the Consolidated Plan identifies the City of Modesto’s “Low Income Census Tracts” as geographic areas of investment. Wherever possible, the City has identified activities that will benefit residents within these geographic areas. For area based activities, the City must ensure that the project is located within an eligible block group which meets this SP-10 requirement. Where possible, the City of Modesto will distribute CDBG funds throughout the low income block groups located throughout the six city council districts.

Discussion

No additional discussion.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

Rental Assistance:

- 0; The City of Modesto does not provide tenant-based rental assistance.
- Production of New Units:
- Special Needs: 8 units for BHRS mental health clients – 416 E. Coolidge Ave Project.
- Homeless: Acquisition of 1 public facility and convert into a Youth Access Center. This project will add beds for homeless youth and serve as a temporary emergency shelter.
- Rehab of Existing Units:
- Non-Homeless: Assist 20 owner occupied households with housing rehabilitation assistance.
- Acquisition of Existing Units:

- Non Homeless: 2 First Time Homebuyer loans: Assist 2 first time homebuyer households with the purchase of their first home

Total Units: 31

One Year Goals for the Number of Households to be Supported	
Homeless	1
Non-Homeless	22
Special-Needs	8
Total	31

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	9
Rehab of Existing Units	20
Acquisition of Existing Units	2
Total	31

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City of Modesto, in partnership with the CoC and Stanislaus County, is working with The Salvation Army, one of Modesto’s homeless shelters, to expand the capacity of the shelter by 150 beds. CDBG funds may be used for the renovation to allow expansion of its current shelter.

The City is also working with Center for Human Services, a local youth service provider, for a potential partnership for the acquisition of a property to convert into a Youth Access Center. This project would include the addition of youth shelter beds to serve as an emergency shelter, and transitional housing for homeless youth.

The City will also continue to assist owner occupied households through the Homeowner Rehabilitation program with grants and loans to address health and safety related repairs in their home. In addition, an eight (8) single family unit project will be completed in partnership with the Housing Authority of the County of Stanislaus to serve persons with mental health issues.

AP-60 Public Housing – 91.220(h)

Introduction

The Housing Authority of the County of Stanislaus (HACS) is the largest public housing provider in Stanislaus County. The City of Modesto has a close working relationship with the Housing Authority of the County of Stanislaus (HACS) and meets on an as needed basis to discuss concerns relevant to public housing and other housing matters. In prior years the City of Modesto has partnered with the HACS by leveraging available funds to address affordable housing needs through the development and/or

rehabilitation of affordable housing units for low and moderate income persons and families. Whenever possible, City will continue to work with the HACS and any other housing and social service providers to foster public housing improvements and resident initiatives.

Actions planned during the next year to address the needs to public housing:

- The following actions are planned during the next year to address public housing
- 201 E. Coolidge Ave: Continue partnership with the HACS to rehabilitate a 40 unit multifamily affordable housing complex to address health and safety repairs, landing replacements, mold remediation, water leaks, dry rot, replace outer walls of existing stairwells , stairwell headers, and damaged flooring. Project rehabilitation began in PY 2018 and should be completed in PY 2019-2020.
- Vine Street Acquisition: Continue partnership with the HACS to acquire property to develop a two phase affordable housing project. Phase I will consist of 23, 1 bedroom units to provide housing for veterans. Phase II will consist of 12 senior housing units (CDBG Funds - \$280,000).
- 416 E. Coolidge Ave: Partner with the HACS for the construction of eight (8) 1 bedroom units to provide affordable housing to mental health clients served by Stanislaus County Behavioral Health and Recovery Services (BHRS) (HOME Funds - \$800,000).
- Edwards Estates: Partner with Great Valley Housing Development Corporation (GVHDC) for the construction of two affordable housing units to be sold to first time homebuyers (HOME – \$488,657).

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The Housing Authority of the County of Stanislaus (HACS) provides homeownership resources to participants in the Housing Choice Voucher Program. The Family Self-Sufficiency (FSS) Program has established partnerships with a variety of community resources to refer participants for services including pre- and post-secondary education, health care, child care, employment development, supported employment, and small business development including micro-loans. The FSS Program also encourages families to participate in financial wellness programs including financial literacy and credit repair with an emphasis on long-term financial stability for the purposes of homeownership.

Efforts to improve communications with residents and program participants include: on site resident training/informational meetings, regular newsletters and flyers. The HACS has implemented a “curb-side” appearance program. The focus of the program is the exterior of buildings, parking areas, play grounds and other areas of the complexes. Rodent and insect problems are addressed when residents report a problem and/or on Annual Inspections. In an effort to better education residents concerning these problems, information is regularly provided through the HACS newsletter. These actions have assisted the HACS in creating an atmosphere which emphasizes customer satisfaction and communication.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable. The PHA is not designated as troubled.

Discussion

No additional discussion.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

In the coming year, the City will continue to partner with local service providers and agencies with the goal of reducing and ending homelessness via street outreach, homeless prevention, and rapid rehousing. In addition, the City will work with the Community System of Care on addressing the emergency shelter and transitional housing needs of homeless persons as well as continuing to find creative approaches to addressing homelessness and special needs populations.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including: Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Modesto has participated in CSOC's planning process to move individuals and families from homelessness to permanent housing and independent living through a network of housing linked to supportive services. The primary strategy document is the annual CSOC Application. Additionally, the CSOC continues to work with its members toward a continuum-wide coordinated intake system.

In the coming year, the City will continue to partner with organizations such as Center for Human Services (CHS) which conducts street outreach to unsheltered homeless youth. CHS' goal, through street outreach, is to engage with homeless youth and connect them to resources including housing at CHS' Hutton House, a runaway and homeless youth shelter (ages 13-17), or Pathways, a transitional living place for older youth (ages 18-21). With the funding to assist with a Youth Access Center for 19-20 it will increase the outreach opportunities and services for the youth population with everything being available at one location.

HEART Team: In April 2018, the Homeless Engagement and Response Team (HEART) has provided intensive outreach and engagement over the last couple years. This team was later reassigned to join the CARE team described below.

CARE Team: In 2017, a City and County joint effort created a "Community Assessment Response and Engagement" (CARE) initiative. The CARE team met over a 90 day period on a weekly basis to map assets and identify service gaps while building a new approach that could increase accountability, and alignment-developing a system and services model that had never been used in the community. As part of the CARE initiative, a CARE Engagement Team emerged to conduct and coordinate daily outreach and engagement in Downtown Modesto, the McHenry Avenue corridor, and surrounding parks with the aim

of building trusting relationships, implementing coordinated individualized intervention plans, and connecting with individuals directly to services. The team's goal is to connect with those most in need and be available to respond to crisis situations to ensure that the target population is connected to vital services.

Access Center: The end goal of the efforts carried out by the CARE team is to reduce homelessness in the community. In February 2019, the City and County entered into a Memorandum of Understanding (MOU) aimed at addressing emergency shelter bed capacity. As part of the MOU, the county will lease space from the Salvation Army to provide these high-access shelter beds, and will lease space from the city for the one-stop Access Center. As a partner in the MOU, the city will be making substantial infrastructure improvements to the facility, including to Salvation Army's sewer and water lines, and parking lots.

Addressing the emergency shelter and transitional housing needs of homeless persons

CHS Youth Shelter

Increasing capacity of Salvation Army: In February 2019, the City and County entered into a Memorandum of Understanding which established a creative arrangement between the City and County and the Salvation Army aimed at increasing the transitional beds available to those experiencing homelessness in the Modesto community. The MOU, seeks to add 180 additional beds to those existing – roughly 150 – at the Salvation Army shelter on 9th and D Streets in downtown Modesto.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Our community's most recent System Performance Measures (comparing data between Fiscal Years 2016 and 2017) has demonstrated a 98% successful retention rate of clients placed in permanent housing, which is slightly higher than the previous year. This means that 98% of clients who are placed in permanent housing do not return to homelessness.

With regard to the length of time persons remain homeless, although the average length of time people remained homeless slightly increased by 13 days, could possibly be explained by the fact that the number of persons experiencing homelessness for the first time increased by 1,244 persons. As a community, we have helped clients increase their total income by 38% and upon exit, clients also increased their earned income by 16%.

In order to assist in helping homeless persons making the transition to permanent housing and independent living, , the City will partner with Community Housing and Shelter Services (CHSS) to assist

with homeless prevention and rapid re-housing. CHSS offers the entire spectrum of housing services for residents that includes housing counseling, emergency shelter, rental assistance and permanent housing supportive services. CHSS is the only HUD- approved agency in Stanislaus County that is certified to provide Rental Housing Counseling and Homeless Services Counseling.

Housing Assessment Team (HAT): Turning Point Community Programs' (TPCP) Housing Assessment Team (HAT) is co-located at the Outreach and Engagement Center (OEC) with other community partners serving the homeless and providing a variety of services to help support individuals/households into housing. HAT uses a strength-based, flexible and integrated approach to services. The staff of HAT are the first line of contact with individuals coming into the OEC. HAT has been serving an average of 60 homeless individuals each month. Services being provided include a housing and needs assessments; completion of the VI-SPDAT when appropriate; assisting clients with collecting documentation necessary to obtain permanent housing and benefits; providing a supportive environment for individuals/households to explore housing opportunities utilizing evidence-based and supportive approaches; and connecting clients with needed services (i.e., mental health, substance abuse).

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City of Modesto has been funding homeless prevention for the last five years in order to assist families and individuals from becoming homeless.

The city will partner with Center for Human Services to serve youth 14-24 who have aged out of the foster care system and are in need of assistance to help obtain support and housing. In Program Year 2019-2020 CHS expects to expand their services for an access center for Youth to have the services all in one area.

As part of the COC the City works directly with BHRS, Golden Valley Health Centers, and probation department to discuss the process and issues when individuals are discharged health care facilities, mental health facilities, corrections programs and institutions.

Discussion

No additional discussion.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The City of Modesto will continue to work with its partners at the local, state and federal levels to find innovative ways to provide affordable housing opportunities for low income families and individuals

including addressing barriers to affordable housing. The State of California's 2019-2020 budget includes various proposals aimed at improving the affordability of housing in the state including but not limited to providing planning and production grants to local governments, expanding the state Low Income Housing Tax Credit program and expanding a loan program for middle income housing production. Wherever possible, the City will seek funding opportunities

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Discussion:

In order to ameliorate the negative effects of public policies that serve as barriers to affordable housing, the City of Modesto has policies in its impact fee program for affordable housing. The current CFF Policies and Procedures provide, with respect to very low and low income housing exemptions, the total number of housing exemptions granted are not to exceed two percent (2%) of the cumulative total CFF program housing units. The CFF Policies and Procedures also allow a Community Housing and Development Organization (CHDO) to submit an application and request CFF be waived on new affordable units for households earning sixty (60%) or less of the Area Median Income.

Since 1989, a total of 13,913 residential building permits have been issued, of which 678 were granted CFF exemptions.

In December 2018, the City of Modesto declared a shelter crisis. This declaration allows the City to adopt by ordinance reasonable local standards and procedures for the design, site development, and operation of homeless shelters and the structures and facilities therein, to the extent that it is determined at the time of adoption that strict compliance with state and local standards or laws in existence at the time of that adoption would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis.

During the shelter crisis, provisions of any housing, health, habitability, planning and zoning, or safety standards, procedures, or laws shall be suspended for homeless shelters, provided that the city, county, or city and county has adopted health and safety standards and procedures for homeless shelters consistent with ensuring minimal public health and safety and those standards are complied with.

The City is utilizing this declaration to assist with the 150 bed expansion at the local Salvation Army shelter. This declaration will help streamline and expedite development to ensure the shelter opens in fall 2019.

AP-85 Other Actions – 91.220(k)

Introduction:

Actions planned to address obstacles to meeting underserved needs

City of Modesto 2019-2020 Annual Action Plan

Because of the shortage, the City has shifted funding to assist with acquisition and rehabilitation of the affordable housing stock. Additionally, funding is being allocated to assist with the expansion of public facilities to include additional shelter beds, and transitional housing. The housing and rental costs continue to increase, and for the first time in over five years the FMR has decreased for the area.

An additional obstacle we have been struggling with as a region, is finding housing units and willing landlords to work with service providers in local Rapid-rehousing efforts. The City is diligently working to engage additional landlords to partner with, and we are applying for technical assistance from the State of California to assist with engaging more landlords.

Actions planned to foster and maintain affordable housing

Affordable housing is identified as one of the high priorities of the 2015-2020 Consolidated Plan. In order to address need for additional affordable housing the City of Modesto works with local affordable housing developers in efforts to identify new projects and/or ways to enhance the supply of affordable housing. As described in AP-55, the following are the City's 2019-2020 affordable housing goals:

Rental Assistance	0
The Production of New Units	9
Rehab of Existing Units	20
Acquisition of Existing Units	2
Total	31

Actions planned to reduce lead-based paint hazards

The City of Modesto has adopted policies to be implemented in its housing programs, which comply with HUD requirements relating to lead-based paint hazards. In alignment with HUD's requirements, lead-based paint remediation actions will depend on the level of subsidy provided on a project by project basis. The following is the City's lead based policy for reduction of lead paint hazards:

	Subsidy Amount		
	<\$5,000	\$5,000-\$25,000	>\$25,000
Approach to Lead Hazard Evaluation and Reduction	“Do No Harm”: Use lead safe work practices	Identify and control Lead hazards	Identify and Abate Lead Hazards
Homeowner Notification	Yes	Yes	Yes
Lead Hazard Evaluation	Presume Presence of LBP (alternative: Paint testing of surfaces to be disturbed by rehabilitation)	Paint testing of surfaces to be disturbed by rehabilitation AND Risk assessment	Paint testing of surfaces to be disturbed by rehabilitation AND Risk assessment
Lead Hazard Reduction	Repair surfaces disturbed during rehabilitation, use lead-safe work practices, clearance test of work site upon completion.	Interim controls, lead- safe work practices, clearance test of unit upon completion.	Complete abatement, lead-safe work practices, clearance test of unit upon completion.

Most housing rehabilitation projects are subject to federal regulations for Lead-Based Paint and contractors must be certified in safe work practices when completing the rehabilitation work. This effort in the past has resulted in more contractors being able to bid on and participate in the projects that contain lead-based paint.

The cost for the stabilization of lead based paint can be included in the City of Modesto’s housing rehabilitation loan program. The cost of the lead-based paint inspection and/or clearance is paid from entitlement funds.

The City of Modesto will continue to provide lead-based paint testing as a component of its housing repair and rehabilitation programs when required by HUD regulations. Given the age and condition of the City of Modesto’s housing stock, there are a significant number of homes where lead-based paint testing is needed.

Actions planned to reduce the number of poverty-level families

The City of Modesto, through its engagement in the local Focus on Prevention initiative, is engaged in the Coordinated Entry system. Coordinated entry (also known as coordinated assessment system) is a consistent, community wide process to match people experiencing homelessness or at-risk of homelessness to community resources that are the best fit for their situation. In a community using coordinated entry, homeless individuals and families complete standard triage assessment survey that identifies the best type of services for that household. Participating programs accept referrals from the system, reducing the need for people to traverse the county seeking assistance at every provider separately. The process helps prioritize housing and homeless assistance based on vulnerability and severity of service needs to ensure that people who need assistance the most can receive it in a timely manner. The process also provides information about service needs and gaps to help plan assistance and identify needed resources in our community.

The intent is to provide coordinated entry to the entire geographic area through Access Points. Access Points are places—either virtual or physical—where an individual or family in need of assistance accesses the coordinated entry process. People experiencing homelessness can complete the assessment survey to participate in coordinated entry and are matched with community resources that best fit their situation. All locations and methods offer the same assessment approach and referrals using uniform decision-making processes. The Access Points in Stanislaus County include: 1) A centralized physical location (Access Center) in Stanislaus County where housing and support services, among others are provided, 2) 211 hotline system that screens and directly connects people to services, 3) Continuum of Care partners that provide assessments using the same tool county-wide, 4) A specialized Multi-disciplinary Outreach and Engagement Team that scouts the geographic area to provide access to those who might not want to engage at a physical access point.

Actions planned to develop institutional structure

Modesto will continue to work collaboratively with service and shelter providers to identify and address gaps in the institutional structure and service delivery system.

Modesto generally has a well-developed institutional structure and service delivery system.

Modesto will continue to work to increase the resources devoted to permanently affordable housing to serve as a stabilizing force preventing homelessness.

Modesto will focus increased resources on homeless prevention/crisis intervention, especially on homeless youth, aging-out foster youth, families with children, and persons being discharged from institutions.

Modesto will continue to devote resources to address the needs of the chronically homeless including comprehensive case management, supportive housing, shelters and transitional housing.

Modesto will target resources to the lowest income groups with the highest needs including the chronically homeless, homeless youth, homeless families with children, and those living in transitional shelters.

Actions planned to enhance coordination between public and private housing and social service agencies

City of Modesto relies primarily on its (A) close consultation with the CSOC, which is made up of representative stakeholders and (B) monthly meetings with its public and private housing development partners, which include local private CHDOs (e.g., Habitat for Humanity, Stanislaus County and Stanislaus Affordable Housing Corporation, and Great Valley Housing Development Corporation (GVHDC)) and the Housing Authority (to enhance coordination in the areas of community housing and social services).

The City of Modesto relies on non-profit organizations and for-profit developers to build and acquire, develop, and rehabilitate affordable units. The City of Modesto will continue to work closely with these entities to ensure that each year as many new affordable units are developed or made available.

The City of Modesto also relies on the non-profit service sector to provide emergency shelter and transitional and special needs housing. The City of Modesto will continue to support eligible organizations and their activities with local, state and federal funding as it's made available and upon their governing entity's approval.

Discussion:

No additional discussion

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

The following subsections identify specific requirements of each HUD program covered under this Annual Action Plan – CDBG, ESG, and HOME. The City has tools and measures in place to address each of these requirements during the implementation of every HUD funded activity:

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0.00
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan	0.00
3. The amount of surplus funds from urban renewal settlements	0.00
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.	0.00
5. The amount of income from float-funded activities	0.00
Total Program Income	

Other CDBG Requirements

1. The amount of urgent need activities	0.00
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HOME Investment Partnership Program (HOME)

Reference 24 CFR 91.220(I)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Modesto does not use forms of investment within the local HOME program other than those identified in Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

Pursuant to 24 CFR 92.254(a)(5)(ii), the City requires that HOME funds be recaptured if the property does not continue to be the principal residence of the buyer for the duration of the Affordability Period secured by an Affordable Housing Covenant. The Recapture Provision shall apply to a HOME assisted property only when a Direct HOME Subsidy is provided to a homebuyer.

The Recapture provision will ensure that the City of Modesto recoups all or a portion of the HOME assistance to the homebuyers, if the housing does not continue to be the principal residence of the family for the duration of the affordability period.

Per, 24 CFR 92.254(a)(5)(ii)(A), In establishing recapture requirements, the City of Modesto is subject to the limitation that when the recapture requirement is triggered by a sale (voluntarily or involuntarily) of the housing unit, and there are no net proceeds or the net proceeds are insufficient to repay the HOME investment due, the City of Modesto will only recapture the net proceeds, if any. The net proceeds are the sales price minus superior loan repayment (other than HOME funds) and any closing costs.

Of the recapture options described in 92.254(a)(5)(ii)(A), the City of Modesto will use a the "Shared Net Proceeds" option as outlined in 24 CFR 92.254(a)(5)(ii)(A)(3). With this option, if the net proceeds are

not sufficient to recapture the entire HOME investment, the City and original homebuyer will share the net proceeds.

To calculate the amount of net proceeds (or shared appreciation) to be returned to the City the following formula will be applied:

$$\frac{\text{HOME investment}}{\text{HOME Investment} + \text{Homeowner Investment}} \times \text{Net proceeds} = \text{HOME amount to be recaptured}$$

To calculate the amount of net proceeds (or shared appreciation) to be available to the homebuyer the following formula will be applied:

$$\frac{\text{HOME investment}}{\text{Direct HOME Subsidy} + \text{Homeowner Investment}} \times \text{Net proceeds} = \text{HOME amount to be recaptured}$$

Since the HOME rule limits recapture to available net proceeds, the City will only recapture what is available from net proceeds. In this case, the City is not required to repay the difference between the total direct HOME subsidy and the amount the City is able to recapture from available net proceeds.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

The same methodology outlined in question 2 above will be used to ensure affordability for any units acquired with HOME funds.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City does not intend to use HOME funds to refinance existing debt.

Emergency Solutions Grant (ESG)

Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)

Standards for providing ESG homelessness prevention and rapid re-housing assistance include respectively targeting households with dependent children and persons experiencing homelessness connected to or eligible to receive (within 6 months) assistance from mainstream benefits and services.

These standards also include limiting assistance for a period of up to six (6) months and extending the period of assistance up to the maximum 18 months on a case-by-case basis.

HUD-VASH (U.S. Department of Housing and Urban Development-U.S. Department of Veterans Affairs Supportive Housing) program participants are also prioritized to receive security deposit assistance upon HUD-VASH intake.

Income qualification guidelines are no less restrictive than ESG guidelines (30% or below AMI for homelessness prevention assistance and not-applicable for rapid re-housing).

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The City of Modesto is currently working with the Community System of Care (local Continuum of Care) to develop the Coordinated Entry System and include larger scale service provider participation. The CSOC is in the process of updating the Coordinated Entry System's policies and procedures and is currently providing a series training sessions to CoC and ESG service providers to further enhance Coordinated Entry within the community. The goal is to continue working with the CSOC to improve the Coordinated Entry System and have a system that complies with applicable regulations.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The City of Modesto competitively awards ESG funding through an RFP process. This RFP process conforms to the City of Modesto's rigorous procurement process, including public noticing and utilizing its ZoomGrants online based system.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The City of Modesto is unable to meet the homeless participation requirement in 24 CFR 576.405(a) due to the fact that its policy-making entity is made up of elected officials. The City of Modesto, however, works very closely with the CSOC which is made up of a representative group of diverse stakeholders, including persons experiencing homelessness and those who at one time in their lives had experienced homelessness. The City of Modesto intends to work with the CSOC and elected and appointed City of Modesto officials to develop a formal homeless participation plan that will engage persons experiencing homelessness in a meaningful way that influences homelessness-related policies, including development of funding priorities and funding allocation.

5. Describe performance standards for evaluating ESG.

The City of Modesto conducts quarterly performance reviews of each ESG subrecipient. This includes review of HMIS data entry requirements, accomplishment narratives, reimbursement requests, ESG dollar to dollar match documentation, and review of program beneficiary files.

This allows City staff to closely monitor the performance of each subrecipient and address any deficiencies as well as the ability to provide any technical assistance necessary.

Discussion

The City of Modesto consults closely and regularly (at least monthly) with the CSOC and its HMIS, ESG/HPRP, and SHP subcommittees, which develop policies and procedures for these programs and is taking the lead in building the service infrastructure that will be necessary to sustain a centralized or coordinated assessment system. This consultation takes the form of reports and presentations that are placed on the CSOC monthly meeting agendas.

The operation and administration of the Homeless Information Management System (HMIS) designated by the CSOC is led by the Stanislaus Housing Authority. The City of Modesto may pay the costs of contributing data to the HMIS via funding to sub-grantees or to the HMIS Lead.

The City of Modesto is member of the CSOC/HMIS Subcommittee which meets monthly to develop policies, procedures, and best practices and offers trainings developed by the developed by the HMIS Lead.

Estimated CDBG Entitlement Program Budget

**CITY OF MODESTO
FISCAL YEAR 2019-2020 PROJECT SUMMARY**

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)								
	Project/Activity Name	IDIS Activity #	Previous Year Funds	FY 2019* Amount	RLF	PROGRAM INCOME	NSP P.I. (Convert to CDBG)	Total Project Budget - 2019
	FY 2019-2020 CDBG DIRECT ACTIVITIES		\$500,000.00	\$ 1,872,692.00	\$ 900,000.00	\$ 500,000.00	\$ 500,000.00	\$ 4,272,692.00
1	FY 2018-2019 CDBG PLANNING & ADMINISTRATION	1330	\$ -	\$ (374,538.00)		\$ (100,000.00)		\$ (474,538.00)
2	AFFORDABLE HOUSING - ACQUISITION	1331	\$ -	\$ (408,240.00)		\$ (160,000.00)		\$ (568,240.00)
	ACTIVITY DELIVERY ACQUISITION		\$ -	\$ (50,000.00)				\$ (50,000.00)
3	2018 HOUSING REHABILITATION ADMINISTRATION/ACTIVITY DELIVERY (14H)	1332	\$ -	\$ (250,000.00)				\$ (250,000.00)
4	SECTION 108 LOAN REPAYMENT FY 2018-2019	1333	\$ -	\$ (300,000.00)				\$ (300,000.00)
5	MICROENTERPRISE PROJECT - Cottage Food Operation Project	1334		\$ (100,000.00)				\$ (100,000.00)
	ACTIVITY DELIVERY MICROENTERPRISE			\$ (10,000.00)				\$ (10,000.00)
6	ACCESS CENTER	1232	\$ (450,000.00)	\$ -	\$ -	\$ -	\$ -	\$ (450,000.00)
	ACTIVITY DELIVERY ACCESS CENTER		\$ (50,000.00)					\$ (50,000.00)
7	WATER CONNECTION PROJECT	1335					\$ (500,000.00)	\$ (500,000.00)
	REVOLVING LOAN ACTIVITIES							
8	AFFORDABLE HOUSING - OWNER OCCUPIED HOUSING REHABILITATION	1336	\$ -	\$ -	\$ (500,000.00)	\$ (240,000.00)		\$ (740,000.00)
9	AFFORDABLE HOUSING- ACQUISITION	1337			\$ (400,000.00)			\$ (400,000.00)
	FY 2019-2020 PUBLIC SERVICES							
10	PS-19 DOWNTOWN STREETS TEAM	1338	\$ -	\$ (50,000.00)	\$ -	\$ -	\$ -	\$ (50,000.00)
11	PS-19 CENTER FOR HUMAN SERVICES - PATHWAYS	1339		\$ (23,100.00)				\$ (23,100.00)
12	PS-19 CHILDRENS CRISIS CENTER - RESPITE CHILDCARE SHELTER	1340		\$ (24,501.00)				\$ (24,501.00)
13	PS-19 CASA OF STANISLAUS COUNTY	1341		\$ (27,699.00)				\$ (27,699.00)
14	PS-19 HAVEN WOMENS CENTER - DV SHELTER	1342		\$ (22,164.00)				\$ (22,164.00)
15	PS-19 OPPORTUNITY STANISLAUS - VOLT INSTITUTE	1343		\$ (28,350.00)				\$ (28,350.00)
16	PS-19 PARENT RESOURCE CENTER - MOMS PARENTS PLUS	1344		\$ (21,000.00)				\$ (21,000.00)
17	PS-19 PROJECT SENTINEL - FAIR HOUSING PROGRAM	1345		\$ (25,000.00)				\$ (25,000.00)
18	PS-19 NITED SAMARITANS FOUNDATION - DAILY BREAD LUNCH PROGRAM	1346		\$ (23,100.00)				\$ (23,100.00)
19	PS-19 SALVATION ARMY - BERBERIAN SHELTER	1347		\$ (100,000.00)				\$ (100,000.00)
	ACTIVITY DELIVERY PUBLIC SERVICES	NA		\$ (35,000.00)				\$ (35,000.00)
	BALANCE		\$ -	\$ -	\$ -	\$ -	\$ -	\$0.00

Estimated ESG Entitlement Program Budget

**CITY OF MODESTO
FISCAL YEAR 2019-2020 PROJECT SUMMARY**

EMERGENCY SOLUTIONS GRANT (HESG)

Project/Activity Name	IDIS Activity #	FY 2019* Amount	Total Project Budget - 2019
ESG ENTITLEMENT ACTIVITIES		\$ 170,023.00	\$ 170,023.00
ESG ENTITLEMENT ADMINISTRATION	1348	\$ (12,751.00)	\$ (12,751.00)
CENTER FOR HUMAN SERVICES -YOUTH STREET OUTREACH	1349	\$ (35,000.00)	\$ (35,000.00)
CHSS- HMLSS PREV & RENTAL ASISTANCE (HOMLESS PREVENTION)	1350	\$ (40,000.00)	\$ (40,000.00)
CHSS - RAPID REHOUSING ASSISTANCE	1351	\$ (15,259.00)	\$ (15,259.00)
SALVATION ARMY - BERBERIAN SHELTER (SHELTER)	1352	\$ (67,013.00)	\$ (67,013.00)
		\$ -	\$ -

Estimated HOME Entitlement Program Budget

CITY OF MODESTO FISCAL YEAR 2019-2020 PROJECT SUMMARY

HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

Project/Activity Name	IDIS Activity #	2012	2013	2014	2015	2016	2017	FY 2018	FY 2019	Program Income	Total Budget
ENTITLEMENT ALLOCATION		\$ -	\$ 186,566.62	\$ 36,790.70	\$ 559,583.54	\$ 541,020.03	\$ 475,743.06	\$ 843,986.25	\$ 740,528.00	\$ 400,000.00	\$ 3,784,238.20
HOME PROGRAM PLANNING & ADMINISTRATION	1353				\$ (58,627.79)			\$ (99,292.50)	\$ (87,210.00)	\$ (40,000.00)	\$ (285,130.29)
CHDO OPERATING SUPPORT- STANCO	1286							\$ (47,702.41)		\$ -	\$ (47,702.41)
ARCHWAY COMMONS PHASE 2	1282		\$ (2,297.59)				\$ (183,159.51)	\$ (696,997.34)	\$ (300,000.00)		\$ (1,183,156.85)
ACTIVITY DELIVERY- ARCHWAY COMMONS										\$ (80,000.00)	\$ (80,000.00)
522 E GRANGER AVENUE, MODESTO CA	1184				\$ (75,639.06)						\$ (75,639.06)
AFFORDABLE HOUSING - HOMEBUYER ASSISTANCE								\$ (200,000.00)		\$ (200,000.00)	\$ (400,000.00)
416 E. COOLIDGE	1322		\$ (184,289.03)	\$ (36,790.70)	\$ (425,316.69)	\$ (153,603.58)				\$ (40,000.00)	\$ (800,000.00)
ACTIVITY DELIVERY 416 E. COOLIDGE	1322									\$ (40,000.00)	\$ (40,000.00)
VINE STREET						\$ (387,416.45)	\$ (92,583.55)		\$ (353,318.00)		\$ (833,318.00)
ACTIVITY DELIVERY VINE STREET										\$ (40,000.00)	\$ (40,000.00)
TOTAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,297.59
CHDO SET ASIDE		\$ 80,566.95	\$ 102,567.75	\$ 124,339.61		\$ 108,203.70	\$ 105,556.35	\$ 148,938.00	\$ 130,682.00		\$ 800,854.36
FY 2018 CHDO SET ASIDE - GREAT VALLEY - EDWARDS ESTATES	1284	\$ (80,566.95)	\$ (102,567.75)	\$ (114,487.02)		\$ (108,203.70)	\$ (82,831.58)				\$ (488,657.00)
520 E GRANGER AVENUE, MODESTO CA				\$ (9,852.59)							\$ (9,852.59)
FY 2018 CHDO SET ASIDE- ACTIVITY DELIVERY GREAT VALLEY	1284										\$ -
FY 2018 CHDO SET ASIDE - STANCO - VINE STREET SUPP. HOUSING							\$ (22,724.77)	\$ (75,475.23)			\$ (98,200.00)
FY 2018 CHDO SET ASIDE- ACTIVITY DELIVERY STANCO											\$ -
TOTAL		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 73,462.77	\$ 130,682.00	\$ -	\$ 204,144.77

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-242**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH VAN DERMYDEN MADDUX TO CONTINUE ATTORNEY SERVICES FOR ADDITIONAL PROJECTS THAT INCLUDE CONFIDENTIAL INVESTIGATIONS INVOLVING EMPLOYEES IN THE AMOUNT OF \$40,000, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$70,000 TO AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, On March 5th, 2019, the City entered into a standard legal services agreement with for Van Dermynen Maddux for employment related legal counsel and advice, in an amount not to exceed \$30,000; and

WHEREAS, the City has a need to continue attorney services for additional projects that include confidential investigations involving employees; and

WHEREAS, Costs for Van Dermynen Maddux will be absorbed in the fund, with a total not to exceed amount of \$70,000; and

WHEREAS, the City Attorney's office has drafted a First Amendment to the Legal Services agreement with Van Dermynen Maddux.

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 Van Dermynen Maddux to continue attorney services for additional projects that include confidential investigations involving employees in the amount of \$40,000, for a total not to exceed amount of \$70,000, 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 in a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment to the Legal Services (this “**First Amendment**”), is made and entered into on 28th day of May 2019 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **VAN DERMYDEN MADDUX** (“**Attorney**”), located at 899 Northgate Dr. Suite 210, San Rafael, CA 94903. 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 employment related counsel and legal counsel and advice to City; 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 \$30,000 to \$70,000, expanding the Scope of Work to include confidential investigations and adding additional provisions requested by Attorney.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Van Dermynen Maddux dated March 5th, 2019, is amended as follows:

1. Section 1(a) of Paragraph 1, “Services,” is amended to state as follows:

“**Scope of Work:** Subject to the terms and conditions set forth in this Agreement, Attorney shall provide to City the following services (“**Services**”):

Employment related legal counsel and advice and to perform legal services for City in the form of an impartial investigation regarding claims of potential employee misconduct. The Firm will perform these duties as an attorney at law for the purpose of facilitating the rendering of legal advice to City by its counsel. The Firm’s communications, work product, and the final report will be protected from disclosure pursuant to the attorney-client privilege, unless waived by the City.

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.”

“Limited Scope Agreement: The scope of this attorney-client representation is limited. The Firm will perform an investigation as an attorney at law for the purpose of facilitating the rendering of legal advice to the City by its counsel. The Firm will not render a legal determination whether there were violations of any law or statute. The Firm will not act as an advocate or provide advice to City with respect to what employment actions, if any, should be taken as a result of the findings. The Firm will not represent City in any legal action or proceeding. It is expressly agreed that City will look to its regular legal counsel for such services, as well as for advice with respect to issues which may arise relating to the investigation. This includes, without limitation, the admonitions, if any, to be made to employees who are interviewed concerning confidentiality; the consequences of employee failure to cooperate in the investigation; the accessing of electronic and other data; document retention; litigation holds; appropriate interim employment measures pending investigation; compliance with the federal Fair Credit Reporting Act; and compliance with the California Investigative Consumer Reporting Agencies Act. City also agrees it will look to its regular outside counsel for advice with respect to issues of attorney-client privilege, scope of privilege, waiver, and work product in connection with the Firm’s services.”

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 (hereafter the “**Service**”), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of seventy thousand dollars (\$70,000).”

Compensation for Post-Investigative Work. This engagement shall be considered concluded after the Firm has provided a final investigation report in this matter. After the conclusion of this engagement, should a need arise for the Firm to respond to any subpoena or discovery, to provide testimony at deposition, trial or arbitration, or to otherwise perform services with respect to any matter relating to or arising out of this engagement, City shall compensate the Firm at a negotiated rate for time expended, including all required preparation time. City agrees to reimburse the Firm for all reasonable fees and costs incurred in obtaining necessary representation for such proceedings, including legal fees and costs that the Firm incurs in preparing for such proceedings. City shall also compensate the Firm at a negotiated rate for time expended in defending against any actual or threatened claim with respect to which the Firm is entitled to indemnification pursuant to this Agreement, below. If costs and/or expenses, including the costs of legal representation should reasonably be expected to exceed \$5,000, City shall advance the funds to the Firm or the Firm's designee.

3. Paragraph 7, “General Provisions.” Section(a) is amended to state as follows:

iv. As an independent contractor, the Firm has the right to determine the means, manner and findings related to the investigation. City agrees to allow the Firm full discretion to undertake the investigation and otherwise make findings without

influencing or interfering with the outcome. City understands and acknowledges that the Firm will exercise its independent judgment to make whatever findings it deems are warranted based on the evidence developed in the investigation, and that this Agreement is not dependent on the Firm's making or failing to make any particular credibility determination, finding of fact, or conclusion.

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 March 5, 2019, 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:

Adam U. Lindgren, City Attorney

ATTEST:

Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

**ATTORNEY:
VAN DERMYDEN MADDUX**

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. 2019-243**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE UPGRADE TRAFFIC SIGNALS – 2013 PROJECT, ACCEPTING THE BID, AND AWARDING THE CONSTRUCTION CONTRACT TO ST. FRANCIS ELECTRIC, LLC, OF SAN LEANDRO, CALIFORNIA IN THE AMOUNT OF \$736,450, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE CONTRACT

WHEREAS, in April 2010 the City applied for Congestion Mitigation and Air Quality (CMAQ) funds to upgrade the traffic signals at the following four intersections: 7th Street/G Street, 7th Street, H Street, 7th Street/I Street, and 9th Street/B Street in the City of Modesto, and

WHEREAS, on August 3, 2011, as per Resolution No. 2011-321, Council approved a new Capital Improvement Program project and accepted CMAQ funds in the amount of \$77,000 for the Preliminary Engineering phase of this project, and

WHEREAS, on December 2, 2014, by Resolution No. 2014-511, Council amended the Fiscal Year 2014-15 Annual Operating and Capital Improvement Budget and accepted \$577,750 in CMAQ funds for the Construction, Contingency, and Construction Administration phases of this project, and

WHEREAS, on May 12, 2015, by Resolution No. 2015-149, Council accepted an additional \$210,101 in CMAQ funds for the Construction, Contingency, and Construction Administration phases of this project, and

WHEREAS, on July 5, 2017, by Resolution No. 2017-269, Council approved \$175,000 of Measure L funds for the Construction, Contingency, and Construction Administration phases of this project, and

WHEREAS, the project was advertised for bids on April 2, 2019, and

WHEREAS, bids were publicly opened on April 30, 2019 pursuant to Modesto Municipal Code Section 8-3.403 and Modesto Charter Section 1307 and four responsive bids were received, and

WHEREAS, St. Francis Electric, LLC, of San Leandro, California, is the lowest responsive and responsible bidder, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$736,450 received from St. Francis Electric, LLC of San Leandro, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to St. Francis Electric, LLC.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Upgrade Traffic Signals – 2013 project, accepts the bid, and awards the construction contract to St. Francis Electric, LLC of San Leandro, California in the amount of \$736,450.

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 May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-244**

**RESOLUTION OF INTENTION TO ANNEX 3200 ROSELLE TO CITY OF
MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE
#2) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE
TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #17)**

WHEREAS, pursuant to Chapter 2.5 Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” (the “Act”), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Article 3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-199, adopted on April 6, 2004 (the “Resolution of Formation”), establish the City’s Community Facilities District No. 2004-1 (Village One #2) (the “District”), and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004 (“Resolution of Creation of Tax Zone #2), create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and

WHEREAS, pursuant to California Streets and Highways Code Section 3113.5, this Council did, by its Resolution No. 2005-566, adopted on November 9, 2005, direct that all prior modifications, amendments and annexations to the District be consolidated into a single map of the District, specifically all prior boundary maps and amendments thereto related to formation of the District and Annexation Nos. 1 through 10 to the District, and

WHEREAS, on November 23, 2005, said boundary maps were consolidated into a single map entitled “Consolidation of Boundary Maps of Community Facilities District No. 2004-1 (Village One #2)” and recorded with the County Recorder of the County of Stanislaus at Book 4 of Maps of Assessments and Communities Facilities Districts, at Page 33 (the “Consolidated Boundary Map”), and

WHEREAS, subsequent to the recordation of the Consolidated Boundary Map, additional territory was annexed to the District through Annexations Nos. 11, 12, 13, 14, 15 and 16, and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of additional certain territory to the District, and

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

WHEREAS, it is intended that the territory be annexed to Tax Zone #2.

NOW, THEREFORE, BE IT RESOLVED, by Council of the City of Modesto that the Council finds and orders the following:

1. The above recitals are true and correct.
2. The current boundaries of the District are shown on the Consolidated Boundary Map as supplemented by the map entitled “Annexation Map No. 11 of

Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 36, the map entitled “Annexation Map No. 12 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 42, the map entitled “Annexation Map No. 13 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 57, the map entitled “Annexation Map No. 14 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 98, the map entitled “Annexation Map No. 15 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at Page 52, and the map entitled “Annexation Map No. 16 of Community Facilities District No. 2004-1 (Village One #2)” on file with the County Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at page 67. The territory proposed to be annexed to the District (the “Territory”) is described in **Exhibit A, attached** hereto.

3. The boundaries of the Territory are also shown on the map thereof, entitled “Annexation Map No. 17 of Community Facilities District No. 2004-1 (Village One #2)”, City of Modesto, County of Stanislaus, State of California,” on file in the office of the City Clerk, which map is hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date

and adoption of this Resolution, file the original in her office and, not later than fifteen (15) days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

4. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.

5. The special taxes to be levied in the District are set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory, except that the increase of the One-Time Facilities Special Tax component of the special taxes, as authorized by the Resolution of Creation of Tax Zone #2, shall be levied in the Territory.

6. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday July 2, 2019, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95354, such time being not less than 30 or more than 60 days following the adoption hereof.

7. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing

and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

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

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

10. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

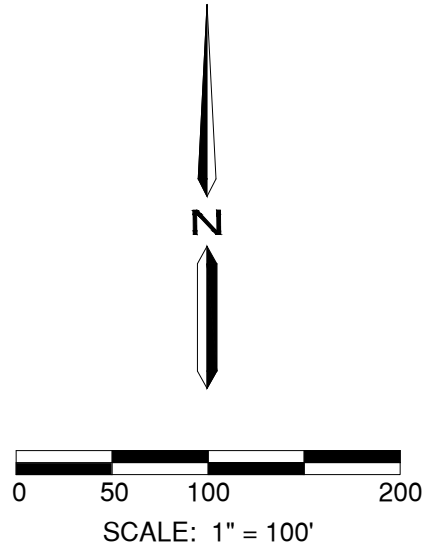
ATTEST: 
STEPHANIE LOPEZ, City Clerk


(SEAL)

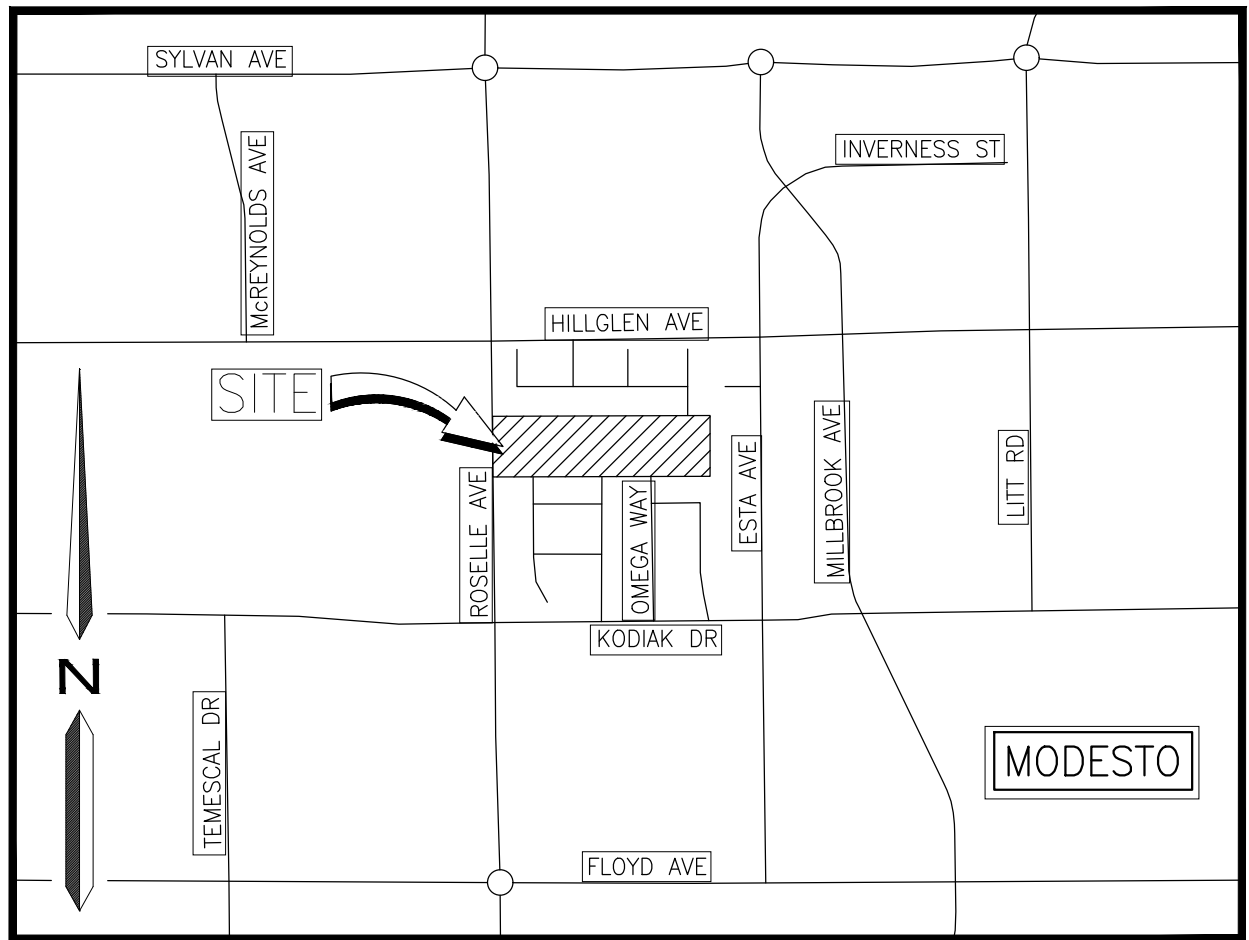
APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**ANNEXATION MAP NO. 17 OF
COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)
CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA**



LEGEND:
 ANNEXATION BOUNDARY



VICINITY MAP

NOTE: ORIGINAL DISTRICT BOUNDARY MAP RECORDED ON MARCH 16, 2004, LOCATED IN BOOK 3 OF ASSESSMENT MAPS, PAGE 85, STANISLAUS COUNTY RECORDS.

N.T.S.

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO, THIS ____ DAY OF _____, 2019.

STEPHANIE LOPEZ, CITY CLERK

BY: _____

PRINT NAME

I HEREBY CERTIFY THAT THIS MAP SHOWING THE PROPOSED BOUNDARIES OF ANNEXATION NO. 17 TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING THEREOF, HELD ON THE DAY OF _____, 2019, BY ITS RESOLUTION NO. 2019-_____.

STEPHANIE LOPEZ, CITY CLERK

BY: _____

PRINT NAME

THIS IS A MAP OF THE AREA PROPOSED TO BE ANNEXED TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, THE CONSOLIDATION BOUNDARY MAP FOR WHICH WAS RECORDED ON NOVEMBER 23, 2005, IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 33, IN THE OFFICE OF THE COUNTY RECORDER, OF STANISLAUS COUNTY, STATE OF CALIFORNIA.

A MAP OF ANNEXATION NO. 11 TO THE DISTRICT WAS RECORDED ON FEBRUARY 9, 2006 IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 36, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 12 TO THE DISTRICT WAS RECORDED ON APRIL 26, 2006 IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 42, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 13 TO THE DISTRICT WAS RECORDED ON SEPTEMBER 8, 2006 IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 57, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 14 TO THE DISTRICT WAS RECORDED ON MAY 29, 2008 IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 98.

A MAP OF ANNEXATION NO. 15 TO THE DISTRICT WAS RECORDED ON NOVEMBER 4, 2016 IN BOOK 5 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 52.

A MAP OF ANNEXATION NO. 16 TO THE DISTRICT WAS RECORDED ON NOVEMBER 9, 2017 IN BOOK 5 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 67.

STEPHANIE LOPEZ, CITY CLERK

BY: _____

PRINT NAME

FILED THIS ____ DAY OF _____, 201____, AT THE HOUR OF ____ O'CLOCK ____M IN

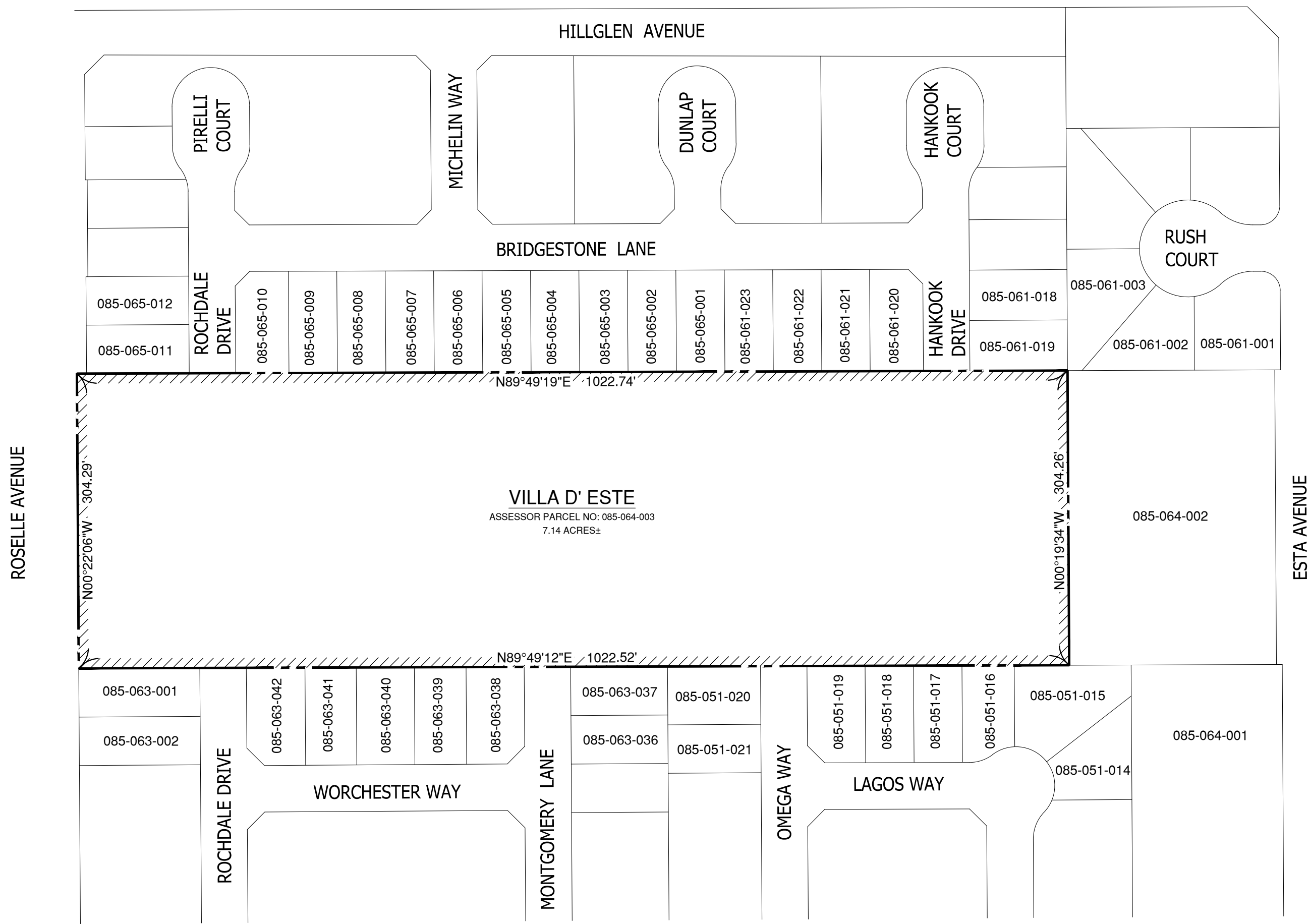
BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) _____

IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

LEE LUNDRIGAN, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY: _____

PRINT NAME



H:\32530 - Village One, Nickles Subdivision\Survey\MapDwg\32530-CFD.dwg 10:00:01 02/01/2019



FEBRUARY 1, 2019 SHEET 1 OF 1

ODELL
ENGINEERING

1165 Scenic Drive, Suite A
Modesto, CA 95350
odellengineering.com

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-245**

RESOLUTION ADOPTING THE ANNUAL INVESTMENT POLICY

WHEREAS, staff has identified the need to update the City's Annual 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 Annual Investment Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the Annual 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 28th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-246**

RESOLUTION ADOPTING THE REVISED DEBT MANAGEMENT POLICY

WHEREAS, pursuant to the City of Modesto Debt Management Policy, last adopted on June 12, 2018, 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 28th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-247**

**RESOLUTION APPROVING THE FIRST AMENDMENT TO THE
AGREEMENT WITH MODESTO JUNIOR COLLEGE AND STANISLAUS
COUNTY FOR A BUS PASS PROGRAM FOR THE MODESTO AREA
EXPRESS FIXED ROUTE BUS SYSTEM FOR STUDENTS AT MODESTO
JUNIOR COLLEGE AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AMENDMENT**

WHEREAS, the City of Modesto operates the Modesto Area Express (MAX) bus system, and

WHEREAS, Stanislaus County operates the StaRT bus system, and

WHEREAS, college students are a demographic that utilize the bus due to their economic status, growing reluctance to use a personal vehicle and general focus on a sustainable environment, and

WHEREAS, on April 11, 2017, by Resolution No. 2017-136, Council authorized an agreement with Modesto Junior College (MJC) to provide rides for MJC students at no cost, in exchange for a flat annual fee, and

WHEREAS, MJC is willing to enter into an amendment to the agreement with the City and the County to for a bus pass program for all MJC students, and

WHEREAS, MJC will now pay a set amount of \$150,000 per year of the agreement to the City's MAX system, and

WHEREAS, the revenues from the MJC bus program will be budgeted for the operations of MAX's fixed route system as part of the annual budget process.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment to the agreement with MJC and Stanislaus County, commencing July 1, 2019 to provide a bus pass program for the MAX transit

system.

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 28th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

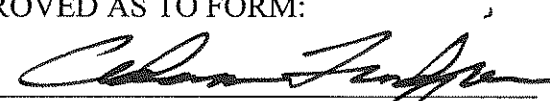
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-248**

**RESOLUTION REJECTING ALL BIDS FOR THE SONOMA SANITARY
SEWER TRUNK EXTENSION PROJECT AND AUTHORIZING STAFF TO RE-
ADVERTISE THE PROJECT FOR BIDS AT A FUTURE DATE WITH AN
AMENDED SCOPE OF WORK**

WHEREAS, the bids received for the Sonoma Sanitary Sewer Trunk Extension Project were opened at 11:00 a.m. on April 16th, 2019, and later tabulated by the Director of Utilities for the consideration of the Council, and

WHEREAS, the project plan set advertised for bid included a break in the sewer trunk extension system at Sylvan Avenue and Aria Way due to a conflict with a 48-inch diameter MID irrigation main referred to as the Cavil Drain, and

WHEREAS, during the course of the bid phase, the design was re-evaluated and staff concluded that additional coordination with MID was necessary to ensure the sewer trunk is a continuous system able to serve proposed development, 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 to include the scope of work related to the MID coordination to ensure competitive bids of the entire revised project scope.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Sonoma Sanitary Sewer Trunk Extension Project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project for bids with an amended scope of work.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-249**

RESOLUTION ACCEPTING THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$41,623,872 TO MYERS-RADOS, A JOINT VENTURE, OF SANTA ANA, CA

WHEREAS, the North Valley Regional Recycled Water Program (NVRWP) includes construction of a regional water supply project to deliver recycled water produced by the cities of Modesto and Turlock to the Delta-Mendota Canal (DMC), a major component of the Central Valley Project owned by U.S. Bureau of Reclamation, and

WHEREAS, recycled water will be conveyed from Modesto and Turlock through pipelines from their wastewater treatment facilities, crossing under the San Joaquin River, ending at the DMC, and

WHEREAS, Water in the DMC would then be conveyed directly to Del Puerto Water District (DPWD) turnouts and its customers, and

WHEREAS, in order to achieve an expedited project completion by the December 2017 deadline, City staff selected the Design-Build (D-B) approach, which expedites the design and construction process by combining these services under a single entity, and

WHEREAS, on December 22, 2015, the City issued a Request for Qualifications (RFQ) to invite interested parties to submit their team's D-B experience and qualifications to create a pre-qualified short-list of proposers, and

WHEREAS, on February 23, 2016, by Resolutions No. 2016-60, 61 and 63, the City Council approved the final short-list, authorized issuance of the Request for

Proposals (RFPs) and designated City Councilmember Bill Zoslocki as the Modesto representative to participate on the selection committee, and

WHEREAS, on March 2, 2016, RFPs were issued to the three D-B teams and proposals were received on May 2, 2016, and

WHEREAS, interviews were held on May 23, 2016, and on May 24, 2016, with the panel selecting Myers-Rados, a Joint Venture (MRJV), of Santa Ana, as the most qualified D-B team to design and construct the NVRRWP project, and

WHEREAS, the final negotiated D-B contract price for the construction of the NVRRWP pipeline and pump station is \$40,860,428 and

WHEREAS on August 3, 2016, by Resolutions No. 2016-324, the City Council awarded a Design-Build Contract to Myers-Rados, Santa Ana, CA in the amount of \$\$40,860,428 for the North Valley Regional Recycled Water Program Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the North Valley Regional Recycled Water Program project is hereby accepted as complete from said contractor Myers-Rados, Santa Ana, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and authorize payments totaling \$41,623,872, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-250**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE VILLAGE ONE SLURRY SEAL PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO CALIFORNIA PAVEMENT MAINTENANCE, DBA C P M, OF SACRAMENTO, CALIFORNIA, IN THE AMOUNT OF \$2,094,666 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Village One Slurry Seal project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Village One Slurry Seal Project were publicly opened at 11:00 a.m. on May 7, 2019, and later tabulated by the Director of Community and Economic Development for the consideration of Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$2,094,666 received from California Pavement Maintenance, dba C P M, of Sacramento, CA be accepted as the lowest responsible and responsive bid and the contract be awarded to California Pavement Maintenance, dba C P M, 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. An award of \$2,094,666 and agreement for construction for Community and Economic Development Department to use California Pavement Maintenance, dba C P M, Sacramento, CA, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and California Pavement Maintenance, dba C P M, was the lowest responsive bidder.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the plans and specifications for the Village One Slurry Seal project, accepts the bid of California Pavement Maintenance, dba C P M, of Sacramento, CA, in the amount of \$2,094,666 and awards California Pavement Maintenance, dba C P M the contract for the Village One Slurry Seal 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 June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-251**

**RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO
APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF
\$209,467 (10% OF THE ORIGINAL CONTRACT PRICE) FOR THE VILLAGE
ONE SLURRY SEAL PROJECT**

WHEREAS, the Village One Slurry Seal project bids were publicly opened on May 7, 2019, and California Pavement Maintenance, dba C P M, of Sacramento California was the apparent low bidder with the amount of \$2,094,666, and

WHEREAS, the contingency cost for the Village One Slurry Seal project is estimated to be \$209,467 10% of the original contract price, an amount which exceeds the Director's authority for the project as enacted by Council Resolution No. 94-443 on July 19, 1994.

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 \$209,467 (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 4th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour


ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-252**

RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET AND INCREASING THE MEASURE L ROAD TAX FUND TRANSFER FOR PROJECT #101120 IN THE AMOUNT OF \$900,000 FOR THE VILLAGE ONE SLURRY SEAL PROJECT

WHEREAS, the Village One Slurry Seal project will rehabilitate deteriorated pavement with a type 2 slurry seal, install new striping and ADA curb ramps within street limits of Sylvan Avenue, Roselle Avenue, Merle Avenue and Claus Road, and

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 4, 2018, by Resolution No. 2018-380, Council approved a list of projects including the Village One Slurry Seal project to be funded with Measure L tax proceeds in Fiscal Year 2018-19, and

WHEREAS, bids were opened April 9, 2019 with the lowest bidder 12.29% below the engineer's estimate, and

WHEREAS, the Measure L funds in FY 2018-19 for the local streets and roads category have not all been allocated and are available to use, and

WHEREAS, on February 28, 2019 staff recommended to the Citizens Transportation Sales Tax Commission the allocation of \$900,000 of the \$1,658,925 Measure L funds available for FY 2018-19 to fund the additional costs for the Village One Slurry Seal project, and

WHEREAS, the Fiscal Year 2018-19 Capital Improvement Program Budget for Project #101120 – Village One Slurry Seal must be amended by \$900,000 with a transfer from Measure L Road Tax fund and allocation of funds to the projects expense budget.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018-2019 Capital Improvement Project (CIP) revenue and expense budget for project #101120 and increases the transfer from Measure L Road Tax fund to the project in the amount of \$900,000 to continue the project.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

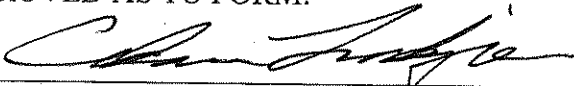
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-253**

RESOLUTION APPROVING AN AGREEMENT FOR COLLECTION AGENCY SERVICES WITH RAY KLEIN, INC, DBA PROFESSIONAL CREDIT SERVICES, SPRINGFIELD, OREGON, FOR A TWO-YEAR AGREEMENT WITH THREE ONE –YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$50,000 AND A TOTAL AMOUNT NOT TO EXCEED \$250,000 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City uses a third party agency for the collection of unpaid and delinquent miscellaneous receivables including, but not limited to, invoices for damage to City property, business license tax and penalties, code enforcement citations, returned checks, utility bills and other miscellaneous receivables, and

WHEREAS, in January 2018, a bid authorization to issue a formal Request for Proposal (RFP) was approved and forwarded to the Purchasing Division, and

WHEREAS, on November 16, 2018, the Purchasing Division issued Request for Proposal (RFP) 1718-61 through PlanetBids with a proposal response due January 8, 2019, and

WHEREAS, on January 8, 2019, bids were formally opened in the City Clerk’s Office; eight companies chose to respond with responsive and responsible proposals, and

WHEREAS, after five City staff members evaluated all eight proposals, the evaluation committee ranked Ray Klein, Inc, DBA Professional Credit Services highest overall to perform collection of the City’s unpaid and delinquent accounts receivables, which include, but are not limited to, invoices for damage to City property, business license tax and penalties, code enforcement citations, returned checks, utility bills and other miscellaneous receivables, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases whose total maximum costs to the City exceeds fifty thousand dollars for material, equipment or contractual services to follow the formal bid procedures. An award for RFP 1718-61 and agreement for collection agency services to Ray Klein, Inc, DBA Professional Credit Services of Springfield, Oregon, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Ray Klein, Inc, DBA Professional Credit Services, 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 for collection agency services with Ray Klein, Inc., DBA Professional Credit Services, Springfield, Oregon, for a two-year agreement with three one-year extension options, for an annual cost not to exceed \$50,000 and a total amount not to exceed \$250,000 over five years.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

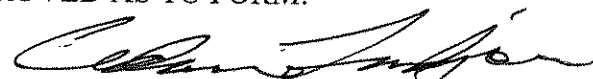
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-254**

**RESOLUTION APPROVING THE AGREEMENT WITH BERTOLOTTI
MODESTO DISPOSAL INC., CERES, CA, TO PERFORM GARBAGE
REMOVAL AND DISPOSAL SERVICES AT THE MODESTO OUTDOOR
EMERGENCY SHELTER AND FOR HOMELESS ENCAMPMENT BLIGHT
REMOVAL BY THE MODESTO POLICE DEPARTMENT BEAT HEALTH
UNIT THROUGH MAY 31, 2021 FOR A TOTAL AMOUNT NOT TO EXCEED
\$150,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE THE AGREEMENT**

WHEREAS, in response to an emerging and concentrated homeless population precipitated by recent legal developments and case law the City permitted a temporary homeless encampment at Beard Brook Park, and

WHEREAS, the Modesto Police Department (MPD) established a blight abatement team to assist with on-going City efforts in city-wide cleanup and the temporary encampment at Beard Brook Park, and

WHEREAS, the City established a temporary outdoor shelter underneath the 9th Street Bridge known as the Modesto Outdoor Emergency Shelter (MOES) to accommodate the growing number of homeless individuals which Beard Brook Park could no longer sustain, and

WHEREAS, the maintenance and cleanup of both encampments required extensive use of garbage and disposal services which nearly depleted the city-wide blanket purchase order, and

WHEREAS, the Finance Purchasing Division issued an emergency purchase agreement, not to exceed \$50,000, with Bertolotti Disposal designated to cover MOES expenses through December 31, 2019, and

WHEREAS, funding for the emergency purchase agreement has been exhausted,
and

WHEREAS, the City and Bertolotti desire to enter into a new purchase agreement to include garbage and disposal services for MOES and for MPD's Beat Health expenses for illegal homeless camps and dumping to capture all costs related to encampment cleanup, and

WHEREAS, the total amount for MOES garbage and disposal services through December 31, 2019 is \$105,000, and

WHEREAS, the total amount for MPD's Beat Health homeless encampment blight removal through May 31, 2021 is \$45,000, and

WHEREAS, the total amount of the agreement with Bertolotti for both MOES and homeless encampment blight removal by MPD's Beat Health Unit is \$150,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Bertolotti Modesto Disposal Inc., Ceres, CA, to perform garbage removal and disposal services at the Modesto Outdoor Emergency Shelter and for MPD Beat Health homeless encampment blight removal by the Modesto Police Department Beat Health Unit through May 31, 2021 for a total amount not to exceed \$150,000.

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 4th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-255**

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE KING KENNEDY MEMORIAL CENTER, INC. BOARD OF DIRECTORS FOR THE PROVISION OF FUNDING FOR CERTAIN EVENTS AND SERVICES, IN AN AMOUNT NOT TO EXCEED \$22,000 OVER 5 YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF UNDERSTANDING

WHEREAS, the City of Modesto entered into an agreement with the King Kennedy Memorial Center, Inc. Board of Directors (formerly known as Westside Neighborhood Center Inc.), on January 13, 1969 for the purposes of serving as an advisory board to the City regarding the operation of the facility and programs at the King-Kennedy Memorial Center located at 601 Martin Luther King Drive; and

WHEREAS, upon expiration of the previous agreement the City and the King Kennedy Memorial Center Inc., Board of Directors entered into a second agreement dated August 20, 1996 through City Council Resolution 96-484, for the continued purpose of serving as an advisory board regarding the operations of the King-Kennedy Memorial Center; and

WHEREAS, the City and the King Kennedy Memorial Center Inc., Board of Directors both desire to enter into this Agreement outlining the responsibilities and requirements allowing the King Kennedy Memorial Center Inc., Board of Directors to continue to utilize the CENTER to support the community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding with the King Kennedy Memorial Center, Inc. Board of Directors for the provision of funding for certain events

and services, in an amount not to exceed \$22,000 over five years, **attached** herein as **Exhibit "A"**.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Memorandum of Understanding 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 June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, made and entered into in the City of Modesto, State of California, this ____ day of _____ 2019, by and between the CITY OF MODESTO, a municipal corporation of the State of California, hereinafter referred to as "CITY", and the King-Kennedy Memorial Center, Inc., (King-Kennedy Board of Directors), a California non-profit agency, hereinafter referred to as "AGENCY".

This Agreement is made with regard to the following recitals:

- A. Whereas, CITY entered into an agreement with AGENCY (formerly known as Westside Neighborhood Center Inc.), dated January 13, 1969 and which expired on January 13, 1989, for the purposes of AGENCY serving as an advisory board to CITY regarding the operation of the facility and programs at the King-Kennedy Memorial Center (601 Martin Luther King Drive) ("CENTER"); and
- B. Whereas, CITY and AGENCY entered into a second agreement dated August 20, 1996 and which expired on December 30, 2000, for the purposes of AGENCY continuing to serve as advisor to CITY regarding the CENTER; and
- C. Whereas, CITY and AGENCY desire to enter into this Agreement outlining the responsibilities and requirements allowing AGENCY to continue to utilize the CENTER to support the community; and
- D. Whereas, the CITY and AGENCY also desire this Agreement to detail the roles and responsibilities of each party regarding the use of the CENTER by AGENCY.

NOW, THEREFORE, the parties mutually agree as follows:

1. TERM OF AGREEMENT

This Agreement shall commence on the date of execution ("Effective Date") outlined above, and continue for a period of (3) Three years followed by (2) Two one-year renewal options for a total length not

exceeding 5 years from Effective Date. CITY retains the right to terminate this Agreement, as provided in Section 11.

2. OBLIGATIONS OF CITY

a) CITY will provide a CITY Parks, Recreation, & Neighborhoods staff liaison to serve as the primary contact to AGENCY in all matters related to the support and operation of the AGENCY in relation to the CENTER. The staff liaison will also assist AGENCY with the interpretation and application of all policies, procedures, administrative directives or City Council Directives governing the operations of the CENTER.

b) CITY will permit AGENCY the use of the CENTER and Mellis Park (601 Franklin for the conducting of monthly board meetings and the operation of programs that provide a direct benefit to the community, at no cost to AGENCY. AGENCY will be required to submit a complete rental application to CITY to be entered into the Facility Rental Management Program. All requests must be submitted no later than 10 days prior to the desired date of registration and up to thirteen (13) months in advance. All requested rentals are subject to facility availability and the discretion of CITY. In addition to CITY's existing rules and regulations regarding site and facility rentals, AGENCY's use of CITY sites shall be subject to the following:

- i. AGENCY must make a written request to use a CITY site at least 10 days prior to its planned event. This notice time is to ensure CITY possesses adequate time to assign CITY staff for the event, for all uses requiring access to the facility outside of normal hours of operation (8am – 5pm, Monday - Friday).
- ii. All rental requests submitted for activities to be conducted during regular hours of operation (8am – 5pm, Monday - Friday) will require additional written approval from the CENTER's operating partner.

c) City will provide monetary support for AGENCY activities, as outlined in **Section 3 “Compensation”** of this Agreement, provided the activities meet the following set parameters and are included in the approved list of activities attached hereto and incorporated herein as Exhibit A.

d) CITY will permit AGENCY to hold fundraisers at the CENTER at no cost to AGENCY for the sole purposes of raising funds to support the proposed events and programs attached hereto and incorporated herein as Exhibit A.

3. COMPENSATION.

CITY will provide financial support to AGENCY in an amount not to exceed \$4,000.00 (Four Thousand Dollars) for the first year of this Agreement (“Financial Support”), and \$22,000 (Twenty-Two Thousand Dollars) for the Term of this Agreement (“Total Financial Support”). Each year thereafter, CITY may adjust the Financial Support for the succeeding calendar year to account for inflation and other cost of living increases. However, in no event shall the cumulative Financial Support paid by City exceed the Total Financial Support. AGENCY will submit to CITY an invoice for the requested amount along with supporting documentation including, but not limited to, letters of commitment, copies of checks, copies of receipts, bank statements, and audited financial records. CITY will review and approve the invoice submission. Upon approval, the invoice will be processed through the CITY Accounts Payable Division. All payments and reimbursements from CITY to AGENCY shall be in accordance with CITY policies and procedures.

4. OBLIGATIONS OF AGENCY.

a) AGENCY, under the direction of the Director or their designee, will assist as a liaison between the CENTER, CITY, and the community on issues pertaining to social health, education, training, diversity, and recreation.

b) AGENCY will list the “City of Modesto and Parks, Recreation & Neighborhoods” as a co-sponsor on all advertisements, promotional materials, event programs, banners, and other applicable mediums for all AGENCY programs and activities conducted at the CENTER or Mellis Park under the terms of this Agreement.

c) AGENCY will submit to CITY a list of all activities and programs to be conducted under this Agreement attached hereto and incorporated herein as Exhibit A. Any amendments to Exhibit A after the Effective Date of this Agreement must be submitted in writing to CITY by AGENCY, prior to implementation, and shall require the CITY’s written approval of the amendment, which the CITY shall not unreasonably withhold. AGENCY understands that it cannot implement new programs or events until it receives written approval from the CITY.

d) AGENCY will submit to CITY, a copy of AGENCY’s bylaws which define the purpose(s), functions, organization, and delegations of authority of AGENCY within 30 days of the effective date of this agreement.

e) AGENCY’s bylaws shall comply with all federal, state, and CITY laws and regulations.

f) AGENCY will comply with all CITY policies and procedures that govern the CENTER and other CITY owned and operated sites utilized by AGENCY.

g) AGENCY acknowledges it will not have exclusive fund raising privileges or use of the CENTER

h) AGENCY shall provide CITY with a roster of AGENCY board of directors, their mailing addresses, phone numbers, and email addresses. AGENCY is responsible for informing CITY, in writing, of any changes to the roster throughout the term of this agreement as outlined in **Section 1 Term of Agreement.**

i) AGENCY must maintain current and eligible non-profit status from the Internal Revenue Service (“IRS”). AGENCY is responsible for providing CITY with a copy of the letter from the IRS determining AGENCY’s tax-exempt status under section 501 (c)(3) of the Internal Revenue Code, attached

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hereto and incorporated herein as Exhibit D. AGENCY shall give CITY a copy of the letter from the California Franchise Tax Board designating tax-exempt status under section 23701(d), Revenue and Taxation Code, attached hereto and incorporated herein.

j) In the event that AGENCY facilitates or directly provides programming that serves minors, AGENCY will comply with the child abuse and neglect reporting act stipulations attached hereto and incorporated as Exhibit B to this document.

5 MONITORING AND REPORTING

In order to ensure that AGENCY's use of the CENTER and other CITY facilities meets the needs of both CITY and the community, CITY reserves the right to monitor AGENCY operations as deemed necessary by the Director or their designee. AGENCY shall furnish all data, statements, records, meeting minutes, applicable information, and reports necessary for CITY to monitor, review, and evaluate the performance of AGENCY under this agreement.

6. INTEREST OF AGENCY.

AGENCY warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. AGENCY warrants that, in performance of this Agreement, AGENCY shall not employ any person having any such interest. AGENCY agrees to file a Statement of Economic Interests with the City Clerk at the start and end of this contract if so required by CITY.

7. INDEPENDENT AGENCY.

All acts of AGENCY, its agents, officers, volunteers and/or employees and all others acting on behalf of AGENCY relating to the performance of this Agreement, shall be performed on behalf of AGENCY, and not as agents, officers, or employees of CITY. AGENCY has no authority or responsibility

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to exercise any rights or power vested in the CITY except for such rights or powers expressly set forth in this agreement. No agent, officer, or employee of the CITY is to be considered an employee of AGENCY. It is understood by both AGENCY and CITY that this Agreement shall not, under any circumstances, be construed or considered to create an employer-employee relationship or a joint venture. AGENCY, its agents, officers, volunteers and/or employees are, and at all times during the term of this Agreement, shall represent and conduct themselves as an independent AGENCY and not as employees of CITY. It is understood and agreed that as an independent AGENCY and not an employee of CITY neither the AGENCY or AGENCY's assigned personnel shall have any entitlement as a CITY employee, right to act on behalf of the CITY in any capacity whatsoever as an agent, or to bind the CITY to any obligation whatsoever. It is further understood and agreed that AGENCY must issue W-2 forms or other forms as required by law for income and employment tax purposes for all of AGENCY's personnel, if applicable. As an independent AGENCY, AGENCY hereby indemnifies and holds CITY harmless from any and all claims that may be made against CITY based upon any contention by any person that an employer-employee relationship exists by reason of this Agreement, including any entitlement to CalPERS or similar retirement funds set aside for City employees.

8. ASSIGNMENT.

Neither this Agreement nor any portion thereof shall be subcontracted or assigned without the express prior written consent of the CITY in each and every instance.

9. NOTICES.

Notice required by this Agreement shall be given in writing and shall be deemed given and effective upon receipt provided that such are delivered in accordance with the provisions of this section. Notices shall be delivered either by: (a) personal delivery (including delivery by an overnight courier services which obtains confirmation of receipt); or (b) by facsimile, provide that such transmission is

followed by delivery by an overnight courier service which obtains confirmation of receipt; or (c) postage prepaid, return receipt requested, certified mail, or (d) by electronic transmission subject to reasonable proof that the notice was both transmitted and received. Each such notice shall be sent to the parties at the address respectively set forth below or to such other address as a party may designate by written notice given in accordance with the provisions of this section:

FOR AGENCY: Name: King Kennedy Memorial Center, Inc.
 Address: PO Box 582623
 Modesto, CA. 95351
 Attention: President

FOR CITY: Name: City of Modesto
 Address: PO Box 642
 Modesto, CA. 95353
 Attention: PRND Contract Administrator
 Phone: (209) 577-5344
 Facsimile: (209) 544-3982
 Email: recreation@modestogov.com

10. INSURANCE REQUIREMENTS.

The AGENCY 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 Risk Manager of the CITY. The policies of 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 via the PINS Advantage Insurance Program, for all of the following stated insurance policies.

(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 \$1,000,000 for bodily injury and property damage. If commercial General Liability Insurance of other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. This insurance

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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 AGENCY and subagency's, products and completed operations as applicable.

(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.

(d) If applicable, Professional Liability insurance with a minimum limit of \$1,000,000 per claim and policy aggregate. If coverage is on a claims made basis it shall be maintained for at least three (3) years following completion of the work.

If at any time any of said policies shall be unsatisfactory to the CITY, as to form a substance, or if a company issuing such policy shall be unsatisfactory to the CITY, the AGENCY shall promptly obtain a new policy, submit it the same to the Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the AGENCY to furnish, deliver or maintain such insurance and certificates as above provided, this Agreement, at the election of the CITY, may be forthwith declared suspended or terminated. Failure of the AGENCY to obtain and/or maintain any required insurance shall not relieve the AGENCY from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the AGENCY concerning indemnification. The CITY, its agents, officers, officials, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Worker's Compensation and Professional Liability. The Worker's Compensation insurer shall agree to waive all rights of subrogation against the CITY, its agents, officers, officials, employees, and volunteers for losses arising from work performed by AGENCY for the CITY. The AGENCY's insurance policy(ies) shall include a provision that the coverage is primary as respects the CITY: shall include no special limitations to coverage provided to additional insured: and, shall be placed with insurer(s) with acceptable Best's rating of A: VII or with

approval of the Risk Manager. The AGENCY must provide certificates evidencing existence of the insurance listed above to the CITY prior to the time the contract is signed.

AGENCY shall provide CITY with separate endorsements evidencing proof of the CITY'S additional insured status as to both the general liability and automobile liability insurance policies. In addition, AGENCY shall provide CITY with a Workers Compensation subrogation waiver by way of a separate endorsement. All endorsements referenced above must include the applicable policy number.

For any claims related to this project, the AGENCY's insurance coverage shall be primary insurance as respects the Entity, its officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, agents, or volunteers shall be excess of the AGENCY's insurance and shall not contribute with it.

This indemnity, and duty to defend, also expressly includes premises liability for any injury or death which may occur on AGENCY's License Use Agreement for any premises, regardless of cause.

11. TERMINATION OF AGREEMENT.

Termination by CITY for Default of AGENCY

Should AGENCY default in the performance of this Agreement or materially breach any of its provisions, at its option, City may terminate this Agreement by giving written notification to AGENCY. The termination date shall be the effective date of the notice. For the purposes of this section, material breach of this Agreement shall include, but not be limited to, any of the following: failure to perform required services or duties, willful destruction of City's property by AGENCY, dishonesty or theft.

Termination by City for Convenience

The City may also terminate the AGENCY's performance under the Agreement, either in whole or in part, at its own discretion, or when the City is prevented from proceeding with the Agreement by act of God, by law,

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or by official action of a public authority, or upon a determination by the City that such termination is in the best interest and convenience of the City. The City shall provide no less than ten (10) calendar days written notice of its intent to terminate the Agreement for convenience, and shall endeavor to provide AGENCY with consultation with the City prior to termination.

Voluntary Termination

The parties may terminate this contract upon mutual written Agreement.

Post-Termination Procedure

Upon receipt of a written notice of termination pursuant to either of the foregoing paragraphs, AGENCY shall:

a) Cease its work as directed in the notice of termination as of the termination date and see to it that its employees, subagencies and agents are notified of such termination and act as specified in the notice of termination;

CITY will pay AGENCY an amount based on the percentage of satisfactory work completed on the termination date. and this percentage shall be determined by City in its sole discretion. If the Agreement is terminated pursuant to the subparagraph entitled “Termination by City for Default of Agency,” Agency agrees and understands that CITY may, in CITY’s sole discretion, refuse to pay AGENCY for that portion of AGENCY’s services which were performed by AGENCY prior to the termination date and which remain unacceptable and/or not useful to CITY as of the termination date.

Authorization to Terminate Agreement

Termination of the Agreement may be invoked by the City Manager, or his/her designee, subject to the right of the AGENCY to appeal the City Manager, or his/her designee’s, decision to the City Council. The AGENCY shall appeal by notifying the City Clerk in writing within ten (10) calendar days of receipt of written notification from CITY of termination of the Agreement. In the event that termination of this Agreement is upheld by the City Council, any cessation of payment of delay claims shall be retroactive to the date of termination effectuated by the City Manager, or his/her designee.

12. INDEMNITY.

AGENCY, its agents, officers, volunteers and or employees shall defend, indemnify, and hold harmless CITY, its agents, officers, and employees from and against all claims, damages, losses, judgment, liabilities, expenses, and other costs including litigation costs and attorney's fees from every cause, including but not limited to injury to person or property or wrongful death arising directly or indirectly out of any act or omission of AGENCY whether or not the act or omission arises from the negligence or other liability of CITY (except for the sole negligence or willful misconduct of the CITY), or its agents, officers, and employees or volunteers relating to or during the performance of its obligations under this Agreement.

AGENCY's obligation to defend, indemnify, and hold the CITY, its agents, officers, and employees harmless under the provisions of this paragraph is not limited to or restricted by any requirement in this Agreement for AGENCY to procure and maintain a policy of insurance.

13. WAIVER.

The waiver by any party to this Agreement of a breach of any provision hereof shall be in writing and shall not operate or be construed as a waiver of any other or subsequent breach hereof unless specifically stated in writing.

14. ENTIRE AGREEMENT.

This Agreement, including any exhibits hereto, contains the entire understanding and agreement between CITY and AGENCY. All previous proposals, offers and the communications relative to this Agreement, whether oral or written, are hereby superseded except to the extent that they have been incorporated into this Agreement. No future waiver of or exception to any of the terms, conditions, and provisions of this Agreement shall be considered valid unless specifically agreed to in writing by both parties.

15. AMENDMENT.

Both parties to this Agreement understand that it may become desirable or necessary during the term of this Agreement, for CITY or AGENCY to modify the scope of services or any other term provided for under this Agreement. Any amendment or change shall be discussed with CITY and the change shall be memorialized in a written amendment. This Agreement may not be modified without a duly executed, written amendment by both Parties.

16. CONSTRUCTION.

The language of each and all paragraphs, terms, and/or provisions of this Agreement shall, in all cases and for any and all purposes, and in any way and all circumstances whatsoever, be construed as a whole, according to its fair meaning, and not for or against any party hereto and with no regard whatsoever to the identity or status of any person or persons who drafted all or any portion of this Agreement.

17. GOVERNING LAW.

This Agreement shall be governed according to the laws of the State of California.

18. HEADINGS NOT CONTROLLING.

Headings used in the Agreement are for reference purposes only and shall not be considered in construing this Agreement.

19. COMPLIANCE WITH LAWS.

AGENCY shall fully comply with all applicable federal, state, and local laws, ordinances and regulations, including but not limited to, all safety and hourly requirements for employees, in accordance with federal, state, and county safety and health regulations and laws.

20. CONFLICT OF INTEREST

AGENCY shall avoid all conflict of interest or appearance of conflict of interest in performance of this Agreement. AGENCY certifies that it is familiar with conflict of law provisions set forth in California Government Code Sections 87100 et seq. and Government Code Section 1090. AGENCY certifies they do not know of any facts which constitute a violation of such section. AGENCY further certifies that it shall not assign any personnel to provide services under this Agreement which would be cause for a violation of any conflict of interest law.

21. CITY BUSINESS LICENSE.

AGENCY will have a valid City of Modesto business license.

22. MISCELLANEOUS PROVISIONS

A. The headings of the sections and subsections of this Agreement are inserted for convenience only. They do not constitute a part of this Agreement and shall not be used in its construction.

B. If a court of competent jurisdiction adjudges any provision of this Agreement as void or unenforceable, the remaining provisions shall not be affected hereby and shall remain in full force and effect.

C. Where this Agreement refers to CITY and no officer of the CITY is named, CITY's Manager shall have the authority to act on CITY's behalf.

D. Each of the factual statements set forth in the recitals is true and correct in its entirety and is incorporated into the Agreement as a term of the Agreement.

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IN WITNESS WHEREOF, the CITY OF MODESTO, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attested by its City Clerk under authority of Resolution No. 2019-____, adopted by the Council of the City of Modesto on the ____ day of _____, 2019 and King Kennedy Community Center Inc., has caused this Agreement to be duly executed.

**CITY OF MODESTO
a municipal corporation**

**AGENCY
King Kennedy Memorial Center, Inc.**

By _____
JOSEPH P. LOPEZ, City Manager

By _____

Name _____

ATTEST:

Title: _____

By: _____
STEPHANIE LOPEZ, City Clerk

By _____

Name: _____

APPROVED AS TO FORM:

Title: _____

City Attorney

AGENCY's Federal ID # _____

By _____
ADAM U. LINDGREN, City Attorney

**APPROVED AS TO RISK MANAGEMENT
FORM:**

By _____
CATHERINE TALONGWA,
Risk Manager

* 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.

Nonprofit Organization – signature of two (2) board members required.

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EXHIBIT A

OUTLINE OF SERVICES & EVENTS

AGENCY shall provide the events as described in this exhibit and such other services set forth herein or as approved by the Director of Parks, Recreation & Neighborhoods or their designee.

AGENCY shall provide these community services or events within all specifications, guidelines and expectations set forth in the City Parks and Recreation's Facility Use Rules and Regulations for use of city facilities.

A. LIST OF EVENTS

- Annual Dr. Martin Luther King Jr. Luncheon (January)
- Annual Black History Celebration. 2 Days. (February)
- Mother's Day Brunch (May)
- Old time Jubilee (May)
- Scholarship Award Ceremony (May)
- Annual Juneteenth Celebration (June)
- Community Information Reception (September)
- Annual Turkey Give Away (November or December)

EXHIBIT B

EMPLOYEE/VOLUNTEER CLEARANCE VERIFICATION AND COMPLIANCE WITH THE CHILD ABUSE AND NEGLECT REPORTING ACT

If AGENCY provides services involving minors AGENCY shall conduct a criminal background check through the database of the California Department of Justice and an FBI criminal database or equivalent national database as approved in writing by AGENCY's liability insurance provider, on each of its employees and volunteers who have supervisory or disciplinary authority over minors.

AGENCY shall also comply with the provisions of the Child Abuse and Neglect Reporting Act, California Penal Code SECTION 11164 *et. seq.* Additionally, AGENCY certifies the following:

1. Any and all personnel employed or retained by AGENCY in conducting the operations of AGENCY's program shall be qualified to perform the duties assigned to them by AGENCY. AGENCY agrees that AGENCY shall not at any time allow its employees or volunteers to be in any position with supervisory or disciplinary authority over minors, if they have been convicted of any offense identified in California Public Resources Code SECTION 5164.

CITY and AGENCY understand that results of background checks on minors may be confidential under state law. Therefore, all employees or volunteers must be at least 18 years of age if they are to be in a position having supervisory or disciplinary authority over any minor.

If AGENCY intends to have employees or volunteers under the age of 18 providing services under this AGREEMENT, AGENCY must obtain CITY's prior consent, and AGENCY shall ensure that none of

its employees or volunteers under 18 years of age have any supervisory or disciplinary authority over any minor, as such term is used in California Public Resources Code SECTION 5164.

2. AGENCY shall be responsible for ensuring that no person who has supervisory or disciplinary authority over minors, who is paid or unpaid by AGENCY, shall be permitted to provide services unless appropriate background checks, including fingerprints, have been performed prior to the beginning of services under this AGREEMENT, and the person meets the standards set forth above. If requested by CITY, and to the extent allowed by law, AGENCY shall promptly provide documentation listing each person that has provided or is providing services hereunder involving supervision or disciplinary authority over minors, and certifying that the AGENCY has conducted the proper background check on such person or persons, and each of the named persons is legally permitted to perform the services described in this AGREEMENT. Regardless of whether such documentation is requested or delivered by AGENCY, AGENCY shall be solely responsible for compliance with the provisions of this SECTION.

3. That no person paid or unpaid by AGENCY shall be permitted to provide services requiring contact with children or providing food concessionaire services or other licensed concessionaire services in that area, unless AGENCY has complied with the TB testing requirements set forth in SECTION 5163 of the California Public Resources Code, verifying that the person or persons has provided evidence/verification of a negative TB skin test reading less than two (2) years old (if newly hired) or within four (4) years (if current employee) of the effective date of this AGREEMENT and every four (4) years thereafter, if the term of this AGREEMENT exceeds four (4) years.

4. For persons with a positive TB skin test reading, a physician's medical clearance must be obtained prior to services being provided as specified above. AGENCY shall keep on file each "Certificate" of

clearance for the persons described above, and shall also make available a copy of each Certificate to CITY, if requested and allowed by law. "Certificate" means a document signed by a licensed examining physician and surgeon or a notice from a public health agency or unit of the tuberculosis association which indicates freedom from active tuberculosis.

- 5. AGENCY understands that if services are rendered on a school site, there may be additional requirements that may apply including, without limitation, requirements under the California Education Code. AGENCY acknowledges that it is AGENCY's sole responsibility to comply with all applicable laws, regulations and licensing requirements in AGENCY's provision of services hereunder.

I, the AGENCY signing below, verify that I have read and agree to the above:

Signature

Date

Title

Name (Print)

CALIFORNIA PUBLIC RESOURCES CODE SECTION 5164

5164. (a) (1) A county or CITY or CITY and county or special district shall not hire a person for employment, or hire a volunteer to perform services, at a county or CITY or CITY and county or special district operated park, playground, recreational center, or beach used for recreational purposes, in a position having supervisory or disciplinary authority over any minor, if that person has been convicted of any offense specified in paragraph (2).

(2) (A) Violations or attempted violations of SECTION 220, 261.5, 262, 273a, 273d, or 273.5 of the Penal Code, or any sex offense listed in SECTION 290 of the Penal Code, except for the offense specified in subdivision (d) of SECTION 243.4 of the Penal Code.

(B) Any felony or misdemeanor conviction specified in subparagraph(C) within ten (10) years of the date of the employer's request.

(C) Any felony conviction that is over ten (10) years old, if the subject of the request was incarcerated within ten (10) years of the employer's request, for a violation or attempted violation of any of the offenses specified in Chapter 3 (commencing with SECTION 207) of Title 8 of Part 1 of the Penal Code, SECTION 211 or 215 of the Penal Code, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of SECTION 12022 of the Penal Code, in the commission of that offense, SECTION 217.1 of the Penal Code, SECTION 236 of the Penal Code, any of the offenses specified in Chapter 9 (commencing with SECTION 240) of Title 8 of Part 1 of the Penal Code, or any of the offenses specified in subdivision (c) of SECTION 667.5 of the Penal Code, provided that no record of a misdemeanor conviction shall be transmitted to the requester unless the subject of the request has a total of three (3) or more misdemeanor convictions, or a combined total of three (3) or more misdemeanor and felony convictions, for violations listed in this SECTION within the ten (10)

year period immediately preceding the employer's request or has been incarcerated for any of those convictions within the preceding ten (10) years.

(b) (1) To give effect to this SECTION, a county or CITY or CITY and county or special district shall require each such prospective employee or volunteer to complete an application that inquires as to whether or not that individual has been convicted of any offense specified in subdivision (a). The county or CITY or CITY and county or special district shall screen, pursuant to SECTION 11105.3 of the Penal Code, any such prospective employee or volunteer, having supervisory or disciplinary authority over any minor, for that person's criminal background.

(2) Any local agency requests for Department of Justice records pursuant to this subdivision shall include the prospective employee's or volunteer's fingerprints, which may be taken by the local agency, and any other data specified by the Department of Justice. The request shall be made on a form approved by the Department of Justice. No fee shall be charged to the local agency for requesting the records of a prospective volunteer pursuant to this subdivision.

(3) A county, city, city and county, or special district may charge a prospective employee or volunteer described in subdivision (a) a fee to cover all of the county, city, city and county, or special district's costs attributable to the requirements imposed by this section.

CALIFORNIA PUBLIC RESOURCES CODE SECTION 5163

5163. (a) No person shall initially be employed in connection with a park, playground, recreational center, or beach used for recreational purposes by a CITY or county in a position requiring contact with children, or as a food concessionaire or other licensed concessionaire in that area, unless the person produces or has on file with the CITY or county a certificate showing that within the last two (2) years the person has been examined and has been found to be free of communicable tuberculosis.

(b) Thereafter, those employees who are skin test negative shall be required to undergo the foregoing examination at least once each four (4) years for so long as the employee remains skin test negative. Once an employee has a documented positive skin test which has been followed by an X-ray, the foregoing examination is no longer required and a referral shall be made within thirty (30) days of the examination to the local health officer to determine the need for follow-up care.

"Certificate" means a document signed by the examining physician and surgeon who is licensed under Chapter 5 (commencing with SECTION 2000) of Division 2 of the Business and Professions Code, or a notice from a public health agency or unit of the tuberculosis association which indicates freedom from active tuberculosis.

5163.1. The examination shall consist of an approved intradermal tuberculosis test, which, if positive, shall be followed by an X-ray of the lungs.

Nothing in SECTIONs 5163 to 5163.2, inclusive, shall prevent the governing body of any CITY or county, upon recommendation of the local health officer, from establishing a rule requiring a more extensive or more frequent examination than required by SECTION 5163 and this SECTION.

5163.2. The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a licensed physician and surgeon.

5163.3. The CITY or county shall maintain a file containing an up-to-date certificate for each person covered by SECTION 5163.

5163.4. Nothing in SECTIONs 5163 to 5163.3, inclusive, shall prevent the CITY or county from requiring more extensive or more frequent examinations.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-256**

**RESOLUTION APPROVING A SECONDARY AGREEMENT FOR AS-NEEDED
PRE-EMPLOYMENT PSYCHOLOGICAL SERVICES WITH CORDICO
PSYCHOLOGICAL CORP. FOR AN AGREEMENT TERM OF TWO YEARS
WITH TWO, ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST OF
\$10,000 WITH A TOTAL NOT TO EXCEED COST OF \$40,000 FOR THE LIFE
OF THE AGREEMENT TERM, AND AUTHORIZING THE CITY MANAGER,
OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, recruiting and retaining police officers is a lengthy and highly competitive process; and

WHEREAS, prior to being hired, candidates must go through an extensive selection process that includes an application, written examination, physical agility examination, selection interview, polygraph examination, background investigation, medical examination and psychological examination; and

WHEREAS, on June 2, 2015, by Resolution 2015-178, Council approved an agreement with Jocelyn E. Roland, PhD., ABPP for pre-employment psychological evaluation services and pre-employment psychological screenings; and

WHEREAS, on December 12, 2017, by Resolution 2017-531, Council approved an amendment with Jocelyn E. Roland, PhD., ABPP to increase the rate and annual cost for the pre-employment psychological screening; and

WHEREAS, the current vendor, has been backlogged for several months to complete these required psychological evaluations and screenings, and

WHEREAS, the Finance Department recommends establishing a secondary agreement for pre-employment psychological evaluations to Cordico Psychological Corp., for an agreement term that coincides with the remainder of the agreement term with Jocelyn E. Roland, PhD., ABPP; and

WHEREAS, Cordico Psychological Corp. meets the City's insurance requirements and has agreed to the terms of a two year agreement with two one year extension options for a total not to exceed \$10,000 annually; and

WHEREAS, there was not competitive bid process; however, 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; and

WHEREAS, the approval for the pre-employment psychological evaluations and screenings to Cordico Psychological Corp. conforms to Modesto Municipal Code 8-3.204, subdivision (a) as they are providing professional services for pre-employment psychological evaluations and screenings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a secondary agreement for as-needed pre-employment psychological services with Cordico Psychological Corp. for an agreement term of two years with two, one-year extension options, for an annual cost of \$10,000 with a total not to exceed cost of \$40,000 for the life of the agreement term.

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 June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-257**

RESOLUTION COMBINING THE CITY MANAGER’S DRAFT BUDGET AND THE MAYOR’S FINAL BUDGET MODIFICATIONS INTO THE PROPOSED BUDGET FOR FISCAL YEAR 2019-20 (INCLUDING FUNDING THE MODESTO SISTER CITIES PROGRAM IN THE AMOUNT OF \$35,000), AND NOTICING A PUBLIC HEARING TO BE HELD ON JUNE 25, 2019 FOR COUNCIL’S CONSIDERATION AND ADOPTION OF THE FISCAL YEAR 2019-20 PROPOSED BUDGET AND RELATED ACTIONS

WHEREAS, the Finance Committee head the City Manager’s Draft Budget on April 29th, April 30th, May 2nd, and May 3rd, and

WHEREAS, the Finance Committee approved the City Manager’s Draft Budget with a 3-0 vote and approved the motion to have the Mayor make modifications to the City Manager’s Draft Budget 30 days prior to the adoption by the City Council, and

WHEREAS, the Mayor has presented his modifications to the City Manager’s Draft Budget to City Council and has presented any changes for incorporation into the City of Modesto’s Final Proposed Budget for Fiscal Year 2019-20, and

WHEREAS, discussion was held by City Council concerning funding for the Sister Cities program in the amount of \$35,000 and its inclusion in the Proposed Budget for Fiscal Year 2019-20, and

WHEREAS, the City of Modesto’s Final Proposed Budget for Fiscal Year 2019-20 will be inclusive of the City Manager’s Draft Budget as well as the Mayor’s Final Budget Modifications, and the inclusion of \$35,000 in funding for the Sister Cities program, and will be heard at a public hearing scheduled to be held on June 25, 2019.

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 and the Mayor’s Final Budget Modifications into the Proposed Budget for Fiscal Year 2019-20,

including funding the Modesto Sister Cities program in the amount of \$35,000, and directs a notice to be published for a public hearing to be held on June 25, 2019 for Council's consideration and adoption of the Fiscal Year 2019-20 Proposed Budget and related actions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-258**

RESOLUTION APPROVING A MEMORANDUM OF JOINT POWERS AGREEMENT WITH STANISLAUS COUNTY FOR THE RIGHT OF WAY ACQUISITION AND UTILITY RELOCATION PHASE OF THE 7TH STREET BRIDGE PROJECT IN AN AMOUNT NOT TO EXCEED \$344,100 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE MEMORANDUM OF JOINT POWERS AGREEMENT

WHEREAS, the 7th Street Bridge at the Tuolumne River was built in 1916 and has a sufficiency rating of 2 on a scale of 1 of 100, with 100 being the best, and

WHEREAS, the bridge is listed as Structurally Deficient on the Caltrans Structures Maintenance and Investigation Local Bridge List, and

WHEREAS, the bridge requires reconstruction or replacement to meet standards for seismic events, and

WHEREAS, on April 5, 2011, by Resolution No. 2011-113, Council approved a Memorandum of Agreement (MOA) to facilitate the cooperation between the City of Modesto and Stanislaus County for the construction of the 7th Street Bridge, and

WHEREAS, the MOA obligated the parties to split costs for project planning throughout the Preliminary Engineering Phase (50% City and 50% County) with the intent to create a separate MOA for the Right-of-Way and Utility Relocation Phase and the Construction Phase of the project, and

WHEREAS, on May 7, 2019, by Resolution 2019-206, Council approved an Amended and Restated MOA with Stanislaus County to include Final Design for the development of plans, specifications and estimate, and

WHEREAS, Preliminary Engineering is anticipated to be completed by July 2019 and Stanislaus County desires to move forward with acquiring portions of real properties and relocating existing utilities within project limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Joint Powers Agreement with Stanislaus County for the right of way acquisition and utility relocation phase of the 7th Street Bridge Project in an amount not to exceed \$344,100.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-259**

**RESOLUTION DECLARING INTENTION TO CONSIDER AUTHORIZING
CHANGES TO THE RATE AND METHOD OF APPORTIONMENT OF
SPECIAL TAX FOR THE CITY OF MODESTO COMMUNITY FACILITIES
DISTRICT NO. 2016-2 (THE VINTAGE)**

WHEREAS, on January 26, 2016, the City Council of the City of Modesto (“the City”) adopted Resolution No. 2016-21 (the “Resolution of Intention”) declaring its intention to establish City of Modesto Community Facilities District No. 2016-2 (The Vintage) (“CFD No. 2016-2), pursuant to the Mello-Roos Community Facilities Act of 1982, Government Code Sections 53311 et seq. (the “Act”); and

WHEREAS, on March 8, 2016, the City Council adopted Resolution No. 2016-95 (the “Resolution of Formation”) declaring the formation of CFD No. 2016-2 for the purpose of financing all costs associated with the creation of CFD No. 2016-2, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the community facilities district and administering the community facilities district (collectively, the “Incidental Expenses”) and to pay the costs of the services listed in Appendix A of the Resolution of Intention; and

WHEREAS, by adopting the Resolution of Formation, the City Council declared its intention, subject to the approval of the qualified electors of the proposed community facilities district, to levy the proposed special taxes at the rates set forth in the Rate and Method of Apportionment of Special Tax (the “Original RMA”) **attached** thereto as **Attachment A**; and

WHEREAS, on March 8, 2016, the City Council adopted Resolution No. 2016-

97 declaring the results of the election pertaining to CFD No. 2016-2, and determining that the qualified electors had approved the Original RMA; and

WHEREAS, it has been determined that it is necessary and prudent to adjust the maximum special taxes set forth in the Original RMA; and

WHEREAS, the Original RMA is proposed to be modified as set forth in the Amended and Restated Rate and Method of Apportionment of Special Tax, **attached** hereto as **Exhibit B** to this Resolution and incorporated herein (the “Amended and Restated RMA”); and

WHEREAS, the Act requires, as a condition to ordering the modification of the rate and method of apportionment of the special tax for CFD No. 2016-2 to read as set forth in the Amended and Restated RMA, that proceedings for consideration of the proposed change be undertaken as prescribed by Government Code Sections 53331 and 53334 through 53338, inclusive; and

WHEREAS, the Developer desires by this Resolution to initiate the required proceedings to consider the proposed modification of the rate and method of apportionment of the special tax for CFD No. 2016-2 to read as set forth in the Amended and Restated RMA.

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

1. In conformity with the provisions of Section 53331 of the Act, the City Council finds, determines and declares that the public convenience and necessity require the modification of the of the rate and method of apportionment of the special tax for CFD No. 2016-2 to read as set forth in the Amended and Restated RMA, **attached** hereto

as **Exhibit B**.

2. These proceedings are being conducted with respect to CFD No. 2016-2. The boundaries of CFD No. 2016-2 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. 2016-2 (The Vintage)”, a copy of which is on file in the Office of the City Clerk, and which was recorded in the Book of Maps of Assessment and Community Facilities Districts in the official records of the Office of the County Recorder of the County of Stanislaus in Book No. 5, at Page 42, as Instrument No. 2016-0009797-00.

3. There are no proposed changes to the list of services or facilities eligible for financing by CFD No. 2016-2. The proposed new rate and method of apportionment of the special tax for CFD No. 2016-2 is set forth in **Exhibit B**. Except for the changes to the rate and method of apportionment of the special tax for CFD No. 2016-2, no other changes are being made with respect to CFD No. 2016-2.

4. This City Council hereby fixes Tuesday, August 7, 2019 at 5:30 p.m., or as soon thereafter as the matter may be heard, in the Modesto City Council Chamber, 1010 Tenth Street, Modesto, California 95353 as the date, time and place for a public hearing to consider the proposed change to the rate and method of apportionment of the special tax for CFD No. 2016-2.

5. In conformity with Section 53335 of the Act, the City Clerk is hereby authorized and directed to cause the publication of a notice of hearing, containing the matters specified by Section 53335, one time in a newspaper in general circulation in the area of CFD No. 2016-2 no later than seven days prior to the date of the public hearing.

In addition to published notice, the City Clerk is authorized to provide for mailed notice of hearing by first-class mail, postage prepaid, in accordance with Section 53322.4 of the Act, to each landowner within the boundary of CFD No. 2016-2.

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 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Amended and Restated Rate and Method of Apportionment of Special Tax

APPENDIX A
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT No. 2016-2
(VINTAGE MAINTENANCE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance) 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 CFD No. 2016-2, unless exempted by law or by the provisions of Section F 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 of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), 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 CFD No. 2016-2, including, but not limited to, levying and collecting the Special Tax; 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 property owner inquiries regarding the Special Tax; 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 Tax according to this RMA.

"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” or **“APN”** 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.

“CFD” or **“CFD No. 2016-2”** means the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance).

“CFD Formation” means the date on which the Resolution of Formation to form CFD No. 2016-2 was adopted by the City Council.

“City” means the City of Modesto.

“City Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-2.

“Commercial Property” means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a commercial building, as determined by the City.

“County” means the County of Stanislaus.

“Developed Property” means, in any Fiscal Year, the following:

- for Single Family Residential Property, all Parcels of Taxable Property for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year;
- for Multi-Family Property, all Parcels of Taxable Property for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year; and
- for Commercial Property, all Parcels of Taxable Property for which a building permit for construction of a commercial structure was issued prior to June 30 of the preceding Fiscal Year.

“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 on July 1 and ending on the following June 30.

“Land Use Class” means one of the three mutually-exclusive land use classes identified in Table 1 in Section C below and defined in this Section A.

“Maximum Special Tax” means the maximum special tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

“Multi-Family Property” means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units.

“Proportionately” means, for Developed Property, 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 Assessor’s Parcels of Taxable Property that is Developed Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Property that is Undeveloped Property. For Taxable Public Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Public Property.

“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; and (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.

“RMA” means this Rate and Method of Apportionment of Special Tax.

“SFR Lot” means an individual numbered lot which is in its final configuration and for which a building permit may be issued for a single family residential unit.

“Single Family Residential Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure on an SFR Lot.

“Special Tax” means a special tax levied in any Fiscal Year to pay the Special Tax Requirement, as defined below.

“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.

“Taxable Property” means all Assessor’s Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section F below.

“Taxable Public Property” means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in prior Fiscal Years.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2016-2 that are not Developed Property.

B. DATA FOR SPECIAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) whether each Parcel of Taxable Property is Developed Property or Undeveloped Property, (ii) which Parcels are Commercial Property, Single Family Residential Property, and Multi-Family Property, (iii) the Acreage of each Parcel of Commercial Property and Multi-Family Property, and (iv) the Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

Table 1 below identifies the Maximum Special Tax assigned to all Parcels of Taxable Property.

**TABLE 1
MAXIMUM SPECIAL TAXES
FISCAL YEAR 2015-16**

	<i>Land Use Category</i>	<i>Fiscal Year 2015-16 Maximum Special Tax*</i>
Developed Property	Single Family Residential Property Multi-Family Property Commercial Property	\$326 per SFR Lot \$300 per Acre \$300 per Acre
Undeveloped Property	Single Family Residential Property Multi-Family Property Commercial Property	\$1,950 per Acre \$300 per Acre \$300 per Acre

** On January 1, 2016 and each January thereafter, the Maximum Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1*

D. METHOD OF LEVY OF SPECIAL TAXES

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

- Step 1:* The Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;
- Step 2:* If additional revenue is needed after Step 1, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property that is not Commercial Property within the CFD, up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;
- Step 3:* If additional revenue is needed after applying the first two steps, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Special Tax assigned to each Parcel of Taxable Public Property.

E. COLLECTION OF SPECIAL TAXES

The 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 Special Taxes through foreclosure or other available methods. The Special Tax shall be levied and collected in perpetuity unless and

until the City determines that the Special Tax no longer needs to be levied to pay Authorized Services and Administrative Expenses.

F. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels of Commercial Property that are Undeveloped Property and Parcels of Public Property, except Taxable Public Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document 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.

H. ENFORCEMENT

All delinquent Special Taxes billed off the County tax roll shall be subject to an immediate 10% penalty plus interest charges of 1.5 % as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract of guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

ATTACHMENT B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT No. 2016-2
(VINTAGE MAINTENANCE)

AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance) 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 CFD No. 2016-2, unless exempted by law or by the provisions of Section F 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 of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), 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 CFD No. 2016-2, including, but not limited to, levying and collecting the Special Tax; 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 property owner inquiries regarding the Special Tax; 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 Tax according to this RMA.

"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" or "APN" 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.

“CFD” or **“CFD No. 2016-2”** means the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance).

“CFD Change” means the date on which the Resolution of Change for CFD No. 2016-2 was adopted by the City Council, thereby making this RMA the operative tax formula for the CFD.

“City” means the City of Modesto.

“City Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-2.

“Commercial Property” means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a commercial building, as determined by the City.

“County” means the County of Stanislaus.

“Developed Property” means, in any Fiscal Year, the following:

- for Single Family Residential Property, all Parcels of Taxable Property for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year;
- for Commercial Property, all Parcels of Taxable Property for which a building permit for construction of a commercial structure was issued prior to June 30 of the preceding Fiscal Year.

“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 on July 1 and ending on the following June 30.

“Maximum Special Tax” means the maximum special tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

“Proportionately” means, for Developed Property, 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 Assessor’s Parcels of Taxable Property that is Developed Property. For

Undeveloped Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Property that is Undeveloped Property. For Taxable Public Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Public Property.

“**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; and (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.

“**RMA**” means this Amended and Restated Rate and Method of Apportionment of Special Tax.

“**SFR Lot**” means an individual numbered lot which is in its final configuration and for which a building permit may be issued for a single family residential unit.

“**Single Family Residential Property**” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure on an SFR Lot.

“**Special Tax**” means a special tax levied in any Fiscal Year to pay the Special Tax Requirement, as defined below.

“**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.

“**Taxable Property**” means all Assessor’s Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section F below.

“**Taxable Public Property**” means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in prior Fiscal Years.

“**Tax Area**” means one of the three mutually exclusive geographic areas defined below and identified in Attachment 1.

“**Tax Area A**” means the geographic area that: (i) at the CFD Change, was anticipated to be developed with low-density single family detached residential units, and (ii) is specifically identified as Tax Area A in Attachment 1 of this RMA.

“**Tax Area B**” means the geographic area that: (i) at the CFD Change, was anticipated to be developed with medium-density single family detached residential units, and (ii) is specifically identified as Tax Area B in Attachment 1 of this RMA.

“**Tax Area C**” means the geographic area that: (i) at the CFD Change, was anticipated to be developed with commercial land uses, and (ii) is specifically identified as Tax Area C in Attachment 1 of this RMA.

“**Undeveloped Property**” means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2016-2 that are not Developed Property.

B. DATA FOR SPECIAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) the Tax Zone within which each Parcel is located; (ii) whether each Parcel of Taxable Property is Developed Property or Undeveloped Property, (iii) the Acreage of each Parcel of Commercial Property, and (iv) the Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

Table 1 below identifies the Maximum Special Tax assigned to all Parcels of Taxable Property.

**TABLE 1
MAXIMUM SPECIAL TAXES
FISCAL YEAR 2019-20**

<i>Tax Area</i>		<i>Fiscal Year 2019-20 Maximum Special Tax*</i>
A	Developed Property Undeveloped Property	\$665.28 per SFR Lot \$5,281.13 per Acre
B	Developed Property Undeveloped Property	\$350.87 per SFR Lot \$3,880.83 per Acre
C	Developed Property Undeveloped Property	\$340.56 per Acre \$0 per Acre
All Tax Areas	Taxable Public Property	The Maximum Special Tax that would have applied to the Parcel prior to the Parcel becoming Public Property (as determined by the City)

** On January 1, 2020 and each January thereafter, the Maximum Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1.*

D. METHOD OF LEVY OF THE SPECIAL TAX

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

- Step 1:** The Special Tax shall be levied Proportionately on each Parcel of Developed Property within all Tax Areas in the CFD up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;
- Step 2:** If additional revenue is needed after Step 1, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property in Tax Areas A and B, up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;
- Step 3:** If additional revenue is needed after applying the first two steps, the Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property, up to 100% of the Maximum Special Tax assigned to each Parcel of Taxable Public Property.

E. COLLECTION OF SPECIAL TAXES

The 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 Special Taxes through foreclosure or

other available methods. The Special Tax shall be levied and collected in perpetuity unless and until the City determines that the Special Tax no longer needs to be levied to pay Authorized Services and Administrative Expenses.

F. EXEMPTIONS

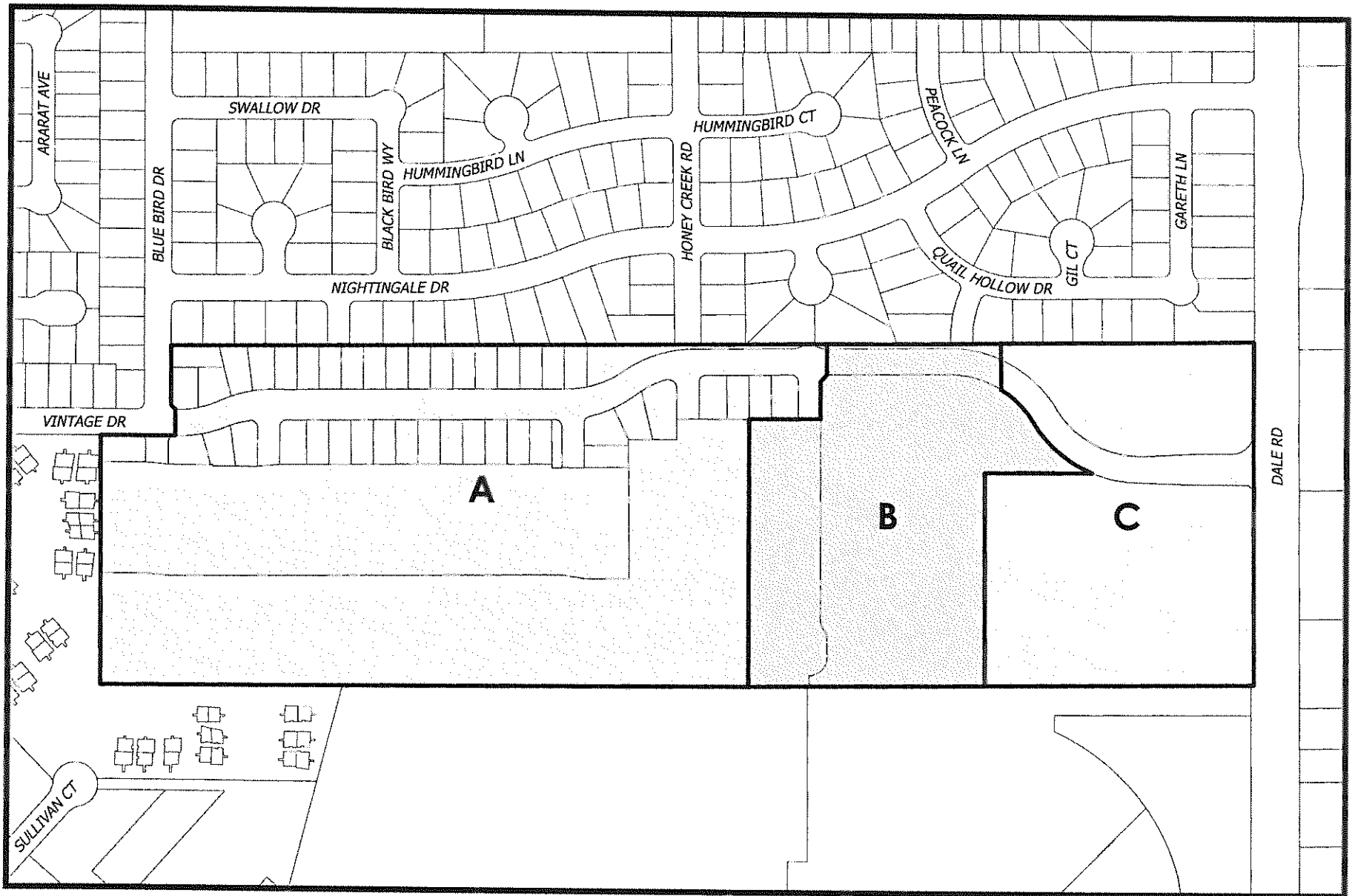
Notwithstanding any other provision of this RMA, no Special Tax shall be levied on: (i) Parcels of Undeveloped Property within Tax Area C, and (ii) Parcels of Public Property, except Taxable Public Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document 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.





H. ENFORCEMENT

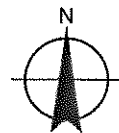
All delinquent Special Taxes billed off the County tax roll shall be subject to an immediate 10% penalty plus interest charges of 1.5 % as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract of guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.



CFD Tax Area Boundary Map

The Vintage

- | | |
|--|--|
|  Tax Area A |  Tax Area C |
|  Tax Area B |  Parcels |



1 inch = 300 feet

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-260**

RESOLUTION APPROVING THE PURCHASE AGREEMENT OF BALLISTIC VESTS TO ADAMSON POLICE PRODUCTS, LOS ALAMITOS, CA FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$62,800, AND A TOTAL AMOUNT NOT TO EXCEED \$314,000; AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Police Department requires sworn officers and some civilian positions to wear ballistic vests; and

WHEREAS, these vests are intended for daily wear and an undergarment and an outer garment for special occasions; and

WHEREAS, custom fitted vests are provided at time of hire and current personnel are provided a replacement vest every five years; and

WHEREAS, on March 21, 2019 the Purchasing Division issued RFB 1819-42 for the procurement of ballistic vests for the Modesto Police Department on the City's website; prospective bidders were notified online of the bid opportunity and twenty-three vendors downloaded the RFB; and

WHEREAS, on April 16, 2019 bids were formally opened in the City Clerk's Office and two vendors responded and both were considered responsive and responsible; and

WHEREAS, Modesto Municipal Code Section 8.3203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to follow formal bid procedures; and

WHEREAS, the award of RFB 1819-42 for Ballistic Vests conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Adamson Police Products was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and agreement for ballistic vests to Adamson Police Products, Los Alamitos, CA for a two-year agreement with three one-year extension options for an annual cost not to exceed \$62,800 and a total amount not to exceed \$314,000 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 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-261**

RESOLUTION APPROVING THE PURCHASE OF ONE ANIMAL CONTROL TRUCK (ACO BODY) WITH SPECIFIC CONFIGURATIONS TO TOWNE FORD, REDWOOD CITY, CA FOR A TOTAL AMOUNT NOT TO EXCEED \$67,836, AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, the animal control truck replacement will be used by the Police Department; and

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services assigned to various department; and

WHEREAS, on February 26, 2019 the Purchasing Division issued RFB 1819-39 for the purchase of one animal control truck with specific configurations on the City's website; and

WHEREAS, on April 23, 2019 bids were formally opened in the City Clerk's Office; and

WHEREAS, two companies downloaded the RFB, one vendor responded; and

WHEREAS, one vendor was found responsive and responsible; and

WHEREAS, based on lowest responsive and responsible bid staff recommends awarding one animal control truck to Towne Ford, Redwood City, CA; and

WHEREAS, sufficient funds for one animal control truck have been encumbered in the Fleet Replacement Fund: 5409.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of one animal control truck to Towne Ford, Redwood City, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the purchase order for an estimated total of \$67,836.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

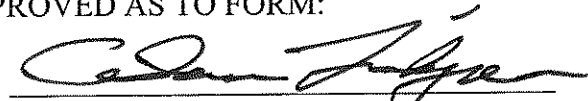
NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-262**

RESOLUTION APPROVING THE PURCHASING AGREEMENT FOR OFFICE SUPPLIES TO STAPLES, MODESTO, CA AS THE PRIMARY SUPPLIER BY UTILIZING THE COMPETITIVELY BID PROCESS WITH SOURCEWELL, FORMALLY KNOWN AS NATIONAL JOINT POWERS ASSOCIATION (NJPA); A PURCHASING AGREEMENT FOR OFFICE SUPPLIES TO OFFICE DEPOT, MODESTO, CA. AS THE SECONDARY SUPPLIER BY UTILIZING THE COMPETITIVELY BID PROCESS WITH NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE (NATIONAL IPA) & OMNIA PARTNERS; AND APPROVING A PURCHASING AGREEMENT FOR OFFICE FURNITURE TO WARDEN'S, MODESTO, CA. BY UTILIZING THE COMPETITIVELY BID PROCESS WITH NATIONAL INTERGOVERNMENTAL PURCHASING ALLIANCE (NATIONAL IPA) FOR TWO-YEAR AGREEMENTS, WITH THREE ONE-YEAR EXTENSION OPTIONS FOR AN ANNUAL COST NOT TO EXCEED \$250,000 FOR A TOTAL COMBINED AMOUNT COST OF \$1,250,000 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENTS

WHEREAS, the City has utilized Office Depot since 1993 primarily to order office supplies and breakroom supplies with very minimal restrictions or regulations on the types of supplies being purchased; and

WHEREAS, during Fiscal Year 2017-2018 there were 3,330 different items purchased from the Office Depot website resulting in a spending of \$231,878; and

WHEREAS, of the 3,330 items purchased through the Office Depot business account approximately 15% of the items could have been purchased from the current agreements that were competitively bid that the City has established with other vendors; and

WHEREAS, staff recommends approving a purchasing agreement with Staples, by utilizing the competitive bid process with Sourcewell for office supplies as a primary vendor; and

WHEREAS, staff recommends approving a purchasing agreement with Office Depot, by utilizing the competitively bid process with Omni Partners formerly NJPA for office supplies as a secondary vendor when the items needed cannot be found at the primary vendor; and

WHEREAS, staff recommends approving a purchasing agreement with Warden's a local vendor; by utilizing the competitively bid process with National IPA for office furniture; and

WHEREAS, staff recommends utilizing the Central Sanitary Agreement #147851, approved by Council on August 8, 2018, by Resolution No. 2018-306 effective August 8, 2018 through August 7, 2020 for disinfectant wipes, disinfectant sprays, dish soap, cleaners, deodorizers, brooms, facial tissue, paper towels, cups, and air fresheners; and

WHEREAS, staff recommends utilizing the Fastenal Vending Agreement #149397, approved by Council on September 11, 2018, by Resolution No. 2018-393, effective October 1, 2018 through September 30, 2020 for batteries, safety gloves, and other safety items; and

WHEREAS, the City will implement a new Administrative Directive to standardize the purchase of office supplies and the purchase practices across the organization; 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); and

WHEREAS, the Purchasing Manager has determined, pursuant to Section 8-3.204 (d) of the MMC, that the process other than the formal bid process set forth in Section 8-3.201 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes approving the purchasing agreement for office supplies to Staples, Modesto, CA as the primary supplier by utilizing the competitively bid process with Sourcewell, formally known as National Joint Powers Association (NJPA); a purchasing agreement for office supplies to Office Depot, Modesto, CA. as the secondary supplier by utilizing the competitively bid process with National Intergovernmental Purchasing Alliance (National IPA) & OMNIA Partners; and approving a purchasing agreement for office furniture to Warden's, Modesto, CA. by utilizing the competitively bid process with National Intergovernmental Purchasing Alliance (National IPA) for two-year agreements, with three one-year extension options for an annual cost not to exceed \$250,000 for a total combined amount cost of \$1,250,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-263**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR EDUCATION AND GOVERNMENT BROADCAST PRODUCTION SERVICES TO FINAL CUT MEDIA, OF MODESTO, CA, FOR A FIVE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$233,097 AND A TOTAL AMOUNT NOT TO EXCEED \$1,584,701 OVER SEVEN YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto manages the Education and Government Channel, and

WHEREAS, the EG Channel provides a platform for live broadcasting and programming of City Council meetings, Board of Supervisor meetings, special events and other government meetings, and

WHEREAS, the City of Modesto requires an ongoing need to maintain and support the Education and Government Channel, and

WHEREAS, the City Manager authorized the distribution of formal Request for Proposals for the furnishing of Education and Government Broadcast Services, and

WHEREAS, the City issued RFP 1819-45 Education and Government Broadcast Services on the City's website, and

WHEREAS, proposals were formally opened in the City Clerk's office on March 12, 2019, and

WHEREAS, two (2) local companies chose to respond, and

WHEREAS, an evaluation committee comprised of five (5) City staff members and three (3) County staff members evaluated and graded the proposals, and

WHEREAS, Final Cut Media Inc., was ranked highest in total evaluation criteria and most responsive bidder, 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 contract for the furnishing of Education and Government Broadcast Production Services for the Information Technology Department to Final Cut Media, of Modesto, California, conforms to the Modesto Municipal Code, 8-3.203 because they were the highest ranking proposer, and

WHEREAS, upon approval of this agreement a separate cost sharing agreement will be developed between the City of Modesto and Stanislaus County.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it awards the bid and agreement with Final Cut Media Inc., for a five-year agreement with two one-year extension options, for an annual cost not to exceed \$233,097 and a total amount not to exceed \$1,584,701 over seven 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 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-264**

**RESOLUTION APPROVING AN INCREASE TO THE AGREEMENT WITH
REMIX SOFTWARE, INC., SAN FRANCISCO, CA, FOR THE TRANSIT
PLANNING AND SCHEDULING SOFTWARE UTILIZED BY MODESTO AREA
EXPRESS BY \$41,000 FROM \$194,160 TO \$235,160, TO ALIGN WITH THE
APPROVED AGREEMENT**

WHEREAS, on October 14, 2016, the City entered into an Agreement for \$41,000 with Remix Software, Inc., for the transit planning software system for the Modesto Area Express bus system, and

WHEREAS, on January 23, 2018 by Resolution 2018-31, Council approved an amendment to the agreement with Remix Software of \$194,160 which extended the agreement for transit planning for three years, and included a new scheduling module for the software, and

WHEREAS, during a recent review of an invoice from Remix Software, it was found that the original agreement of \$41,000 was not included in the total amount authorized by the Council in Resolution 2018-31. That amount only included the amendment increase, and

WHEREAS, approval is needed to increase the approved amount and continue using the Remix software as described in the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves increasing the agreement amount with Remix Software, Inc., San Francisco, CA, by \$41,000 from \$194,160 to \$235,160, for the transit planning and scheduling software utilized by Modesto Area Express to align with the approved agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-265**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR AS-NEEDED CONCRETE SERVICES AT MULTIPLE LOCATIONS THROUGHOUT THE CITY TO MACHADO & SONS CONSTRUCTION INC., TURLOCK, CA, FOR A FIVE YEAR AGREEMENT, FOR A TOTAL COST NOT TO EXCEED \$525,659, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City operates the Modesto Area Express (MAX) bus system which includes 680 bus stops around Modesto, and

WHEREAS, as bus stops are ready to be improved with new benches, shelters, other amenities, or are in need of repair, concrete work is often needed to prepare the site, and

WHEREAS, on January 30, 2019, the Request for Bids (RFB 1819-26) was issued for the Bus Stop Curb, Gutter, Pad and Sidewalk Services, and

WHEREAS, the RFB sought a contractor to provide concrete services to locations primarily, but not limited to MAX bus stops, including work on curb, gutter, pad, sidewalk, taper, transition apron, including the fabrication and installation of handicap accessible ramps, on an "as needed" basis throughout the year, and

WHEREAS, on March 19, 2019, the City of Modesto received two bids, and

WHEREAS, Machado & Sons Construction Inc. was the lowest responsive and responsible bidder with their total cost not exceeding \$375,659, and

WHEREAS, after confirming with the Purchasing Division that it was acceptable since the work was within the scope that was proposed, the Traffic Division added an additional \$150,000 to the overall contract bringing the total cost to \$525,659.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the award of bid and agreement for as-needed concrete services at multiple locations throughout the City to Machado & Sons Construction Inc., Turlock, CA, for a five year agreement, for total cost not to exceed \$525,659.

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 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

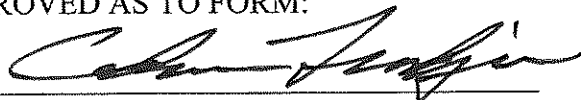
ABSENT: Councilmembers: Zoslocki

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-266**

RESOLUTION APPROVING THE SOLE SOURCE AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT FOR THE DISPOSAL OF GRAY WATER FOR THE UTILITIES DEPARTMENT, WATER SERVICES DIVISION, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$66,150 FOR THE FIRST YEAR OF SERVICE, WITH ANNUAL INCREASES OF \$0.01 PER GALLON ANNUALLY OVER THE FIVE YEAR PERIOD AND 15% CONTINGENCY FUNDS FOR POTENTIAL INCREASES, FOR A TOTAL NOT TO EXCEED \$489,037 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto operates a water treatment facility in the community of Grayson, and

WHEREAS, this treatment facility provides safe and reliable drinking water for the residents of the community, and

WHEREAS, as part of the water treatment process, a waste brine is generated that needs to be disposed of on an as-needed basis. Brine waste has been delivered to East Bay Municipal Utility District (EBMUD) since initial operations of this treatment plant in 2007. Modesto's wastewater treatment permit does not allow the disposal of this brine waste at its facility, and

WHEREAS, the City of Modesto entered into a contract purchase agreement No. 65944 with East Bay Municipal Utility District (EBMUD), by Resolution No. 2014-305 in 2014 for an estimated annual cost of \$27,000 which equals \$135,000 over a five year period, and

WHEREAS, on September 11, 2018, Council approved Resolution No. 2018-394, increasing the Purchasing Agreement with East Bay Municipal Utility District \$73,710, for a new agreement total amount not to exceed \$208,710, and

WHEREAS, the current purchase agreements for gray water disposal expires on August 5, 2019, and

WHEREAS, per Finance Policy and Procedures, staff reached out to other vendors to determine their ability to provide brine waste disposal services and established that the only facility receiving brine waste is EBMUD and staff completed a Bid Waiver to EBMUD for non-hazardous brine waste disposal, and

WHEREAS, per MMC 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. 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 procurement for the City at the lowest possible cost commensurate with the desired quality. Here, EBMUD should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b), since they are the only licensed facility in the surrounding area that can accept disposal of non-hazardous brine. Additionally, EBMUD should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(d) as they are a vendor qualified to accept non-hazardous brine, and

WHEREAS, based on historical and projected needs, fluctuating dissolved solid rates, and price increases, staff is seeking Council authority to approve the sole source agreement with EBMUD for the estimated projected costs listed below:

Vendor	Year	# Loads/ Annually	Gallons/ Truckload	Disposal Price/Gallon	Total Projected Disposal Cost
EBMUD	Year 1	150	6,300	\$0.07	\$66,150.00
	Year 2	150	6,300	\$0.08	\$75,600.00
	Year 3	150	6,300	\$0.09	\$85,050.00
	Year 4	150	6,300	\$0.10	\$94,500.00
	Year 5	150	6,300	\$0.11	\$103,950.00
Total					\$425,250.00
15% Contingency Funds for Potential Increase					\$63,787.00
5-Year Estimated Needs					\$489,037.00

Funds are budgeted in Water Fund Professional Services 4100-45050-53300.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source agreement with East Bay Municipal Utility District for the disposal of gray water for the Utilities Department, Water Services Division, for a two-year agreement with three one-year extension options, for an annual cost not to exceed \$66,150 for the first year of service, with annual increases of \$ 0.01 per gallon annually over the five year period and 15% contingency funds for potential increases, for a total not to exceed \$489,037 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 June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

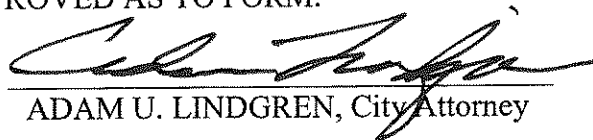
NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-267**

RESOLUTION APPROVING THE AWARD OF BID FOR THE RENTAL OF THREE DV-400C PUMPS FROM UNITED RENTALS, SALIDA, CA, IN AN AMOUNT NOT TO EXCEED \$100,000 TO ENSURE THE CITY HAS THE NECESSARY EQUIPMENT TO MITIGATE ANY SERVICE DISRUPTIONS DURING PEAK CANNERY DISCHARGE SEASON AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, in January 2012, West Yost Associates completed a draft of the Cannery Segregation Line (CSL) and River Trunk Diversion Plan (Plan), and

WHEREAS, the Plan consisted of several elements: 1) a risk assessment, which included a complete inspection of the CSL and a hydraulic analysis of CSL flows; 2) a temporary bypass pumping plan in the event of a CSL failure; and 3) preliminary design of permanent diversion structures, and

WHEREASE, through the use of Closed Circuit Television inspection and hydraulic analysis, it was determined that the risk of CSL failure is low, yet still a possibility, and

WHEREAS, in January 2015, an emergency bank repair was completed due to significant bank erosion at the Tuolumne River; subsequently, staff developed a seasonal bypass pumping plan to be used until capital improvements for reliability of the sewer trunk system are completed, and

WHEREAS, on June 2, 2015, by Resolution No. 2015-180, Council approved the rental bypass pumps from Rain for Rent in the amount of \$100,000 and these pumps have been rented from Rain for Rent each year since 2015, and

WHEREAS, in the event of a CSL failure, the Bypass Plan could quickly restore service to CSL users, and

WHEREAS, staff recommends the City rent three bypass pumps to have them on standby at the local United Rentals yard, and

WHEREAS, not having this equipment on standby rental has the potential to result in a sanitary sewer overflow from either the domestic or CSL sewer trunks and the City would receive monetary penalties and civil liability enforcement actions from the State Water Resources Control Board, 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, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, one exception, MMC Section 8-3-204(c) states that where the Purchasing Manager, in 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, an award of bid for bypass pumps by United Rentals, Salida, CA, conforms to the Modesto Municipal Code because there is an urgency for these pumps to be in place before the cannery season begins.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the rental of three DV-400c pumps from United Rentals, Salida, CA, in an amount not to exceed \$100,000 to ensure the City has the necessary equipment to mitigate any service disruptions during peak cannery discharge season.

BE IT FURTHER RESOLVED the Purchasing Manager or her designee, 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 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

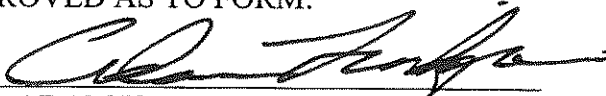
NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-268**

**RESOLUTION ACCEPTING THE SENIOR CITIZENS CENTER & AIRPORT
NEIGHBORHOOD COMMUNITY CENTER KITCHEN RENOVATION AS
COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE
COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING
PAYMENTS TOTALING \$435,253 TO JHK CONSTRUCTION, INC., ESCALON,
CA**

WHEREAS, the City's Senior Citizens Community Center opened in 1968. Since then, there has been one major expansion to the building along with assorted minor updates to the facility including previously replacing the kitchen appliances in 1990, and

WHEREAS, the Senior Citizens Community Center serves as a hub of activity for residents of all ages in Modesto but its primary focus is to serve the needs of Modesto's seniors, and

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City 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, on June 14, 2016, Council, by Resolution No. 2016- 254, approved the Program Year 2016-2017 Annual Action Plan (Plan), and

WHEREAS, included in the Plan was anticipated use of CDBG funds for Public Facility Improvements for the Senior Citizens Center (100865) and Airport Neighborhood Community Center (100868), and

WHEREAS, this project renovated the existing Senior Citizen's Center kitchen providing new appliances, sinks, counters, and expanded the kitchen to accommodate the needs of the users of the facility, and

WHEREAS, on April 4, 2017, by Resolution No. 2017-119, Council awarded a contract to JHK Construction, Inc., for the construction of the Senior Citizens Center and Airport Neighborhood Community Center Kitchen Renovation Project, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of April 28, 2017, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed. The work is covered by a one-year warranty for any issues that could arise.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Senior Citizens Center & Airport Neighborhood Community Center Kitchen Renovation as complete, authorizing all necessary steps to file with the County Recorder, releasing securities, and releasing payments totaling \$435,253 to JHK Construction, Inc., Escalon, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-269**

**RESOLUTION APPROVING AN AGREEMENT FOR A PERMANENT UTILITY
EASEMENT TO THE MODESTO IRRIGATION DISTRICT (MID) FOR THE
EXISTING AND FUTURE UNDERGROUND FACILITIES, AND
AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE
THE GRANT OF EASEMENT DOCUMENTS**

WHEREAS, the Grogan Park (Tivoli) Production Well is in the final phase of construction and requires power to supply the well apparatus, and

WHEREAS, the Modesto Irrigation District (MID) has underground facilities installed in Grogan Park but lacks the necessary easements granting permission to provide extended facilities, and

WHEREAS, the City's contractor, TNT Industrial Contractors, is currently constructing site improvements for the Grogan Park (Tivoli) Production Well, and

WHEREAS, MID has indicated to the City that in order for the well to receive power, a utility easement must be created to allow MID to service their current and future facilities in the area, and

WHEREAS, the City of Modesto and MID are mutually interested in resolving this prior oversight.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Permanent Utility Easement as depicted in the **attached exhibit** within the Grogan Park area.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the grant of easement documents for the Permanent Utility Easement on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:


By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT "A"

EASEMENT DESCRIPTION

The land referred to herein below is situated in the City of Modesto, County of Stanislaus, State of California and is described as follows:

Being a portion of land described in the Grant Deed recorded September 27, 2006, as Document No. 2006-0143080, Official Records of said County, situate in the North half of Section 12, Township 3 South, Range 9 East, Mount Diablo Base & Meridian, more particularly described as follows:

COMMENCING from the centerline intersection of Litt Road and Sylvan Avenue as shown on Record of Survey 2012-0058929 recorded in Book 33 of Surveys at Page 24, Official Records of said County;

Thence Northerly along the centerline of said Litt Road, North $0^{\circ}17'39''$ West, 429.01 feet to the beginning of a non-tangent curve, concave Northwesterly having a radius of 286.98 feet, to which point a radial line bears South $60^{\circ}53'12''$ East;

Thence leaving said centerline of Litt Road Southwesterly along said curve through a central angle of $17^{\circ}04'21''$, an arc length of 85.51 feet;

Thence South $46^{\circ}11'09''$ West, 107.71 feet to the **POINT OF BEGINNING**;

Thence continuing South $46^{\circ}11'09''$ West, 31.13 feet to the beginning of a curve concave Southeasterly having a radius of 212.99 feet;

Thence Southwesterly along said curve through a central angle of $2^{\circ}37'25''$, an arc length of 9.75 feet;

Thence South $45^{\circ}00'59''$ East, 103.70 feet;

Thence South $44^{\circ}59'01''$ West, 4.50 feet;

Thence South $45^{\circ}00'59''$ East, 13.00 feet;

Thence North $44^{\circ}59'01''$ East, 12.00 feet;

Thence North $45^{\circ}00'59''$ West, 13.00 feet;

Thence North $44^{\circ}59'01''$ East, 2.50 feet;

Thence North $45^{\circ}00'59''$ West, 93.71 feet;

EXHIBIT "A"

Thence North 46°11'09" East, 30.67 feet;

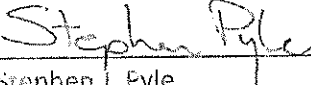
Thence North 43°48'51" West, 10.00 feet to the **POINT OF BEGINNING**;

Containing an area of approximately 1501 Square feet.

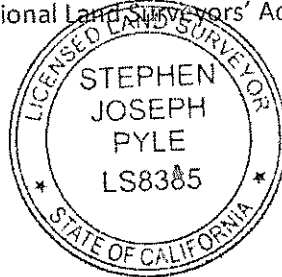
A PLAT OF THE ABOVE DESCRIBED PARCEL(S) OF LAND IS ATTACHED HERETO AS EXHIBIT "B"
AND BY THIS REFERENCE MADE A PART HEREOF.

END DESCRIPTION

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



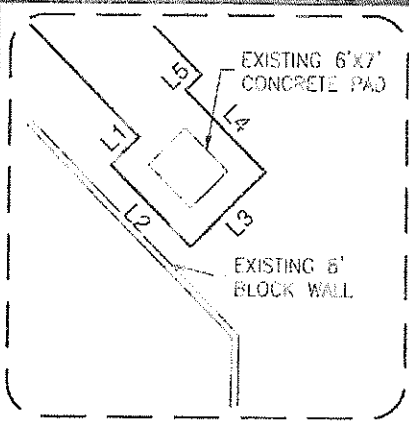
Stephen J. Pyle
Professional Land Surveyor
California No. 8385



7 May 2019

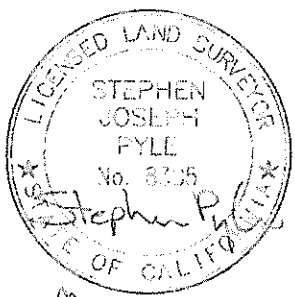
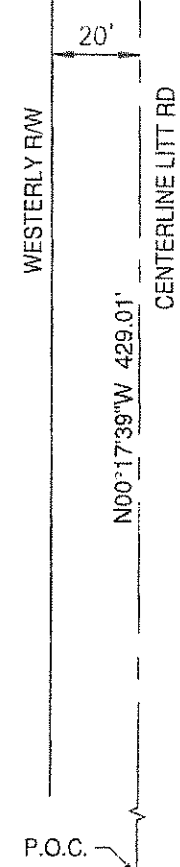
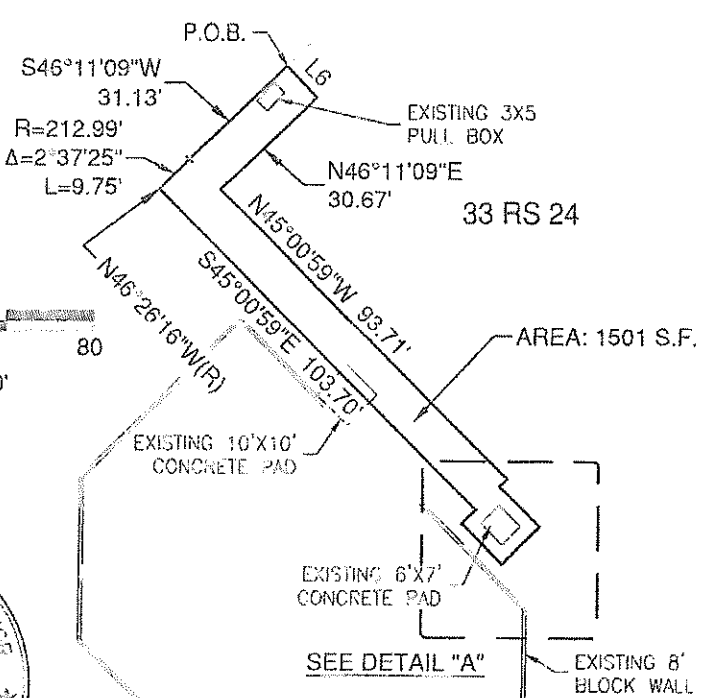
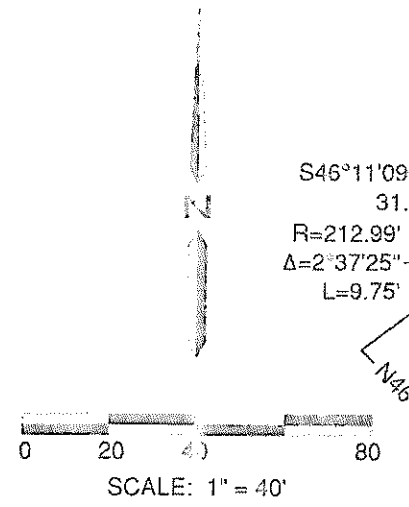
Date

Y:\jobs\35170 Modesto Litt Rd Pl\Survey\MapDwg\35170-EAS-EXHIBIT.dwg jecoper 08:15:07 05/07/2019



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S44°59'01"W	4.50'
L2	S45°00'59"E	13.00'
L3	N44°59'01"E	12.00'
L4	N45°00'59"W	13.00'
L5	N44°59'01"E	2.50'
L6	N43°48'51"W	10.00'

$S60^{\circ}53'12"E (R)$
 $R=286.98'$
 $\Delta=17^{\circ}04'21"$
 $L=85.51'$



May 7, 2019
 EXHIBIT "B"

- LEGEND**
- P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT
 - S.F. SQUARE FEET
 - (R) RADIAL BEARING



1165 Scenic Drive, Suite A
 Modesto, CA 95350
 odellengineering.com

DESCRIPTION: MID EASEMENT			
SCALE:	1" = 40'	DATE:	MAY 07, 2019
JOB NO.:	35170		
FILE:	35170-EAS-EXHIBIT.DWG		

1 of 1

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-270**

RESOLUTION APPROVING AN AGREEMENT TO PROVIDE FIRE PROTECTION SERVICES BETWEEN THE CITY OF MODESTO, THE CITY OF OAKDALE AND THE OAKDALE FIRE PROTECTION DISTRICT FOR A THREE-YEAR TERM, WITH A TWO-YEAR EXTENSION OPTION, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Oakdale (“Oakdale”) and the Oakdale Fire Protection District (“District”) are currently in contract with Stanislaus Consolidated Fire Protection District that will expire June 30, 2019; and

WHEREAS, Oakdale and District approached the City of Modesto (“COM”) to provide the following services within Oakdale’s and District’s jurisdictional boundaries: fire protection, prevention, suppression services, and related services such as emergency medical services, emergency preparedness, mitigation of hazardous materials incidents, and special operations including, but not limited to, confined space rescue, technical rescue and water rescue; and

WHEREAS, the initial term of the Agreement will be for three years, from July 1, 2019 through June 30, 2022, with the option of a two-year extension; and

WHEREAS, Oakdale and District will compensate COM for all services provided, pursuant to the terms and conditions of the Agreement; and

WHEREAS, in the event the Agreement is terminated, Oakdale and District intend to offer employment to COM Fire Department personnel affected by such termination; and

WHEREAS, the Agreement will generate approximately \$14,566,064 in new revenue to the General Fund, with total anticipated expenses at \$13,816,064 and net revenue at \$750,000, over the three-year term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement to provide fire protection services between the City of Modesto, the City of Oakdale and the Oakdale Fire Protection District for a three-year term, with a two-year extension option.

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 June, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki


ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-271**

**RESOLUTION APPROVING THE SIDE LETTER TO THE MODESTO CITY
FIRE FIREFIGHTERS ASSOCIATION MEMORANDUM OF
UNDERSTANDING AS IT RELATES TO THE AGREEMENT TO PROVIDE
FIRE PROTECTION SERVICES BETWEEN THE CITY OF MODESTO, THE
CITY OF OAKDALE AND THE OAKDALE FIRE PROTECTION DISTRICT,
AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO
EXECUTE THE AGREEMENT**

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Fire Fighters Association (MCFFA) expires on June 30, 2021, and

WHEREAS, representatives of the CITY and the MCFFA have met and conferred in good faith concerning vacation boards and minimum staffing, and

WHEREAS, the CITY and MCFFA have reached agreement on language changes for a Letter of Agreement (LOA) which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the LOA provides as follows:

ARTICLE 32, VACATION, SECTION (J) of the MOU is amended to provide the number of vacation shifts boards available per work shift shall be five (5) with the exception of all holidays listed in Article 30 where the available vacation boards shall be six (6), and

ARTICLE 18, MINIMUM STAFFING POLICY, SECTION (A) of the MOU is amended to provide Effective upon adoption of this agreement by the City Council, there shall be a minimum of three (3) employees per engine (Captain/Engineer/Firefighter), four (4) employees per non-tiller truck company per shift (Captain/Engineer/2 Firefighters), four (4) employees per tiller truck (Captain/2 Engineers/Firefighter) and

two (2) employees per Crash Fire Rescue (Captain/Engineer) and two (2) employees per engine company (Captain/Engineer) assigned to Oakdale Fire Protection District Stations 29 (Knights Ferry) or 30 (Valley Home). The airport/crash rescue unit may be unstaffed. Prior to implementing any reduction in force from daily staffing levels that are in effect at the time of adoption of this contract and/or any changes to the City's current delivery platform, the City shall provide notice to MCFFA and meet and confer over the proposed change, and

ARTICLE 26, PROBATION, Lateral Firefighters, Engineers, and Captains hired through a contract for fire services shall serve a twelve (12) month probationary period and are exempt from the minimum four (4) weeks of training and competency test, and

WHEREAS, this contract amendment shall become effective upon ratification by the MCFFA and adoption by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the side letter to the Modesto City Fire Firefighters Association Memorandum of Understanding as it relates to the Agreement to provide fire protection services between the City of Modesto, the City of Oakdale and the Oakdale Fire Protection District.

BE IT FURTHER 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 11th day of June, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

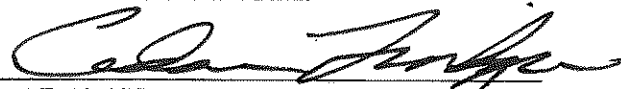
NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Letter of Understanding

Between

City of Modesto

And

Modesto City Fire Fighters Association, IAFF Local 1289

The City of Modesto, hereby referred to as "City" and the Modesto Professional Firefighters, IAFF Local 1289, hereby referred to as "Union" execute this Letter of Understanding ("LOU") on this 11th day of June 2019 regarding the following:

The City and the Union agree effective June 11, 2019 and for the term of the contract of Fire Protection Services with the City of Oakdale and the Oakdale Fire Protection District:

Article 18. MINIMUM STAFFING POLICY

1. Effective July 1, 2019 Article 18 Section A is amended to allow two (2) employees per engine company (Captain/Engineer) assigned to Oakdale Fire Protection District Station 29 (Knights Ferry) or Station 30 (Valley Home).
2. The parties recognize the extenuating circumstances of The Contract for Service Agreement between the City, Oakdale Fire Department, and the Oakdale Fire Protection District. Particularly, the time restraints associated with said agreement.
3. The Union is not now; nor will it enter into any future discussions with the City, in support of 2-0 staffing on any apparatus that Modesto Fire Department personnel staff. Regardless, it is solely because of the extenuating circumstances aforementioned, that the Union enters into this LOU.
4. Reserve, intern, or any unsworn person shall not supplement or replace staffing on any apparatus staffed with Modesto Fire Department personnel.
5. It shall be the intent of the City of Modesto to obtain 3-0 staffing for any and all 2-0 apparatus staffed with Modesto Fire Department personnel as soon as administratively and financially possible. Furthermore, LOCAL 1289 requests that staffing levels at Station 29 and or Station 30 be discussed at any and all bi-annual Review of Service and, or any and all Advisory Committee meetings; as outlined in Article IV Section 4.2 of the Agreement to Provide Fire Protection Services Between the City of Modesto, The City of Oakdale, and The Oakdale Fire Protection District.

Article 26. PROBATION

1. Lateral Firefighters, Engineers, and Captains hired through a contract for fire services shall serve a twelve (12) month probationary period and are exempt from the minimum four (4) weeks of training and competency test.

Article 32. VACATION

1. For the term of the contract of Fire Protection Services with the City of Oakdale and the Oakdale Fire Protection District, the number of vacation boards shall be five (5) with the exemption of all holidays listed in Article 30 where the available vacation boards shall be six (6)
2. Lateral Firefighters, Engineers, and Captains hired through a contract for fire services may have annual vacation time credited in advance, although all of the time may not be earned at the time the vacation starts.

This Letter of Understanding shall become effective upon ratification by the effective membership of the Union and by the Modesto City Council.

CITY OF MODESTO

By: _____ Dated: _____

MODESTO FIREFIGHTERS, IAFF Local 1289

By: _____ Dated: _____

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-272**

**RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL
YEAR 2019-20 AS ADOPTED IN THE OPERATING BUDGET**

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, classifications are being added to support a contract for fire services with the City of Oakdale and the Oakdale Fire Protection District; and

WHEREAS, position changes will be effective the pay period in which July 1, 2019 falls, (Pay Period beginning June 25, 2019).

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 2019-20 Operating Budget for various departments as follows:

1. Create one (1) Battalion Chief, nine (9) Fire Captains, nine (9) Fire Engineers, and seven (7) Firefighters in the Modesto Fire Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-273**

RESOLUTION APPOINTING EDUARDO FLORES, WITH A TERM EXPIRATION OF JUNE 30, 2023, JULIA WASHINGTON, CATHERINE MARTINEZ AND ALAN FALCONER, WITH TERM EXPIRATIONS OF JUNE 30, 2022, AND CARRIE MILLER AND BROCK WILEY, WITH TERM EXPIRATIONS OF JUNE 30, 2021 TO THE ENTERTAINMENT COMMISSION

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

WHEREAS, the Entertainment Commission is a seven-member advisory commission responsible for overseeing the entertainment permits process for the City of Modesto, and

WHEREAS, the Rules and Procedures of the Entertainment Commission defines the eligibility requirements and authorizes that seven (7) Commissioners and two (2) Alternates shall be available to serve on the Entertainment Commission, and

WHEREAS, there are six vacancies on the Entertainment Commission which includes one Business Permit Holder for a term of four years, one Event Planning or Marketing Specialist for a term of three years, one At-Large Citizen for a term of two years, one representative from a Board of Directors of an Economic or Tourist organization that promotes Modesto for a term of three years, and two Alternates with a respective term ending of three years and two years, and

WHEREAS, the Appointments Committee met on May 22, 2019 and recommended the Entertainment Commission appointments of Eduardo Flores for the Business Permit Holder vacancy, Julia Washington for the Event Planning or Marketing Specialist vacancy, Catherine Martinez for the representative from a Board of Directors of an Economic or Tourist organization vacancy, Brock Wiley for the At-Large Citizen

vacancy, Alan Falconer for an Alternate that is a Non-Permit Holder vacancy, and Carrie Miller for an Alternate that is a Non-Permit Holder vacancy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Eduardo Flores to the Entertainment Commission for the term of July 1, 2019 to June 30, 2023, Julia Washington, Catherine Martinez, and Alan Falconer to the Entertainment Commission for the term of July 1, 2019 to June 30, 2022, and Brock Wiley and Carrie Miller to the Entertainment Commission for the term of July 1, 2019 to June 30, 2021.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

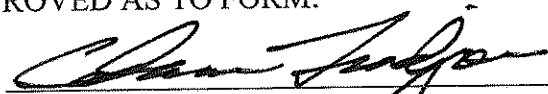
ABSENT: Councilmembers: Ridenour

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-274**

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT WITH VARNI BROS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 301 HOSMER AVE (APN: 038-002-005), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO THE SIGN THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, Varni Bros, LLC, a California Limited Liability Company owns commercial property located at 301 Hosmer Ave which is located outside of Modesto City Limits and inside the City's Sphere of Influence, and

WHEREAS, the property located at 301 Hosmer Ave, is not connected to City's sewer system and is requesting a sewer connection to construct a Warehouse building with an office space and restrooms on this lot, 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 301 Hosmer 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, 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 with Varni Bros, LLC for sewer service for the property located at 301 Hosmer Ave (APN: 038-002-005) 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 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-275**

**RESOLUTION APPROVING THE AWARD OF ADDITIONAL HOME
COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET
ASIDE FUNDS IN THE AMOUNT OF \$47,557 TO STANISLAUS COUNTY
AFFORDABLE HOUSING CORPORATION (STANCO) FOR THE
COMPLETION OF 522 E. GRANGER AVENUE, AND AUTHORIZING THE
CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS**

WHEREAS, on September 8, 2015, City Council, by Resolution No. 2015-349, City approved a HOME Loan Agreement, as amended from time to time, in the amount of \$540,000, with Stanislaus County Affordable Housing Corporation (STANCO) whereby the City agreed to provide HOME funds for the conversion of an existing 1,572 square foot home to a community resource center and the addition of four one-bedroom, one bathroom apartments to house persons with serious mental illness who are homeless or at risk of homelessness, located at 522 E. Granger Avenue, Modesto CA 95350, and

WHEREAS, on April 26, 2016 City Council, by Resolution No. 2016-160, approved a First Amendment to the HOME Loan Agreement to provide for an extension to revise specified defined terms, amend the default interest rate, clarify repayment obligations, clarify marketing and tenant selection obligations, and adjust insurance requirements, and

WHEREAS, on July 12, 2016, City Council, by Resolution No. 2016-305, approved a Second Amendment to the HOME Loan Agreement to increase the amount of the HOME Loan to reflect an increase in the cost of construction to \$563,000, and

WHEREAS, on September 13, 2016, City Council, by Council Resolution No. 2016-347, the City approved a Third Amendment to the HOME Loan Agreement to allow for the HOME Loan to be disbursed in three components, and

WHEREAS, due to unforeseen circumstances that delayed project construction, the project has endured significant cost increases, and

WHEREAS, the project is currently 55% complete. The following project components are pending completion: Utilities trenching, plumbing, flashing/sheet metal, and electrical, and

WHEREAS, STANCO is requesting an additional amount of up to \$47,557 of to allow the completion of the project, and

WHEREAS, the HOME program allows additional funds to be added to a project that is not yet complete to allow project completion, as long as the total per unit HOME investment is less than the current maximum allowed, and

WHEREAS, the current HOME maximum per-unit subsidy limit is \$168,600 for a one bedroom housing unit, and

WHEREAS, the addition of the requested amount will not exceed the current HOME per unit subsidy limit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the awarding of up to \$47,557 in HOME Investment Partnerships Program CHDO Set Aside funds to Stanislaus County Affordable Housing Corporation for completion of 522 E. Granger Avenue.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

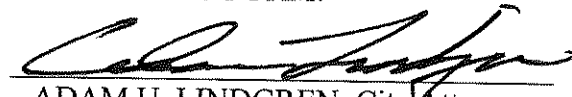
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-276**

RESOLUTION AMENDING THE MULTI-YEAR OPERATING PROJECT 100918 BUDGET TO ALLOCATE \$47,557 IN HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) COMMUNITY HOUSING DEVELOPMENT ORGANIZATION SET-ASIDE (CHDO-CR) FUNDS TO STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR THE COMPLETION OF 522 E. GRANGER AVENUE, AND UP TO 10% OF TOTAL PROJECT COST FOR ACTIVITY DELIVERY COSTS IN THE AMOUNT OF \$61,056 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, as an entitlement community, receives HOME Investment Partnership Program (HOME) funds annually, and

WHEREAS, under HOME regulations, a minimum of fifteen (15%) percent of HOME entitlement funds must be allocated to qualified Community Housing Development Organizations (CHDO) for housing development activities in which the CHDO is the owner, developer and/or sponsor, and

WHEREAS, these funds, referred to as HOME CHDO Set-Aside funds, may be used to acquire and/or rehabilitate rental housing and homebuyer properties or to construct rental or homebuyer properties, and

Whereas, on June 3, 2015, the City issued a Request for Qualifications for Affordable Housing Developers and a Request for Proposals for Community Housing Development Organizations (CHDOs), and

WHEREAS, on August 19, 2015, the City of Modesto's Citizens' Housing & Community Development Committee (CH&CDC) reviewed, discussed and approved a final funding recommendation to the City Council, and

WHEREAS, on September 8, 2015, by Resolution No. 2015-

344, Council approved the allocation of \$490,000 in HOME entitlement funds and \$50,000 in HOME CHDO Set-Aside funds to Stanislaus County Affordable Housing Corporation (STANCO) for the construction of four one-bedroom permanent supportive units for persons with mental health disabilities at 522 Granger Avenue (Project 100918), and

WHEREAS, on September 22, 2015, the City Council, by Resolution No. 2015-349, approved a HOME Loan Agreement with STANCO in the amount of \$540,000, and

WHEREAS, on April 26, 2016, the City Council, by Resolution No. 2016-160, approved the First Amendment to the HOME Loan Agreement with STANCO, which reduced the default interest rate, clarified repayment obligations, clarified marketing and tenant selection obligations and adjusted insurance requirements, and

WHEREAS, on July 12, 2016, by Resolution No. 2016-305, Council approved the Second Amendment to the HOME Loan Agreement with STANCO which increased the amount of HOME entitlement funds from \$490,000 to \$513,383 and increased the overall HOME Loan Agreement from \$540,000 to \$563,383, and

WHEREAS, on September 13, 2016, by Resolution No. 2016-137, Council approved the Third Amendment to include the acquisition of the property for four one-bedroom permanent supportive units for persons with mental health disabilities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby authorizes amending the multi-year Project 100918 budget to allocate \$47,557 in HOME Investment Partnership Program (HOME) - Community Housing Development Organizations Set-Aside (CHDO-CR) funds to Stanislaus County Affordable Housing Corporation (STANCO) for the completion of 522 East Granger

Avenue and 10% of total project cost for activity delivery totaling \$61,056.

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 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

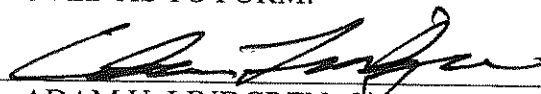
ABSENT: Councilmembers: Ridenour

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-277**

RESOLUTION AWARDING \$55,269 OF EMERGENCY SOLUTIONS GRANT FUNDS FOR HOMELESS PREVENTION (\$40,000) AND RAPID REHOUSING (\$15,259) TO COMMUNITY HOUSING AND SHELTER SERVICES AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE RELATED AGREEMENTS

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City 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, every year, as part of the HUD Annual Action Plan process, ESG funds are made available to non-profit organizations on a competitive application basis, and

WHEREAS, for Program Year 2019-2020, three ESG grant applications were received and Community Housing and Shelter Services was one of three ESG applicants, and

WHEREAS, on May 14, 2019, by Resolution No. 2019-240, Council approved the City of Modesto Program Year 2019-2020 Annual Action Plan which included funding recommendations to Community Housing and Shelter Services under the Emergency Solutions Grants Program to assist persons experiencing homelessness or at risk of homelessness through Homeless Prevention and Rapid Rehousing activities, and

WHEREAS, as required by Section 8-3.102 of the Modesto Municipal Code, this item requires City Council approval since the combined contract amounts exceed \$50,000, and

WHEREAS, the award of ESG funds will take effect via the execution two separate ESG agreements, one for Homeless Prevention services in the amount of \$40,000 and the other for Rapid Rehousing services in the amount of \$15,259.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves awarding \$55,269 of Emergency Solutions Grant funds for Homeless Prevention (\$40,000) and Rapid Rehousing (\$15,259) to Community Housing and Shelter Services.

BE IT FURTHER RESOLVED; by the Council of the City of Modesto that the City Manager or his designee, is authorized to execute related agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-278**

**RESOLUTION APPROVING THE AWARD OF COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED
\$100,000 TO OPPORTUNITY STANISLAUS FOR THE CDBG
MICROENTERPRISE CFO PROGRAM, AND AUTHORIZING THE CITY
MANAGER OR HIS DESIGNEE TO EXECUTE RELATED AGREEMENTS**

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City 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, from time to time, the City receives project proposals to address the needs of low and moderate income persons, and

WHEREAS, in February 2019, City staff received an Economic Development Microenterprise project proposal by Opportunity Stanislaus, and

WHEREAS, the project proposed a pilot Microenterprise Cottage Food Operator Program for West Modesto, South Modesto, and Airport neighborhood residents to allow small artisan food makers producing goods out of their own home kitchens, and

WHEREAS, the program will offer food entrepreneurship accelerator classroom instruction covering: food safety, city/county regulations, marketing, liability, and small business planning. Assistance will be provided to those interested in obtaining CFO business license and microenterprise business startup, and

WHEREAS, staff vetted the project through HUD and received eligibility approval, and

WHEREAS, the project concept was presented to the Citizen's Housing and Community Development Committee on April 11, 2019 and was recommended to be forwarded to City Council, and

WHEREAS, on May 14, 2019, by Resolution No. 2019-240, Council approved the City of Modesto Program Year 2019-2020 Annual Action Plan which included a funding recommendation to Opportunity Stanislaus for the Microenterprise Cottage Food Operator Program, and

WHEREAS, as required by Section 8-3.102 of the Modesto Municipal Code, this item requires City Council approval since the contract amount exceeds \$50,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of \$100,000 in Community Development Block Grant funds to Opportunity Stanislaus.

BE IT FURTHER RESOLVED that the City Manager or his designee, is authorized to execute related 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 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-279**

RESOLUTION AMENDING THE FISCAL YEAR 2019-20 MULTI-YEAR OPERATING PROJECT BUDGET TO ESTABLISH A NON-CAPITAL PROJECT TO BE FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$100,000 TO OPPORTUNITY STANISLAUS AND 10% OF TOTAL PROJECT COSTS FOR ACTIVITY DELIVERY FOR A TOTAL OF \$110,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE 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 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, from time to time, the City receives project proposals to address the needs of low and moderate income persons, and

WHEREAS, in February 2019, City staff received an Economic Development Microenterprise project proposal by Opportunity Stanislaus, and

WHEREAS, on May 14, 2019, by Resolution No. 2019-240, Council approved the City of Modesto Program Year 2019-2020 Annual Action Plan which included a funding recommendation to Opportunity Stanislaus for the Microenterprise Cottage Food Operator Program for an amount not to exceed \$100,000, and

WHEREAS, a new non-capital project, to be funded with Community Development Block Grant Funds will be established in the amount of \$100,000 (Direct Grant) plus 10% for activity delivery costs for a total project budget of \$110,000, and

WHEREAS, these activity delivery costs are expenses directly related to carrying out eligible activities (pre-award costs before agreement approved to ensure compliant, environmental reviews and grant oversight) and may occur in both the current and prior year CDBG funds, and

WHEREAS, as required by Section 8-3.102 of the Modesto Municipal Code, this item requires City Council approval since the contract amount exceeds \$50,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approved amending the Fiscal Year 2019-20 Multi-Year Operating Project budget to establish a non-capital project to be funded with Community Development Block Grant Funds in the amount of \$100,000 to Opportunity Stanislaus and 10% of total project costs for activity delivery for a total of \$110,000.

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 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

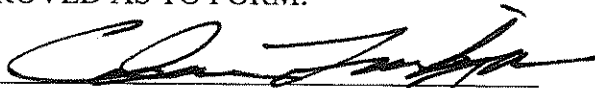
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-280**

RESOLUTION APPROVING THE AWARD OF CDBG FUNDS IN AN AMOUNT NOT TO EXCEED \$100,000 AND ESG FUNDS IN AN AMOUNT NOT TO EXCEED \$67,013 TO THE SALVATION ARMY, MODESTO CITADEL, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL RELATED AGREEMENTS

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City 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, every year, as part of the HUD Annual Action Plan process, ESG funds are made available to non-profit organizations on a competitive application basis, and

WHEREAS, for the Program Year 2019-2020, a total of 10 CDBG and three ESG grant applications were received, and

WHEREAS, in support of The Salvation Army's expansion of 180 beds at the Berberian Shelter, the 2019-2020 Annual Action Plan (AAP) included a recommendation recommended fully funding the Salvation Army at \$167,013, and

WHEREAS, due to ESG funding distribution results and the 60% ESG cap for Street Outreach and Shelter activities, the maximum ESG award to Salvation Army for Emergency Shelter was \$67,013; therefore, the AAP included a recommendation to award \$100,000 from CDBG funds, and

WHEREAS, the award of CDBG and ESG funds will take effect via the execution two separate agreements: a CDBG agreement in the amount of \$100,000 and an ESG agreement in the amount of \$67,013.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of \$100,000 in Community Development Block Grant Funds and \$67,013 in Emergency Solutions Grant funds to The Salvation Army, Modesto Citadel.

BE IT FURTHER RESOLVED; by the Council of the City of Modesto that the City Manager or his designee, is authorized to execute all related the agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

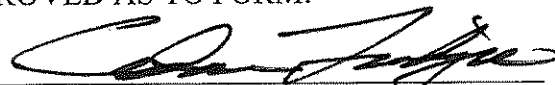
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-281**

**RESOLUTION ESTABLISHING THE APPROPRIATION LIMIT FOR THE
FISCAL YEAR 2019-2020 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 XIII B 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 2019-2020 is \$469,267,726, and

WHEREAS, during the Fiscal Year 2018-2019 interim audit, a calculation error was identified in the Fiscal Year 2018-2019 Appropriation Limit and the updated Fiscal Year 2019-2020 Appropriation reflects the correct beginning balance, and

WHEREAS, this calculation was made available for public viewing at least fifteen days prior to the Council meeting and 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 2019-2020, 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 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None


ABSENT: Councilmembers: Ridenour

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

SCHEDULE A

FISCAL YEAR 2019-2020

PROPOSITION 4

APPROPRIATION LIMIT CALCULATION

FY 2018-2019 Appropriation Limit (Revised) \$448,031,054

Adjustment Factors

Per Capita Personal Income Change 3.85%

Population Change (Modesto) 0.86%

Per Capita converted to a ratio 1.0385

Population converted to a ratio 1.0086

Calculation of factor for FY 2019-2020 1.0474

Adjustment \$21,236,672

FY 2019-2020 Appropriation Limit \$469,267,726

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-282**

**RESOLUTION APPROVING PAYMENT OF VARIOUS EQUIPMENT
MAINTENANCE AGREEMENTS FOR FISCAL YEAR 2019-2020 WITH
MULTIPLE EQUIPMENT MANUFACTURERS FOR ALL CITY
DEPARTMENTS, FOR AN ANNUAL COST NOT TO EXCEED \$619,281; AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
EQUIPMENT MAINTENANCE AGREEMENTS ASSOCIATED WITH THE
ITEMS IN EXHIBIT B – FISCAL YEAR 2019-2020 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 Purchasing Division 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, per MMC Section 8-3.204(c), the Purchasing Manager, in his or her discretion, may determine that calling for bids on a competitive basis as set forth in Modesto Municipal Code section 8-3.203 is undesirable due to exigent circumstances, and

WHEREAS, per MMC 8-3.204(d) states that where the Purchasing Manager, in his or her discretion, determines that a process other than the formal proposal 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, the purchase may be exempt from the formal bid process.

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 2019-2020 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 \$619,281.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

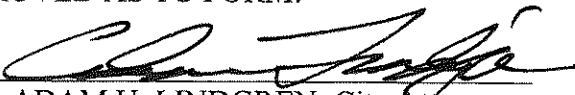
By: 
ADAM U. LINDGREN, City Attorney

Exhibit A - Fiscal Year 2019-2020 Equipment Maintenance Agreements (Less than \$50,000)

Vendor/Contractor Name	Business Purpose of Equipment	FY 19-20 Maintenance Cost	Funding Source
3SI SECURITY SYSTEMS	Investigatory Tool	\$ 1,425	General Fund
ACTION TARGET, INC.	Target shooting system at the Tactical Training Center	\$ 4,504	General Fund
AIR WEST FILTRATION / BENZ AIR	Station Facilities	\$ 22,000	General Fund
AIRGAS	Life saving equipment	\$ 1,100	General Fund
AMERICAN BARCODE AND RFID	Annual Services Agreement for Employee Badge and Barcode Machine	\$ 1,040	General Fund
ARC	Plotter is used to print large size maps of job sites, etc.	\$ 750	General Fund
ARC	Copier/Printer/Scanner	\$ 2,284	Water Fund / PW Admin / PW Traffic Engineering
ARC	Printing of Maps for Planning division	\$ 2,310	General Fund
ASAP TECHNICAL SOLUTIONS	Copy documents for program use in camps, business, after school programs, etc.	\$ 1,040	General Fund
BARTON OVERHEAD	Station facility	\$ 34,000	General Fund
BMI IMAGING	Fujitsu scanner is used by Records to scan and store electronic records for storage.	\$ 1,430	General Fund
BOSS BUSINESS SYSTEMS	Copier for Jennings WWTP - Training Center	\$ 562	Wastewater Fund
CALLYO	Investigatory Tool	\$ 2,728	General Fund
CAREDING	Department Copier/Printer/Scanner	\$ 6,557	General Fund
CAREDING	Copier Maintenance	\$ 3,845	Transit
CELPLAN TECHNOLOGIES	Security cameras downtown, police compound, etc.	\$ 45,033	General Fund
CUMMINS	Currency Counter - detect counterfeit	\$ 650	Water Fund
CUMMINS	Currency Counter - detect counterfeit	\$ 650	Water Fund
CUMMINS	Currency Counter - detect counterfeit	\$ 650	Water Fund
CUMMINS	Currency Counter - detect counterfeit	\$ 640	Water Fund
CYBERNETIC	Tape Library Backup/Utility Billing System	\$ 4,290	Water Fund
DELTA WIRELESS	Radio Communications equipment	\$ 30,000	General Fund
EXCEL FITNESS	Fitness equipment	\$ 1,155	General Fund
FARO TECHNOLOGIES	Annual Calibration and Certification of 3-D Laser Scanner to Diagram traffic collisions and homicide scenes	\$ 5,720	General Fund
FIRE SERVICE SPECIFICATION & SUPPLY	Life saving equipment	\$ 3,465	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells.	\$ 275	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells.	\$ 275	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells.	\$ 275	General Fund
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FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells.	\$ 275	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells.	\$ 275	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells.	\$ 275	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells.	\$ 275	General Fund
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FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells.	\$ 275	General Fund
FITGUARD INC.	MYC Members train on a variety of fitness equipment apparatus, treadmills, elliptical machines, stationary bike, cable cross over machines, specialized benches, dumbbells.	\$ 275	General Fund
HOT TANK SUPPLY	Parts cleaner for fire fighting equipment	\$ 3,465	General Fund
IT SOLUTIONS CURRIE	Printer	\$ 1,733	Wastewater Fund
KODAK ALARIS	Printer	\$ 1,733	General Fund
LEHR/STOMMEL	Annual Maintenance for LPR systems	\$ 33,000	General Fund
LUCAS BUSINESS SYSTEMS	Scan documents, limited color copy use	\$ 462	General Fund
LUCAS BUSINESS SYSTEMS	Copier for Suter WWTP - Building 3 - Maintenance	\$ 371	Wastewater Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	\$ 462	General Fund
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	\$ 3,465	Capital Improvement Fund
LUCAS BUSINESS SYSTEMS	Printer	\$ 1,869	Building Services
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	\$ 118	General Fund

Exhibit A - Fiscal Year 2019-2020 Equipment Maintenance Agreements (Less than \$50,000)			
Vendor/Contractor Name	Business Purpose of Equipment	FY 19-20 Maintenance Cost	Funding Source
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	\$ 2,320	Center Plaza
LUCAS BUSINESS SYSTEMS	Printing for day-to-day work activities	\$ 295	General Fund
MANSCI INC.	Mansci Lab Equipment Extended Warrant	\$ 6,596	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copy documents for City Manager, Council and Auditor's office	\$ 3,812	Capital Improvement Fund
MO-CAL OFFICE SOLUTIONS	Copier for Jennings WWTP - Administration	\$ 577	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier for Sutter WWTP - Building 1 - Administration	\$ 2,738	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Copier is used to make copies, scan, fax	\$ 4,500	Water Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 578	Housing Development Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 578	Community Facilities Districts
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 578	Community Facilities Districts
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 578	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 1,289	Capital Improvement Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 462	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 202	General Fund
MO-CAL OFFICE SOLUTIONS	Printing for day-to-day work activities	\$ 202	General Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	\$ 8,663	General Fund
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	\$ 1,962	Solid Waste
MO-CAL OFFICE SOLUTIONS	Copier/Printer/Scanner	\$ 1,335	Surface Transportation Fund
MO-CAL OFFICE SOLUTIONS	Printer/Copier/Scanner	\$ 2,310	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Printer/Copier/Scanner	\$ 2,310	Wastewater Fund
MO-CAL OFFICE SOLUTIONS	Printer	\$ 638	General Fund
MO-CAL OFFICE SOLUTIONS	Copier Maintenance	\$ 1,183	General Fund
MO-CAL OFFICE SOLUTIONS	Copier for Sutter WWTP - Building 2 - Collections	\$ 4,000	Wastewater Fund
NEC CORPORATION OF AMERICA	Automated Fingerprint Identification System - fingerprinting	\$ 8,276	General Fund
NEO POST	Mail Room Postage & Label Machine	\$ 10,009	General Fund
OPEX	Mail Opener & sorter	\$ 2,835	Water Fund
OPEX	Envelope Opener - opens mixed sized envelopes	\$ 505	Water Fund
PHYSIO CONTROL	Life saving equipment	\$ 15,000	General Fund
PUENTES TECHNOLOGIES		\$ 1,100	General Fund
QPCS	Stationary LPR Service Warranties	\$ 1,155	General Fund
RAPID COPY	Make copies for in-house programs and public on an as needed basis	\$ 404	General Fund
RAPID COPY EQUIPMENT	Printing and making copies for in-house programs and public on an as needed basis	\$ 578	General Fund
RAY MORGAN CO.	Large Format Printer/Scanner	\$ 3,465	Wastewater Fund
RAY MORGAN CO.	Copier is used to make copies	\$ 3,300	Water Fund
RAY MORGAN CO.	Copier for Building Safety and Neighborhood Preservation	\$ 2,564	General Fund
RAY MORGAN CO.	Copier for Sutter WWTP - Environmental Services	\$ 4,200	Wastewater Fund
RICOH USA	Printing for day-to-day work activities	\$ 2,670	General Fund
SCANNER ONE	Check Scanner - uploads to RemitPlus for Electronic check file to bank	\$ 650	Water Fund
SCANTRON	Scantron Reader for Recruitment Tests	\$ 440	General Fund
SEAL ANALYTICAL	Seal Lab Equipment Service Contract	\$ 8,080	Wastewater Fund
SPECIAL SERVICES GROUP LLC	Investigatory Tool	\$ 7,260	General Fund
SSD SYSTEMS	Alarm service	\$ 1,733	General Fund
THE RADAR SHOP	Annual Calibration and Certification and repair of Radar and Lidar Guns for mitigating traffic safety.	\$ 3,465	General Fund
		\$ 352,542	

Exhibit B- Fiscal Year 2019-2020 Equipment Maintenance Agreements (More than \$50,000)

Vendor/Contractor Name	Business Purpose of Equipment	FY 19-20 Maintenance Cost	Funding Source
AMERICAN CHILLER CO.	Heating and Cooling of the Modesto Centre Plaza for its events and patrons	\$ 75,000	Centre Plaza
AXON ENTERPRISE, INC.	Axon Interview Room	\$ 54,790	General Fund
NEOLOGY formerly 3M Company	Annual Maintenance on mobile LPR Camera systems - to locate lost/stolen cars.	\$ 66,000	General Fund
ZOOM IMAGING	Printing for day-to-day work activities	\$ 5,573	General Fund
ZOOM IMAGING	Printing for day-to-day work activities	\$ 5,685	General Fund
ZOOM IMAGING	To print agendas for Council Meetings, and to make copies of various	\$ 1,588	General Fund
ZOOM IMAGING	Accounting Copier	\$ 768	General Fund
ZOOM IMAGING	Copier and Scanner	\$ 3,000	Water Fund
ZOOM IMAGING	Purchasing Copier	\$ 1,790	General Fund
ZOOM IMAGING	Copier/Printer/Scanner	\$ 3,080	General Fund
ZOOM IMAGING	Department Copier	\$ 770	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 2,310	Information Technology
ZOOM IMAGING	Copier, Fax, Scanner	\$ 1,129	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 3,300	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 1,100	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 2,008	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 1,980	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 3,467	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 4,180	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 5,280	General Fund
ZOOM IMAGING	Copier, Fax, Scanner	\$ 5,280	General Fund
ZOOM IMAGING	Printing and making copies for in-house programs and public on an as needed basis	\$ 5,775	General Fund
ZOOM IMAGING	Printing and making copies for in-house programs and public on an as needed basis	\$ 5,775	General Fund
ZOOM IMAGING	Copier for day-to-day	\$ 827	Airport Fund
ZOOM IMAGING	Copier for day-to-day	\$ 647	Surface Transportation Fund
ZOOM IMAGING	Copier for day-to-day	\$ 965	Fleet Fund
ZOOM IMAGING	Copier for day-to-day	\$ 799	General Fund
ZOOM IMAGING	Printer/Copier	\$ 1,733	Capital Improvement Fund
ZOOM IMAGING	Copier is used to make copies	\$ 940	Water Fund
ZOOM IMAGING	Copier for Sutter WWTP - Building 2 - Collections Crewleaders; T	\$ 1,200	Wastewater Fund

\$ 266,739

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-283**

RESOLUTION APPROVING A MASTER AGREEMENT WITH TEXTRON SPECIALIZED VEHICLES, INC., A DELAWARE CORPORATION, FOR GOLF CARS AND A SERVICE VEHICLE FOR A FOUR-YEAR LEASE AGREEMENT, FOR AN ANNUAL COST NOT TO EXCEED \$84,154, AND A TOTAL AMOUNT NOT TO EXCEED \$226,455 OVER THE FOUR YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City's municipal golf system includes two eighteen-hole courses: Creekside Golf Course and Dryden Park Golf Course, and

WHEREAS, the courses are maintained and managed by BrightView Golf Maintenance and KemperSports (collectively "BrightView/KemperSports), and

WHEREAS, BrightView/KemperSports are responsible for managing golf car operations, and

WHEREAS, in past years, golf car rentals have generated \$450,000 - \$500,000 in revenue annually, and

WHEREAS, the City's golf car fleet is in need of replenishment and repair, resulting in a significant loss of rental revenue, and

WHEREAS, the current golf car lease between KemperSports and E-Z-GO is set to expire on June 30, 2019, and

WHEREAS, due to the short term remaining on the BrightView/KemperSports contract, and the City's current assessment of one or more of the City's golf courses, golf car providers are unwilling to enter into a direct agreement with BrightView/KemperSports for new cars and a service vehicle, and

WHEREAS, the City has agreed to enter in a Master Agreement with Textron Specialized Vehicles, Inc., a Delaware Corporation, for golf vehicles, and

WHEREAS, the City has agreed to lease 50 new golf cars and 1 service vehicle for a term of four years for Creekside Golf Course, and 40 used golf cars for a term of one year for Dryden Park Golf Course, and

WHEREAS, the cost to lease said vehicles shall not exceed \$84,154 annually, and \$226,455 over the four year lease period, and

WHEREAS, due to the substantial loss in revenue and current assessment to potentially close one or more of its golf courses in the near future, the Purchasing Manager has confirmed this lease agreement is exempt from Modesto Municipal Code 8-3-204(c).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Master Agreement with Textron Specialized Vehicles, Inc., a Delaware Corporation, for a four year lease of 50 new golf cars and 1 service vehicle for Creekside Golf Course and a one year lease of 40 used golf cars for Dryden Park Golf Course, with a total annual lease cost not to exceed \$84,154 and \$266,455 over the four year lease period.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Master 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 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour


ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-284**

RESOLUTION APPROVING AN AGREEMENT WITH AMERICAN CHILLER, INC., FOR SCHEDULED AND EMERGENCY HEATING, VENITLATION, AND AIR CONDITIONING MAINTENANCE SERVICES FOR THE MODESTO CENTRE PLAZA FACILITY FOR A FOUR-YEAR AGREEMENT, FOR AN ANNUAL COST NOT TO EXCEED \$75,000, AND A TOTAL COST NOT TO EXCEED \$300,000 OVER FOUR 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, the City desires to continue these services through the end of fiscal year 2022-2023, and

WHEREAS, the Purchasing Manager has exempted this purchase from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(d), and

WHEREAS, the annual agreement cost shall not exceed \$75,000, and the total agreement cost shall not exceed \$300,000, and

WHEREAS, funding for Fiscal Year 2019-2020 is budgeted in the Cultural Services Administration Operating budget, and

WHEREAS, funding for additional fiscal years will be budgeted in the Cultural Services Operating budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement with American Chiller Inc., for scheduled and emergency heating, ventilation, and air conditioning maintenance services for the Modesto Centre Plaza facility, for a four-year agreement and an annual cost not to exceed \$75,000, and a total cost not to exceed \$300,000 over four years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue the Agreement with American Chiller, Inc., 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 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

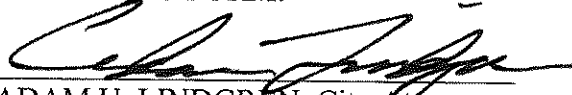
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-285**

RESOLUTION APPROVING A REIMBURSEMENT TO THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION IN THE AMOUNT OF \$55,552 IN ORDER TO TERMINATE THE CITY OF MODESTO'S URBAN AND COMMUNITY TREE REPLANTING GRANT ACTIVITY, AGREEMENT NO. 8GG14411, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE REIMBURSEMENT

WHEREAS, the City authorized an application for the California Department of Forestry and Fire Protection (Cal Fire) FY 2014/2015 Urban and Community Tree Replanting Grant Activity in April, 2015, and

WHEREAS, in September 2015, the City was awarded a Cal Fire grant not to exceed \$326,940 to plant and maintain 5,000 trees from September 2015 through December 19, 2019, and the objective of the grant was to help meet the state's greenhouse gas emission reduction targets by planting trees in areas throughout the City that met site requirements, and

WHEREAS, the terms of the grant were laid out in Agreement No. 8GG14411, which was signed by the Acting City Manager and the Deputy Director of Resource Management at Cal Fire, and

WHEREAS, Cal Fire agreed to reimburse the City a total grant amount not to exceed \$326,940 for approved activities and purchases, including labor and tree purchases, and the City would spend \$107,097 in match funds to plant and maintain 5,000 trees by December 2019, and

WHEREAS, City staff initiated a tree planting program according to Cal Fire grant guidelines, and

WHEREAS, after implementing the grant it was observed that the actual cost incurred by the City was significantly greater than anticipated due to high tree mortality related to statewide drought, as well as funding deficits which resulted in fewer staff available to perform work, and

WHEREAS, during the second year of the four-year grant period, it was observed that only fifty-seven percent of trees had been planted and remained alive in planting sites, and in order to meet the grant objective of planting and maintaining a total of 5,000 trees for at least five years after the grant ended, the City was anticipated to spend in excess of an additional \$200,000 for labor, watering, and tree replacement, and

WHEREAS, after thorough financial analysis and deliberation, City staff determined that continuing the tree planting project would cause extreme financial hardship to the City, and

WHEREAS, Cal Fire advised the City could either (1) complete the grant as agreed upon and continue to expend monies in order to plant and maintain an additional 2,000 trees, or (2) terminate the grant and reimburse Cal Fire for any monies overspent and for any trees that were no longer alive in-ground, and

WHEREAS, the Cal Fire Regional Urban Forester determined that if the City chose to terminate the grant and reimburse Cal Fire, the total amount owed to Cal Fire to be \$55,552, based upon the cost per tree, monies spent per date and replacement of trees that died after planting, and

WHEREAS, after review with the Director of Finance and the Director of Public Works, staff recommended that the City should reimburse Cal Fire the total amount of \$55,552 and terminate the grant, and

WHEREAS, on April 22, 2019, the Finance Committee reviewed the reimbursement proposal and recommended it be forwarded to Council for consideration.

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

- A) Terminate the City of Modesto's Urban and Community Tree Replanting Grant Activity, Agreement No. 8GG14411, and
- B) Reimburse Cal Fire the amount of \$55,552.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour


ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-286**

RESOLUTION ACCEPTING THE CONGESTION MITIGATION AND AIR QUALITY (CMAQ) GRANT AWARD, HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) GRANT, AND SURFACE TRANSPORTATION FUNDS FOR UPCOMING CAPITAL IMPROVEMENT CONSTRUCTION PROJECTS FOR THE TRAFFIC ENGINEERING DIVISION WITHIN THE PUBLIC WORKS DEPARTMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, on August 3, 2016, staff applied for an HSIP grant and was approved by the California Department of Transportation (Caltrans) to use the funds on November 29, 2016, and

WHEREAS, the City of Modesto has received a HSIP Grant for project #101188 in the amount of \$370,980 for construction and \$20,250 for preliminary engineering, totaling \$391,230, along with using Surface Transportation Funds in the amount of \$41,220 for construction and \$2,250 for preliminary engineering, totaling \$43,470 in local funds, for the installation of retroreflective traffic signal backplates, marked crosswalks, painted stop bars, and pavement markings throughout the City, and

WHEREAS, on August 31, 2016, staff applied for a CMAQ grant and was approved by Caltrans to use the funds on December 18, 2018, and

WHEREAS, the City of Modesto has received a CMAQ grant for Project #101186 in the amount of \$1,050,000 for construction and \$150,000 for preliminary engineering, totaling \$1,200,000 for the upgrade to traffic signals at Carpenter Rd. at Blue Gum Ave., I St. at 14th St., I St. at 17th St., G St. at 12th St., and G St. at 17th St., and

WHEREAS, on August 25, 2016, staff applied for a CMAQ grant and was approved by Caltrans to use the funds on April 29, 2019, and

WHEREAS, the City of Modesto has received a CMAQ grant for Project #101192 in the amount of \$1,050,000 for construction and \$150,000 for preliminary engineering, totaling \$1,200,000 for the upgrade of the City's Advanced Traffic Management System (ATMS) equipment and communications software, and

WHEREAS, the City will be reimbursed by Caltrans for expenses covered by the HSIP and CMAQ grants.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the HSIP Grant Funds in the amount of \$391,230, and Surface Transportation Funds in the amount of \$43,470, to install retroreflective traffic signal backplates, marked crosswalks, painted stop bars, and pavement markings.

BE IT FURTHER RESOLVED that the Council accepts the CMAQ Grant Funds in the amount of \$1,200,000 for the upgrade to traffic signals at Carpenter Rd. at Blue Gum Ave., I St. at 14th St., I St. at 17th St., G St. at 12th St., and G St. at 17th St, and in the amount of \$1,200,000 for the upgrade of the City's Advanced Traffic Management System (ATMS) equipment and communications software.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-287**

RESOLUTION REJECTING ALL BIDS FOR THE BUS MAINTENANCE FACILITY- PARTS STORAGE ROOM PROJECT AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE WITH AN AMENDED SCOPE OF WORK

WHEREAS, the bids received for the Bus Maintenance Facility- Parts Storage Room Project were opened at 11:00 a.m. on May 21st, 2019, and later tabulated by the Director of Utilities for the consideration of the Council, and

WHEREAS, the project plan set advertised for the construction of a new parts room building which is crucial in the safety and efficiency of the Fleet Services Operations, and

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

WHEREAS, the Utilities Department staff determined that it would be in the best interest of the City to reject the bid received and re-advertise the project for bids at a future date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bid received for the Bus Maintenance Facility- Parts Storage Room Project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project for bids at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

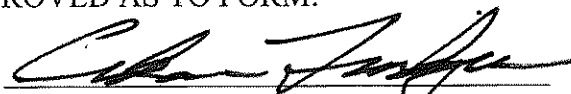
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-288**

RESOLUTION APPROVING AN AGREEMENT WITH CONSOLIDATED CM, INC., OF OAKLAND, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE EMPIRE SANITARY SEWER TRUNK PROJECT IN AN AMOUNT NOT TO EXCEED \$240,603 FOR THE IDENTIFIED SCOPE OF SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS UP TO A CUMULATIVE AMOUNT OF 10 PERCENT (\$24,060)

WHEREAS, on April 2, 2019, by Resolution 2019-141, the City Council awarded a \$3,866,093 contract to Rolfe Construction Company of Atwater, CA for the construction of the Empire Sanitary Sewer Trunk Project, and

WHEREAS, the Empire Trunk is known as a secondary trunk and conveys all flow from the Empire sewer system to the River Trunk, and

WHEREAS, the proposed improvements will correct the hydraulic deficiencies and provide better access for maintenance in Empire, and

WHEREAS, due to the limited availability of the City's Construction Administration staff and the complexity of this project, staff recommends utilizing a consultant to provide construction management and inspection services for the construction phase, and

WHEREAS, the selection process followed the City's policy, Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, and

WHEREAS, for the construction management and inspection services, a Request for Proposals (RFP) was issued to the prequalified list of firms for construction management and inspection services for this project, and

WHEREAS, after careful review and evaluation by the selection committee, Consolidated CM was selected as the most qualified firm for the Project, and

WHEREAS, Consolidated CM demonstrated experience with multiple projects similar in scope and size, and

WHEREAS, Consolidated CM will be the main point of contact for all construction activities and reporting during this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Consolidated CM, Inc., for Construction Management and Inspection Services for the Empire Sewer Trunk Project in an amount not to exceed \$240,603 for the identified scope of services.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and any amendments to this Agreement in a cumulative amount up to 10 percent of the original agreement amount (\$24,060).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

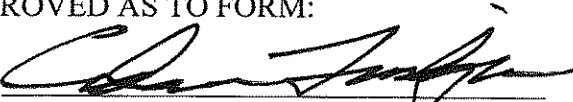
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-289**

RESOLUTION APPROVING AN AGREEMENT WITH CONSOLIDATED CM, INC., OF OAKLAND, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE CROWS LANDING SEWER TRUNK PROJECT IN AN AMOUNT NOT TO EXCEED \$215,151 FOR THE IDENTIFIED SCOPE OF SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS UP TO A CUMULATIVE AMOUNT OF 10 PERCENT (\$21,515)

WHEREAS, on June 25, 2019, the City Council is awarding a \$2,976,842 contract to A. Teichert & Son, Inc. dba Teichert Construction of Roseville, CA for the construction of the Crows Landing Sewer Trunk Project, and

WHEREAS, the Crows Landing Sewer Trunk provides service to south Modesto and west Ceres and during a routine maintenance of the trunk in 2018, City crews noticed severe deterioration of the reinforced concrete pipe's crown, and

WHEREAS, the proposed improvements will reroute the 30-inch trunk onto Crows Landing Road and connect to an existing stub-out at the Ceres Trunk prior to the Tuolumne river crossing, and

WHEREAS, due to the limited availability of the City's Construction Administration staff and the complexity of this project, staff recommends utilizing a consultant to provide construction management and inspection services for the construction phase, and

WHEREAS, the selection process followed the City's policy, Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, and

WHEREAS, for the construction management and inspection services, a Request for Proposals (RFP) was issued to the prequalified list of firms for construction management and inspection services for this project, and

WHEREAS, after careful review and evaluation by the selection committee, Consolidated CM was selected as the most qualified firm for the Project, and

WHEREAS, Consolidated CM demonstrated experience with multiple projects similar in scope and size, and

WHEREAS, Consolidated CM will be the main point of contact for all construction activities and reporting during this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Consolidated CM, Inc., for Construction Management and Inspection Services for the Crows Landing Sewer Trunk Project in an amount not to exceed \$215,151 for the identified scope of services.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and any amendments to this Agreement in a cumulative amount up to 10 percent of the original agreement amount (\$21,515).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

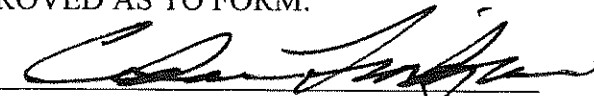
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-290**

RESOLUTION APPROVING AN AGREEMENT WITH VALI COOPER ASSOCIATES, INC., OF SACRAMENTO, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE WYLIE DRIVE, FLOYD AVENUE AND CARVER ROAD STREET IMPROVEMENTS PROJECT IN AN AMOUNT NOT TO EXCEED \$164,707 FOR THE IDENTIFIED SCOPE OF SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS UP TO A CUMULATIVE AMOUNT OF 10 PERCENT (\$16,471)

WHEREAS, on April 23, 2019, by Resolution 2019-179, Council awarded a \$1,595,915 contract to American Pavement Systems, Inc. of Modesto, CA for the construction of the Wylie Drive, Floyd Avenue and Carver Road Street Improvements Project, and

WHEREAS, On September 4, 2018, by Resolution 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 to the list of projects allocated \$1,700,000 for construction to the Wylie Drive, Floyd Avenue and Carver Road Street Improvements Project, and

WHEREAS, the Wylie Drive, Floyd Avenue and Carver Road Street Improvements Project will rehabilitate deteriorated pavement with an asphalt rubber chip seal within the street limits of Wylie Drive from Oakdale Road to Brighton Avenue, Floyd Avenue from McHenry Avenue to Orchard Park Way, and Carver Road from 9th Street to Pelandale Avenue, and

WHEREAS, due to the limited availability of the City's Construction Administration staff and the complexity of this project, staff recommends utilizing a

consultant to provide construction management and inspection services for the construction phase, and

WHEREAS, the selection process followed the City's policy, Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, and

WHEREAS, for the construction management and inspection services, a Request for Proposals (RFP) was issued to the prequalified list of firms for construction management and inspection services for this project, and

WHEREAS, after careful review and evaluation by the selection committee, Vali Cooper Associates, Inc. was selected as the most qualified firm for the Project, and

WHEREAS, Vali Cooper Associates, Inc. demonstrated experience with multiple projects similar in scope and size, and

WHEREAS, Vali Cooper Associates, Inc. will be the main point of contact for all construction activities and reporting during this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Vali Cooper Associates, Inc., for Construction Management and Inspection Services for the Wylie Drive, Floyd Avenue and Carver Road Street Improvements Project in an amount not to exceed \$164,707 for the identified scope of services.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and any amendments to this Agreement in a cumulative amount up to 10 percent of the original agreement amount (\$16,471), 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 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-291**

RESOLUTION APPROVING AN AGREEMENT WITH VALI COOPER ASSOCIATES, INC., OF SACRAMENTO, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE VILLAGE ONE SLURRY SEAL PROJECT IN AN AMOUNT NOT TO EXCEED \$167,302 FOR THE IDENTIFIED SCOPE OF SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS UP TO A CUMULATIVE AMOUNT OF 10 PERCENT (\$16,730)

WHEREAS, on June 4, 2019, by Resolution 2019-250, the City Council awarded a \$2,094,666 contract to California Pavement Maintenance Company, Inc. dba CPM of Sacramento, CA for the construction of the Village One Slurry Seal Project , and

WHEREAS, on February 28, 2019 the Citizens Transportation Sales Tax Commission recommended an additional \$900,000 (Local Streets and Roads, Fiscal Year 18/19) in funding for the Village One Slurry Seal Project, and

WHEREAS, the Village One Slurry Seal Project will rehabilitate deteriorated pavement with a type 2 slurry seal, install new striping and ADA curb ramps within the street limits of Sylvan Avenue, Roselle Avenue, Merle Avenue and Claus Road, and

WHEREAS, due to the limited availability of the City's Construction Administration staff and the complexity of this project, staff recommends utilizing a consultant to provide construction management and inspection services for the construction phase, and

WHEREAS, the selection process followed the City's policy, Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, and

WHEREAS, for the construction management and inspection services, a Request for Proposals (RFP) was issued to the prequalified list of firms for construction management and inspection services for this project, and

WHEREAS, after careful review and evaluation by the selection committee, Vali Cooper Associates, Inc. was selected as the most qualified firm for the Project, and

WHEREAS, Vali Cooper Associates, Inc. demonstrated experience with multiple projects similar in scope and size, and

WHEREAS, Vali Cooper Associates, Inc. will be the main point of contact for all construction activities and reporting during this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Vali Cooper Associates, Inc., for Construction Management and Inspection Services for the Village One Slurry Seal Project in an amount not to exceed \$164,707 for the identified scope of services.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and any amendments to this Agreement in a cumulative amount up to 10 percent of the original agreement \$209,467 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 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-292**

**RESOLUTION ACCEPTING THE TUOLUMNE RIVER REGIONAL PARK
GATEWAY PARCEL – PHASE 2 PROJECT AS COMPLETE, AUTHORIZING
ALL NECESSARY STEPS TO FILE A NOTICE OF COMPLETION WITH THE
COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING
PAYMENTS TOTALING \$2,382,926 TO EMPIRE LANDSCAPING, INC. OF
DAVIS, CA**

WHEREAS, the Gateway Parcel is part of the greater Tuolumne River Regional Park (TRRP) system which is overseen by a Joint Powers Authority (JPA) among the cities of Ceres and Modesto and the County of Stanislaus, and

WHEREAS, on September 13, 2005, by Resolution No. 2005-472, Council approved the TRRP Gateway Parcel Precise Plan, which included the current Phase 2 portion of the Gateway Parcel, and

WHEREAS, TRRP was awarded a \$2.2 million Proposition 84 Statewide Parks Development grant from the California State Resources Agency for the development of the Gateway Parcel Phase 2, and

WHEREAS, on November 4, 2014, by Resolution No. 2014-442, the City Council approved a Professional Services Agreement with AECOM Technical Services, Inc. to provide construction and environmental documentation for the development of the TRRP Gateway Parcel – Phase 2 Project, and

WHEREAS, bids were advertised on November 6, 2015, and

WHEREAS, six bids were publicly opened on December 17, 2015, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and Empire Landscaping, Inc. of Davis, CA was the apparent low bidder, and

WHEREAS, on February 2, 2016, by Resolution No. 2016-41, Council awarded a contract to Empire Landscaping, Inc. of Davis, California for the construction of the TRRP Gateway Parcel – Phase 2 Project in the amount of \$2,067,738, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of May 2, 2016 and all contract work was completed by February 2, 2019, and

WHEREAS, the total project costs were \$3,048,155 which included all construction, design, and construction administration costs. The total project amount originally budgeted was \$3,048,155 which included \$2,274,512 for the construction contract and contingency with Empire Landscaping, Inc., and

WHEREAS, there were 10 change orders resulting in an overall increase of \$315,188 for change order work, 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 TRRP Gateway Parcel – Phase 2 Project is hereby accepted as complete from said contractor, Empire Landscaping, Inc. of Davis, California, 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 \$2,382,926, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-293**

RESOLUTION ACCEPTING THE JOHN THURMAN FIELD VIDEO BOARD REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE A NOTICE OF COMPLETION WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$567,982 TO DAKTRONICS, INC., OF BROOKINGS, SOUTH DAKOTA

WHEREAS, on December 13, 2016, by Resolutions 2016-503 and 2016-504, Council approved an agreement with HWS Baseball, IV, LLC (the Nuts), for the use, operation and management of John Thurman Field and establishing a fund for capital improvements to the stadium, and

WHEREAS, the Agreement authorized the City Manager to approve or disapprove the list of priority capital improvement projects, and

WHEREAS, on October 9, 2018, Council received a report on the 2019 Capital Improvement Project Priorities for John Thurman Field as provided by the Nuts management and approved by the City Manager which listed the top two priorities; 1) Replacement of the video board and 2), and Replacement of approximately 1,000 box seats, and

WHEREAS, at the same meeting, by Resolution No. 2018-449, Council awarded the box seats replacement and by Resolution No. 2018-451 approved an amendment to the 10-year operating agreement for John Thurman Field, and

WHEREAS, this amendment included the pre-funding the City's General Fund contribution of \$120,000, previously scheduled to be funded in FY 2025-2026, to Finance the Replacement of the Video Board Project, and

WHEREAS, on December 11, 2018, by Resolution No. 2018-551, Council awarded a contract to Daktronics, Inc., for the construction of the John Thurman Field Video Board Replacement Project in the amount of \$558,992, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of February 8, 2019 and all contract work was completed by March 29, 2019, and

WHEREAS, Change Order No. 1 resulted in an overall increase of \$8,990 for change order work, and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed and all work is covered by a one-year warranty for any issues that could arise, and

WHEREAS, staff recommends the project for acceptance as the contractor has complied with all contract requirements for the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the John Thurman Field Video Board Replacement Project is hereby accepted as complete from said contractor, Daktronics, Inc., Brookings, South Dakota, 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 \$567,982, to Daktronics, Inc., Brookings, South Dakota.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

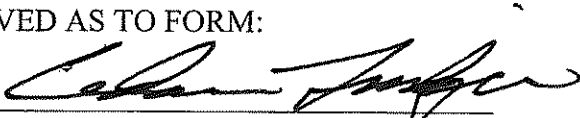
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-294**

**RESOLUTION APPROVING A FOURTH AND FINAL AMENDMENT TO
LEASE AGREEMENT WITH LOUIS BOER, JR. TO LEASE REAL PROPERTY
IN THE AMOUNT \$5,400, PRO-RATED TO \$2,400 TO COVER THE
EXTENDED TERM OF 5 MONTHS AND 10 DAYS, PLUS PRO-RATED
IRRIGATION FEES AND PROPERTY TAXES, FOR AGRICULTURAL
PROPERTY AT FRAZINE ROAD AND LA COSTE LANE (APN 014-037-056),
AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO
EXECUTE THE LEASE AMENDMENT**

WHEREAS, the City of Modesto owns a parcel of agricultural real property containing 12 acres that are currently planted to aged almonds and peaches corner of the at Frazine Road and La Coste Lane (APN 014-037-056) that is currently planted with peach and almond trees, and

WHEREAS, this parcel was originally acquired by the City as part of a larger purchase to be a storage tank site for the Regional Water Treatment Plant, known as Terminal Reservoir, and

WHEREAS, on May 23, 2006, by Resolution No. 2006-327, City Council approved a lease agreement with Louis Boer, Jr., and

WHEREAS, the previous second amendment lease renewal lease agreement expired on May 29, 2017, and

WHEREAS, the previous third amendment renewal lease extended the lease agreement for one year will expire on May 21, 2019, and

WHEREAS, a Fourth Amendment Renewal Lease agreement is needed for this lease, the lease in short term, saves the City maintenance and upkeep costs, while also generating positive revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a fourth and final amendment to lease agreement with Louis Boer, Jr. to lease real property in the amount \$5,400, pro-rated to \$2,400 to cover the extended term of 5 months and 10 days, plus pro-rated irrigation fees and property taxes, for agricultural property at Frazine Road and La Coste Lane (APN 014-037-056),

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Lease Agreement with Louis Boer Jr., 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 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-295**

RESOLUTION APPROVING AN AGREEMENT WITH WSP USA INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY – PHASE 1 PROJECT IN AN AMOUNT OF \$8,973,533 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$897,353 FOR ADDITIONAL SERVICES (IF NEEDED), FOR AN AGREEMENT TOTAL NOT TO EXCEED \$9,870,886, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

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, the final design of the Project is complete and is scheduled to go out to bid in July 2019, and

WHEREAS, City staff determined that current staffing was already committed to management and inspection of other capital improvement projects, and using a consultant for this project would provide the best benefit for the City and the public, and

WHEREAS, the selection process for construction management services followed the City's selection procedures for professional consultants, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, in October 2018, Community and Economic Development staff issued a Request for Proposals for Construction Management Services for the Project, and

WHEREAS, on November 2, 2018, two firms submitted Proposals, and City staff along with representatives from StanCOG, Caltrans and Stanislaus County reviewed the Proposals and determined that both firms were qualified for the Project, and

WHEREAS, both firms were then interviewed by the review panel and the panel ranked the firms based on qualifications and experience demonstrated in the proposal and the interview, and

WHEREAS, WSP USA INC. (WSP) was selected as the most qualified firm to provide construction management services and has experience managing similar types of projects, and

WHEREAS, WSP will be the main point of contact for all construction activities and reporting during this project, and

WHEREAS, a designated City project manager in the Community & Economic Development Department will manage this agreement and provide oversight and coordination with various City departments, and

WHEREAS, the final design is complete and construction bid advertisement is scheduled for July 2019, staff desires to enter into an agreement with WSP to perform construction management services for the State Route 132 West Freeway/Expressway - Phase 1 Project, and

WHEREAS, WSP will be paid on a cost plus fixed fee (time and materials) basis for actual hours required performing individual tasks at a set rate and other direct costs, and

WHEREAS, the agreement will initially be funded with Capital Facility Fee (CFF) funds but as soon as Regional Measure L funds are approved, costs from that point forward will be paid for with Regional measure L funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with WSP USA INC. for Construction Management Services for the State Route 132 West Freeway/Expressway – Phase 1 Project in an amount of \$8,973,533 for the identified scope of services, plus \$897,353 for additional services (if needed), for an agreement total not to exceed \$9,870,886.

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 25th day of June, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-296**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL
IMPROVEMENT PROGRAM (CIP) BUDGET TO ESTABLISH THE
PROJECT EXPENSE BUDGET AND STREETS CAPITAL FACILITY
FEES FUND TRANSFER FOR PROJECT #101119 IN THE AMOUNT OF
\$9,870,886 FOR THE STATE ROUTE 132 WEST EXPRESSWAY –
CONSTRUCTION PHASE**

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 exiting State Route 132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, the final design of the Project is complete and is scheduled to go out to bid in July 2019, and

WHEREAS, City staff determined that current staffing was already committed to management and inspection of other capital improvement projects, and using a consultant for this project would provide the best benefit for the City and the public, and

WHEREAS, the selection process for construction management services followed the City's selection procedures for professional consultants, and

WHEREAS, WSP USA INC. (WSP) was selected as the most qualified firm to provide construction management services and has experience managing similar types of projects, and

WHEREAS, the final design is complete and construction bid advertisement is scheduled for July 2019, staff desires to enter into an agreement with WSP to perform construction management services for the State Route 132 West Freeway/Expressway – Phase 1 Project, and

WHEREAS, the anticipated expenses for the WSP Construction Management contract is up to \$9,870,886 and staff has confirmed there are sufficient funds in the Streets Capital Facility Fee fund for the contract, and

WHEREAS, it is anticipated that Regional Measure L funds will be approved by the Stanislaus Council of Governments (StanCOG) Policy Board in August 2019 and that all expenses incurred after the StanCOG agreement is approved will be paid with Measure L funds, and

WHEREAS, only WSP charges that occur prior to approval of the Measure L funding agreement in August will be paid for with CFF, which staff anticipates to be approximately \$150,000, and

WHEREAS, the Fiscal Year 2018-19 Capital Improvement Program Budget for Project #101119 – State Route 132 West Expressway – Construction Phase must be amended by \$9,870,886 with a transfer from Streets Capital Facility Fee fund and allocation of funds to the projects expense budget.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018-2019 Capital Improvement Project (CIP) Budget to establish the project expense budget for project #101119 and establishes the transfer from Streets Capital Facility Fee fund to the project in the amount of \$9,870,886 to continue the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

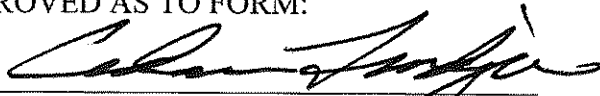
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-297**

RESOLUTION APPROVING THE REQUEST FOR LOCAL ADVANCED CONSTRUCTION AUTHORIZATION IN THE AMOUNTS OF \$4.135M FOR THE CONSTRUCTION PHASE AND \$2.081M FOR RIGHT OF WAY FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY – PHASE 1 PROJECT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE REQUIRED DOCUMENTS

WHEREAS, the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue; and

WHEREAS, the Project is supported by a complex matrix of funding elements including a combination of local, Regional Measure L, State and Federal sources; each with various requirements and constraints, and

WHEREAS, the authorization to spend federal funds occurs when the City receives the “Authorization to Proceed” (E-76) for construction, and

WHEREAS, the E-76 is needed prior to advertisement of the Project which is anticipated to begin July 3, 2019, and

WHEREAS, sufficient Regional Surface Transportation Program (RSTP) funds are not currently available to fund our request for \$2,081,000 in right of way funds and \$4,135,256 in construction funds that were budgeted in this project and Caltrans cannot guarantee that they will be available, however it is very likely that these federal funds will be available in August, and

WHEREAS, the rigid schedule included in the TIGER grant agreement requires that we award a construction contract by the end of September, 2019 and in order to give

the contractors adequate time to review the bid documents and submit competitive bids, the City anticipates advertising the project on July 3, 2019, and

WHEREAS, per Caltrans direction, the only way to secure the E-76 for construction prior to July 3rd, the City must submit a request for “Advanced Construction”. A request for Advanced Construction requires the City Manager to sign a form stating that the City will provide the \$2.081M plus the \$4.135M in the event that the RSTP funds are not obligated to this project, and

WHEREAS, the \$4.135M of RSTP funds were given to the project by Stanislaus County and in the event that those funds do not become available as expected, the County is committed to providing County Public Facility Fee (PFF) funds to backfill the \$4.135M of RSTP funds, and

WHEREAS, this funding will not be needed until we award the construction contract which is anticipated to occur on September 24, 2019 and prior to this date, City staff will confirm if the \$4.135M of RSTP has been secured or if the County PFF funding will be needed, and

WHEREAS, if the County PFF funding is needed, City will request a formal, written commitment from the County to secure these funds prior to the award of the construction contract, and

WHEREAS, the City’s obligation is to commit an additional \$2.081M from the City’s Streets Capital Facility Fee funds in the event that the \$2.081M of RSTP funds do not become available.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the request for local advanced construction authorization in the

amounts of \$4.135M for the construction phase and \$2.081M for right of way 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 required documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

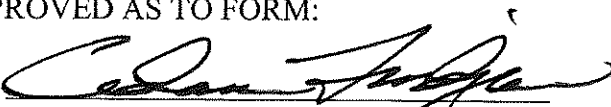
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-298**

RESOLUTION APPROVING AN AMENDMENT TO THE COOPERATIVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT TO CORRECT THE PROJECT POSTMILE LIMITS, MODIFY THE FUNDING TABLE TO ADD \$33.124M OF REGIONAL MEASURE L FUNDS AND \$21M IN TRADE CORRIDOR ENHANCEMENT FUNDS, AND ADD VARIOUS STANDARD LANGUAGE NECESSARY TO MEET THE REQUIREMENTS OF THE TRADE CORRIDOR ENHANCEMENT GRANT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AMENDMENT

WHEREAS, the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue; and

WHEREAS, Caltrans required that the City of Modesto enter into the Cooperative Agreement prior to submitting a request for funding authorization to Caltrans; and

WHEREAS, the Cooperative Agreement sets forth the roles and responsibilities of the City and Caltrans with respect to the Project; and

WHEREAS, on August 8, 2018, per Resolution 2018-315, the City Council approved the Cooperative Agreement for the Project, and

WHEREAS, on June 13, 2019, City staff was notified by Caltrans that an amendment to the Cooperative Agreement was needed prior to the City's receipt of the Authorization to Proceed (E-76) with construction, and

WHEREAS, the E-76 is required prior to advertisement of the Project which is anticipated to begin on July 3, 2019, and

WHEREAS, the amendment is required to modify the funding table in the agreement to add regional Measure L funds and the Trade Corridor Enhancement Program grant.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the amendment to the Cooperative Agreement with the California Department of Transportation (Caltrans) for the State Route 132 West Freeway/Expressway-Phase 1 Project to correct the Project postmile limits, modify the funding table to add \$33.124M of regional Measure L funds and \$21M in Trade Corridor Enhancement funds, and add various standard language necessary to meet the requirements of the Trade Corridor Enhancement grant.

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 25th day of June, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

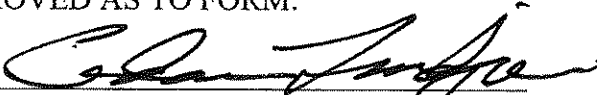
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-299**

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE CROWS LANDING SEWER TRUNK PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT TO A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, ROSEVILLE, CA, IN THE AMOUNT OF \$2,976,842 PLUS \$297,684 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED \$3,274,526 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Crows Landing Sewer Trunk provides service to south Modesto and west Ceres, and

WHEREAS, during a routine maintenance of the trunk in 2018, crews noticed severe deterioration of the reinforced concrete pipe's crown, and

WHEREAS, the proposed improvements will reroute the 30-inch trunk onto Crows Landing Road and connect to an existing stub-out at the Ceres Trunk prior to the Tuolumne River crossing, and

WHEREAS, specifications have been prepared for the Crows Landing Sewer Trunk Project, and

WHEREAS, on April 23, 2019 staff received bids from six companies that were responsible and responsive, including a bid from A. Teichert & Son, Inc. dba Teichert Construction, and

WHEREAS, MMC 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, and the award of bid for the Crows Landing Sewer Trunk 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 \$2,976,842 received from A. Teichert & Son, Inc. dba Teichert Construction be accepted as the lowest responsible and responsive bid and the contract be awarded to A. Teichert & Son, Inc. dba Teichert Construction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Crows Landing Sewer Trunk Project and accepts the bid of \$2,976,842 plus \$297,684 for contingency (if needed) for a total amount not to exceed of \$3,274,526 and Awards A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA, the contract for the Crows Landing Sewer Trunk 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 25th day of June, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

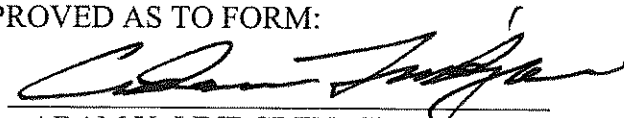
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-300**

**RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S
AUTHORITY TO ISSUE CHANGE ORDERS FOR THE CROWS LANDING
SEWER TRUNK PROJECT FROM 8% (\$238,147) TO 10% (\$297,684) OF THE
CONSTRUCTION CONTRACT PRICE OF \$2,976,842 WITH A. TEICHERT &
SON, INC. DBA TEICHERT CONSTRUCTION, ROSEVILLE, CA**

WHEREAS, specifications have been prepared for the Crows Landing Sewer Trunk Project, and

WHEREAS, staff recommends awarding a \$2,976,842 contract to A. Teichert & Son, Inc. dba Teichert Construction, of Roseville, CA for the construction of the Crows Landing Sewer Trunk Project, and

WHEREAS, given the nature of the project, additional work may be needed to address unexpected conditions that require changes in project scope, and

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

WHEREAS, staff is requesting authorization to increase the contract change order budget to 10% (\$297,684) due to the construction on Crows Landing Road and Crater Avenue (County jurisdiction), which presents unknown challenges.

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 the Crows Landing Sewer Trunk Project from 8 percent (\$238,147) to 10 percent (\$297,684) of the construction contract price of \$2,976,842 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 25th day of June, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-301**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-19 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$2,161,102 TO
BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES
TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION
ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR
THE CROWS LANDING SEWER TRUNK PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of
\$2,161,102, in order to fund construction, contingency, construction administration, and
design support during construction for the Crows Landing Sewer Trunk Project, and

WHEREAS, the Fiscal Year 2018-19 2018-2019 Capital Improvement Program
Budget must be amended as shown 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 approves the amendment of the Fiscal Year 2018-19 2018-2019 Capital
Improvement Program Budget as shown in **Exhibit A**, **attached** hereto.

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 25th day of June, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

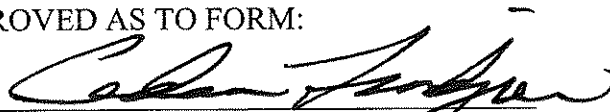
By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

A total of \$2,161,102 is being requested from wastewater reserves to revise the budget of CIP project 101100 –Crows Landing Sewer Trunk:

101100 - Crows Landing Sewer Trunk						
	PJTD Budget	PJTD Actual	PJTD Commitment	PJTD Available	AR Request	Need
CA	\$ 96,000.00	\$ 481.77	\$ -	\$ 95,518.23	\$ 255,181.00	\$ 162,662.77
CON	\$ 1,200,000.00	\$ -	\$ -	\$ 1,200,000.00	\$ 2,976,842.00	\$ 1,776,842.00
CTGY	\$ 96,000.00	\$ -	\$ -	\$ 96,000.00	\$ 297,664.00	\$ 201,664.00
EDA	\$ 120,000.00	\$ 25,291.73	\$ 1,183.97	\$ 93,524.30	\$ 90,000.00	\$ (3,324.30)
	<u>\$ 1,512,000.00</u>	<u>\$ 25,973.50</u>	<u>\$ 1,183.97</u>	<u>\$ 1,484,842.53</u>	<u>\$ 3,622,707.00</u>	<u>\$ 2,137,864.47</u>
100925 - 2016-2017 Sewer Replacement						
EDA		\$ 23,237.00			\$ 23,237.00	\$ 23,237.00
		<u>\$ 23,237.00</u>			<u>\$ 23,237.00</u>	<u>\$ 23,237.00</u>
Total Budget Adjustment Including Staff Time to be Journalled from 100925						\$ 2,161,101.47

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-302**

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE BERMUDA WAY STRENGTHEN & REPLACE WATER MAIN, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH D.A. WOOD CONSTRUCTION, INC., EMPIRE, CA, IN THE AMOUNT OF \$1,568,250 PLUS \$125,460 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED \$1,693,710 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Bermuda Way Neighborhood is one of many prioritized areas in the City's water service area that require replacement of current, aging water infrastructure, and

WHEREAS, the Bermuda Way Strengthen & Replace Water Mains Project will replace and upgrade deficient water mains, associated water valves, services and fire hydrants to increase service reliability, flows, and pressures, and

WHEREAS, specifications have been prepared for the Bermuda Way Strengthen & Replace Water Main Project, and

WHEREAS, on May 14, 2019 staff received bids from four companies that were responsible and responsive, including a bid from D.A. Wood Construction, Inc., and

WHEREAS, MMC 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, and the award of bid for the Bermuda Way Strengthen & Replace Water Main 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 \$1,568,250 received from D.A. Wood Construction, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to D.A. Wood Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Bermuda Way Strengthen & Replace Water Main Project and accepts the bid of \$1,568,250 plus \$125,460 for contingency (if needed) for a total amount of \$1,693,710 and Awards D.A. Wood Construction, Inc., of Empire, CA, the contract for the Bermuda Way Strengthen & Replace Water Main 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 25th day of June, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-303**

**RESOLUTION AMENDING THE FISCAL YEAR 2019-20 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$468,220 TO BE
TRANSFERRED INTO THE PROJECT FROM WATER RESERVES IN ORDER
TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION
ADMINISTRATION, CITY CONSTRUCTION FORCES AND DESIGN
SUPPORT DURING CONSTRUCTION FOR THE BERMUDA WAY
STRENGTHEN & REPLACE WATER MAIN PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of \$468,220, in order to fund construction, contingency, construction administration, City construction forces and design support during construction for the Bermuda Way Strengthen & Replace Water Main Project, and

WHEREAS, the Fiscal Year 2019-2020 Capital Improvement Program Budget must be amended as shown 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 approves the amendment of the Fiscal Year 2019-2020 Capital Improvement Program Budget as shown in **Exhibit A, attached** hereto.

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 25th day of June, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

100857 - Bermuda Way Water Main

	<u>PJTD Budget</u>	<u>PJTD Actual</u>	<u>PJTD Commitment</u>	<u>PJTD Actual</u>	<u>AR Request</u>	<u>Budget Adjustment</u>
CA	\$ 122,000.00	\$ 366.75	\$ -	\$ 121,633.25	\$ 156,825.00	\$ 35,191.75
CCF	\$ 21,120.00	\$ -	\$ -	\$ 21,120.00	\$ 50,000.00	\$ 28,880.00
CON	\$ 1,200,000.00	\$ -	\$ -	\$ 1,200,000.00	\$ 1,568,250.00	\$ 368,250.00
CTGY	\$ 120,000.00	\$ -	\$ -	\$ 120,000.00	\$ 125,460.00	\$ 5,460.00
EDA	\$ 108,000.00	\$ 72,652.15	\$ 2,981.73	\$ 32,366.12	\$ 62,894.00	\$ 30,437.88
	\$ 1,571,120.00	\$ 73,018.90	\$ 2,981.73	\$ 1,495,119.37	\$ 1,963,339.00	\$ 468,219.63
						\$ 468,220

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-304**

RESOLUTION APPROVING THE ADOPTION OF THE FISCAL YEAR 2019-20 ANNUAL AND MULTI-YEAR OPERATING BUDGETS AND THE 2019-20 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 Draft Operating Budget and Capital Improvement Program for the 2019-2020 Fiscal Year to the Finance Committee at workshops held on April 29, April 30, and May 2, 2019, and

WHEREAS, the Finance Committee reviewed the Draft Operating and Multi-Year Operating Budgets and the Capital Improvement Program in a series of televised public workshops on April 29, May 30, and May 2, 2019, and at a joint Planning Commission/Finance Committee meeting held on May 20, 2019, and

WHEREAS, the Finance Committee recommended the City Manager's 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, on June 4th, 2019, the City Council combined the City Manager's Draft Budget and the Mayor's Final Budget Modifications into the Final Proposed Budget and set a date for the public hearing and adoption of the Final Proposed Budget to take place on June 25, 2019, and

WHEREAS, in accordance with the City Charter, a duly noticed public hearing was scheduled on June 25, 2019 during which the City Council considered the

recommendations of the Finance Committee relating to the Draft Operating and Multi-year budgets and the Capital Improvement Program, and

WHEREAS, prior to any discussion of the 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 2019-20 includes the proposed Operating Budget, Multi-Year operating budget, Capital Improvement Program budget, approved adjustments, approved addendums, transfers in and out, adoption of budget controls and financial policies, and

WHEREAS, the effective date of the adopted budget for FY 2019-20 shall be July 1, 2019, 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 2019-20 inclusive of the Mayor's Final Budget Modifications, adjustments, and addendums to be in effect July 1, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

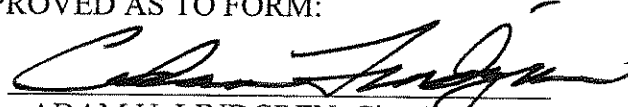
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-305**

**RESOLUTION APPROVING THE MAYOR'S FINAL BUDGET
MODIFICATIONS AS OUTLINED IN THE MAYOR'S FINAL BUDGET
MODIFICATIONS LETTER, THE BUDGET PRINCIPLES, AND THE
OPERATING BUDGET POLICY AS OUTLINED IN THE FISCAL YEAR 2019-
20 FINAL PROPOSED BUDGET**

WHEREAS, as part of the City of Modesto's Final Proposed Budget for FY 2019-2020, the Mayor included his Final Budget Modifications and Budget Principles for the Council's consideration, and

WHEREAS, each year the City Council's Finance Committee makes recommendations regarding the upcoming Fiscal Year Operating Budget and Capital Improvement Program, and

WHEREAS, in the development of the FY 2019-2020 Operating Budget, the Finance Committee reviewed and recommended for City Council consideration the **attached** Proposed Budget, Budget Principles, and Financial Policies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Final Proposed Budget inclusive of the Mayor's Final Budget Modifications, the Budget Principles, and Operating Budget Policy as shown in **Attachments 6 and 7 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 25th day of June, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney



Ted Brandvold, Mayor
City of Modesto
1010 Tenth Street, Suite 6200
Modesto, CA 95354
ted.brandvold@modestocal.gov

Mayor's Final Budget Modifications

May 31, 2019

As Mayor, I have the duty to prepare and deliver to the City Council the Mayor's Final Budget Modifications for the draft budget under Modesto City Charter Section 1303.

Under our City Charter, the Mayor has specific duties related to the budget such as this message.

The one proposed modification I recommend is a result of the valuable Town Hall meeting on the role of the City Auditor recently hosted by the local chapter of the NAACP and organized by its President, Wendy Byrd. As almost the entire City Council was present, I believe you will agree that invaluable input was heard from recently retired Berkeley City Auditor Ann-Marie Hogan and current Sacramento City Auditor Jorge Oseguera. In listening to their remarks at the NAACP forum and in follow-up discussions I had with Ms. Hogan, it became evident that a clear City Council commitment to the Office of the City Auditor is needed for us to attract quality candidates for this Charter office.

Consequently, in order to attract first-rate candidates for the office of City Auditor, I recommend we modestly augment the budget for the Auditor's Office as described below. The augmentation of the Auditor's Office are based on input obtained from retired Berkeley City Auditor Ann-Marie Hogan. For a city with a budget of our size, she recommended an office initially comprised of 3.0 FTEs – (the City Auditor, an additional senior auditor, and one support employee). In addition, she recommended a budgeted amount of \$100,000 for supplemental services. She believed this combination of 3 employees plus a budget for services to supplement the office would help convince candidates for the Charter City Auditor's position that the City Council was supportive of and committed to our Auditor's Office.

I recommend that our 2019-20 budget be modified as needed to secure the items described above. I am happy to report that when the City Manager and I reviewed our current proposed budget, we were very close to the minimums recommended above.

Since our proposed budget already includes 2.0 FTEs and \$101,971 in professional services, we only need to add 1.0 FTE to secure these minimums. The current budget proposal for the 2019-20 budget for the City Auditor was \$350,714. The augmented budget amount to add 1.0 FTE would be about \$100,000.

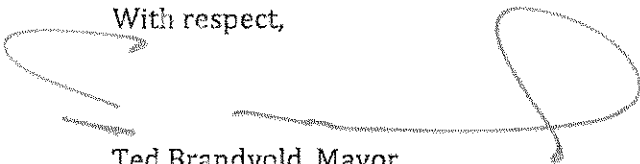
I don't want to minimize the addition of up to \$100,000.00 to the City Auditor's budget, but I do think this is important given what we learned at the NAACP Town Hall meeting. By the standards of our City budget, the increase is modest.

The City Charter requires the Mayor to identify how any additional spending that is recommended will be paid for. I asked the City Manager to develop options for us to consider. He believes given the length of time that recruitment of a new City Auditor will take, it is likely that the full budget amount would not actually be spent in the next fiscal year's budget. By freezing 2.0 of the 3.0 FTEs, he believes this will more accurately reflect the amounts spent in our next fiscal year. He indicates adjustments can be made later as the new Auditor's Office matures.

I am always open to better ideas on how to achieve our goals and will always be happy to receive any input from you: the City Council members entrusted by the citizens and taxpayers with these important decisions. As always, I welcome additional input from City staff, members of the 100-Day Committee, and any other concerned citizen, taxpayer, or group in our community.

I continue to remain confident that by working together, the City Council, our City Manager, all City employees, the 100-Day Committee and all concerned citizens and taxpayers, we can achieve long-term financial sustainability of our City for our taxpayers and for city operations.

With respect,

A handwritten signature in black ink, appearing to read 'Ted Brandvold', written over a horizontal line.

Ted Brandvold, Mayor
City of Modesto

Recommended Budget Principles

1. Annually Adopt a Structurally Balanced Budget

A structurally balanced 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 above 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. 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.

The Mayor shall, on or before January 15 of each year, 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 City Manager shall, on or before February 1 of each year, prepare and deliver to the Mayor and to the Council a Capital and Operating Mid-Year Budget Report for each City Department.

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.

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 thirty (30) 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. 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 Finance Department 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 maintaining a system of budget control to ensure that monies are available and appropriated.

POLICY

Budget Development

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.

Inter-fund Transfers and Loans

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.

Reserves

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 the average of two months of regular General Fund 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 distributed to the Emergency Reserves category.

- 1/3 of the unassigned reserves/carryover will be used to fund pension obligations (i.e. pension trust funding, etc.)
 - 1/3 of the unassigned reserves/carryover will be used 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.

Fund Balance Information Requirements

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)

Budget Adjustment Authority

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)

- 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

Monitoring Performance

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 comprehensive annual financial report (CAFR) 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.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-306**

**RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL
YEAR 2019-20 AS ADOPTED IN THE OPERATING BUDGET**

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 12, 2018, as part of the Annual Budget of the City of Modesto for Fiscal Year 2018-2019, 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 classification, and

WHEREAS, position changes will be effective the pay period in which July 1, 2019 falls, (Pay Period beginning June 25, 2019), 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 2019-20 Operating Budget for various departments as follows:

1. Allocate one (1) Multimedia Designer in the Administration Division (02010) of the City Manager's Office.
2. Eliminate one (1) Legal Secretary II in the City Attorney's Office Division (04010) of the City Attorney's Office.

3. Add one (1) Senior Auditor in the City Auditor Division (06010) of the City Auditor's Office and freeze for one year.
4. Freeze one (1) Auditor II in the City Auditor Division (06010) of the City Auditor's Office for one year.
5. Allocate one (1) Administrative Office Assistant I/II in the Building Safety Division (14210) of the Community and Economic Development Department.
6. Allocate one (1) Building Inspector I/II in the Building Safety Division (14210) of the Community and Economic Development Department.
7. Allocate one (1) Plans Examiner in the Building Safety Division (14210) of the Community and Economic Development Department.
8. Allocate one (1) Executive Assistant in the Administration Division (14110) of the Community and Economic Development Department.
9. Allocate one (1) Storeskeeper in the Central Stores Division (12530) of the Finance Department.
10. Allocate one (1) Senior Buyer in the Central Stores Division (12530) of the Finance Department.
11. Eliminate one (1) Senior Human Resources Analyst in the Administration Division (17210) of the Human Resources Department.
12. Eliminate five (5) Relief Engineers in the Suppression Division (18210) of the Fire Department.
13. Allocate two (2) Maintenance Worker I/II positions in the Operations Services Administration Division (35220) in the Parks, Recreation and Neighborhoods Department.

14. Freeze one (1) Building Inspector II in the Building Safety Division (14210) of the Community and Economic Development Department for three (3) months.
15. Freeze one (1) Business Manager in the Administration Division (14110) of the Community and Economic Development Department for three (3) months.
16. Freeze one (1) Senior Planner in the Planning Division (14410) of the Community and Economic Development Department for three (3) months.
17. Move one (1) Business Manager from the Administration Division (14110) to a newly created Economic Development Division (14180) in the Community and Economic Development Department.
18. Move one (1) Senior Business Analyst from the Administration Division (14110) to a newly created Economic Development Division (14180) in the Community and Economic Development Department.
19. Move one (1) Economic Development Marketing Specialist from the Administration Division (14110) to a newly created Economic Development Division (14180) in the Community and Economic Development Department.
20. Freeze one (1) Financial Analyst II in the Accounting Division (12110) of the Finance Department for one (1) year.
21. Freeze five (5) Relief Engineers in the Suppression Division (18210) of the Fire Department for one (1) year.
22. Freeze three (3) Relief Fire Fighters in the Suppression Division (18210) of the Fire Department for one (1) year.

23. Freeze one (1) Administrative Analyst II in the Administration Division (31010) of the Parks, Recreation and Neighborhoods Department for three (3) months.
24. Freeze one (1) Cultural Services Program Manager in the Historical Properties Division (34110) of the Parks, Recreation and Neighborhoods Department for three (3) months.
25. Allocate one (1) Water Resource Analyst in the Water Quality Division (45055) of the Utilities Department.
26. Allocate one (1) Water Conservation Specialist in the Water Conservation Division (45065) of the Utilities Department.
27. Reallocate one (1) Administrative Office Assistant II to one (1) Administrative Office Assistant III in the Water Services Administration Division (45010) of the Utilities Department.
28. Reallocate one (1) Administrative Office Assistant II to one (1) Administrative Office Assistant III in the Water Conservation Division of the Utilities Department.
29. Reallocate one (1) Administrative Analyst I/II to one (1) Administrative Services Officer in the Administration Division (41010) of the Utilities Department.
30. Eliminate one (1) Water Meter Technician in the Water Service and Meters Division (45060) of the Utilities Department.
31. Eliminate one (1) Utilities Services Worker in the Water System Maintenance Division (45020) of the Utilities Department.

32. Eliminate one (1) Utilities Services Worker in the Water Construction Division (45040) of the Utilities Department.
33. Reallocate three (3) Maintenance Worker II to three (3) Plant Mechanic Trainee in the Jennings Plant Maintenance Division (44314) in the Utilities Department.
34. Reallocate one (1) Maintenance Worker II to one (1) Plant Mechanic Trainee in the Sutter Plant Maintenance Division (44313) in the Utilities Department.
35. Reallocate one (1) Electrical and Instrumentation Technician to one (1) Electrician Crewleader in the Wastewater Electrical Services Division (44410) of the Utilities Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

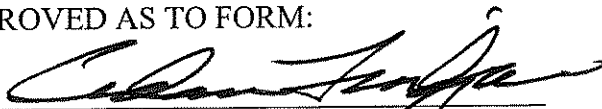
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-307**

**RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE
CITY OF MODESTO TO CREATE THE CLASSIFICATION OF
MULTIMEDIA DESIGNER AND TO DELETE THE CLASSIFICATION
OF ENVIRONMENTAL REVIEW SPECIALIST**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2018-388 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 classifications of Multimedia Designer at salary range 125 and to delete the classification of Environmental Review Specialist.

2. EFFECTIVE DATE. This Resolution shall become effective the pay period in which July 1, 2018 falls, (Pay Period beginning June 25, 2019).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-308**

RESOLUTION CONFIRMING THE FISCAL YEAR 2019-20 DIAGRAM AND 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 23, 2019, by Resolution No. 2019-170, Council declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6 under the provisions of the 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 Annual Engineer's Report, 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 laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of such charges within City of Modesto Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for Fiscal Year 2019-20, 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 2019-20 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 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

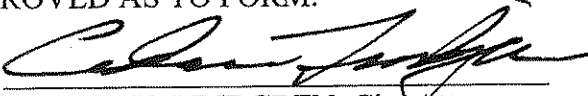
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal, Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney



BATTLEBORO CT

BERESFORD DR

REDFIELD AVE

HIGHMORE LN

DUX AVE

MECHALYS WY

ASHEBORO LN

EFFINGHAM LN

PARKSTON CT

BALFOUR LN

WILMONT LN

SUNBURY CT

ANSWILLE LN

EDENTON WY

CREEKWOOD DR

SCHUYLER WY

MILBANK DR

SALINA DR

SPINDALE DR

PARSONS CT

CHADBURN CT

WADDELL WY

GATESVILLE AVE

LAURENBURG AVE

WILKESBORO AVE

ELLENBORO AVE

DILLINGHAM AVE

CREEDMOOR AVE

CARRBORO LN

GOODLAND CT

LOUISBURG AVE

SHARPSBURG DR

LEAVENWORTH WY

LARNI

CODINGTON WY

LOUISBURG AVE

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**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-309**

RESOLUTION CONFIRMING THE FISCAL YEAR 2019-20 DIAGRAM AND 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 & 2

WHEREAS, on April 23, 2019, by Resolution No. 2019-171, Council declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivisions, and Yosemite Meadows Subdivision Units 1 and 2 under the provisions of 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 allocated cost reports prepared by the Engineer of Work, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS, the City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges, and

WHEREAS, on June 25, 2019 a public hearing was held.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of such charges within City of Modesto

Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivisions, and Yosemite Meadows Subdivision Units 1 and 2 for Fiscal Year 2019-20, 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 2019-20 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 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

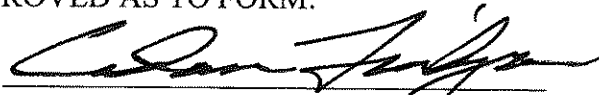
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal, Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-310**

RESOLUTION CONFIRMING THE FISCAL YEAR 2019-20 DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, the City of Modesto by Resolution No. 2019-172, adopted on April 23, 2019, declared its intent to levy charges or assessments 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 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 allocated cost reports prepared by the Engineer of Work, and

WHEREAS, a public hearing was held on June 25, 2019, 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 laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it orders the levy and collection of such charges within City of Modesto Shackelford Landscape and Lighting District for Fiscal Year 2019-20, and in each subsequent fiscal year in which the charges may validly be levied; 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 2019-20 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, **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 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

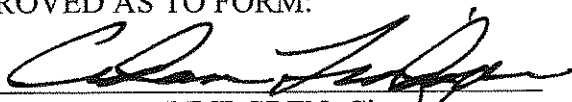
NOES: Councilmembers: None

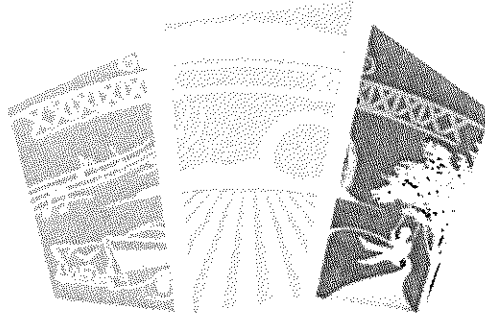
ABSENT: Councilmembers: Grewal, Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney



MODESTO
CALIFORNIA

City of Modesto
SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT
*A Landscape and Lighting District pursuant
to the Landscape and Lighting Act of 1972*

ENGINEER'S ANNUAL REPORT

FISCAL YEAR
JULY 1, 2019 - JUNE 30, 2020



Prepared By:
Jessica Narayan
Community Development Manager

Certified By:
Vickey Dion
City Engineer

Accepted By Motion:
Modesto City Council

4-3-2019

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<u>SECTION</u>	<u>TITLE</u>
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II.	Annual Assessment Review & Summary
III.	Financials – Annual Assessment Revenue & Maintenance Expense Projections
IV.	Maintenance & Plan Specifications
V.	Annual Assessment District Diagram
VI.	Annual Assessment List by Parcel & Property Owner

SECTION I HISTORY

On June 29, 1999, the Shackelford Landscape and Lighting District ("Shackelford LLD") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act") to install and maintain streetlights to deter crime, promote traffic safety, and aid law enforcement officers. All costs for the Shackelford LLD 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, operation, and servicing of the District, including, but not limited to the materials, equipment, labor, and administrative expenses. The following services maintain facilities and improvements provided by the District as a special benefit to the parcel owners within the District; the cost of the services is paid entirely by the assessments levied by the District:

- Payment to local utility company for monthly power costs of energizing street lights in the District
- Payment to local utility company for maintenance of street lights in the District that the utility company owns (usually those lights that are mounted on wooden poles)
- Maintenance provided by the City of Modesto for street lights in the District that are owned by the City of Modesto (usually those lights that are mounted on steel poles)

Upon 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 the Shackelford LLD 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

There are 493 residential parcels within the Shackelford LLD, unless otherwise determined.

B. ANNUAL ASSESSMENTS

Each parcel receives equal benefits from the Shackelford LLD. The annual assessment levied is calculated by dividing the total cost estimate by the total number of parcels within the Shackelford LLD.

The total annual assessment for the Shackelford LLD for Fiscal Year 2019-2020 is \$24,902.70. This is based on the amount needed for Fiscal Year 2019-20 based on projected expenses and fund balance.

C. PROJECTED ANNUAL ASSESSMENT SUMMARY

Residential Annual Assessment – 493 Parcels

\$ 24,902.70	Annual Assessment for Fiscal Year 2019-2020
÷ 493	# of Parcels
<hr/>	
\$ 50.51	Annual assessment per parcel

D. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed 2019-2020 annual assessment for residential parcels has decreased from \$51.85 to \$50.51 per parcel.

SECTION 3 FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

Shackelford LLD Fund 6470		Estimated FY 2018-19 ¹	Proposed FY 2019-20
Beginning Fund Balance		\$ 13,110	\$ 13,274
Revenues (Cost Center 80015)			
	Account		
Special Assessments	47051	\$ 13,869 ²	\$ 24,903 ³
Interest Revenue on Bank Account	48010	\$ 2	
<i>Estimated - Special Assessments</i>		\$ 11,693 ⁴	
Total Revenues		\$ 25,564	\$ 24,903
Expenses (Cost Center 80015)			
	Account		
<i>Operating Budget</i>			
Electricity Utility Expenses	53040	\$ (12,356)	\$ (16,000)
Legal Services	53450	\$ -	\$ (5,000)
Services City Forces - Interfund	54500	\$ (2,944)	\$ (5,848)
<i>Estimated – Electricity Utility Expenses</i>	53040	\$ (4,119)	\$ -
<i>Estimated – Legal Services</i>	53450	\$ (5,000)	\$ -
<i>Estimated - Services City Forces - Interfund</i>	54500	\$ (981)	\$ -
Total Expenses		\$ (25,400)	\$ (26,848)
Ending Fund Balance		\$ 13,274	\$ 11,329 ⁵

¹ The estimated amount shows what has been expended as of 03-28-19. There may be more expenses posted for the fiscal year; these are shown as *Estimated*.

² Actual revenue received for FY 2018-19 tax levy.

³ Proposed levy for FY 2019-20.

⁴ Estimated revenues for second installment of FY 2018-19 tax levy.

⁵ Reserve funding equals 42.209% of Annual Operating Cost (50% is maximum allowable)

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) 524-2330.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



Assessment District Diagram Shackelford Landscape and Lighting District

250 125 0 250
Feet



Date: 3/15/2019



Document Path: K:\Projects\Maintenance\ModVandscape-Shackelford-20190315.mxd

SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

Parcel	Owner	Situs	City State Zip	2019/20 Ast
038-028-001	SERRANO ANTONIO H & SERRANO MARIA G	1328 CROWS LANDING RD	Modesto CA 95351	\$50.51
038-028-002	STILLE JERRY	CROWS LANDING RD	Modesto CA 95358	\$50.51
038-028-003	STILLE JERRY	1328 CROWS LANDING RD	Modesto CA 95351	\$50.51
038-028-004	STILLE JERRY	115 RIO GRANDE AVE	Modesto CA 95351-	\$50.51
038-028-005	GARCIA VALENTIN	119 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-006	CARDENAS JOSE J	123 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-007	RAMIREZ MARIA ELENA	127 RIO GRANDE AVE	Modesto CA 95351-	\$50.51
038-028-008	GARIBAY AUDELIA ET AL	131 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-009	ANDREWS LUKE J & CAROLYN M	201 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-010	OLGUIN RACHEL O TR	205 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-011	YEPEZ EFREN & YEPEZ GUADALUPE OCHOA	209 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-012	MENDOZA EDGAR	213 RIO GRANDE AVE	Modesto CA 95351-	\$50.51
038-028-013	AL-SUMERI FAHMI	217 RIO GRANDE AVE	Modesto CA 95351-	\$50.51
038-028-014	HERRERA MARIA ET AL	221 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-015	AMESCUIA JOSE	225 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-016	CARDENAS JOSE JESUS	229 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-017	BAROCCO DIEGO O GARCIA	301 RIO GRANDE AVE	Modesto CA 95351-	\$50.51
038-028-018	GARZA JOSE R & GARZA ROSA E	305 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-019	ACOSTA ELENA	309 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-020	DIAZ RODRIGO	313 RIO GRANDE AVE	Modesto CA 95351-	\$50.51
038-028-021	CASTILLO NORMA GUADALUPE	317 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-022	VALDEZ-VALENCIA ELENA GUADALUPE	321 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-023	SOSA EFREN M & ANDREA A	1315 SANTA FE AVE	Modesto CA 95351	\$50.51
038-028-024	HO CHINJUI & FAN MINGJEAN TRS	1319 SANTA FE AVE	Modesto CA 95357	\$50.51
038-028-025	MELGOZA JAVIER & ADMA NASDHIRA	1323 SANTA FE AVE	Modesto CA 95351	\$50.51
038-028-026	CASTILLO RAUL & BRAULIA TRS	1327 SANTA FE AVE	Modesto CA 95351	\$50.51
038-028-027	CHEN HSIAO WUW	343 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-028	VARGAS MARIA HERNANDEZ DE ET AL	320 RIO GRANDE AVE	Modesto CA 95354	\$50.51
038-028-029	BEAS MARIANO & MARIA C	318 RIO GRANDE AVE	Modesto CA 95358	\$50.51
038-028-031	ARROYO ISMAEL GARIBY ET AL	306 RIO GRANDE AVE	Modesto CA 95351-	\$50.51
038-028-032	AVILA OCTAVIO S	302 RIO GRANDE AVE	Modesto CA 95355	\$50.51
038-028-033	MARES CARLOS	230 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-034	SANCHEZ JESUS	226 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-035	SPERONI STACEY	222 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-036	AVILES CYNTHIA	218 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-037	GARIBAY ET AL ISMAEL	214 RIO GRANDE AVE	Modesto CA 95351-	\$50.51
038-028-038	TRUJILLO SALOME L & ET UX	210 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-039	AL-SUMERI FAHMI	206 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-040	SANDOVAL CARMEN ET AL	204 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-042	CARUSO SHOPPING CENTER INC	128 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-048	KNIGHT ELIEN FAITH TR	202 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-051	CARUSO SHOPPING CENTER INC	1418 CROWS LANDING RD	Modesto CA 95351	\$50.51
038-028-052	CARDENAS JOSE JESUS	310 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-028-053	CARDENAS JOSE JESUS	316 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-029-001	DUARTE FELIPE B	221 SCHOOL AVE	Modesto CA 95354	\$50.51
038-029-002	CARRILLO JOSE A	225 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-003	GRAGG EUGENE LAROV	229 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-004	HENDRIX SHIRLEY	301 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-005	RODRIGUEZ MARY P	305 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-006	MEZA ISIDRO	309 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-007	BURROWS DELORES I	313 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-008	ALBERTO LUCAS & MODESTA	317 SCHOOL AVE	Modesto CA 95351-	\$50.51
038-029-009	ALBERTO LUCAS & ALBERTO MODESTA	321 SCHOOL AVE	Modesto CA 95351-	\$50.51
038-029-010	SWARTS JACK ODELL TR	325 SCHOOL AVE	Modesto CA 95351	\$50.51

Parcel	Owner	Situs	City State Zip	2019/20 Ast
038-029-011	ANGELES REMIGIO & SANCHEZ DELFINA	329 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-012	JIMENEZ JOSE L & JIMENEZ ESPERANZA G	333 SCHOOL AVE	Modesto CA 95351-	\$50.51
038-029-013	LARA JOSE A & LARA BERTHA A	326 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-014	FIERRO BENJAMIN ET AL	1235 SANTA FE AVE	Modesto CA 95351	\$50.51
038-029-015	GAYLE NOVI L	1237 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-029-016	PENA ARTURO & PENA ARCELIA	1241 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-029-017	JIMENEZ-FUENTES ROGELIO & JIMENEZ SELENE	1245 SANTA FE AVE	Modesto CA 95358-	\$50.51
038-029-018	MODESTO CITY OF	SCHOOL AVE	Modesto CA 95351-	\$50.51
038-029-019	VILLA ROGELIO ET AL	318 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-020	LLAMAS HILDA MARIA	314 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-021	MEZA ISIDRO	310 SCHOOL AVE	Modesto CA 95351-	\$50.51
038-029-022	HOOVER ROBERT S JR TR ET AL	306 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-023	AGUAYO ISMAEL	302 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-024	ORTEGA RODOLFO & LETICIA	226 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-025	GUDINO FRANCISCO & GUDINO GUADALUPE	222 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-026	MODESTO CITY SCHOOL DIST	SCHOOL & BOWIE AVE	Modesto CA	\$50.51
038-029-027	VANKIRK VENGY & ET UX	SCHOOL AVE	Modesto CA 95351-	\$50.51
038-029-028	VANKIRK VENGY V TRS & VANKIRK MARJORIE H	206 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-029	VANKIRK VENGY V TRS & VANKIRK MARJORIE H	202 SCHOOL AVE	Modesto CA 95351-	\$50.51
038-029-030	VANKIRK BLONDELL TR	128 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-033	AGUILERA CONNIE HEIRS OF	116 SCHOOL AVE	Modesto CA 95351	\$50.51
038-029-034	VIK DAVINDER S & SARBNT TRS	1230 CROWS LANDING RD	Modesto CA 95351	\$50.51
038-029-035	GARCIA JOSE & SOFIA TRS	1238 CROWS LANDING RD	Modesto CA 95351	\$50.51
038-029-036	SERRANO VICTOR M TR	1246 CROWS LANDING RD	Modesto CA 95351	\$50.51
038-029-037	MARTIN WILLIAM R TRS & MARTIN JUDITH L	117 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-038	MARTIN WILLIAM R TRS & MARTIN JUDITH	BAROZZI AVE	Modesto CA	\$50.51
038-029-039	GARIBAY MARIA DE JESUS	125 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-040	GARCIA ROBERTO P ET AL	129 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-041	ARNETT SANDRA JEAN ET AL	201 BAROZZI AVE	Modesto CA 95361	\$50.51
038-029-042	TORRES SIXTO A & GALVAN OFELIA FLORES	205 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-043	HERNANDEZ ASCENCION & LUCIA	209 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-044	CASTILLO ALMA	213 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-045	MADRIGAL UBALDO ADAM	221 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-046	DIAZ RODRIGO	225 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-047	BARAJAS JOSE & BARAJAS MARIA	229 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-048	JIMENEZ ANTONIO F & JIMENEZ TERESA F	301 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-049	PULIDO JOSE G ET AL	305 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-050	ACEVES ANGEL & ELVA TRS	309 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-051	LOPEZ NESTOR	313 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-052	CASTILLO GUSTAVO DIAZ	317 BAROZZI AVE	Modesto CA 95351-	\$50.51
038-029-053	GARIBAY ISMAEL	321 BAROZZI AVE	Modesto CA 95351-	\$50.51
038-029-054	MARTINEZ ANTONIO & MARTINEZ GEORGINA M	1305 SANTA FE AVE	Modesto CA 95351	\$50.51
038-029-055	CALDERON LUIS ET AL	1309 SANTA FE AVE	Modesto CA 95354	\$50.51
038-029-056	PEREZ LETICIA M	322 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-057	MARTINEZ SALVADOR & MARTHA	318 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-058	BRIBENO JOSE & CAMACHO MIREYA SOSA	314 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-059	GALVAN LUIS & MARIA ANGELICA	310 BAROZZI AVE	Modesto CA 95350	\$50.51
038-029-060	CALDERON MANUEL ET AL	306 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-061	GOODRICH PATRICIA A	302 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-062	LOPEZ NICOLAS	230 BAROZZI AVE	Modesto CA 95351-	\$50.51
038-029-063	GARCIA FELIPE D & GARCIA CHRISTINA	226 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-064	GARCIA MARIO A & GARCIA MARY G	222 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-065	JIMENEZ PETRA	218 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-066	SOTO RAUL	214 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-067	MORENO MARTIN DE SANTIAGO & MARISOL	210 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-068	JAUREGUI JESUS	206 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-069	ALVARADO SALVADOR & ALVARADO MARIA E	202 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-070	NELSON MARY E ET AL	128 BAROZZI AVE	Modesto CA 95351	\$50.51

Parcel	Owner	Situs	City State Zip	2019/20 Ast
038-029-071	MARTIN JUDITH L TR	BAROZZI AVE	Modesto CA	\$50.51
038-029-072	GARCIA GIOVANNI	120 BAROZZI AVE	Modesto CA	\$50.51
038-029-073	ESPINDOLA ROSARIO T	116 BAROZZI AVE	Modesto CA 95351	\$50.51
038-029-074	FELIX RAFAELA	1304 CROWS LANDING RD	Modesto CA 95350-	\$50.51
038-029-075	FELIX RAFAELA	1312 CROWS LANDING RD	Modesto CA 95351	\$50.51
038-029-076	TAYLOR BENNIE W JR ET AL	120 SCHOOL AVE	Modesto CA 95351	\$50.51
038-030-001	EL DORADO MARKET INC	1104 CROWS LANDING RD	Modesto CA 95358	\$50.51
038-030-002	CH SET FREE CHRISTIAN FELLOWSH	110 EL PASO AVE	Modesto CA 95351	\$50.51
038-030-003	EL DORADO MARKET INC	1108 CROWS LANDING RD	Modesto CA 95351	\$50.51
038-030-004	MODESTO CITY SCHOOLS	EL PASO AVE	Modesto CA 95351-	\$50.51
038-030-005	MODESTO CITY SCHOOLS	116 EL PASO AVE	Modesto CA 95351-	\$50.51
038-030-006	MODESTO CITY SCHOOLS	120 EL PASO AVE	Modesto CA 95351	\$50.51
038-030-007	CH GOD OF	124 EL PASO AVE	Modesto CA 95351-	\$50.51
038-030-010	BECCERRA REFUGIO & ARMAS BENIGNA	208 EL PASO AVE	Modesto CA 95358-	\$50.51
038-030-011	BECCERRA REFUGIO E & ARMAS BENIGNA	212 EL PASO AVE	Modesto CA 95351	\$50.51
038-030-013	GALVAN ROBERTO	228 EL PASO AVE	Modesto CA 95351	\$50.51
038-030-015	RIOS HENRY V & RIOS LYDIA F	304 EL PASO AVE	Modesto CA 95351-	\$50.51
038-030-016	CARDENAS VIDAL & CARDENAS SOCORRO	308 EL PASO AVE	Modesto CA 95351	\$50.51
038-030-017	MUNOZ CRISOFORO R	312 EL PASO AVE	Modesto CA 95351	\$50.51
038-030-018	GARCIA FRANCISCO J	316 EL PASO AVE	Modesto CA 95350-	\$50.51
038-030-019	BONALES GABRIEL	320 EL PASO AVE	Modesto CA 95351	\$50.51
038-030-021	CAMARCO LAURA A ET AL	1113 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-030-022	SALDANA JUAN DE LEON & HILDA DE LEON	329 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-023	SHERMAN DAVID H TR	325 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-024	MORENO CARLOS & EVANGELINA TRS	321 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-025	ARELLANO CONSUELO	317 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-026	LUNA JOSE GUADALUPE JR	313 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-027	MURILLO SUSANA	309 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-028	GOMEZ REFUGIO	305 CROCKETT AVE	Modesto CA 95351-	\$50.51
038-030-029	VENEGAS-ZENDEJAS EVANGELINA	301 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-030	MURILLO SUSANA	293 CROCKETT AVE	Modesto CA 95351-	\$50.51
038-030-031	MECCA DIANE MARIA TR	229 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-032	CARRERA ZOHIO LOPEZ & IRMA LETICIA TRS	225 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-033	TAH 2015-1 BORROWER LLC	1120 BOWIE AVE	Modesto CA 95351	\$50.51
038-030-034	PANIAGUA RUPERTO ZEPEDA	220 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-035	NAVARRO FRANCISCO & NAVARRO ROSA O	224 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-036	LUNA JESUS	228 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-037	LUNA FRANCISCO ET AL	232 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-038	LUNA JUAN I & ET UX	300 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-039	KINGSTON PATTI CAINE ET AL	304 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-040	LUNA CARLOS	308 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-041	LUNA CARLOS & LUNA LETICIA	312 CROCKETT AVE	Modesto CA 95351-	\$50.51
038-030-042	GONZALEZ MANUEL	316 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-043	MEDINA HERIBERTO	320 CROCKETT AVE	Modesto CA 95351	\$50.51
038-030-044	SOSA GEORGE ALEJANDRO	1211 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-030-046	GARZA ROSA ANGELICA	232 EL PASO AVE	Modesto CA 95351	\$50.51
038-030-047	LINARES FELIPE P & LINARES MARTHA A	300 EL PASO AVE	Modesto CA 95351	\$50.51
038-030-048	CH GOD OF	200 EL PASO AVE	Modesto CA 95351	\$50.51
038-030-049	ROMERO ROSALVA L	220 EL PASO AVE	Modesto CA 95351	\$50.51
038-030-050	PARSONS JOSEPH J TR	224 EL PASO AVE	Modesto CA 95351-	\$50.51
038-030-051	REYES JOSE G	326 EL PASO AVE	Modesto CA 95351	\$50.51
038-030-052	MELGOZA CRISTOBAL & ANITA	328 EL PASO AVE	Modesto CA 95351	\$50.51
038-031-001	RAMIREZ FERNANDO	930 CROWS LANDING RD	Modesto CA 95351	\$50.51
038-031-002	RAMIREZ FERNANDO	938 CROWS LANDING RD	Modesto CA 95351-	\$50.51
038-031-003	AGUILERA SALVADOR	117 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-004	MENDEZ LOURDES	125 PUEBLO AVE	Modesto CA 95351-	\$50.51
038-031-005	FONG CARLOS ALBERTO URENA	129 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-006	VALLE XAVIER	201 PUEBLO AVE	Modesto CA 95351	\$50.51

Parcel	Owner	Situs	City State Zip	2019/20 Ast
038-031-007	PADILLA FRANCISCO C & PADILLA MARIA E	205 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-008	RODRIGUEZ RUBEN GARZA & ROSEMARY	209 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-009	GARCIA IRMA	213 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-010	CHAVEZ JOEL C	217 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-012	GOOLSBY WAYNE R HEIRS OF	229 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-013	INGUEZ JORGE S ET AL	233 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-014	GALVAN MARIA ANGELICA	303 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-015	FRANCO JOSE A & FRANCO MORTENCIA P	305 PUEBLO	Modesto CA 95351	\$50.51
038-031-016	SALGADO REFUGIO ET AL	309 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-017	LEW JOE	313 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-018	MERIWETHER SANDY Y	317 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-019	GUZMAN JULIAN M & MOTA-GUZMAN DELIA	321 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-020	ESPINOZA LAZARO ET AL	325 PUEBLO AVE	Modesto CA 95351-	\$50.51
038-031-021	TORRES MARGARITO M	921 SANTA FE AVE	Modesto CA 95351	\$50.51
038-031-022	ACAIBON ANGELA M QUINTEROS ET AL TRS	1007 SANTA FE AVE	Modesto CA 95351	\$50.51
038-031-023	GILMORE DANIEL	324 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-024	MENDOZA ENRIQUE T & MENDOZA IRMA A	320 PUEBLO AVE	Modesto CA 95355	\$50.51
038-031-025	CARDENAS JESUS TRS ET AL	316 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-026	FUNK MARIA	312 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-027	ROBBINS JAMES P & ROBBINS PATRICIA C	308 PUEBLO AVE	Modesto CA 95351-	\$50.51
038-031-028	CASTRO RAYMOND & CASTRO MARTHA E	304 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-029	GALVAN JOSE LUIS & SOLEDAD	300 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-030	SIGALA STEVE & TERESA	232 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-031	BLEVINS RALPH D & JACQUELINE E	228 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-032	HERNANDEZ RENE	224 PUEBLO AVE	Modesto CA 95351-	\$50.51
038-031-033	RAI GURJEET S & JASPREET K	220 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-034	RAI GURJEET S & JASPREET K	1010 BOWIE AVE	Modesto CA 95351	\$50.51
038-031-035	CABRERA AGUSTIN	212 PUEBLO AVE	Modesto CA 95351-	\$50.51
038-031-036	SIGALA STEVE & TERESA	208 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-037	MADRIGAL RAFAELA	204 PUEBLO AVE	Modesto CA 95351-	\$50.51
038-031-038	OCHOA JOSE LUIS	200 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-039	LARA CONSUELO M	128 PUEBLO AVE	Modesto CA 95351-	\$50.51
038-031-040	AL-SUMERI FAHMI	124 PUEBLO AVE	Modesto CA 95351-	\$50.51
038-031-041	DEA BILLY & FRANCES Y	120 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-042	WOODMAN BEN A & WODMAN TANIA L	116 PUEBLO AVE	Modesto CA 95351-	\$50.51
038-031-045	GUAJARDO HECTOR	1010 CROWS LANDING RD	Modesto CA 95351	\$50.51
038-031-046	GUAJARDO HECTOR	1014 CROWS LANDING RD	Modesto CA 95358	\$50.51
038-031-047	PORRAS SIXTO	1024 CROWS LANDING RD	Modesto CA 95351-	\$50.51
038-031-048	LOZANO SANDRA LUZ SUAREZ	117 EL PASO AVE	Modesto CA 95358	\$50.51
038-031-049	FLORES MIGUEL ANGEL	121 EL PASO AVE	Modesto CA 95351	\$50.51
038-031-050	REYNOSO JORGE	125 EL PASO AVE	Modesto CA 95351	\$50.51
038-031-051	CENTENO MARIA	129 EL PASO AVE	Modesto CA 95351-	\$50.51
038-031-052	ORTEGA GILBERTO H & ORTEGA FRANCISCA	201 EL PASO AVE	Modesto CA 95351-	\$50.51
038-031-053	ORTEGA GILBERTO H & ORTEGA FRANCISCA Z	205 EL PASO AVE	Modesto CA 95351	\$50.51
038-031-054	BETTENCOURT LULA JENE	209 EL PASO AVE	Modesto CA 95351	\$50.51
038-031-055	MENDEZ LOURDES	213 EL PASO AVE	Modesto CA 95351	\$50.51
038-031-056	YEFREMENKO ALEKSANDR	221 EL PASO AVE	Modesto CA 95351-	\$50.51
038-031-057	LOTT ROBERT LYNDELL & BETTY ROSEMARY	225 EL PASO AVE	Modesto CA 95351-	\$50.51
038-031-058	GONZALEZ ROSA TERESITA COYT	229 EL PASO AVE	Modesto CA 95351	\$50.51
038-031-059	GONZALEZ ROSA TERESITA COYT	233 EL PASO AVE	Modesto CA 95351	\$50.51
038-031-060	GARZA JUAN P ET AL	301 EL PASO AVE	Modesto CA 95351	\$50.51
038-031-061	GARZA JOAQUIN J JR & GARZA GRACIELA	305 EL PASO AVE	Modesto CA 95351	\$50.51
038-031-062	GARZA JOSE ROBERTO & GARZA ROSA E	309 EL PASO AVE	Modesto CA 95351	\$50.51
038-031-063	MENDEZ LOURDES	313 EL PASO AVE	Modesto CA 95351	\$50.51
038-031-064	GARZA JOSE ROBERTO & ROSA E	317 EL PASO AVE	Modesto CA 95351-	\$50.51
038-031-065	GARZA JOSE R & GARZA ROSA E	321 EL PASO AVE	Modesto CA 95351	\$50.51
038-031-066	GOMEZ JUSTINO	325 EL PASO AVE	Modesto CA 95351-	\$50.51
038-031-067	GOMEZ JUSTINO & GOMEZ MARTINA	1019 SANTA FE AVE	Modesto CA 95351-	\$50.51

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038-031-068	JIB DICKENS INVESTMENTS LLC	1002 CROWS LANDING RD	Modesto CA 95351	\$50.51
038-031-069	JOHNSON DAVID J & JOHNSON LAVELDA C	221 PUEBLO AVE	Modesto CA 95351	\$50.51
038-031-070	CASTILLO RUBEN & CASTILLO M MAGDALENA	225 PUEBLO AVE	Modesto CA 95351	\$50.51
038-032-002	MENDOZA ROBERTO & LIVIER	924 CROWS LANDING RD	Modesto CA 95351-	\$50.51
038-032-003	GORDO BRUCE ANTHONY	132 PECOS AVE	Modesto CA 95351-	\$50.51
038-032-004	GARCIA FERNANDO	208 PECOS AVE	Modesto CA 95351	\$50.51
038-032-006	CORTEZ EDDIE T	101 RITA CT	Modesto CA 95351	\$50.51
038-032-007	CORTEZ EDDIE T	105 RITA CT	Modesto CA 95351-	\$50.51
038-032-008	ZENDEJAS VALENTIN LUNA	109 RITA CT	Modesto CA 95351	\$50.51
038-032-009	INIGUEZ BERNABE ET AL	113 RITA CT	Modesto CA 95351-	\$50.51
038-032-010	INIGUEZ ISMAEL & INIGUEZ MARIA G	117 RITA CT	Modesto CA 95351	\$50.51
038-032-011	ASCENCIO MARTIN G ET AL	122 RITA CT	Modesto CA 95351	\$50.51
038-032-012	AVILA MIGUEL	118 RITA CT	Modesto CA 95351	\$50.51
038-032-013	BRIONES GUADALUPE	114 RITA CT	Modesto CA 95351	\$50.51
038-032-014	YOUNG RUTH	110 RITA CT	Modesto CA 95351	\$50.51
038-032-015	CERVANTES JUANA LAURA ROSAS	105 RITA CT	Modesto CA 95351	\$50.51
038-032-016	INIGUEZ BERNABE ET AL	102 RITA CT	Modesto CA 95351	\$50.51
038-032-018	ZAYALA-PATINO DALILA	109 LITA CT	Modesto CA 95351	\$50.51
038-032-019	TANAKA TAD TADASHI TRS & TANAKA EVA WONG	113 LITA CT	Modesto CA 95351-	\$50.51
038-032-020	GUERRERO JESSICA GARCIA ET AL	117 LITA CT	Modesto CA 95351	\$50.51
038-032-021	FLORES PEDRO & ET UX	122 LITA CT	Modesto CA 95351	\$50.51
038-032-022	MALDONADO VERA MARIO F	118 LITA CT	Modesto CA 95351-	\$50.51
038-032-023	FERNANDEZ JESUS M	114 LITA CT	Modesto CA 95351-	\$50.51
038-032-024	TANAKA TAD TADASHI TRS & TANAKA EVA WONG	110 LITA CT	Modesto CA 95351	\$50.51
038-032-027	SIGALA STEVE	913 SANTA FE AVE	Modesto CA 95351	\$50.51
038-032-028	RIDER TARA LOUISE	917 SANTA FE AVE	Modesto CA 95351	\$50.51
038-032-031	WONG ERNEST H & KLOCKO ANNE L TRS	106 LITA CT	Modesto CA 95351	\$50.51
038-032-032	SAMRA GURMIT	105 LITA CT	Modesto CA 95351-	\$50.51
038-032-033	PENALOSA FRANCISCO M	220 PECOS AVE	Modesto CA 95351	\$50.51
038-032-034	SOLORIO DANIEL SR & SOLORIO SHERRY A	214 PECOS AVE	Modesto CA 95351	\$50.51
038-032-036	GARCIA MARIANO & GARCIA ELVA	328 PECOS AVE	Modesto CA 95351-	\$50.51
038-032-037	VALENCIA HUMBERTA M	909 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-032-039	MENDOZA ROBERTO & LIVIER	900 CROWS LANDING RD	Modesto CA 95358	\$50.51
038-032-040	CITY OF MODESTO	PECOS AVE	Modesto CA 95358	\$50.51
038-033-003	MENDOZA ROBERTO & LIVIER	105 PECOS AVE	Modesto CA 95351-	\$50.51
038-033-004	MENDOZA ROBERTO & LIVIER	121 PECOS AVE	Modesto CA 95351	\$50.51
038-033-005	SUMPTER HENRY C III	127 PECOS AVE	Modesto CA 95351	\$50.51
038-033-006	NAVARRO RAMON H & JUSTINE	201 PECOS AVE	Modesto CA 95351	\$50.51
038-033-007	TUCKER KRISTY	209 PECOS AVE	Modesto CA 95351	\$50.51
038-033-008	CORTEZ EDY	215 PECOS AVE	Modesto CA 95351	\$50.51
038-033-009	GILMORE DANIEL A	225 PECOS AVE	Modesto CA 95351	\$50.51
038-033-011	MENDOZA ROBERTO & LIVIER	109 PECOS RD	Modesto CA	\$50.51
038-033-012	MENDOZA ROBERTO & LIVIER	854 CROWS LANDING RD	Modesto CA 95351	\$50.51
038-035-002	RIVERA CONSUELO B	912 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-035-003	DUONG SUNSHINE & WEBB NICHOLAS E	918 SANTA FE AVE	Modesto CA 95351	\$50.51
038-035-004	LOPEZ MARTIN & PATRICIA	920 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-035-005	VILLA ROGELIO JR	924 SANTA FE AVE	Modesto CA 95354	\$50.51
038-035-006	KAUR PARMINDER	928 SANTA FE AVE	Modesto CA 95351	\$50.51
038-035-007	MARTINEZ JOSE MARTIN BARAJAS	932 SANTA FE AVE	Modesto CA 95351	\$50.51
038-035-008	BRINKMAN LOUAIN TR	936 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-035-009	DEL VALLE ROCIO	1002 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-035-010	PALOMARES JESUS HECTOR	1006 SANTA FE AVE	Modesto CA 95351	\$50.51
038-035-011	CORTES EUGENIO & ESPINO DE CORTES GUILLERMINA	1010 SANTA FE AVE	Modesto CA 95351	\$50.51
038-035-012	KEM SOKHOM & VANTHA TRS	1014 SANTA FE AVE	Modesto CA 95351	\$50.51
038-035-015	CASTILLO ANGELA ESTER	1028 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-035-016	SANCHEZ ARMANDO RAMIREZ	1029 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-017	HUERTA MARTHA	1023 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-018	HERNANDEZ MARIA G ET AL	1019 ALAMO AVE	Modesto CA 95351	\$50.51

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038-035-019	MURILLO GUILLERMINA	1015 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-020	MANZO ANTONIO	1011 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-021	TOVAR MANUEL & ROSIE	1007 ALAMO AVE	Modesto CA 95351-	\$50.51
038-035-022	HERNANDEZ MANUEL & HERNANDEZ MARIA	1001 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-023	PIÑA FRANCISCO REYES	937 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-024	GIL RICARDO	933 ALAMO AVE	Modesto CA 95351-	\$50.51
038-035-025	SHARMA RAHV & MRIDULA	929 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-026	ESCALANTE OSCAR	925 ALAMO AVE	Modesto CA 95351-	\$50.51
038-035-027	DE LA TORRE MIGUEL ET AL	921 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-028	PADILLA JAIME & ROSE FONSECA DE	917 ALAMO AVE	Modesto CA 95351-	\$50.51
038-035-029	VELASQUEZ ERIK NEVAREZ	913 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-030	HERNANDEZ ANTONIO & GUADALUPE	412 PECOS AVE	Modesto CA 95351	\$50.51
038-035-032	ANGLIN JAMES JR & ET UX	916 ALAMO AVE	Modesto CA 95351-	\$50.51
038-035-033	ANGLIN JAMES R & ANGLIN ALETA M	920 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-034	ANGLIN JAMES JR & ET UX	924 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-035	TOOR ARVINDER KAUR	928 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-036	GARCIA RAMON & ET UX	932 ALAMO AVE	Modesto CA 95351-	\$50.51
038-035-037	AGUILAR JOSE P & ENDELIA	936 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-038	JAUREGUI ANTONIO	1002 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-039	OLVERA EMETERIO & ET UX	1006 ALAMO AVE	Modesto CA 95351-	\$50.51
038-035-040	KAUR MANJIT	1010 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-041	CHAVEZ MANUEL G & ET UX	1014 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-042	BARRAGAN JOHN J & LETICIA R	1018 ALAMO AVE	Modesto CA 95351-	\$50.51
038-035-043	GOMEZ LETICIA ET AL	1024 ALAMO AVE	Modesto CA 95351-	\$50.51
038-035-044	SANTANA ELSA	505 EL PASO AVE	Modesto CA 95351-	\$50.51
038-035-045	VASQUEZ ALFREDO & ET UX	1029 BOULDER AVE	Modesto CA 95351-	\$50.51
038-035-046	SANCHEZ FRANCISCO & HUERTA MARIA ISABEL	1025 BOULDER AVE	Modesto CA 95351	\$50.51
038-035-047	KEM SOKHOM & VANTHA TRS	1021 BOULDER AVE	Modesto CA 95351-	\$50.51
038-035-048	CALDERSON PEDRO OMAR R JR	1019 BOULDER AVE	Modesto CA 95351-	\$50.51
038-035-049	TORRES JOSE	1017 BOULDER AVE	Modesto CA 95351	\$50.51
038-035-050	RAMIREZ AGUSTIN JR	1007 BOULDER AVE	Modesto CA 95351	\$50.51
038-035-051	NAVARRETE JAVIER	1005 BOULDER AVE	Modesto CA 95351-	\$50.51
038-035-052	SALDANA HILARIO	1001 BOULDER AVE	Modesto CA 95351	\$50.51
038-035-053	GARZA JULIO ESTEBAN	935 BOULDER AVE	Modesto CA 95351	\$50.51
038-035-054	GARZA JOAQUIN JR	931 MAIN ST	Modesto CA 95351-	\$50.51
038-035-055	JONES RICHARD J	927 MAIN ST	Modesto CA 95351	\$50.51
038-035-056	SANCHEZ ANTONIO R & SANCHEZ MARIA	923 MAIN ST	Modesto CA 95351	\$50.51
038-035-057	PERKINS STEVEN A & ELSY E TRS	919 MAIN ST	Modesto CA 95351	\$50.51
038-035-058	ALEMAN MARIA HEIRS OF ET AL	1026 BOULDER AVE	Modesto CA 95351	\$50.51
038-035-059	BURRELL JOSEPHINE THOMPSON TR	530 PECOS	Modesto CA 95351	\$50.51
038-035-062	GONZALES DAVID	512 ALAMO AVE	Modesto CA 95351	\$50.51
038-035-063	BELTRAN AMPARO TR	508 SANTA FE	Modesto CA 95351	\$50.51
038-035-064	MONTES GUADALUPE C	1018 SANTA FE AVE	Modesto CA 95351	\$50.51
038-036-001	GOMEZ JUSTINO & GOMEZ MARTINA	1104 SANTA FE AVE	Modesto CA	\$50.51
038-036-002	MULLINS GUY E JR	1106 SANTA FE AVE	Modesto CA 95351	\$50.51
038-036-003	MACIEL BENJAMIN & MARISELA JIMENEZ	1110 SANTA FE AVE	Modesto CA 95358	\$50.51
038-036-004	GOMEZ JUSTINO & GOMEZ MARTINA	1114 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-036-005	GOMEZ JUSTINO & GOMEZ MARTINA	1118 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-036-006	ALEMAN ARMANDO ET AL	1124 SANTA FE AVE	Modesto CA 95351	\$50.51
038-036-007	ARREGUIN PABLO & ARREGUIN ESTHER	405 BROADWAY AVE	Modesto CA 95351	\$50.51
038-036-008	MOYA-NAVARRO IGNACIO & GUTIERREZ-DE MOYA TERESITA	409 BROADWAY AVE	Modesto CA 95351-	\$50.51
038-036-009	GILL HARJINDER	413 BROADWAY AVE	Modesto CA 95351	\$50.51
038-036-010	FLORES JORGE LUIS ET AL	417 BROADWAY AVE	Modesto CA 95351	\$50.51
038-036-012	RAMIREZ MARIA DEL REFUGIO GARZA DE	1117 ALAMO AVE	Modesto CA 95351	\$50.51
038-036-013	SIGALA STEVE	1113 ALAMO AVE	Modesto CA 95351	\$50.51
038-036-014	LOPEZ MARIBEL PEREZ	1109 ALAMO AVE	Modesto CA 95351-	\$50.51
038-036-015	GOMEZ JUSTINO	1105 ALAMO AVE	Modesto CA 95358	\$50.51
038-036-016	MULLINS GUY III	1101 ALAMO AVE	Modesto CA 95351	\$50.51

Parcel	Owner	Situs	City State Zip	2019/20 Ast
038-036-017	GARCIA RICARDO	1102 ALAMO AVE	Modesto CA 95351	\$50.51
038-036-018	ALVARA GONZALO & MARISELA	1106 ALAMO AVE	Modesto CA 95351	\$50.51
038-036-019	LOPEZ FRANCISCO M & DELIA T TRS	1110 ALAMO AVE	Modesto CA 95351	\$50.51
038-036-020	ARROYO RAFAEL & ALMA PATRICIA	1114 ALAMO AVE	Modesto CA 95351	\$50.51
038-036-021	TELLECHEA RUBEN & DAHLIA	1118 ALAMO AVE	Modesto CA 95351	\$50.51
038-036-022	GOMEZ ESTELA A	501 BROADWAY AVE	Modesto CA 95351	\$50.51
038-036-023	SOUZA DAWN ET AL TRS	505 BROADWAY AVE	Modesto CA 95351-	\$50.51
038-036-024	GARCIA JUAN M & BLAKE ALMA D	507 BROADWAY AVE	Modesto CA 95351	\$50.51
038-036-025	PADILLA ANGEL GAIL ET AL	509 BROADWAY AVE	Modesto CA 95358	\$50.51
038-036-026	MENDOZA AGUSTIN	517 BROADWAY AVE	Modesto CA 95351	\$50.51
038-036-027	SHAIBI YEHIA AHMED QASSEM & KASSIM FATIMA TRS	1125 BOULDER AVE	Modesto CA 95351	\$50.51
038-036-028	WALLACE DANNY L & WALLACE ESTHER G	1119 BOULDER AVE	Modesto CA 95351	\$50.51
038-036-029	GROKHOLSKY YAKOV	1113 BOULDER AVE	Modesto CA 95351	\$50.51
038-036-030	AMADOR OLIVER RAY	1109 BOULDER AVE	Modesto CA 95351	\$50.51
038-036-031	ORTEGA MARIA	1105 BOULDER AVE	Modesto CA 95351	\$50.51
038-036-032	CHRISTIANSEN JON FREDERICK	1101 BOULDER AVE	Modesto CA 95351-	\$50.51
038-036-033	SHAIBI YEHIA AHMED QASSEM & KASSIM FATIMA TRS	602 EL PASO AVE	Modesto CA 95351-	\$50.51
038-036-034	GROKHOLSKY YURY	1114 BOULDER AVE	Modesto CA 95351	\$50.51
038-036-035	ZABALZA RUBEN JR	1118 BOULDER AVE	Modesto CA 95351	\$50.51
038-036-036	SOLANO MIGUEL ANGEL LOPEZ	601 BROADWAY AVE	Modesto CA 95351-	\$50.51
038-036-037	CRISANTOS FERNANDA ALVAREZ	605 BROADWAY AVE	Modesto CA 95350	\$50.51
038-036-038	SHAIBI YEHIA AHMED QASSEM & KASSIM FATIMA TRS	613 BROADWAY AVE	Modesto CA 95351-	\$50.51
038-036-039	AZEVEDO DANIEL ROBERT ET AL	1117 MAIN ST	Modesto CA 95351	\$50.51
038-036-040	WILSON CLIFFORD & WILSON LILA P	1113 MAIN ST	Modesto CA 95351	\$50.51
038-036-041	OLVERA DAVID R ET AL	606 EL PASO AVE	Modesto CA 95351	\$50.51
038-036-042	AGUILAR ENDELIA ET AL	425 BROADWAY AVE	Modesto CA 95351-	\$50.51
038-036-043	LEDEZMA LOURDES	421 BROADWAY AVE	Modesto CA 95351	\$50.51
038-037-001	EL BUEN SAMARITANO ASEMBLEAS DE DIOS	521 RIO GRANDE AVE	Modesto CA 95351-	\$50.51
038-037-004	ARGUETA MERCEDES DELAPAZ	1329 BOULDER AVE	Modesto CA	\$50.51
038-037-005	VASQUEZ JOSEF	1325 BOULDER AVE	Modesto CA 95351	\$50.51
038-037-006	LOPEZ ENRIQUETA P & ANTONIO	1321 BOULDER AVE	Modesto CA 95351	\$50.51
038-037-007	VASQUEZ JOSEF A	1317 BOULDER AVE	Modesto CA 95351	\$50.51
038-037-008	AVILA MIGUEL A	1313 BOULDER AVE	Modesto CA 95351	\$50.51
038-037-009	GUTIERREZ GUADALUPE	1309 BOULDER AVE	Modesto CA 95358-	\$50.51
038-037-010	PEREZ VICENTE & EVANGELINA	1305 BOULDER AVE	Modesto CA 95351	\$50.51
038-037-011	GONZALEZ YOLANDA V	1301 BOULDER AVE	Modesto CA 95351-	\$50.51
038-037-012	ROMERO ADRIAN	1245 BOULDER AVE	Modesto CA 95351	\$50.51
038-037-013	GOMEZ LUIS SR & GOMEZ JUANA	1241 BOULDER AVE	Modesto CA 95351	\$50.51
038-037-014	GARZA JOAQUIN JR	1237 BOULDER AVE	Modesto CA 95351	\$50.51
038-037-015	ASCENCIO MIGUEL G & ASCENCIO HERMELINDA F	1233 BOULDER AVE	Modesto CA 95351	\$50.51
038-037-016	KAUR MANJIT	1229 BOULDER AVE	Modesto CA 95351	\$50.51
038-037-017	RAMIREZ JULIA GARZA ET AL	1225 BOULDER AVE	Modesto CA 95351	\$50.51
038-037-018	DUONG SUNSHINE NHU & WEBB NICHOLAS E	1221 BOULDER AVE	Modesto CA 95351	\$50.51
038-037-019	MAI MICHAEL	1217 BOULDER AVE	Modesto CA 95351	\$50.51
038-037-020	CONTRERAS RICARDO	526 BROADWAY AVE	Modesto CA 95351	\$50.51
038-037-021	PEREZ EMIGDLO SILVA	522 BROADWAY AVE	Modesto CA 95351	\$50.51
038-037-022	GARCIA MARIBEL	518 BROADWAY AVE	Modesto CA 95351	\$50.51
038-037-023	GALVAN ROBERTO & GALVAN EMMA	514 BROADWAY AVE	Modesto CA 95351	\$50.51
038-037-024	ALSUMERI FAHMI	510 BROADWAY AVE	Modesto CA 95351	\$50.51
038-037-028	MODESTO CITY OF	ALAMO AVE	Modesto CA 95351	\$50.51
038-037-029	GALVAN ROBERTO & EMMA	1226 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-032	VILLA ROGELIO JR	1234 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-033	PELAYO OSCAR	1238 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-034	PELAYO OSCAR	1242 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-035	LOPEZ VICTORIANO A & ET UX	1246 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-036	PEREZ AURELIO & PEREZ MARIA ROCIO	1302 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-037	PELAYO ARTURO & PELAYO EDELMIRA S	1306 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-038	ESTRADA MARIA ELENA	1310 ALAMO AVE	Modesto CA 95351	\$50.51

Parcel	Owner	Situs	City State Zip	2019/20 Ast
038-037-039	VASQUEZ APOLINAR	1316 ALAMO AVE	Modesto CA 95351-	\$50.51
038-037-040	OSUNA ANTONIO V HEIRS OF	1318 ALAMO AVE	Modesto CA 95351-	\$50.51
038-037-041	OSUNA ISIDRA	1322 ALAMO AVE	Modesto CA 95350	\$50.51
038-037-042	RIOS HENRY V & RIOS LYDIA F	1326 ALAMO AVE	Modesto CA 95351-	\$50.51
038-037-043	GARZA JUAN P	1330 ALAMO AVE	Modesto CA 95351-	\$50.51
038-037-044	GARZA JUAN PABLO	1334 ALAMO AVE	Modesto CA 95351-	\$50.51
038-037-045	MARTINEZ JUAN MANUEL	1336 ALAMO AVE	Modesto CA 95351-	\$50.51
038-037-046	GARZA JUAN PABLO	511 RIO GRANDE AVE	Modesto CA 95351-	\$50.51
038-037-047	TEMPLO ROSA DE SARON	421 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-037-048	PADILLA BENJAMIN G	1333 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-049	GARCIA ELPIDIO	1329 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-050	HORN ADELLA R	1325 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-051	SOSA LUIS	1321 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-052	ZERMENO REFUGIO & MARIA	1317 ALAMO AVE	Modesto CA 95351-	\$50.51
038-037-053	ANGLIN JAMES JR & ET UX	1313 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-054	MORENO MANUEL & DE LA TORRE HILDA	1309 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-057	REATEGUI NELSON JR	1245 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-058	BURCIAGA RAYMOND SR & RAMONA	1241 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-059	YANEZ RICARDO	1237 ALAMO AVE	Modesto CA 95351-	\$50.51
038-037-060	LOMELI GUSTAVO A	1233 ALAMO AVE	Modesto CA 95351-	\$50.51
038-037-061	WINTERS SHIRLEY J ET AL TRS	1229 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-062	ORTEGA ANGELA	1225 ALAMO AVE	Modesto CA 95358	\$50.51
038-037-063	ORTEGA GILBERTO H & ORTEGA FRANCISCA	1221 ALAMO AVE	Modesto CA 95351-	\$50.51
038-037-064	PEREZ LUIS A ET AL	1217 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-065	GUERRA-MARTINEZ RIGOBERTO A	1209 ALAMO AVE	Modesto CA 95351	\$50.51
038-037-066	ROMERO ALEJO S & ROMERO FRANCISCA	422 BROADWAY AVE	Modesto CA 95351	\$50.51
038-037-067	DE LEON HECTOR S	418 BROADWAY AVE	Modesto CA 95351	\$50.51
038-037-068	O MARCOS MICHAEL RUTH	414 BROADWAY AVE	Modesto CA 95351-	\$50.51
038-037-069	RIOS JUVENTINO	410 BROADWAY AVE	Modesto CA 95351	\$50.51
038-037-070	SANDHU PARAMVEER	406 BROADWAY AVE	Modesto CA 95351-	\$50.51
038-037-071	GARCIA VERONICA C	1218 SANTA FE AVE	Modesto CA 95351	\$50.51
038-037-072	TELLECHEA FLORENTINO JR & TELLECHEA JOSEFINA B	1222 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-037-073	HENDRIX GUYLANN J	1226 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-037-074	MARTINEZ MARIA DE JESUS ET AL	1230 SANTA FE AVE	Modesto CA 95351	\$50.51
038-037-075	DE LA TORRE HUGO	1234 SANTA FE AVE	Modesto CA 95351	\$50.51
038-037-076	NINO ARTURO	1242 SANTA FE AVE	Modesto CA 95351	\$50.51
038-037-077	DE LA RIVA JOEL	1246 SANTA FE AVE	Modesto CA 95351	\$50.51
038-037-078	ROMO MARTIN & ROMO ANA LUZ	1302 SANTA FE AVE	Modesto CA 95351	\$50.51
038-037-079	GONZALEZ MELECIO CERVANTES	1306 SANTA FE AVE	Modesto CA 95351	\$50.51
038-037-080	ANDERSON TRINA ET AL	1310 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-037-081	SOTO MARY ET AL	1314 SANTA FE AVE	Modesto CA 95351	\$50.51
038-037-082	MY COMMUNITY LLC	1318 SANTA FE AVE	Modesto CA 95351-	\$50.51
038-037-083	CORIASO ESMERALDA	1322 SANTA FE AVE	Modesto CA 95351	\$50.51
038-037-084	DEA BILLY & FRANCES	1326 SANTA FE AVE	Modesto CA 95351	\$50.51
038-037-085	AVILA RAFAEL RAMIRO CASTRO ET AL	1330 SANTA FE AVE	Modesto CA 95351	\$50.51
038-037-086	NORTH CAL INVESTORS LLC	1334 SANTA FE AVE	Modesto CA 95351	\$50.51
038-037-087	TEMPLE BAUTISTA ROSA DE SARON INC	411 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-037-088	CH ASAMBLEAS DE DIOS BUEN SAMA	525 RIO GRANDE AVE	Modesto CA 95351	\$50.51
038-037-089	RUELAS FELIPE	1230 ALAMO AVE	Modesto CA 95351-	\$50.51
038-037-090	RANGEL JAVIER & MARIA	1301 ALAMO AVE	Modesto CA 95351-	\$50.51
038-037-091	BIBLE WAY TABERNACLE	502 BROADWAY AVE	Modesto CA 95351	\$50.51
038-038-001	CONTRERAS PEDRO	611 RIO GRANDE AVE	Modesto CA 95351-	\$50.51
038-038-002	JIMENEZ VICTOR ET AL	1333 MAIN ST	Modesto CA 95351	\$50.51
038-038-003	FLORES AGUSTIN & FLORES IRENE M	1329 MAIN ST	Modesto CA 95351	\$50.51
038-038-004	TURNER REBECCA	1325 MAIN ST	Modesto CA 95351-	\$50.51
038-038-005	TURNER REBECCA	1321 MAIN ST	Modesto CA 95351-	\$50.51
038-038-006	TORRES RUMALDO ET AL	1317 MAIN ST	Modesto CA 95351	\$50.51
038-038-007	ARREQUIN PABLO	1313 MAIN ST	Modesto CA 95350-	\$50.51

Parcel	Owner	Situs	City State Zip	2019/20 Ast
038-038-008	ARREQUIN PABLO	1309 MAIN ST	Modesto CA 95351	\$50.51
038-038-009	GRADILLA ANTONIO & URSUA PIEDAD	1305 MAIN ST	Modesto CA 95351	\$50.51
038-038-010	GRANADOS JACINTO ET AL	1301 MAIN ST	Modesto CA 95351-	\$50.51
038-038-011	GARZA JOAQUIN JR	1245 MAIN ST	Modesto CA 95351	\$50.51
038-038-012	ROMERO BAUDELIO SR ET AL	1241 MAIN ST	Modesto CA 95351	\$50.51
038-038-013	GOMEZ IGNACIO & MARIA GUADALUPE	1237 MAIN ST	Modesto CA 95351	\$50.51
038-038-014	PALOMO GUADALUPE E	1233 MAIN ST	Modesto CA 95351-	\$50.51
038-038-015	COX JASON & GLORIA	1229 MAIN ST	Modesto CA 95351	\$50.51
038-038-016	TOOR INDERJIT S	1225 MAIN ST	Modesto CA 95351	\$50.51
038-038-017	ROYAL EQUITY GROUP LLC	1221 MAIN ST	Modesto CA 95351	\$50.51
038-038-018	SINGH JAGDEV & GILL RANJIT KAUR	1217 MAIN ST	Modesto CA 95351	\$50.51
038-038-019	LEW JOE	614 BROADWAY AVE	Modesto CA 95351	\$50.51
038-038-020	RODRIGUEZ FEDERICO	610 BROADWAY AVE	Modesto CA 95351-	\$50.51
038-038-021	ALMOLAIKI ABDO	606 BROADWAY AVE	Modesto CA 95351	\$50.51
038-038-022	CH APOST ASBY FTH CHRIST JESUS	602 BROADWAY AVE	Modesto CA 95351	\$50.51
038-038-023	CORTEZ ANTONIO	1214 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-024	LINARES ANA & MARCOS C	1218 BOULDER	Modesto CA 95351	\$50.51
038-038-025	BARAJAS JAVIER & IRMA H	1222 BOULDER AVE	Modesto CA 95351-	\$50.51
038-038-026	NAYARES CARLOS M & ET UX	1226 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-027	GONZALEZ JESUS & GREGORIA	1230 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-028	CASILLAS HERIBERTO & MARIA	1234 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-029	DIAZ MA INES	1238 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-030	BARRON JOSE F & BARRON DOLORES M	1242 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-031	VELASQUEZ PEDRO ET AL	1246 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-032	RIOS AURELIO ET AL	1302 BOULDER AVE	Modesto CA 95351-	\$50.51
038-038-033	CEJA LUZ ELENA CHAVEZ DE	1306 BOULDER AVE	Modesto CA 95358-	\$50.51
038-038-034	AL-SUMERI FAHMI	1310 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-035	OLIDEM-LEONOR CHRISTINA	1314 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-036	LOPEZ MARTHA	1318 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-037	CHAVEZ JOSE & CHAVEZ ANA M	1322 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-038	AGUILAR FELIPE	1326 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-039	BANUELOS IFRAEL	1330 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-041	DEA FRANCES Y ET AL	1334 BOULDER AVE	Modesto CA 95351	\$50.51
038-038-042	DEA FRANCES Y ET AL	603 RIO GRANDE AVE	Modesto CA 95351	\$50.51

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**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-311**

**RESOLUTION DECLARING RESULTS OF MAJORITY PROTEST
PROCEEDINGS AND ESTABLISHING THE MODESTO TOURISM
MARKETING DISTRICT (MTMD)**

WHEREAS, the Property and Business Improvement District Law of 1994 (Streets and Highways Code §36600 et. seq.) authorizes the City to establish business improvement districts upon petition by a weighted majority of the business owners located within the boundaries of the district; and

WHEREAS, lodging business owners who will pay more than fifty percent (50%) of the proposed assessment, as weighted according to the amount of the assessment to be paid by the petitioner, within the boundaries of the MTMD have petitioned the City Council to establish the MTMD; and

WHEREAS, included with the petitions was a Management District Plan (Plan) summary that describes the proposed assessment to be levied on lodging businesses within the MTMD to pay for sales and marketing programs, and other improvements and activities set forth in the Plan; and

WHEREAS, the assessed lodging businesses within the MTMD will receive a specific benefit from the activities and improvements set forth in the Plan; and

WHEREAS, on May 7, 2019 at 5:30 PM 1010 10th Street, Modesto, CA 95354, the City Council adopted a Resolution of Intention, Resolution No. 2019-213; and

WHEREAS, the public meeting and public hearing to consider the establishment of the MTMD have been properly noticed in accordance with Streets and Highways Code §36623; and

WHEREAS, on June 11, 2019 at 5:30 PM at 1010 10th Street, Modesto, CA 95354, the City Council held a public meeting regarding the establishment of the MTMD, and the City Council heard and received objections and protests, if any, to the establishment of the MTMD and the levy of the proposed assessment; and

WHEREAS, on June 25, 2019 at 5:30 PM at 1010 10th Street, Modesto, CA 95354, the City Council held a public hearing regarding the establishment of the MTMD, and the City Council heard and received all objections and protests, if any, to the establishment of the MTMD and the levy of the proposed assessment; and

WHEREAS, the City Clerk has determined that there was no majority protest. A majority protest is defined as written protests received from owners of businesses in the proposed MTMD which would pay fifty percent (50%) or more of the assessments proposed to be levied. Protests are weighted based on the assessment proposed to be levied on each lodging business; and

WHEREAS, the City bears the burden of proving by a preponderance of the evidence that an assessment imposed for a specific benefit or specific government service is not a tax, that the amount is no more than necessary to cover the costs to the City in providing the specific benefit or specific government service, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the specific benefits or specific government services received by the payor.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT:

1. The recitals set forth herein are adopted by the City Council as findings and they are true and correct.
2. The MTMD is hereby established for a four (4) year and eleven (11) month term, beginning August 1, 2019 through June 30, 2024.

3. The Plan dated April 11, 2019 is hereby adopted and approved.
4. The activities to be provided to benefit businesses in the MTMD will be funded by the levy of the assessment. The revenue from the assessment levy shall not be used: to provide activities that directly benefit businesses outside the MTMD; to provide activities or improvements outside the MTMD; or for any purpose other than the purposes specified in this Resolution, the Resolution of Intention, and the Plan. Notwithstanding the foregoing, improvements and activities that must be provided outside the MTMD boundaries to create a specific benefit to the assessed businesses may be provided, but shall be limited to marketing or signage pointing to the MTMD.
5. The City Council finds as follows:
 - a) The activities funded by the assessment will provide a specific benefit to assessed businesses within the MTMD that is not provided to those not paying the assessment.
 - b) The assessment is a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.
 - c) The assessment is a charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.
 - d) Assessments imposed pursuant to the MTMD are levied solely upon the assessed business, and the business owner is solely responsible for payment of the assessment when due. If the owner chooses to collect any portion of the assessment from a transient, that portion shall be specifically called out and identified for the transient in any and all communications from the business owner as the "MTMD Assessment" or "Tourism Assessment" as specified in the Plan.
6. The assessments levied for the MTMD shall be applied towards sales and marketing programs to market Modesto lodging businesses as tourist, meeting and event destinations, and other improvements and activities as set forth in the Plan.

7. Assessments levied on lodging businesses pursuant to this resolution shall be levied on the basis of benefit. Because the services provided are intended to increase room rentals, an assessment based on room rentals is the best measure of benefit.
8. The assessments for the entire MTMD will total approximately \$284,350 in year one (1).
9. Bonds shall not be issued to fund the MTMD.
10. The MTMD shall include all lodging business located within the boundaries of the City of Modesto. A boundary map is **attached** hereto and incorporated herein by reference.
11. The assessments shall be used for the purposes set forth above and any funds remaining at the end of any year may be used in subsequent years in which the MTMD assessment is levied as long as they are used consistent with the requirements set forth herein.
12. The assessments to fund the activities and improvements for the MTMD will be collected by the City on a quarterly basis, and in accordance with Streets and Highways Code §36631.
13. The City Council, through adoption of this Resolution and the Plan, has the right pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the MTMD as defined in Streets and Highways Code §36612. The City Council has determined that Modesto Convention and Visitors Bureau shall be the MTMD Owners' Association.
14. Modesto Convention and Visitors Bureau, pursuant to Streets and Highways Code §36650, shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvement and activities described in the report. The first report shall be due after the first year of operation of the MTMD.
15. The MTMD established pursuant to this resolution will be subject to any amendments to the Property and Business Improvement District Law of 1994 (California Streets and Highways Code §36600 et. seq.).
16. The City Clerk, or his or her designee, is directed to take all necessary actions to complete the establishment of the MTMD and to levy the assessments.

17. This Resolution shall take effect immediately upon its adoption by the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember ?, who moved its adoption, which motion being duly seconded by Councilmember ?, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

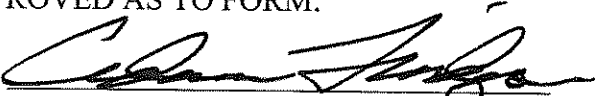
NOES: Councilmembers: None

ABSENT: Councilmembers: None

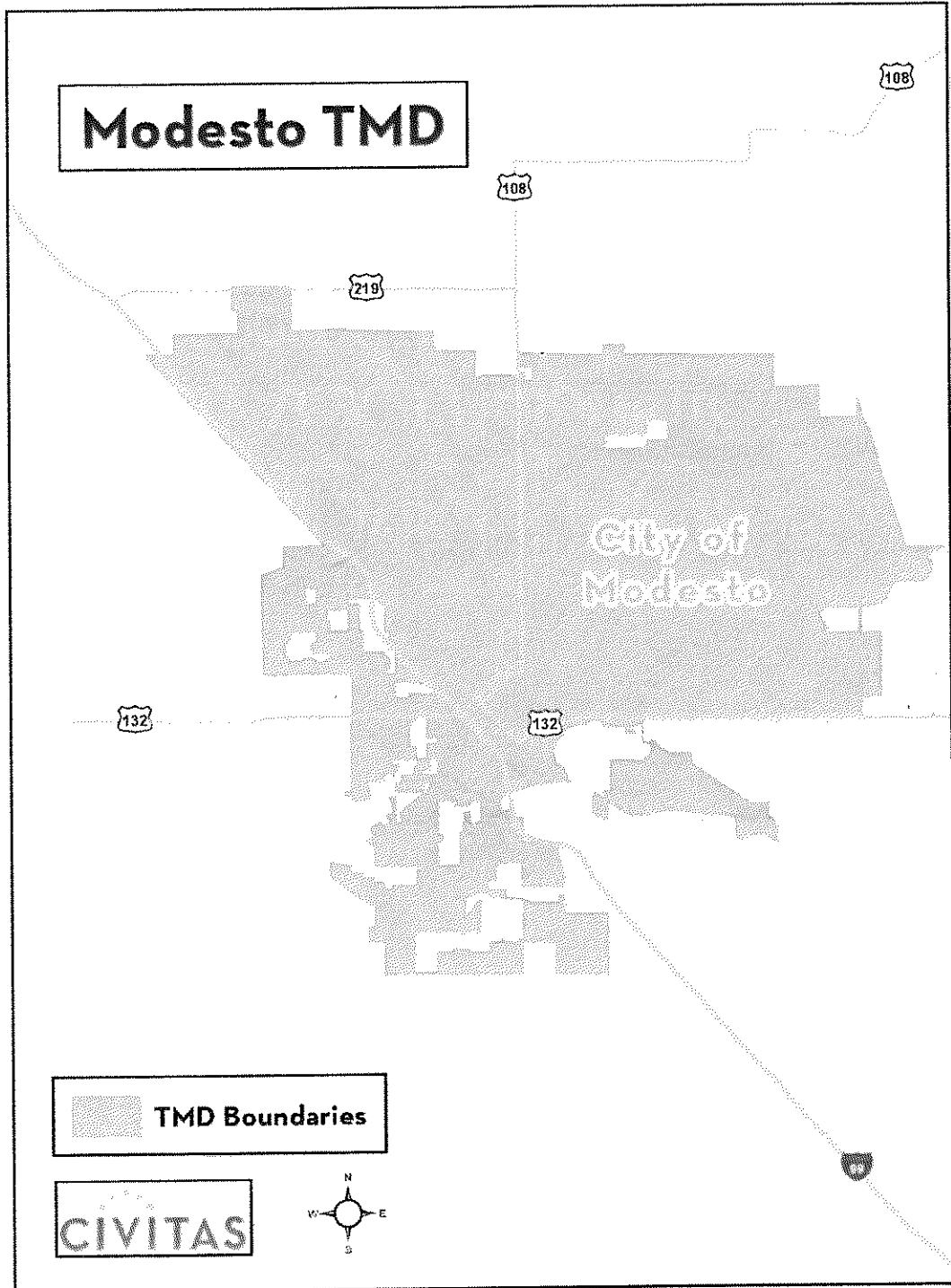
ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Boundary Map



**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-312**

**RESOLUTION APPROVING CITY HEALTH CARE CONTRIBUTION
INCREASES IN THE AMOUNT OF \$923,784 FOR CITY EMPLOYEES ON THE
CITY HEALTH INSURANCE PLAN AND A SICK LEAVE BENEFIT IN THE
AMOUNT OF \$75,000 FOR THE FISCAL YEAR 2019-20**

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage; and

WHEREAS, on March 1, 2019 the premiums for health insurance increased with the change of health coverage carriers; and

WHEREAS, the City and Labor Groups met in good faith to agree on City contributions to cover increases in premiums; and

WHEREAS, the City agrees to raise City contributions in the amount of \$818,784 beginning June 25, 2019 and increasing the contribution by two (2%) percent on January 1, 2020 for a total amount of \$923,784 and a sick leave benefit in the amount of \$75,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the increase to health care contributions in the amount of \$923,784 for City employees on the city health insurance plan and a sick leave benefit of in the amount of \$75,000 for the fiscal year 2019-20 beginning June 25, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

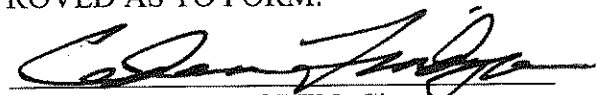
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-313**

RESOLUTION APPROVING A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND MODESTO POLICE OFFICERS ASSOCIATION (MPOA) FOR A TERM OF JULY 1, 2019 TO JUNE 30, 2023 AND AUTHORIZING THE CITY MANAGER OR HIS 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) expired on June 30, 2019 and the Memorandum of Understanding between the City of Modesto and Modesto Police Management Association (MPMA) expires on June 30, 2019, and

WHEREAS, the two separate unions, MPOA and MPMA negotiated together as one union under MPOA, 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 which shall be **attached** hereto and made a part hereof as **Exhibit “A”**, and

WHEREAS, the MOU provides as follows:

ARTICLE 2. TERM. The term of the MOU shall be from July 1, 2019 to June 30, 2023.

ARTICLE 4. SALARY.

a. Effective June 23, 2020 - Increase base salary ranges for all classes by 3.0% as shown in **attached Exhibits “B” through “C”**.

b. Effective June 22, 2021 - Increase base salary ranges for all classes by 3.0% as shown in **attached Exhibits “D” through “E”**.

c. Effective June 21, 2022 - Increase base salary ranges for all classes by 3.0% as shown in **attached Exhibits “F” through “G”**.

d. Effective June 25, 2019, each employee shall contribute 1.5% of salary to an agreed upon Base as noted in the CalPERS Safety Schedule of Amortization.

SECTION 5. MASTER OFFICERS PAY.

Effective June 25, 2019, employees shall be eligible for Master Police Officer Incentive Pay as follows:

1) Members are eligible for two and one half percent (2.5%) with a minimum of Ten (10) years of experience as a full time sworn Peace Officer AND three (3) years in a special assignment and/or FTO.

2) 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 (15) 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.

3) Members are eligible for one percent (1.0%) for a total of six percent (6.0%) with twenty (20) years of service AND must meet the requirements above.

SECTION 5. RETENTION. 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. Employees must be a MPOA member in active paid status at time of pay date to be eligible.

SECTION 5. FIELD TRAINING. Effective June 25, 2019, Police Officers or Police Detectives temporarily assigned to act as Field Training Officers shall increase from \$30 per day to \$40 per day.

SECTION 5. EDUCATIONAL INCENTIVE PAY – MANAGEMENT. Employees in the rank of Lieutenant possessing both a bachelor’s degree and masters, as provided in Section 5: Special Compensation of the MOU, shall be eligible for a maximum pay differential of four percent (4%) regardless of the number of degrees obtained.

SECTION 12. HEALTH. Effective June 25, 2019 and the pay period that includes the premium rate changes for calendar year, 2020, 2021, 2022, and 2023 the City shall increase the monthly rate increase to medical, dental and vision insurance premiums as described below.

	2019	2020	2021	2022	2023
Employee only	\$622	\$634	\$648	\$660	\$673
Employee plus 1	\$1,112	\$1,134	\$1,157	\$1,180	\$1204
Employee plus family	\$1,572	\$1,603	\$1,635	\$1,668	\$1701
Opt out	\$498	\$508	\$519	\$528	\$539

SECTION 18. WELLNESS/SICK LEAVE INCENTIVE.

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 at the first pay period in December annually. To be eligible, members must meet the following requirements:

1. Must have a balance of no less than 240 hours of regular sick leave for the calendar year.
2. Sick leave usage for the calendar year must not exceed three days based on work schedule at time of usage.

CHANGES AND REMAINING PROVISIONS. Other changes and remaining provisions of the July 1, 2016 through June 30, 2019 MOU and Letters of Agreements through June 30, 2019 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a successor Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association, which covers a term from July 1, 2019 through June 30, 2023, 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 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 25th day of June, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

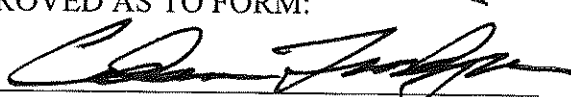
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**Tentative Agreement Between City
of Modesto
and
Modesto Police Officers Association**

June 5, 2019

Article 2. TERM OF MEMORANDUM

- a) The term of this Memorandum of Understanding shall be the period of July 1, 2019 through June 30, 2023, inclusive.
- b) The CITY and MPOA agree to begin subsequent negotiations no later than January 15, 2023.

Section 4. SALARY

B:

Effective June 23, 2020, the salary ranges shall be adjusted upward by three percent (3.0%) as provided in Exhibit A of this Agreement. Effective June 22, 2021, the salary ranges shall be further adjusted upward by an additional three percent (3.0%) as provided in Exhibit B of this Agreement. Effective June 21, 2022, said ranges will be further adjusted upward an additional three percent (3.0%) as provided in Exhibit C of this Agreement.

Effective the first full pay period following adoption by the City Council, each 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 5. SPECIAL COMPENSATION

A: Field Training

Effective June 25, 2019, Police Officers or Police Detectives temporarily assigned to act as Field Training Officers shall increase from \$30 per day to \$40 per day

I: Educational Incentive Pay – Management

Employees in the rank of Lieutenant possessing both a bachelor's degree and masters, as provided in Section 5: Special Compensation of the MOU, shall be eligible for a maximum pay differential of four percent (4%) regardless of the number of degrees obtained.

G: Master Police Officer Pay

Effective June 25, 2019, employees shall be eligible for Master Police Officer Incentive Pay as follows:

- 1) Members are eligible for two and one half percent (2.5%) with a minimum of Ten (10) years of experience as a full time sworn Peace Officer AND three (3) years in a special assignment and/or FTO
- 2) 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 (15) 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.
- 3) Members are eligible for an additional one percent (1.0%) for a total of six percent (6.0%) with twenty (20) years of service AND must meet requirements above.

M: Retention

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. Employees must be a MPOA member in active paid status at time of pay date to be eligible.

Section 18. SICK LEAVE

M: Wellness/Sick Leave Incentive

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 at the first pay period in December annually. To be eligible, members must meet the following requirements:

1. Must have a balance of no less than 240 hours of regular sick leave for the calendar year.
2. Sick leave usage for the calendar year must not exceed three days based on work schedule at time of usage.

Section 12. HEALTH

E:

Effective June 25, 2019 and the pay period that includes the health rate changes for calendar year 2020, 2021, 2022, and 2023 the City shall increase the monthly rate increase to medical, dental and vision insurance premiums as described below.

	2019	2020	2021	2022	2023
Employee only	\$622	\$634	\$648	\$660	\$673
Employee plus 1	\$1,112	\$1,134	\$1,157	\$1,180	\$1204
Employee plus family	\$1,572	\$1,603	\$1,635	\$1,668	\$1701
Opt out	\$498	\$508	\$519	\$528	\$539

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 20/21
EFFECTIVE: JUNE 23, 2020

MPOA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0301	30.00	31.50	33.08	34.73	36.47	2,400.00	2,520.00	2,646.40	2,778.40	2,917.60	5,217.60	5,478.48	5,753.27	6,040.24	6,342.86
0302	30.75	32.29	33.91	35.60	37.38	2,460.00	2,583.20	2,712.80	2,848.00	2,990.40	5,348.04	5,615.88	5,897.63	6,191.55	6,501.13
0303	31.52	33.10	34.75	36.49	38.32	2,521.60	2,648.00	2,780.00	2,919.20	3,065.60	5,481.96	5,756.75	6,043.72	6,346.34	6,664.61
0304	32.31	33.93	35.62	37.40	39.27	2,584.80	2,714.40	2,849.60	2,992.00	3,141.60	5,619.36	5,901.11	6,195.03	6,504.61	6,829.84
0305	33.12	34.78	36.51	38.34	40.26	2,649.60	2,782.40	2,920.80	3,067.20	3,220.80	5,760.23	6,048.94	6,349.82	6,668.09	7,002.02
0306	33.95	35.64	37.43	39.30	41.26	2,716.00	2,851.20	2,994.40	3,144.00	3,300.80	5,904.58	6,198.51	6,509.83	6,835.06	7,175.94
0307	34.80	36.54	38.36	40.28	42.29	2,784.00	2,923.20	3,068.80	3,222.40	3,383.20	6,052.42	6,355.04	6,671.57	7,005.50	7,355.08
0308	35.67	37.45	39.32	41.29	43.35	2,853.60	2,996.00	3,145.60	3,303.20	3,468.00	6,203.73	6,513.30	6,838.53	7,181.16	7,539.43
0309	36.56	38.38	40.30	42.32	44.43	2,924.80	3,070.40	3,224.00	3,385.60	3,554.40	6,358.52	6,675.05	7,008.98	7,360.29	7,727.27
0310	37.47	39.34	41.31	43.38	45.55	2,997.60	3,147.20	3,304.80	3,470.40	3,644.00	6,516.78	6,842.01	7,184.64	7,544.65	7,922.06
0311	38.41	40.33	42.34	44.46	46.68	3,072.80	3,226.40	3,387.20	3,556.80	3,734.40	6,680.27	7,014.19	7,363.77	7,732.48	8,118.59
0312	39.37	41.34	43.40	45.57	47.85	3,149.60	3,307.20	3,472.00	3,645.60	3,828.00	6,847.23	7,189.85	7,548.13	7,925.53	8,322.07
0313	40.35	42.37	44.49	46.71	49.05	3,228.00	3,389.60	3,559.20	3,736.80	3,924.00	7,017.67	7,368.99	7,737.70	8,123.80	8,530.78
0314	41.36	43.43	45.60	47.88	50.27	3,308.80	3,474.40	3,648.00	3,830.40	4,021.60	7,193.33	7,553.35	7,930.75	8,327.29	8,742.96
0315	42.39	44.51	46.74	49.08	51.53	3,391.20	3,560.80	3,739.20	3,926.40	4,122.40	7,372.47	7,741.18	8,129.02	8,535.99	8,962.10
0316	43.45	45.63	47.91	50.30	52.82	3,476.00	3,650.40	3,832.80	4,024.00	4,225.60	7,556.82	7,935.97	8,332.51	8,748.18	9,186.45
0317	44.54	46.77	49.11	51.56	54.14	3,563.20	3,741.60	3,928.80	4,124.80	4,331.20	7,746.40	8,134.24	8,541.21	8,967.32	9,416.03
0318	45.65	47.94	50.33	52.85	55.49	3,652.00	3,835.20	4,026.40	4,228.00	4,439.20	7,939.45	8,337.72	8,753.39	9,191.67	9,650.82
0319	46.79	49.13	51.59	54.17	56.88	3,743.20	3,930.40	4,127.20	4,333.60	4,550.40	8,137.72	8,544.69	8,972.53	9,421.25	9,892.57
0320	47.96	50.36	52.88	55.52	58.30	3,836.80	4,028.80	4,230.40	4,441.60	4,664.00	8,341.20	8,758.61	9,196.89	9,656.04	10,139.54
0321	49.16	51.62	54.20	56.91	59.76	3,932.80	4,129.60	4,336.00	4,552.80	4,780.80	8,549.91	8,977.75	9,426.46	9,897.79	10,393.46
0322	50.39	52.91	55.56	58.33	61.25	4,031.20	4,232.80	4,444.80	4,666.40	4,900.00	8,763.83	9,202.11	9,663.00	10,144.75	10,652.60
0323	51.65	54.23	56.95	59.79	62.78	4,132.00	4,338.40	4,556.00	4,783.20	5,022.40	8,982.97	9,431.68	9,904.74	10,398.68	10,918.70
0324	52.94	55.59	58.37	61.29	64.35	4,235.20	4,447.20	4,669.60	4,903.20	5,148.00	9,207.32	9,668.21	10,151.71	10,659.56	11,191.75
0325	54.27	56.98	59.83	62.82	65.96	4,341.60	4,558.40	4,786.40	5,025.60	5,276.80	9,438.64	9,909.96	10,405.63	10,925.65	11,471.76

Percentage Increase 3.0%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 20/21
EFFECTIVE: June 23, 2020

MANAGEMENT POLICE - REPRESENTED (MPMA)

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0601	34.60	36.33	38.15	40.06	42.06	2,767.82	2,906.40	3,052.00	3,204.80	3,364.80	6,017.23	6,318.51	6,635.05	6,967.24	7,315.08
0602	35.47	37.24	39.11	41.06	43.11	2,837.60	2,979.20	3,128.80	3,284.80	3,448.80	6,168.94	6,476.78	6,802.01	7,141.16	7,497.69
0603	36.36	38.17	40.08	42.09	44.19	2,908.80	3,053.60	3,206.40	3,367.20	3,535.20	6,323.73	6,638.53	6,970.71	7,320.29	7,685.52
0604	37.27	39.13	41.08	43.14	45.30	2,981.60	3,130.40	3,286.40	3,451.20	3,624.00	6,482.00	6,805.49	7,144.63	7,502.91	7,878.58
0605	38.20	40.11	42.11	44.22	46.43	3,056.00	3,208.80	3,368.80	3,537.60	3,714.40	6,643.74	6,975.93	7,323.77	7,690.74	8,075.11
0606	39.15	41.11	43.16	45.32	47.59	3,132.00	3,288.80	3,452.80	3,625.60	3,807.20	6,808.97	7,149.85	7,506.39	7,882.05	8,276.85
0607	40.13	42.14	44.24	46.46	48.78	3,210.40	3,371.20	3,539.20	3,716.80	3,902.40	6,979.41	7,328.99	7,694.22	8,080.32	8,483.82
0608	41.13	43.19	45.35	47.62	50.00	3,290.40	3,455.20	3,628.00	3,809.60	4,000.00	7,153.33	7,511.60	7,887.27	8,282.07	8,696.00
0609	42.16	44.27	46.48	48.81	51.25	3,372.80	3,541.60	3,718.40	3,904.80	4,100.00	7,332.47	7,699.44	8,083.80	8,489.04	8,913.40
0610	43.22	45.38	47.64	50.03	52.53	3,457.60	3,630.40	3,811.20	4,002.40	4,202.40	7,516.82	7,892.49	8,285.55	8,701.22	9,136.02
0611	44.30	46.51	48.84	51.28	53.84	3,544.00	3,720.80	3,907.20	4,102.40	4,307.20	7,704.66	8,089.02	8,494.25	8,918.62	9,363.85
0612	45.40	47.67	50.06	52.56	55.19	3,632.00	3,813.60	4,004.80	4,204.80	4,415.20	7,895.97	8,290.77	8,706.44	9,141.24	9,598.64
0613	46.54	48.86	51.31	53.87	56.57	3,723.20	3,908.80	4,104.80	4,309.60	4,525.60	8,094.24	8,497.73	8,923.84	9,369.07	9,838.65
0614	47.70	50.09	52.59	55.22	57.98	3,816.00	4,007.20	4,207.20	4,417.60	4,638.40	8,295.98	8,711.65	9,146.45	9,603.86	10,083.88
0615	48.89	51.34	53.91	56.60	59.43	3,911.20	4,107.20	4,312.80	4,528.00	4,754.40	8,502.95	8,929.05	9,376.03	9,843.87	10,336.07
0616	50.12	52.62	55.25	58.01	60.92	4,009.60	4,209.60	4,420.00	4,640.80	4,873.60	8,716.87	9,151.67	9,609.08	10,089.10	10,595.21
0617	51.37	53.94	56.63	59.47	62.44	4,109.60	4,315.20	4,530.40	4,757.60	4,995.20	8,934.27	9,381.24	9,849.09	10,343.02	10,859.56
0618	52.65	55.29	58.05	60.95	64.00	4,212.00	4,423.20	4,644.00	4,876.00	5,120.00	9,156.89	9,616.04	10,096.06	10,600.42	11,130.88
0619	53.97	56.67	59.50	62.48	65.60	4,317.60	4,533.60	4,760.00	4,998.40	5,248.00	9,386.46	9,856.05	10,348.24	10,866.52	11,409.15
0620	55.32	58.08	60.99	64.04	67.24	4,425.60	4,646.40	4,879.20	5,123.20	5,379.20	9,621.25	10,101.27	10,607.38	11,137.84	11,694.38
0621	56.70	59.54	62.51	65.64	68.92	4,536.00	4,763.20	5,000.80	5,251.20	5,513.60	9,861.26	10,355.20	10,871.74	11,416.11	11,986.57
0622	58.12	61.02	64.08	67.28	70.64	4,649.60	4,881.60	5,126.40	5,382.40	5,651.20	10,108.23	10,612.60	11,144.79	11,701.34	12,285.71
0623	59.57	62.55	65.68	68.96	72.41	4,765.60	5,004.00	5,254.40	5,516.80	5,792.80	10,360.41	10,878.70	11,423.07	11,993.52	12,593.55
0624	61.06	64.11	67.32	70.68	74.22	4,884.80	5,128.80	5,385.60	5,654.40	5,937.60	10,619.56	11,150.01	11,708.29	12,292.67	12,908.34
0625	62.59	65.72	69.00	72.45	76.07	5,007.20	5,257.60	5,520.00	5,796.00	6,085.60	10,885.65	11,430.02	12,000.48	12,600.50	13,230.09
0626	64.15	67.36	70.73	74.26	77.98	5,132.00	5,388.80	5,658.40	5,940.80	6,238.40	11,156.97	11,715.25	12,301.36	12,915.30	13,562.28
0627	65.76	69.04	72.49	76.12	79.92	5,260.80	5,523.20	5,799.20	6,089.60	6,393.60	11,436.98	12,007.44	12,607.46	13,238.79	13,899.69
0628	67.40	70.77	74.31	78.02	81.92	5,392.00	5,661.60	5,944.80	6,241.60	6,553.60	11,722.21	12,308.32	12,924.00	13,569.24	14,247.53
0629	69.08	72.54	76.16	79.97	83.97	5,526.40	5,803.20	6,092.80	6,397.60	6,717.60	12,014.39	12,616.16	13,245.75	13,908.38	14,604.06
0630	70.81	74.35	78.07	81.97	86.07	5,664.80	5,948.00	6,245.60	6,557.60	6,885.60	12,315.28	12,930.95	13,577.93	14,256.22	14,969.29
0631	72.58	76.21	80.02	84.02	88.22	5,806.40	6,096.80	6,401.60	6,721.60	7,057.60	12,623.11	13,254.44	13,917.08	14,612.76	15,343.22
0632	74.40	78.11	82.02	86.12	90.43	5,952.00	6,248.80	6,561.60	6,889.60	7,234.40	12,939.65	13,584.89	14,264.92	14,977.99	15,727.59
0633	76.25	80.07	84.07	88.27	92.69	6,100.00	6,405.60	6,725.60	7,061.60	7,415.20	13,261.40	13,925.77	14,621.45	15,351.92	16,120.64
0634	78.16	82.07	86.17	90.48	95.00	6,252.80	6,565.60	6,893.60	7,238.40	7,600.00	13,593.59	14,273.61	14,986.69	15,736.28	16,522.40
0635	80.12	84.12	88.33	92.74	97.38	6,409.60	6,729.60	7,066.40	7,419.20	7,790.40	13,934.47	14,630.15	15,362.35	16,129.34	16,936.33

Percentage Increase	3.0%
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CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 20/21
EFFECTIVE: June 23, 2020

MANAGEMENT POLICE - REPRESENTED (MPMA)

HOURLY

BY-WEEKLY

MONTHLY = 2.174

	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0636	82.12	86.22	90.53	95.06	99.81	6,569.60	6,897.60	7,242.40	7,604.80	7,984.80	14,282.31	14,995.38	15,744.98	16,532.84	17,358.96
0637	84.17	88.38	92.80	97.44	102.31	6,733.60	7,070.40	7,424.00	7,795.20	8,184.80	14,638.85	15,371.05	16,139.78	16,946.76	17,793.76
0638	86.27	90.59	95.12	99.87	104.87	6,901.60	7,247.20	7,609.60	7,989.60	8,389.60	15,004.08	15,755.41	16,543.27	17,369.39	18,238.99
0639	88.43	92.85	97.50	102.37	107.49	7,074.40	7,428.00	7,800.00	8,189.60	8,599.20	15,379.75	16,148.47	16,957.20	17,804.19	18,694.66
0640	90.64	95.17	99.93	104.93	110.18	7,251.20	7,613.60	7,994.40	8,394.40	8,814.40	15,764.11	16,551.97	17,379.83	18,249.43	19,162.51

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 21/22
EFFECTIVE: JUNE 22, 2021

MPOA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0301	30.90	32.45	34.07	35.78	37.56	2,472.00	2,596.00	2,725.60	2,862.40	3,004.80	5,374.13	5,643.70	5,925.45	6,222.86	6,532.44
0302	31.68	33.26	34.92	36.67	38.50	2,534.40	2,660.80	2,793.60	2,933.60	3,080.00	5,509.79	5,784.58	6,073.29	6,377.65	6,695.92
0303	32.47	34.09	35.80	37.59	39.47	2,597.60	2,727.20	2,864.00	3,007.20	3,157.60	5,647.18	5,928.93	6,226.34	6,537.65	6,864.62
0304	33.28	34.94	36.69	38.53	40.45	2,662.40	2,795.20	2,935.20	3,082.40	3,236.00	5,788.06	6,076.76	6,381.12	6,701.14	7,035.06
0305	34.11	35.82	37.61	39.49	41.46	2,728.80	2,865.60	3,008.80	3,159.20	3,316.80	5,932.41	6,229.81	6,541.13	6,868.10	7,210.72
0306	34.97	36.71	38.55	40.48	42.50	2,797.60	2,936.80	3,084.00	3,238.40	3,400.00	6,081.98	6,384.60	6,704.62	7,040.28	7,391.60
0307	35.84	37.63	39.51	41.49	43.56	2,867.20	3,010.40	3,160.80	3,319.20	3,484.80	6,233.29	6,544.61	6,871.58	7,215.94	7,575.96
0308	36.74	38.57	40.50	42.53	44.65	2,939.20	3,085.60	3,240.00	3,402.40	3,572.00	6,389.82	6,708.09	7,043.76	7,396.82	7,765.53
0309	37.65	39.54	41.51	43.59	45.77	3,012.00	3,163.20	3,320.80	3,487.20	3,661.60	6,548.09	6,876.80	7,219.42	7,581.17	7,960.32
0310	38.59	40.52	42.55	44.68	46.91	3,087.20	3,241.60	3,404.00	3,574.40	3,752.80	6,711.57	7,047.24	7,400.30	7,770.75	8,158.59
0311	39.56	41.54	43.61	45.79	48.08	3,164.80	3,323.20	3,488.80	3,663.20	3,846.40	6,880.28	7,224.64	7,584.65	7,963.80	8,362.07
0312	40.55	42.58	44.70	46.94	49.29	3,244.00	3,406.40	3,576.00	3,755.20	3,943.20	7,052.46	7,405.51	7,774.22	8,163.80	8,572.52
0313	41.56	43.64	45.82	48.11	50.52	3,324.80	3,491.20	3,665.60	3,848.80	4,041.60	7,228.12	7,589.87	7,969.01	8,367.29	8,786.44
0314	42.60	44.73	46.97	49.32	51.78	3,408.00	3,578.40	3,757.60	3,945.60	4,142.40	7,408.99	7,779.44	8,169.02	8,577.73	9,005.58
0315	43.67	45.85	48.14	50.55	53.08	3,493.60	3,668.00	3,851.20	4,044.00	4,246.40	7,595.09	7,974.23	8,372.51	8,791.66	9,231.67
0316	44.76	47.00	49.34	51.81	54.40	3,580.80	3,760.00	3,947.20	4,144.80	4,352.00	7,784.66	8,174.24	8,581.21	9,010.80	9,461.25
0317	45.88	48.17	50.58	53.11	55.76	3,670.40	3,853.60	4,046.40	4,248.80	4,460.80	7,979.45	8,377.73	8,796.87	9,236.89	9,697.78
0318	47.02	49.37	51.84	54.43	57.16	3,761.60	3,949.60	4,147.20	4,354.40	4,572.80	8,177.72	8,586.43	9,016.01	9,466.47	9,941.27
0319	48.20	50.61	53.14	55.79	58.58	3,856.00	4,048.80	4,251.20	4,463.20	4,686.40	8,382.94	8,802.09	9,242.11	9,703.00	10,188.23
0320	49.40	51.87	54.47	57.19	60.05	3,952.00	4,149.60	4,357.60	4,575.20	4,804.00	8,591.65	9,021.23	9,473.42	9,946.48	10,443.90
0321	50.64	53.17	55.83	58.62	61.55	4,051.20	4,253.60	4,466.40	4,689.60	4,924.00	8,807.31	9,247.33	9,709.95	10,195.19	10,704.78
0322	51.90	54.50	57.22	60.08	63.09	4,152.00	4,360.00	4,577.60	4,806.40	5,047.20	9,026.45	9,478.64	9,951.70	10,449.11	10,972.61
0323	53.20	55.86	58.65	61.59	64.67	4,256.00	4,468.80	4,692.00	4,927.20	5,173.60	9,252.54	9,715.17	10,200.41	10,711.73	11,247.41
0324	54.53	57.26	60.12	63.13	66.28	4,362.40	4,580.80	4,809.60	5,050.40	5,302.40	9,483.86	9,958.66	10,456.07	10,979.57	11,527.42
0325	55.89	58.69	61.62	64.70	67.94	4,471.20	4,695.20	4,929.60	5,176.00	5,435.20	9,720.39	10,207.36	10,716.95	11,252.62	11,816.12

Percentage Increase	3.0%
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CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 21/22
EFFECTIVE: June 22, 2021

MANAGEMENT POLICE - REPRESENTED (MPMA)

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0601	35.64	37.43	39.30	41.26	43.33	2,851.04	2,994.40	3,144.00	3,300.80	3,466.40	6,198.16	6,509.83	6,835.06	7,175.94	7,535.95
0602	36.54	38.36	40.28	42.29	44.41	2,923.20	3,068.80	3,222.40	3,383.20	3,552.80	6,355.04	6,671.57	7,005.50	7,355.08	7,723.79
0603	37.45	39.32	41.29	43.35	45.52	2,996.00	3,145.60	3,303.20	3,468.00	3,641.60	6,513.30	6,838.53	7,181.16	7,539.43	7,916.84
0604	38.39	40.30	42.32	44.44	46.66	3,071.20	3,224.00	3,385.60	3,555.20	3,732.80	6,676.79	7,008.98	7,360.29	7,729.00	8,115.11
0605	39.34	41.31	43.38	45.55	47.82	3,147.20	3,304.80	3,470.40	3,644.00	3,825.60	6,842.01	7,184.64	7,544.65	7,922.06	8,316.85
0606	40.33	42.34	44.46	46.68	49.02	3,226.40	3,387.20	3,556.80	3,734.40	3,921.60	7,014.19	7,363.77	7,732.48	8,118.59	8,525.56
0607	41.34	43.40	45.57	47.85	50.24	3,307.20	3,472.00	3,645.60	3,828.00	4,019.20	7,189.85	7,548.13	7,925.53	8,322.07	8,737.74
0608	42.37	44.49	46.71	49.05	51.50	3,389.60	3,559.20	3,736.80	3,924.00	4,120.00	7,368.99	7,737.70	8,123.80	8,530.78	8,956.88
0609	43.43	45.60	47.88	50.27	52.79	3,474.40	3,648.00	3,830.40	4,021.60	4,223.20	7,553.35	7,930.75	8,327.29	8,742.96	9,181.24
0610	44.51	46.74	49.08	51.53	54.11	3,560.80	3,739.20	3,926.40	4,122.40	4,328.80	7,741.18	8,129.02	8,535.99	8,962.10	9,410.81
0611	45.63	47.91	50.30	52.82	55.46	3,650.40	3,832.80	4,024.00	4,225.60	4,436.80	7,935.97	8,332.51	8,748.18	9,186.45	9,645.60
0612	46.77	49.11	51.56	54.14	56.85	3,741.60	3,928.80	4,124.80	4,331.20	4,548.00	8,134.24	8,541.21	8,967.32	9,416.03	9,887.35
0613	47.94	50.33	52.85	55.49	58.27	3,835.20	4,026.40	4,228.00	4,439.20	4,661.60	8,337.72	8,753.39	9,191.67	9,650.82	10,134.32
0614	49.14	51.59	54.17	56.88	59.72	3,931.20	4,127.20	4,333.60	4,550.40	4,777.60	8,546.43	8,972.53	9,421.25	9,892.57	10,386.50
0615	50.36	52.88	55.53	58.30	61.22	4,028.80	4,230.40	4,442.40	4,664.00	4,897.60	8,758.61	9,196.89	9,657.78	10,139.54	10,647.38
0616	51.62	54.20	56.91	59.76	62.75	4,129.60	4,336.00	4,552.80	4,780.80	5,020.00	8,977.75	9,426.46	9,897.79	10,393.46	10,913.48
0617	52.91	55.56	58.34	61.25	64.31	4,232.80	4,444.80	4,667.20	4,900.00	5,144.80	9,202.11	9,663.00	10,146.49	10,652.60	11,184.80
0618	54.24	56.95	59.79	62.78	65.92	4,339.20	4,556.00	4,783.20	5,022.40	5,273.60	9,433.42	9,904.74	10,398.68	10,918.70	11,464.81
0619	55.59	58.37	61.29	64.35	67.57	4,447.20	4,669.60	4,903.20	5,148.00	5,405.60	9,668.21	10,151.71	10,659.56	11,191.75	11,751.77
0620	56.98	59.83	62.82	65.96	69.26	4,558.40	4,786.40	5,025.60	5,276.80	5,540.80	9,909.96	10,405.63	10,925.65	11,471.76	12,045.70
0621	58.41	61.33	64.39	67.61	70.99	4,672.80	4,906.40	5,151.20	5,408.80	5,679.20	10,158.67	10,666.51	11,198.71	11,758.73	12,346.58
0622	59.87	62.86	66.00	69.30	72.77	4,789.60	5,028.80	5,280.00	5,544.00	5,821.60	10,412.59	10,932.61	11,478.72	12,052.66	12,656.16
0623	61.36	64.43	67.65	71.03	74.58	4,908.80	5,154.40	5,412.00	5,682.40	5,966.40	10,671.73	11,205.67	11,765.69	12,353.54	12,970.95
0624	62.90	66.04	69.34	72.81	76.45	5,032.00	5,283.20	5,547.20	5,824.80	6,116.00	10,939.57	11,485.68	12,059.61	12,663.12	13,296.18
0625	64.47	67.69	71.08	74.63	78.36	5,157.60	5,415.20	5,686.40	5,970.40	6,268.80	11,212.62	11,772.64	12,362.23	12,979.65	13,628.37
0626	66.08	69.38	72.85	76.49	80.32	5,286.40	5,550.40	5,828.00	6,119.20	6,425.60	11,492.63	12,066.57	12,670.07	13,303.14	13,969.25
0627	67.73	71.12	74.67	78.41	82.33	5,418.40	5,689.60	5,973.60	6,272.80	6,586.40	11,779.60	12,369.19	12,986.61	13,637.07	14,318.83
0628	69.42	72.90	76.54	80.37	84.38	5,553.60	5,832.00	6,123.20	6,429.60	6,750.40	12,073.53	12,678.77	13,311.84	13,977.95	14,675.37
0629	71.16	74.72	78.45	82.38	86.49	5,692.80	5,977.60	6,276.00	6,590.40	6,919.20	12,376.15	12,995.30	13,644.02	14,327.53	15,042.34
0630	72.94	76.59	80.41	84.44	88.66	5,835.20	6,127.20	6,432.80	6,755.20	7,092.80	12,685.72	13,320.53	13,984.91	14,685.80	15,419.75
0631	74.76	78.50	82.42	86.55	90.87	5,980.80	6,280.00	6,593.60	6,924.00	7,269.60	13,002.26	13,652.72	14,334.49	15,052.78	15,804.11
0632	76.63	80.46	84.49	88.71	93.14	6,130.40	6,436.80	6,759.20	7,096.80	7,451.20	13,327.49	13,993.60	14,694.50	15,428.44	16,198.91
0633	78.55	82.47	86.60	90.93	95.47	6,284.00	6,597.60	6,928.00	7,274.40	7,637.60	13,661.42	14,343.18	15,061.47	15,814.55	16,604.14
0634	80.51	84.54	88.76	93.20	97.86	6,440.80	6,763.20	7,100.80	7,456.00	7,828.80	14,002.30	14,703.20	15,437.14	16,209.34	17,019.81
0635	82.52	86.65	90.98	95.53	100.31	6,601.60	6,932.00	7,278.40	7,642.40	8,024.80	14,351.88	15,070.17	15,823.24	16,614.58	17,445.92

Percentage Increase	3.0%
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CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 21/22
EFFECTIVE: June 22, 2021

MANAGEMENT POLICE - REPRESENTED (MPMA)

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0636	84.59	88.82	93.26	97.92	102.81	6,767.20	7,105.60	7,460.80	7,833.60	8,224.80	14,711.89	15,447.57	16,219.78	17,030.25	17,880.72
0637	86.70	91.04	95.59	100.37	105.38	6,936.00	7,283.20	7,647.20	8,029.60	8,430.40	15,078.86	15,833.68	16,625.01	17,456.35	18,327.69
0638	88.87	93.31	97.98	102.87	108.02	7,109.60	7,464.80	7,838.40	8,229.60	8,641.60	15,456.27	16,228.48	17,040.68	17,891.15	18,786.84
0639	91.09	95.64	100.43	105.45	110.72	7,287.20	7,651.20	8,034.40	8,436.00	8,857.60	15,842.37	16,633.71	17,466.79	18,339.86	19,256.42
0640	93.37	98.03	102.94	108.08	113.49	7,469.60	7,842.40	8,235.20	8,646.40	9,079.20	16,238.91	17,049.38	17,903.32	18,797.27	19,738.18

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
EFFECTIVE: JUNE 20, 2023

MPOA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0301	32.79	34.43	36.16	37.96	39.86	2,623.20	2,754.40	2,892.80	3,036.80	3,188.80	5,702.84	5,988.07	6,288.95	6,602.00	6,932.45
0302	33.61	35.30	37.06	38.91	40.86	2,688.80	2,824.00	2,964.80	3,112.80	3,268.80	5,845.45	6,139.38	6,445.48	6,767.23	7,106.37
0303	34.45	36.18	37.99	39.89	41.88	2,756.00	2,894.40	3,039.20	3,191.20	3,350.40	5,991.54	6,292.43	6,607.22	6,937.67	7,283.77
0304	35.32	37.08	38.94	40.88	42.93	2,825.60	2,966.40	3,115.20	3,270.40	3,434.40	6,142.85	6,448.95	6,772.44	7,109.85	7,466.39
0305	36.20	38.01	39.91	41.90	44.00	2,896.00	3,040.80	3,192.80	3,352.00	3,520.00	6,295.90	6,610.70	6,941.15	7,287.25	7,652.48
0306	37.10	38.96	40.91	42.95	45.10	2,968.00	3,116.80	3,272.80	3,436.00	3,608.00	6,452.43	6,775.92	7,115.07	7,469.86	7,843.79
0307	38.03	39.93	41.93	44.03	46.23	3,042.40	3,194.40	3,354.40	3,522.40	3,698.40	6,614.18	6,944.63	7,292.47	7,657.70	8,040.32
0308	38.98	40.93	42.98	45.13	47.38	3,118.40	3,274.40	3,438.40	3,610.40	3,790.40	6,779.40	7,118.55	7,475.08	7,849.01	8,240.33
0309	39.96	41.95	44.05	46.25	48.57	3,196.80	3,356.00	3,524.00	3,700.00	3,885.60	6,949.84	7,295.94	7,661.18	8,043.80	8,447.29
0310	40.96	43.00	45.15	47.41	49.78	3,276.80	3,440.00	3,612.00	3,792.80	3,982.40	7,123.76	7,478.56	7,852.49	8,245.55	8,657.74
0311	41.98	44.08	46.28	48.60	51.02	3,358.40	3,526.40	3,702.40	3,888.00	4,081.60	7,301.16	7,666.39	8,049.02	8,452.51	8,873.40
0312	43.03	45.18	47.44	49.81	52.30	3,442.40	3,614.40	3,795.20	3,984.80	4,184.00	7,483.78	7,857.71	8,250.76	8,662.96	9,096.02
0313	44.10	46.31	48.62	51.05	53.61	3,528.00	3,704.80	3,889.60	4,084.00	4,288.80	7,669.87	8,054.24	8,455.99	8,878.62	9,323.85
0314	45.21	47.47	49.84	52.33	54.95	3,616.80	3,797.60	3,987.20	4,186.40	4,396.00	7,862.92	8,255.98	8,668.17	9,101.23	9,556.90
0315	46.34	48.65	51.09	53.64	56.32	3,707.20	3,892.00	4,087.20	4,291.20	4,505.60	8,059.45	8,461.21	8,885.57	9,329.07	9,795.17
0316	47.49	49.87	52.36	54.98	57.73	3,799.20	3,989.60	4,188.80	4,398.40	4,618.40	8,259.46	8,673.39	9,106.45	9,562.12	10,040.40
0317	48.68	51.12	53.67	56.35	59.17	3,894.40	4,089.60	4,293.60	4,508.00	4,733.60	8,466.43	8,890.79	9,334.29	9,800.39	10,290.85
0318	49.90	52.39	55.01	57.76	60.65	3,992.00	4,191.20	4,400.80	4,620.80	4,852.00	8,678.61	9,111.67	9,567.34	10,045.62	10,548.25
0319	51.15	53.70	56.39	59.21	62.17	4,092.00	4,296.00	4,511.20	4,736.80	4,973.60	8,896.01	9,339.50	9,807.35	10,297.80	10,812.61
0320	52.42	55.05	57.80	60.69	63.72	4,193.60	4,404.00	4,624.00	4,855.20	5,097.60	9,116.89	9,574.30	10,052.58	10,555.20	11,082.18
0321	53.74	56.42	59.24	62.20	65.31	4,299.20	4,513.60	4,739.20	4,976.00	5,224.80	9,346.46	9,812.57	10,303.02	10,817.82	11,358.72
0322	55.08	57.83	60.72	63.76	66.95	4,406.40	4,626.40	4,857.60	5,100.80	5,356.00	9,579.51	10,057.79	10,560.42	11,089.14	11,643.94
0323	56.46	59.28	62.24	65.35	68.62	4,516.80	4,742.40	4,979.20	5,228.00	5,489.60	9,819.52	10,309.98	10,824.78	11,365.67	11,934.39
0324	57.87	60.76	63.80	66.99	70.34	4,629.60	4,860.80	5,104.00	5,359.20	5,627.20	10,064.75	10,567.38	11,096.10	11,650.90	12,233.53
0325	59.31	62.28	65.39	68.66	72.09	4,744.80	4,982.40	5,231.20	5,492.80	5,767.20	10,315.20	10,831.74	11,372.63	11,941.35	12,537.89

Percentage Increase	3.0%
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CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
EFFECTIVE: June 20, 2023

MANAGEMENT POLICE - REPRESENTED (MPMA)

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0601	37.81	39.72	41.70	43.79	45.98	3,024.90	3,177.60	3,336.00	3,503.20	3,678.40	6,576.14	6,908.10	7,252.46	7,615.96	7,996.84
0602	38.77	40.71	42.74	44.88	47.12	3,101.60	3,256.80	3,419.20	3,590.40	3,769.60	6,742.88	7,080.28	7,433.34	7,805.53	8,195.11
0603	39.74	41.73	43.81	46.00	48.30	3,179.20	3,338.40	3,504.80	3,680.00	3,864.00	6,911.58	7,257.68	7,619.44	8,000.32	8,400.34
0604	40.73	42.77	44.91	47.15	49.51	3,258.40	3,421.60	3,592.80	3,772.00	3,960.80	7,083.76	7,438.56	7,810.75	8,200.33	8,610.78
0605	41.75	43.84	46.03	48.33	50.75	3,340.00	3,507.20	3,682.40	3,866.40	4,060.00	7,261.16	7,624.65	8,005.54	8,405.55	8,826.44
0606	42.79	44.93	47.18	49.54	52.02	3,423.20	3,594.40	3,774.40	3,963.20	4,161.60	7,442.04	7,814.23	8,205.55	8,616.00	9,047.32
0607	43.86	46.06	48.36	50.78	53.32	3,508.80	3,684.80	3,868.80	4,062.40	4,265.60	7,628.13	8,010.76	8,410.77	8,831.66	9,273.41
0608	44.96	47.21	49.57	52.05	54.65	3,596.80	3,776.80	3,965.60	4,164.00	4,372.00	7,819.44	8,210.76	8,621.21	9,052.54	9,504.73
0609	46.08	48.39	50.81	53.35	56.02	3,686.40	3,871.20	4,064.80	4,268.00	4,481.60	8,014.23	8,415.99	8,836.88	9,278.63	9,743.00
0610	47.24	49.60	52.08	54.68	57.42	3,779.20	3,968.00	4,166.40	4,374.40	4,593.60	8,215.98	8,626.43	9,057.75	9,509.95	9,986.49
0611	48.42	50.84	53.38	56.05	58.85	3,873.60	4,067.20	4,270.40	4,484.00	4,708.00	8,421.21	8,842.09	9,283.85	9,748.22	10,235.19
0612	49.63	52.11	54.71	57.45	60.32	3,970.40	4,168.80	4,376.80	4,596.00	4,825.60	8,631.65	9,062.97	9,515.16	9,991.70	10,490.85
0613	50.87	53.41	56.08	58.89	61.83	4,069.60	4,272.80	4,486.40	4,711.20	4,946.40	8,847.31	9,289.07	9,753.43	10,242.15	10,753.47
0614	52.14	54.75	57.48	60.36	63.38	4,171.20	4,380.00	4,598.40	4,828.80	5,070.40	9,068.19	9,522.12	9,996.92	10,497.81	11,023.05
0615	53.44	56.12	58.92	61.87	64.96	4,275.20	4,489.60	4,713.60	4,949.60	5,196.80	9,294.28	9,760.39	10,247.37	10,760.43	11,297.84
0616	54.78	57.52	60.39	63.41	66.58	4,382.40	4,601.60	4,831.20	5,072.80	5,326.40	9,527.34	10,003.88	10,503.03	11,028.27	11,579.59
0617	56.15	58.96	61.90	65.00	68.25	4,492.00	4,716.80	4,952.00	5,200.00	5,460.00	9,765.61	10,254.32	10,765.65	11,304.80	11,870.04
0618	57.55	60.43	63.45	66.62	69.95	4,604.00	4,834.40	5,076.00	5,329.60	5,596.00	10,009.10	10,509.99	11,035.22	11,586.55	12,165.70
0619	58.99	61.94	65.04	68.29	71.70	4,719.20	4,955.20	5,203.20	5,463.20	5,736.00	10,259.54	10,772.60	11,311.76	11,877.00	12,470.06
0620	60.47	63.49	66.66	70.00	73.50	4,837.60	5,079.20	5,332.80	5,600.00	5,880.00	10,516.94	11,042.18	11,593.51	12,174.40	12,783.12
0621	61.98	65.08	68.33	71.75	75.33	4,958.40	5,206.40	5,466.40	5,740.00	6,026.40	10,779.56	11,318.71	11,883.95	12,478.76	13,101.39
0622	63.53	66.70	70.04	73.54	77.22	5,082.40	5,336.00	5,603.20	5,883.20	6,177.60	11,049.14	11,600.46	12,181.36	12,790.08	13,430.10
0623	65.11	68.37	71.79	75.38	79.15	5,208.80	5,469.60	5,743.20	6,030.40	6,332.00	11,323.93	11,890.91	12,485.72	13,110.09	13,765.77
0624	66.74	70.08	73.58	77.26	81.12	5,339.20	5,606.40	5,886.40	6,180.80	6,489.60	11,607.42	12,188.31	12,797.03	13,437.06	14,108.39
0625	68.41	71.83	75.42	79.19	83.15	5,472.80	5,746.40	6,033.60	6,335.20	6,652.00	11,897.87	12,492.67	13,117.05	13,772.72	14,461.45
0626	70.12	73.63	77.31	81.17	85.23	5,609.60	5,890.40	6,184.80	6,493.60	6,818.40	12,195.27	12,805.73	13,445.76	14,117.09	14,823.20
0627	71.87	75.47	79.24	83.20	87.36	5,749.60	6,037.60	6,339.20	6,656.00	6,988.80	12,499.63	13,125.74	13,781.42	14,470.14	15,193.65
0628	73.67	77.35	81.22	85.28	89.55	5,893.60	6,188.00	6,497.60	6,822.40	7,164.00	12,812.69	13,452.71	14,125.78	14,831.90	15,574.54
0629	75.51	79.29	83.25	87.41	91.78	6,040.80	6,343.20	6,660.00	6,992.80	7,342.40	13,132.70	13,790.12	14,478.84	15,202.35	15,962.38
0630	77.40	81.27	85.33	89.60	94.08	6,192.00	6,501.60	6,826.40	7,168.00	7,526.40	13,461.41	14,134.48	14,840.59	15,583.23	16,362.39
0631	79.34	83.30	87.47	91.84	96.43	6,347.20	6,664.00	6,997.60	7,347.20	7,714.40	13,798.81	14,487.54	15,212.78	15,972.81	16,771.11
0632	81.32	85.38	89.65	94.14	98.84	6,505.60	6,830.40	7,172.00	7,531.20	7,907.20	14,143.17	14,849.29	15,591.93	16,372.83	17,190.25
0633	83.35	87.52	91.89	96.49	101.31	6,668.00	7,001.60	7,351.20	7,719.20	8,104.80	14,496.23	15,221.48	15,981.51	16,781.54	17,619.84
0634	85.43	89.71	94.19	98.90	103.85	6,834.40	7,176.80	7,535.20	7,912.00	8,308.00	14,857.99	15,602.36	16,381.52	17,200.69	18,061.59
0635	87.57	91.95	96.55	101.37	106.44	7,005.60	7,356.00	7,724.00	8,109.60	8,515.20	15,230.17	15,991.94	16,791.98	17,630.27	18,512.04

Percentage Increase 3.0%

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 23/24
EFFECTIVE: June 20, 2023**

MANAGEMENT POLICE - REPRESENTED (MPMA)

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0636	89.76	94.25	98.96	103.91	109.10	7,180.80	7,540.00	7,916.80	8,312.80	8,728.00	15,611.06	16,391.96	17,211.12	18,072.03	18,974.67
0637	92.00	96.60	101.43	106.50	111.83	7,360.00	7,728.00	8,114.40	8,520.00	8,946.40	16,000.64	16,800.67	17,640.71	18,522.48	19,449.47
0638	94.30	99.02	103.97	109.17	114.63	7,544.00	7,921.60	8,317.60	8,733.60	9,170.40	16,400.66	17,221.56	18,082.46	18,986.85	19,936.45
0639	96.66	101.49	106.57	111.90	117.49	7,732.80	8,119.20	8,525.60	8,952.00	9,399.20	16,811.11	17,651.14	18,534.65	19,461.65	20,433.86
0640	99.08	104.03	109.23	114.69	120.43	7,926.40	8,322.40	8,738.40	9,175.20	9,634.40	17,231.99	18,092.90	18,997.28	19,946.88	20,945.19

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-314**

**RESOLUTION GRANTING SALARY CHANGES TO NON-SWORN
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES
INCLUDING CHARTER OFFICERS AND EXECUTIVES AND
UNREPRESENTED SWORN POLICE EMPLOYEES, AS OF JUNE 25, 2019,
RESCINDING RESOLUTION NO. 2019-165, AND AUTHORIZING THE CITY
MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY
ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES**

WHEREAS, on April 9, 2019, by Resolution No. 2019-165, Council approved Class Range Tables and salary schedule changes for unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the Council of the City of Modesto adopted an agreement with Modesto Police Officers Association (MPOA) on June 25, 2019 which included salary increases, and

WHEREAS, the City desires to approve a three percent (3.0%) base salary increase for all Unrepresented Sworn Police Management effective June 23, 2020; followed by an additional three percent (3.0%) base salary increase for all Unrepresented Sworn Police employees effective June 22, 2021 and an additional three (3.0%) base salary increase for all Unrepresented Sworn Fire employees effective June 21, 2020; and

WHEREAS, the City desires to maintain competitive position with the labor market.

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

1. SALARY RANGES, RATES AND EFFECTIVE DATES. For Unrepresented Fire Captains, the City shall increase the salary schedule by three percent (3.0%) effective April 16, 2019 and for all Unrepresented Sworn Fire employees, inclusive of the

Fire Chief, the City shall increase the salary schedule three percent (3.0%) effective June 25, 2019; followed by an additional increase of three percent (3%) effective June 23, 2020. For Unrepresented Police Management and for all Unrepresented Police employees, inclusive of the Police Chief, the City shall increase the salary schedule by three percent (3.0%) effective June 23, 2020, followed by an additional increase of three percent (3.0%) effective June 22, 2021; and an additional increase of three percent (3%) effective June 21, 2022. The salary rates, salary ranges and salary steps as set forth in the following **exhibits** which are **attached** hereto and made a part hereof provide for amending the Police Management salary ranges.

1. **Exhibit "A"** entitled "City Of Modesto Class Range Table, Unrepresented Management and Confidential Non-Sworn Classes, Effective July 12, 2016."
2. **Exhibit "B"** entitled "City Of Modesto Class Range Table, Unrepresented Management and Confidential Non-Sworn Classes, Effective March 7, 2017."
3. **Exhibit "C"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Management/Confidential – Non-Sworn Unrepresented."
4. **Exhibit "D"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 Management/Confidential – Non-Sworn Unrepresented."
5. **Exhibit "E"** entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 18/19, Effective June 26, 2018 Management/Confidential – Non-Sworn Unrepresented."
6. **Exhibit "F"** entitled "City Of Modesto Class Range Table, Executive Management, Effective July 12, 2016" which includes Charter Officers.
7. **Exhibit "G"** entitled "City Of Modesto Class Range Table, Executive Management, Effective March 7, 2017" which includes Charter Officers.

8. **Exhibit "H"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Executive Management."
9. **Exhibit "I"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 - Executive Management."
10. **Exhibit "J"** entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 18/19, Effective June 26, 2018 – Executive Management."
11. **Exhibit "K"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 18/19, Effective April 16, 2019 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.
12. **Exhibit "L"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 19/20, Effective June 25, 2019 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.
13. **Exhibit "M"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 20/21, Effective June 23, 2020 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.
14. **Exhibit "N"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 18/19, Effective April 16, 2019 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."
15. **Exhibit "P"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 19/20, Effective June 25, 2019 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."
16. **Exhibit "Q"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 20/21, Effective June 23, 2020 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."
17. **Exhibit "T"** City of Modesto Schedule of Salary Ranges In City Service For FY 18/19, Effective April 16, 2019 – Unrepresented - Fire Chief
18. **Exhibit "V"** City of Modesto Schedule of Salary Ranges In City Service For FY 19/20, Effective June 25, 2019 – Unrepresented - Fire Chief

19. **Exhibit “W”** City of Modesto Schedule of Salary Ranges In City Service For FY 20/21, Effective June 23, 2020 – Unrepresented – Fire Chief
20. **Exhibit “Y”** entitled “City of Modesto Class Range Table, Fire Management Classes, Effective July 12, 2016.
21. **Exhibit “Z”** entitled “City of Modesto Class Range Table, Sworn Fire Executive Management Classes, Effective July 12, 2016.
22. **Exhibit “A-1”** entitled “City of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective January 10, 2017.
23. **Exhibit “A-2”** City of Modesto Schedule of Salary Ranges in City Service for FY 20/21, Effective June 23, 2020 – Management/Confidential Police Captains – Unrepresented.
24. **Exhibit “A-3”** City of Modesto Schedule of Salary Ranges in City Service for FY 21/22, Effective June 22, 2021 – Management/Confidential Police Captains – Unrepresented.
25. **Exhibit “A-4”** City of Modesto Schedule of Salary Ranges in City Service for FY 22/23, Effective June 21, 2022 – Management/Confidential Police Captains – Unrepresented.
26. **Exhibit “A-5”** City of Modesto Schedule of Salary Ranges in City Service for FY 20/21, Effective June 23, 2020 – Management/Confidential Police Chief – Unrepresented.
27. **Exhibit “A-6”** City of Modesto Schedule of Salary Ranges in City Service for FY 21/22, Effective June 22, 2021 – Management/Confidential Police Chief – Unrepresented.
28. **Exhibit “A-7”** City of Modesto Schedule of Salary Ranges in City Service for FY 22/23, Effective June 21, 2022 – Management/Confidential Police Chief – Unrepresented.

2. CHARTER OFFICERS. The salaries for the positions of the Charter Officers shall be as follows effective March 1, 2016:

<u>TITLE</u>	<u>HOURLY</u>	<u>BI-WEEKLY</u>	<u>MONTHLY</u>
City Manager	103.68	8,294.40	18,040.32
City Attorney	78.75	6,299.88	13,702.24
City Clerk	53.13	4,250.40	9,244.62

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.

8. REPEAL. Resolution No. 2019-165 is hereby rescinded effective June 25, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember ?, who moved its adoption, which motion being duly seconded by Councilmember ?, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-315**

**RESOLUTION RESCINDING RESOLUTION NO. 2019-166 TO UPDATE
BENEFIT OFFERINGS FOR UNREPRESENTED MANAGEMENT AND
SWORN POLICE MANAGEMENT EMPLOYEES; AND AUTHORIZING THE
CITY MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY
ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES**

WHEREAS, on April 9, 2019, by Resolution No 2019-166, Council approved salary and benefit 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 Police Management consistent with the terms and conditions of employment covering employees in the Modesto Police Management Association (MPMA) bargaining unit, and

WHEREAS, the Modesto Police Management Association (MPMA) is now merged with the Modesto Police Officers Association (MPOA).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto 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 the 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 unrepresented non-sworn employees may be accrued 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) 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 event 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 Police Captains, Fire Battalion Chiefs, Fire Division 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 classifications of Fire Battalion Chief, Fire Division 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 grandfathered 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 MCFFA 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 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 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 for the calendar year. Sick leave usage for the calendar year must not exceed three days based on work schedule at time of usage.

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 grandfathered 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. Sworn Police Management

employees may 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 at the first pay period in December annually. To be eligible, members must have a balance of no less than 240 hours of regular sick leave for the calendar year and sick leave usage for the calendar year must not exceed three days based on work schedule at time of usage.

SECTION 12. PROMOTION. Employees promoted on or after November 17, 2015, prior to an employee's promotion to an unrepresented management classification, all compensatory time off (CTO) and grandfathered compensatory time off (GCTO) shall be compensated in cash at the employee's then current regular rate of pay.

SECTION 13. MASTERS DEGREE INCENTIVE PAY. Effective June 29, 2004, employees who possess a Master's Degree or Juris Doctor from an accredited institution, shall be granted one and one half percent (1.5%) Masters Pay, subject to criteria as established by the City. Effective December 26, 2017, 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 two and one half percent (2.5%) Masters Pay.

SECTION 14. 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 15. 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 16. UNIFORM ALLOWANCES. Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, are as follows:

<u>Positions</u>	<u>Effective Date</u>	<u>Allowance</u>
Sworn Police	February 1, 2015	\$101.67
Sworn Fire Management	April 16, 2019	\$100.00

SECTION 17. POST CERTIFICATION PAY. Effective September 6, 2016, Police Captains who provide evidence that they have received a Supervisory POST Certificate shall be eligible for one and eight tenths percent (1.8%) certification pay. Effective March 7, 2017, the same shall be eligible for an additional two percent (2.0%) certification pay for a total of ten percent (10%). Effective September 6, 2016, Police Captains who provide evidence that they have received a Management POST Certificate shall be eligible for two and three tenths percent (2.3%) certification pay. Effective

December 27, 2016, Management POST Certificate pay shall be eight percent (8.0%).
Effective March 7, 2017, Management POST Certificate pay shall be ten percent (10%).
Effective September 6, 2016, Police Chief shall be eligible for five percent (5.0%)
Executive POST pay. Effective January 10, 2016, Police Chief shall be eligible for an
additional five percent (5.0%) Executive POST pay, for a total of ten percent (10%).
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 18. 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 19. ASSISTANT CHIEF OF POLICE ASSIGNMENT PAY.
Effective May 26, 1998, subject to the approval of the City Manager, the Police Chief
may appoint employees currently employed by the Police Department in the
classification of Police Captain to the assignment of Assistant Chief of Police. Such
appointment may be made without competitive examination and shall continue at the will
and pleasure of the Police Chief. The Police Chief may end the assignment at any time
and such employee shall return to an assignment as Police Captain (unless removed due
to dismissal) at a step no lower than the step the employee held at time of assignment.
The total number of assignments shall be at the sole discretion of the City Manager.

SECTION 20. EMERGENCY MEDICAL TECHNICIAN CERTIFICATION
PAY.

Sworn Fire Management employees in the classifications of Fire Battalion Chief and Fire Division Chief, who are certified as Emergency Medical Technicians (EMT-I), shall receive a five percent (5.0%) of the base salary for their classification. Effective July 12, 2016, the five percent (5%) pay for EMT certification will be rolled into base salary for their classification.

SECTION 21. HAZARDOUS MATERIALS CERTIFICATION PAY. Effective July 1, 2003, one (1) Fire Department Battalion Chief or Division 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 22. ALS PARAMEDIC PAY. Effective July 14, 2015, one (1) Fire Department Battalion Chief or Division Chief shall be authorized six percent (6%) ALS Paramedic pay, when assigned to the ALS Paramedic Program and have the required California State Paramedic License and all additional local required ALS certifications.

SECTION 23. FIRE CHIEF OFFICER SHIFT STIPEND. Effective December 2, 2014, Fire Battalion Chiefs and Fire Division 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 Division Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

SECTION 24. MUTUAL AID ASSIGNMENT. Sworn Fire Management employees in the classification of Fire Battalion Chief and Fire Division 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 Division 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 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 25. DEFERRED COMPENSATION 457 PLAN. The CITY shall continue to 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 bi-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 26. 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 27. 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, shall be a three-tier system as follows and the City contribution (excluding opt out) shall increase by two (2) percent annually as follows:

	Beginning July 1, 2019	2020	2021	2022
Opt-out of City Medical Coverage	\$525.00	\$525.00	\$525.00	\$525.00
Employee only	\$622.00	\$634.00	\$648.00	\$660.00
Employee plus 1	\$1112.00	\$1134.00	\$1157.00	\$1180.00
Employee plus family	\$1572.00	\$1603.00	\$1635.00	\$1668.00

The City shall deposit into the employee's deferred compensation account 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 deposit any balance of the above contribution not needed to pay for the employee's combined premium into the employee's deferred compensation account.

Effective July 26, 2005, the City's contribution toward unrepresented employees with Family coverage shall not exceed the actual premium amount for the lowest cost health (HMO Plan), dental and vision plans offered by the City, regardless of the health plan selected by the employee or the contribution amounts listed above.

SECTION 28. DOMESTIC PARTNERS. Benefits applicable to spouses shall be extended to registered domestic partners, as required by law.

SECTION 29. 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 a 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 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 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 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:

<u>Non-Medicare Eligible Recipient</u>	<u>Medicare Eligible Recipient</u>
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 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: 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. Lose 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 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 Health Reimbursement Arrangement (HRA). 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 positions, 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 HRA 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.

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 Health Reimbursement Arrangement (HRA) account. An employee is eligible to receive a City HRA 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 HRA account established in the employee's 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 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 contribution under this section represents the entire contribution towards employee retiree medical.

SECTION 30. PAYCHECK ADVICES. All employees who are on direct deposit will no longer be receiving hard-copy pay advices for. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM Employee Self Service responsibility to view their pay advices including their annual W-2s. For any employees who currently are still receiving a payroll pay check, they will continue to receive a hard copy check with their attached payroll remittance. Pay advices will be available anytime during payday Friday and payslips can be printed utilizing city computer workstation.

SECTION 31. EDUCATIONAL INCENTIVE PAY. Effective July 1, 2018, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief shall be eligible for Educational Incentive Pay for designated certifications or degrees as follows:

- 1) Fire Science/Fire Officer 1%
- 2) AA/AS 2%

- 3) BA/BS 3.5%

Qualifying certificates and degrees:

- 1) Fire Science or Fire Technology certificate from a community college accredited by the Western Association of Schools and Colleges OR completion of Fire Officer Certification from the Office of the California State Fire Marshal.

- 2) 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.

SECTION 32. LONGEVITY INCENTIVE PAY. Effective July 1, 2018, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief shall be eligible for Longevity Incentive Pay for the following years of service:

- 1) 10 years of service 1.5%
- 2) 15 years of service 3%
- 3) 20 years of service 4%

Longevity incentives are not stackable or cumulative. Employees receive pay for the highest years of service for which they qualify.

SECTION 33. 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 June 25, 2019, each 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2019-166 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

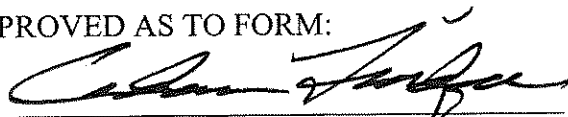
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-316**

**RESOLUTION AMENDING THE FISCAL YEAR 2019-20 OPERATING
BUDGET IN THE AMOUNT OF -\$1,468 FOR THE MPOA INCREASES AND IN
THE AMOUNT OF \$24,357 FOR THE UNREPRESENTED SWORN POLICE
PERSONNEL INCREASES FOR TOTAL OF \$22,889**

WHEREAS, funding for the MOU agreement between the City and MPOA is currently not budgeted in fiscal year 2019-20, and

WHEREAS, certain budgetary actions are required to fulfill this action.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2019-20 operating budget in the amount of \$22,889.

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 25th day of June, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

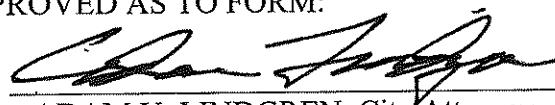
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-317**

RESOLUTION APPROVING THE PAYMENT OF HARDWARE AND SOFTWARE MAINTENANCE SUPPORT AGREEMENTS FOR FISCAL YEAR 2019-20 FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$4,226,906; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE ROUTINE RENEWAL AGREEMENTS ASSOCIATED WITH EXHIBIT B

WHEREAS, the City has an ongoing need for maintenance/support agreements for hardware and software assets utilized by the City of Modesto, and

WHEREAS, the expenditures for maintenance/support agreements have been approved by Council through the budget process, and

WHEREAS, the items listed in **Exhibit A and B** have current agreements that have been approved through the required contracting and purchasing policies and processes and are categorized based on where the contract authority resides, and

WHEREAS, in order to maximize efficiencies, staff is recommending the Council consider authorizing payment of these agreements in one action instead of authorizing them individually as their respective invoices are presented for payment, and

WHEREAS, staff requests the approval for payment of invoices presented for Fiscal Year 2019–20 for an estimated annual cost not to exceed \$4,226,906.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves payment for invoices for various hardware and software maintenance/support agreements from software companies for Fiscal Year 2019-20 for an estimated annual cost not to exceed \$4,226,906.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to execute routine renewal agreements over \$50,000 for hardware and software maintenance support during Fiscal Year 2019-20.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 2019, by Councilmember Madrigal, 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: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

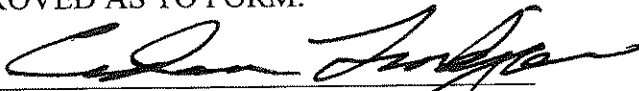
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2019-2020 (Under \$50,000)**

	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
1	CoStar - Commercial Real Estate Information	CoStar	CED - Economic Development	Fund 0100 - General Fund	03/31/19	03/31/20	\$5,336
2	Cube Base & Voyager maintenance	Citilabs	CED - Planning	Fund 0100 - General Fund	04/01/19	03/31/20	\$3,068
3	Prezi- Plus Plan, Presentation Tool	Prezi	Communications & Media (CMO)	Fund 0100 - General Fund	09/13/18	9/13/2019	\$257
4	HDL Business License Software	HDL Software, LLC (Cannabis Module)	Finance - Customer Service	Fund 0100 - General Fund	08/01/19	07/31/20	\$1,760
5	NIGP 5-Digit Commodity Code License Renewal	Periscope Holdings In	Finance - Purchasing	Fund 0100 - General Fund	06/01/19	05/31/20	\$638
6	SitStat - emergency operations situational awareness platform and resource alerting system	PSOMAS	Fire Department	Fund 0100 - General Fund	10/01/18	09/30/19	\$33,290
7	TargetSolutions - online training hosting/tracking/recording platform	Target Solutions	Fire Department	Fund 0100 - General Fund	11/15/19	11/14/20	\$13,200
8	Callback Staffing - crew scheduling and call back/hire back system	Callback Staffing / Crewsense	Fire Department	Fund 0100 - General Fund	07/01/19	06/30/20	\$9,240
9	Annual renewal of Tiburon System Annual Maintenance Stanislaus Regional 911 fronts the full cost and then invoices MFD for its share of costs for the 9-1-1 Communications Center. \$5,000	TIBURON - TRITECH / Stanislaus Regional 9-1-1	FIRE DEPARTMENT	Fund 0100 - General Fund	05/01/19	04/30/20	\$5,720
10	Annual maintenance of the AD HOC database created to support the SitStat application for field situational awareness	TIBURON-TRITECH	FIRE DEPARTMENT	Fund 0100 - General Fund	11/01/18	11/01/19	\$5,500
11	Go To Meeting - online-based meeting platform for station-to-station conference call communication	Go To Meeting	Fire Department	Fund 0100 - General Fund	10/03/19	10/02/20	\$1,650
12	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)	TSI INCORPORATED	FIRE DEPARTMENT	Fund 0100 - General Fund	01/01/19	01/01/20	\$1,650
13	HR Electronic Document Management System (ECM/Capture)	Sire/Hyland	Human Resources - HR Administration	Fund 0100 - General Fund	11/15/13	11/14/20	\$880
14	Testing for Recruitment	Scantron	Human Resources - HR Administration	Fund 0100 - General Fund	06/25/18	06/24/20	\$388
15	Annual software maintenance for ALPR	LEHR/STOMMEL	Police Department	Fund 0100 - General Fund	01/16/20	01/15/21	\$38,500

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2019-2020 (Under \$50,000)**

	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
16	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 Department	Fund 0100 - General Fund	10/01/19	09/30/20	\$37,417
17	Annual Maintenance for InTime Solutions Software. Scheduling and payroll system for MPD allows for electronic capture and transfer of data to City's Oracle Payroll system 21,272/yr. plus tax 1675.17 = \$22,947.17	IN TIME SOLUTIONS	Police Department	Fund 0100 - General Fund	08/01/19	07/31/20	\$23,398
18	Hard & software support for 14 POD cameras, Armadillos and SUV 7	QPCS	Police Department	Fund 0100 - General Fund	07/01/19	06/30/20	\$22,000
19	Renewal of PenLink Ltd. proprietary software Annual Maintenance and Support Services Agreements for Collection Maintenance Premium and Analytical Maintenance premiums. This is an investigatory tool used by PD. \$16,010. plus tax	PENLINK LTD	Police Department	Fund 0100 - General Fund	01/01/20	12/31/20	\$20,190
20	OnBase Annual Maintenance and Support for Local Government Web Server.	HYLAND SOFTWARE	Police Department	Fund 0100 - General Fund	05/01/20	04/30/21	\$19,640
21	Annual Maintenance and Support Services for UFED 4 PC Ultimate (3 cellebrite devices), Annual SMS for UFED Touch Ultimate (1 device), dongles	CELLEBRITE	Police Department	Fund 0100 - General Fund	09/01/19	09/30/20	\$16,500
22	Annual Maintenance and Support for Investigatory Tool.	GRAYSHIFT LLC	Police Department	Fund 0100 - General Fund	04/12/20	04/11/21	\$16,500
23	COPLogic DORS Annual Maintenance. On-line reporting system allowing citizens to file police reports online.	LEXIS NEXIS RISK SOLUTIONS	Police Department	Fund 0100 - General Fund	05/01/20	04/30/21	\$15,910
24	Renewal of NetMotion Software with two-year premium 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.	NETMOTION SOFTWARE - MOBILE WIRELESS	Police Department	Fund 0100 - General Fund	04/01/20	03/31/21	\$13,940

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2019-2020 (Under \$50,000)**

	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
25	Renewal of IQ Search (251-500) Users One Year Subscription. MPD's Records Management System Licensing	TRITECH SOFTWARE SYSTEMS	Police Department	Fund 0100 - General Fund	05/02/20	05/01/21	\$10,560
26	Genetec Enterprise Camera Licensing and Genetec Camera Advantage for 32 cameras. These camera licenses will integrate 32 cameras into the existing Genetec Video Management System owned by the PD	CELPLAN TECHNOLOGIES	Police Department	Fund 0100 - General Fund	05/01/20	04/30/21	\$10,020
27	Annual Software (\$6,562.12) and Hardware (\$1,973.24) Maintenance LE Renewal for Imageware. Imageware is a software and hardware system utilized in creating police department employee ID badges.	IMAGEWARE	Police Department	Fund 0100 - General Fund	07/01/19	06/30/20	\$9,460
28	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 CORP OF AMERICA	Police Department	Fund 0100 - General Fund	12/26/19	12/25/20	\$8,270
29	Annual Licensing for ArcGIS Geo-Event Server (Windows) Up to four cores, 365-day Term License @ \$6,000/yr, plus ArcGIS Geo-Event Additional Core (up to 32 per server) @\$1,500/yr for a total annual cost of \$7,500/yr. for 5 years for a grand total of \$40,265.62 w/ tax. This is Year 3 of 5. Real Time Crime Center (RTCC); 5-Year Agreement @7,500/yr for a total with tax of \$40,265.63	ESRI INC	Police Department	Fund 0100 - General Fund	07/28/19	07/27/22	\$8,250
30	Stealth Annual Covert Track Service	SPECIAL SERVICES GROUP	Police Department	Fund 0100 - General Fund	02/18/20	02/17/21	\$5,940
31	FTK - 2 Stand Alone Perpetual Lic and SMS - High Tech Crimes Unit investigatory tool.	ACCESS DATA GROUP	Police Department	Fund 0100 - General Fund	05/30/20	05/30/21	\$5,900
32	Annual Renewal of Two (2) License Subscriptions for X-Ways Forensics BYOD Software. Forensics investigatory tool.	X-WAYS SOFTWARE TECHNOLOGY	Police Department	Fund 0100 - General Fund	03/05/20	03/04/21	\$5,560

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2019-2020 (Under \$50,000)**

	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
33	OnBase Local Government Workflow Concurrent Client SL (20 count) and Annual Maintenance on Workflow Licenses. Additional Lic for MPD RMS.	HYLAND SOFTWARE	Police Department	Fund 0100 - General Fund	05/01/20	04/30/21	\$5,500
34	Renewal of 14 licenses for NCM License & Support subscriptions for CradlePoints for POD Cameras & Armadillos for 3 years	QPCS	Police Department	Fund 0100 - General Fund	07/01/19	06/30/20	\$5,500
35	Annual Maintenance and Support Services renewal for Veripic Software. MPD utilizes this software program for digital data storage.	VERIPIC INC	Police Department	Fund 0100 - General Fund	03/01/20	02/28/21	\$5,280
36	Deepnet Dualshield Software licensing and annual support services - 300 licenses, plus 25 more (3/12/18). Dual factor authentication of key fobs in use by MPD personnel when signing on to the MDC's.	DEEPNET SECURITIES	Police Department	Fund 0100 - General Fund	08/27/19	08/26/20	\$4,880
37	CLEAR Search Software utilized by Crime Analysts as an investigatory tool.	THOMSON-REUTERS	Police Department	Fund 0100 - General Fund	07/01/19	06/30/20	\$4,400
38	Annual Renewal for UFED Ultimate Support Services for Cellebrite Unit for SGU. Investigatory tool.	CELLEBRITE	Police Department	Fund 0100 - General Fund	08/31/19	08/30/20	\$3,730
39	TLO Annual Fees Subscription to database Utilized by Crime Analysts as an investigatory tool.	TRANS UNION RISK AND DATA SOLUTIONS	Police Department	Fund 0100 - General Fund	07/01/19	06/30/20	\$3,300
40	Annual renewal of TriTech Software Systems End-User License and Software Support Agreement for CrimeMapping software. Crime Analyst crime mapping tool.	TRITECH SOFTWARE SYSTEMS	Police Department	Fund 0100 - General Fund	01/10/20	01/09/21	\$3,300
41	Renewal of Annual Maintenance and Support of IAPro Software with CI Technologies, as the sole source manufacturer and distributor of this proprietary software utilized by MPD Internal Affairs.	CI TECHNOLOGIES INC	Police Department	Fund 0100 - General Fund	08/01/19	07/31/20	\$2,860
42	Renewal of TRITECH.COM IQ ANALYTICS 5 Concurrent User Bundle One Year Subscription	TRITECH SOFTWARE SYSTEMS	Police Department	Fund 0100 - General Fund	05/02/20	05/01/21	\$2,700

**Exhibit A - Hardware/Software Maintenance Support Agreements
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	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
43	Genetec SDK Licenses for 10 concurrent cameras.	CELPLAN TECHNOLOGIES	Police Department	Fund 0100 - General Fund	09/25/19	09/24/20	\$2,696
44	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 Department	Fund 0100 - General Fund	07/01/19	06/30/20	\$2,586
45	Annual maintenance for COPLINK Export interface	TRITECH SOFTWARE SYSTEMS	Police Department	Fund 0100 - General Fund	04/01/20	03/31/21	\$2,530
46	MediaStar Evolution Digital Content Management (DCM) Software SMS - Projection of real-time CAD status updates on calls for service, heat maps, subject and other crime stats and crime bulletin information throughout the Police Department.	CABLETIME USA - MEDIA STAR	Police Department	Fund 0100 - General Fund	10/10/19	10/10/20	\$2,266
47	CopWare California Codes Site License for 201-300 Sworn Officers. Provides sworn personnel with an online resource for accessing California law enforcement codes.	COPWARE	Police Department	Fund 0100 - General Fund	07/01/19	06/30/20	\$1,926
48	IBM Analyst's Notebook Concurrent User Annual Software Subscription and Support Renewal. Proprietary Software tool utilized by MPD Crime Analysts.	IBM ANALYSTS NOTEBOOK	Police Department	Fund 0100 - General Fund	03/01/20	03/31/21	\$1,650
49	Blacklight Subscription Renewal; MacQuisition License Subscription Renewal. High Tech Crimes Unit Investigatory tool.	BLACK BAG TECHNOLOGIES	Police Department	Fund 0100 - General Fund	05/13/20	05/12/21	\$1,630
50	Renewal of Annual Maintenance and Support of BlueTeam Software with CI Technologies, as the sole source manufacturer and distributor of this proprietary software utilized by MPD Internal Affairs.	CI TECHNOLOGIES INC	Police Department	Fund 0100 - General Fund	08/01/19	07/31/20	\$1,570
51	Annual Maintenance Renewal for GoAnywhere MFT Software. Utilized in the transfer of data from MPD Scheduling and Payroll software to Oracle Payroll system.	HELPSYSTEMS (LINOMA)	Police Department	Fund 0100 - General Fund	07/01/19	06/30/20	\$1,540

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	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
52	MediaStar Evolution Digital Content Management (DCM) Software SMS - Projection of real-time CAD status updates on calls for service, heat maps, subject and other crime stats and crime bulletin information throughout the Police Department. This unit is for Records Unit Decoder and one spare.	CABLETIME USA - MEDIA STAR	Police Department	Fund 0100 - General Fund	08/31/19	09/01/20	\$1,518
53	Renewal of Annual Maintenance and Support for 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 Department	Fund 0100 - General Fund	01/01/20	12/31/20	\$1,230
54	Annual Software Subscription to Crash Data Recorder (CDR). This is utilized by the Traffic Unit for imaging Air Bag Control Modulators in the event of a fatal accident.	CRASH DATA GROUP INC	Police Department	Fund 0100 - General Fund	08/22/19	08/21/20	\$1,150
55	Threat assessment tool for ISD & CIU - Content license	WAVR 21	Police Department	Fund 0100 - General Fund	04/01/20	03/31/21	\$1,100
56	Hyland Local Government Production Document Imaging License and Annual Maintenance.	HYLAND SOFTWARE	Police Department	Fund 0100 - General Fund	09/01/19	08/31/20	\$1,050
57	Annual Software Subscription for Critical Reach APNet Crime Bulletin Services. Includes use of Critical Reach software, national servers, network and user support for maintenance term.	CRITICAL REACH	Police Department	Fund 0100 - General Fund	01/01/20	12/31/20	\$900
58	California Peace Officers Legal Sourcebook and California Codes Mobile App License for 201-300 Sworn Officers. Provides sworn personnel with an app to connect to this resource on their cell phones.	COPWARE	Police Department	Fund 0100 - General Fund	07/01/19	06/30/20	\$900
59	Renewal of Training Innovations TMS software annual maintenance and support. MPD utilizes this to track employee training and certification.	TRAINING INNOVATIONS INC	Police Department	Fund 0100 - General Fund	07/01/19	06/30/20	\$825
60	FEX Annual SMS Renewal for Forensic Explorer and Mount Image Pro. High Tech Crimes Unit investigatory tool, dongle	GETDATA FORENSICS USA	Police Department	Fund 0100 - General Fund	09/01/19	08/31/20	\$540
61	Bosch Workstation Software License	DELTA WIRELESS, INC	Police Department	Fund 0100 - General Fund	08/31/19	09/01/20	\$440

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	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
62	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	Police Department	Fund 0100 - General Fund	03/01/20	02/28/21	\$436
63	SkipTracing Services (Collection Process)	Lexis Nexis Risk Solutions	Finance - Customer Service	Fund 0100 - General Fund/Fund 4100 - Water Fund	06/01/18	06/01/21	\$6,600
64	Connects and transfers data between various platforms	HelpSystems/Go Anywhere	Finance - Customer Service	Fund 0100 - General Fund/Fund 4100 - Water Fund	07/01/19	06/30/20	\$5,897
65	Maintenance Connection Technical Support & Database Hosting for Park Work Orders	Maintenance Connection, Dan Buljan	PRN - Parks Operations	Fund 0100 - General Fund	06/02/19	06/01/20	\$4,248
66	ZoomGrants - Online Grant RFP and processing management	Grant Analyst.com, LLC DBA Zoom Grants	CED - Community Development	Fund 1130 - CDBG Administration	03/01/19	02/29/20	\$4,950
67	StreetSaver	Metropolitan Transportation	CED - Transportation Engineering & Design	Fund 1300	03/01/19	02/28/20	\$3,850
68	STAR*NET Pro (Annual Maintenance Subscription)	MicroSurvey	Utilities - Construction Administration	Fund 1300 - Capital Improvement Services	06/29/19	06/29/20	\$549
69	CassWorks maintenance management software	RJN Group, Inc.; Jesse Arzola	Public Works - Curbs, Gutters, Sidewalks	Fund 1700 - Surface Transportation Fund	05/02/18	05/01/20	\$880
70	CassWorks maintenance management	RJN Group, Inc.; Jesse Arzola	Public Works - Street Maintenance	Fund 1700 - Surface Transportation Fund	05/02/18	05/01/20	\$880

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	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
71	Transparity - ATMS Management Software	McCain	Public Works - Traffic	Fund 1700 - Surface Transportation Fund	06/13/19	06/12/20	\$9,350
72	Remit Plus, Remote Deposits	Jack Henry	Finance - Customer Service	Fund 4100 - Water Fund	07/01/19	06/30/20	\$6,350
73	Cash Receipting Software program	Quadrant Systems Inc.	Finance - Customer Service	Fund 4100 - Water Fund	01/01/20	12/31/20	\$3,630
74	Document management system for Utility Billing statements	S4i Systems Inc.	Finance - Customer Service	Fund 4100 - Water Fund	07/01/19	06/30/20	\$3,580
75	Monitoring and notification of IBM system jobs	HelpSystems/Robot Alert	Finance - Customer Service	Fund 4100 - Water Fund	07/01/19	06/30/20	\$3,110
76	KPWR Direct - ODBC Client Support and Maintenance agreement	Rexel	Utilities	Fund 4100 - Water Fund	12/03/18	12/02/19	\$23,000
77	Surfer - by Golden Software	Golden Software	Utilities	Fund 4100 - Water Fund	12/18/18	12/18/19	\$16,000
78	InfoWater - Hydraulic Water Model	Innovyze	Utilities - Engineering	Fund 4100 - Water Fund	06/15/19	06/15/20	\$4,710
79	InfoSWMM - Hydraulic Sewer Model	Innovyze	Utilities - Engineering	Fund 4100 - Water Fund	06/15/19	06/15/20	\$4,120
80	iWater - Software for Inframaps	iWater	Utilities - Water Services	Fund 4100 - Water Fund	11/01/19	10/31/20	\$7,920
81	Badger - National Meter (meter reading system/equip. software)	National Meter	Utilities - Water Services	Fund 4100 - Water Fund	07/01/19	06/30/20	\$2,500
82	Cabletime - Mediarstar (program - post notices, deadlines for staff)	Cabletime	Utilities - Water Services	Fund 4100 - Water Fund	02/01/19	02/01/20	\$2,170
83	XC2 - BackflowDatabase and Records	XC2	Utilities - Water Services	Fund 4100 - Water Fund	12/31/19	12/31/20	\$1,620
84	IndustrySafe - Safety Database (employee safety training class tracking)	IndustrySafe	Utilities - Water Services	Fund 4100 - Water Fund	07/01/19	06/30/20	\$1,560
85	RJN - Cassworks (work order and service records)	RJN Group, Inc., Jesse Arzola	Utilities - Water, PW - Streets, Green Waste	Fund 4100 - Water Fund	05/01/19	05/01/20	\$5,300
86	Safety Training Software	TRA, Inc. - IndustrySafe	Utilities - Environmental Compliance/Safety	Fund 4210 - Wastewater	10/11/18	09/10/19	\$1,430

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	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
87	Structural Engineering Library – Design/Analysis Tool	Enercalc	Utilities - Engineering	Fund 4210 - Wastewater Fund	05/15/19	05/15/20	\$500
88	Techconnect Support Agreement	Rockwell Automation	Utilities - Wastewater Division - Plant Operations	Fund 4210 - Wastewater Fund	08/01/18	08/01/22	\$4,140
89	Surpass	Surpass Software LLC	Utilities - Wastewater Division - Wastewater Services Admin	Fund 4210 - Wastewater Fund	05/01/19	04/30/20	\$520
90	Seal	Seal Analytical	Utilities - Wastewater Division - WQC Laboratory	Fund 4210 - Wastewater Fund	08/28/17	08/27/19	\$8,080
91	IT Pipes	IT Pipes	Utilities - Wastewater Division - Wastewater Collection	Fund 4210 - Wastewater Fund	02/01/19	01/31/20	\$2,640
92	ESRI - GIS for new work order system (Lucity)	ESRI	Utilities - Wastewater Division - Stormwater Compliance	Fund 4210 - Wastewater Fund Fund 4480- Stormwater Fund	03/13/18	03/12/22	\$7,920
93	Lucity	Lucity	Utilities - Wastewater Division - Stormwater Compliance	Fund 4210 - Wastewater Fund Fund 4480- Stormwater Fund	03/13/18	03/12/22	\$5,280
94	Maintenance Connection (CMMS) - manage and maintain assets and coordinate maintenance of sewer plants	Maintenance Connection	Utilities - Wastewater Division - Jennings & Sutter Maintenance, Operations and Electrical Services	Fund 4210 - Wastewater Fund Fund 4480 - Stormwater	04/24/17	04/23/22	\$7,065
95	Factory Talk Asset Centre TechConnect	Rockwell Automation	Utilities Wastewater Division - Plant Operations	Fund 4210- Wastewater	01/27/19	01/26/20	\$7,150

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	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
96	Liebert UPS Preventive Maintenance	Vertiv	Utilities - Wastewater Division	Fund 4210- Wastewater	02/02/19	02/01/20	\$13,210
97	Info SWMM Stormwater Model	Innovyze	Utilities - Environmental Compliance	Fund 4480 - Stormwater Fund	03/07/19	03/07/20	\$2,830
98	InfoSWMM - Hydraulic Sewer Model	Innovyze	Utilities - Wastewater Division - Stormwater Compliance	Fund 4480 - Stormwater Fund	04/01/19	04/01/20	\$2,830
99	ESRI - GIS for new work order system (Lucity)	ESRI	Utilities - Wastewater Division - Wastewater Collection	Fund 4480 - Stormwater Fund	03/13/18	03/12/22	\$7,920
100	Allison Diagnostics	Allison	Public Works - Fleet Services - Transit	Fund 4540 - Transit Maintenance	08/01/18	08/01/20	\$770
101	Detroit Diagnostics	Detroit	Public Works - Fleet Services - Transit	Fund 4540 - Transit Maintenance	08/01/18	08/01/20	\$770
102	Cummins Diagnostics	Cummins	Public Works - Fleet Services - Transit	Fund 4540 - Transit Maintenance	03/01/18	03/01/20	\$600
103	Event Reservation System	RIC Corp - Concentrics	PRN - Administration	Fund 4700- Cultural Services Administration	07/01/19	06/30/20	\$7,300
104	Wasteworks and Waste Wizard solid waste software	Carolina Software	Public Works - Compost	Fund 4890 - Compost Fund	07/01/18	6/30/2020 ** Updated Term Pending	\$1,760
105	CassWorks maintenance management software	RJN Group, Inc.; Jesse Arzola	Public Works - Community Forestry	Fund 4892 - Green Waste Fund	05/01/19	05/01/20	\$630

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	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
106	Interactive Voice Response (IVR) System for Utility Billing	Selectron Technologies Inc.	Information Technology	Fund 5230 - Information Technology	11/01/18	10/31/19	\$42,650
107	Tidemark Building Permit System	Accela	Information Technology	Fund 5230 - Information Technology	01/01/18	12/31/19	\$39,380
108	Cornerstone - HR - Employee Performance Mgt	Cornerstone	Information Technology	Fund 5230 - Information Technology	11/03/18	11/02/19	\$35,830
109	AutoCad	DLT	Information Technology	Fund 5230 - Information Technology	08/17/18	08/16/19	\$30,530
110	Commvault Backup System	SHI	Information Technology	Fund 5230 - Information Technology	06/08/18	06/07/20	\$27,500
111	Dell M100 Chassis	Dell	Information Technology	Fund 5230 - Information Technology	04/21/19	04/20/20	\$27,500
112	Public Stuff	Accela	Information Technology	Fund 5230 - Information Technology	11/16/18	11/15/19	\$26,590
113	MD1200 Maintenance	Dell	Information Technology	Fund 5230 - Information Technology	07/01/19	06/30/19	\$22,000
114	Quantum Scalar - LTO Drives and Library for Backup tape and Offsite Disasater Recovery	Quantum	Information Technology	Fund 5230 - Information Technology	05/21/19	05/31/20	\$21,470
115	Liebert Uninterruptable Power Supply (UPS)	Vertiv	Information Technology	Fund 5230 - Information Technology	11/28/18	11/27/19	\$14,320
116	McAfee Enterprise Threat Prevention (1450 users)	Solid Networks	Information Technology	Fund 5230 - Information Technology	06/06/18	06/05/20	\$13,150

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	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
117	Adobe Annual Subscriptions	PCMG	Information Technology	Fund 5230 - Information Technology	11/11/15	07/10/19	\$11,190
118	Coneth DMS Agreement	Coneth Solutionis	Information Technology	Fund 5230 - Information Technology	02/01/18	02/01/20	\$11,000
119	Dell Server Hardware Support	Dell	Information Technology	Fund 5230 - Information Technology	08/01/19	07/31/20	\$11,000
120	HP Server Hardware Support	HP	Information Technology	Fund 5230 - Information Technology	08/01/19	07/31/20	\$11,000
121	Manage Engine Desktop	PCMG	Information Technology	Fund 5230 - Information Technology	05/03/19	05/02/20	\$10,970
122	VMWare	Allied Network Solutions	Information Technology	Fund 5230 - Information Technology	03/27/19	03/26/20	\$10,280
123	Vertex (Payroll SW for Cosmo)	Vertex	Information Technology	Fund 5230 - Information Technology	09/01/18	08/31/19	\$10,210
124	Planview PPM Pro	Planview	Information Technology	Fund 5230 - Information Technology	12/01/18	11/30/19	\$9,920
125	Kaspersky AntiVirus Software	PCMG	Information Technology	Fund 5230 - Information Technology	01/26/18	01/27/20	\$9,900
126	Help Desk (Track It)	Taborda Solutions	Information Technology	Fund 5230 - Information Technology	10/15/18	10/14/19	\$9,010
127	Domain Registration (various)	Register.com	Information Technology	Fund 5230 - Information Technology	07/01/19	06/30/20	\$8,800
128	Netmotion Mobility (100 Licenses)	Mobile Wireless	Information Technology	Fund 5230 - Information Technology	01/17/19	01/16/20	\$6,370

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2019-2020 (Under \$50,000)**

	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
129	Toad (Oracle Reporting Maintenance)	DLT	Information Technology	Fund 5230 - Information Technology	04/30/18	04/30/20	\$6,074
130	SANS (ESCAL) Institute (staff security awareness 1200 users)	SANS (ESCAL)	Information Technology	Fund 5230 - Information Technology	01/30/19	02/01/20	\$5,984
131	Barracude Email Security Gateway	Hula Networks	Information Technology	Fund 5230 - Information Technology	09/30/15	09/17/19	\$5,918
132	NEC Software Maintenance (Telephone System)	ATI	Information Technology	Fund 5230 - Information Technology	08/01/17	09/30/24	\$4,917
133	SSL Certificates	Digicert	Information Technology	Fund 5230 - Information Technology	07/01/19	06/30/20	\$3,300
134	Kemp Load Balancer	PCMG	Information Technology	Fund 5230 - Information Technology	12/05/18	12/04/19	\$2,200
135	Nessus Website Vulnerability Scanner	CDWG	Information Technology	Fund 5230 - Information Technology	09/18/18	09/17/19	\$2,014
136	Manage Engine Password Manager (10 Admin)	PCMG	Information Technology	Fund 5230 - Information Technology	05/19/19	05/18/20	\$1,290
137	SNARE Log Agent (10 servers)	Prophecy Americas	Information Technology	Fund 5230 - Information Technology	04/06/19	04/07/23	\$1,100
138	Discovery Attender (2 Seats)	Sherpa	Information Technology	Fund 5230 - Information Technology	03/03/19	03/02/20	\$936
139	Tableau - Data Graphics Software	Tableau	Information Technology	Fund 5230 - Information Technology	05/27/19	05/26/20	\$880
140	Zoom Standard Pro - Video Conferencing	Zoom Video Communications Inc.	Information Technology	Fund 5230 - Information Technology	12/03/18	12/02/19	\$160

**Exhibit A - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2019-2020 (Under \$50,000)**

	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
141	Caterpillar Diagnostics	Caterpillar	Public Works - Fleet Services	Fund 5400 - Fleet Maintenance	12/01/18	12/01/20	\$5,610
142	John Deere Diagnostics	John Deere	Public Works - Fleet Services	Fund 5400 - Fleet Maintenance	12/01/18	12/01/20	\$5,280
143	Mack/Volvo Diagnostics	Mack/volvo	Public Works - Fleet Services	Fund 5400 - Fleet Maintenance	12/01/18	12/01/20	\$3,460
144	Ford Diagnostics	Ford Motor	Public Works - Fleet Services	Fund 5400 - Fleet Maintenance	12/02/18	12/02/20	\$1,870
145	Allison Diagnostics	Allison	Public Works - Fleet Services	Fund 5400 - Fleet Maintenance	12/01/18	12/01/20	\$770
146	Cummins Diagnostics	Cummins	Public Works - fleet Services	Fund 5400 - Fleet Maintenance	12/01/18	12/01/20	\$60
147	Maintenance Connection - Annual Technical Support Renewal, including hosting, software maintenance, technical support, and upgrades.	Maintenance Connection, Dan Buljan	Public Works - Building Services	Fund 5800 - Building Services	07/01/19	06/30/20	\$3,630
	Total						\$1,084,860

**Exhibit B - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2019-2020 (Over \$50,000)**

	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
1	Citation Processing Software	T2 Systems Inc.	Finance - Customer Service	Fund 0100 - General Fund	12/01/17	11/30/22	\$26,832
2	HDL Business License Software	HDL Software, LLC	Finance - Customer Service	Fund 0100 - General Fund	08/02/17	08/01/22	\$17,270
3	Bid Management	Planet Bid	Finance - Purchasing	Fund 0100 - General Fund		Evergreen	\$9,818
4	ePCR / RMS - Fire Department patient care reporting system and records management system for advanced life support calls	ZOLL	Fire Department	Fund 0100 - General Fund	04/09/19	04/08/20	\$51,458
5	Perfect Mind, Recreation Software, used for Facility Rentals and Program Registrations	Perfect Mind	Parks, Recreation, Neighborhoods	Fund 0100 - General Fund	06/27/17	06/27/22	\$13,466
6	Officer Safety Plan - Evidence.com licensing	AXON ENTERPRISES INC	Police Department	Fund 0100 - General Fund	08/31/19	08/30/21	\$345,657
7	2019-20 CAD System Maintenance - \$98,981.00; IQ/RMS Interface - \$2,393. Total 101,374. MPD share of 911 Communications Center	TRITECH SOFTWARE SYSTEMS	Police Department	Fund 0100 - General Fund	05/01/20	04/30/21	\$111,511
8	Annual Maintenance Fees for Inform RMS	TRITECH SOFTWARE SYSTEMS	Police Department	Fund 0100 - General Fund	05/02/20	05/01/21	\$104,500
9	Annual renewal of Proprietary COPLINK Software licensing and Data Source Integration Maintenance with Forensic Logic. MPD will front costs and invoice Sheriff's Department for 50% of costs. Total Cost to MPD is \$34,489.50.	FORENSIC LOGIC LLC	Police Department	Fund 0100 - General Fund	04/01/20	03/31/21	\$82,500
10	Annual Maintenance for Geoshield Annual Subscription renewal for 30 users at \$54,000/yr for five years.	CYBERTECH SYSTEMS AND SOFTWARE INC	Police Department	Fund 0100 - General Fund	02/14/20	02/13/21	\$59,400
11	Annual Renewal of ESRI proprietary Small Public Safety Term Enterprise License Agreement. Year 3 of 5 @\$45,000/yr for a total of \$225,000 plus tax \$16,593.75 for a grand total of \$241,594.75. Used for GEO-Shield application in Real Time Crime Center (RTCC).	CYBERTECH SYSTEMS AND SOFTWARE INC	Police Department	Fund 0100 - General Fund	02/14/20	02/13/21	\$49,500

**Exhibit B - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2019-2020 (Over \$50,000)**

	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
12	Electronic Recruitment and Onboarding System	NeoGov	Human Resources - HR Administration & EE Benefits Administration	Fund 0100 - General Fund / Fund 5520 Employee Benefits Fund	02/15/17	02/14/21	\$31,460
13	Utility Billing Software	Central Square (Formerly Superior)	Finance - Customer Service	Fund 0100 - General Fund/Fund 4100 - Water Fund	08/27/97	Evergreen	\$102,960
14	Rehab Pro Direct- Online Housing Rehabilitation and Inspection software	Happy Software	CED-Community Development	Fund 1130 - CDBG Housing Rehabilitation	02/03/16	Evergreen	\$5,500
15	Clinet Track - Online HMIS data entry and analysis software	Eccovia Inc.	CED - Community Development	Fund 1185 HMIS Administration	07/01/17	07/01/20	\$32,935
16	e-Builder, Inc. Program Management Information System (Enterprise Capital Program license)	e-Builder, Inc.	Utilities - Construction Administration	Fund 1300 - Capital Improvement Services	04/05/16	04/04/21	\$96,031
17	Automated parking system	Amano McGann	Public Works - Parking	Fund 4000 - Parking	01/04/17	03/31/20	\$19,312
18	ESRI - GIS for new work order system (Lucity)	ESRI	Utilities - Water Services	Fund 4100 - Water Fund	03/13/18	03/20/23	\$32,890
19	Lucity - New work order system	Lucity	Utilities - Water Services	Fund 4100 - Water Fund	03/13/18	03/20/23	\$19,360
20	HSQ - CMMS manage and maintain regulatory process data	HSQ	Utilities - Wastewater Division - Jennings & Sutter Maintenance, Operations and Electrical Services	Fund 4100 - Water Fund 4210 - Wastewater	11/01/16	10/03/21	\$48,312
21	LabWorks - LIMS system manage and maintain data base for state reporting	LabWorks	Utilities - Wastewater Division - WQC Laboratory	Fund 4210 - Wastewater	08/01/17	07/31/23	\$17,058
22	ESRI - GIS for new work order system (Lucity)	ESRI	Utilities - Wastewater Division - Wastewater Collection	Fund 4210 - Wastewater Fund	03/13/18	03/12/22	\$29,766

**Exhibit B - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2019-2020 (Over \$50,000)**

	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
23	Lucity - GIS CMMS - manage and maintain assets and coordinate tracking of sewer calls and maintenance	Lucity	Utilities - Wastewater Division - Wastewater/Stormwater Collections	Fund 4210 - Wastewater Fund 4480 - Stormwater	05/01/18	04/30/23	\$66,000
24	Transit Route Planning and Analysis	Remix Software	Public Works - Transit	Fund 4540 - Transit	11/01/17	10/31/21	\$60,500
25	Oracle ERP	Oracle	Information Technology	Fund 5230 - Information Technology	Multiple	Multiple	\$288,482
26	Microsoft Enterprise Agreement	Insight	Information Technology	Fund 5230 - Information Technology	05/02/17	05/02/20	\$263,409
27	IBM - Customer Service - Utility Billing and Accounts Receivable Systems	SPS Var LLC	Information Technology	Fund 5230 - Information Technology	08/17/16	08/16/19	\$247,940
28	Oracle Database	Oracle	Information Technology	Fund 5230 - Information Technology	06/01/18	05/31/20	\$129,497
29	CGI (PBS) - Budget Software	CGI	Information Technology	Fund 5230 - Information Technology	04/01/16	04/01/26	\$112,200
30	Enterprise Camera System Annual Maintenance	Celplan	Information Technology	Fund 5230 - Information Technology	08/01/18	07/31/20	\$79,200
31	Open Gov	Open Gov	Information Technology	Fund 5230 - Information Technology	12/31/18	12/30/19	\$70,950
32	Compellent SAN Storage System	Vendor Process	Information Technology	Fund 5230 - Information Technology	05/02/19	05/01/20	\$50,600
33	ESRI - GIS	ESRI	Information Technology	Fund 5230 - Information Technology	05/31/18	05/30/20	\$36,245

**Exhibit B - Hardware/Software Maintenance Support Agreements
for Fiscal Year 2019-2020 (Over \$50,000)**

	Software Name, Description, & Business Purpose	Vendor/Contractor Name	Department	Fund	Term Start Date	Term End Date	FY 19-20 Maintenance Amount Due
34	Civic Plus - Website	Civic Plus	Information Technology	Fund 5230 - Information Technology	09/30/18	10/01/21	\$32,947
35	MPD NEC Phone System	DTC	Information Technology	Fund 5230 - Information Technology	06/30/16	05/29/20	\$29,700
36	Barracuda Message Archiver	Email Archive System	Information Technology	Fund 5230 - Information Technology	09/16/16	09/17/19	\$29,700
37	Telco Services	ATI	Information Technology	Fund 5230 - Information Technology	07/01/18	06/23/20	\$27,500
38	Agenda Plus (Sire)	Hyland	Information Technology	Fund 5230 - Information Technology	05/01/18	04/30/20	\$26,843
39	City Voicemail System Call Express	ATI	Information Technology	Fund 5230 - Information Technology	08/01/19	07/31/22	\$22,000
40	Siteimprove - Website Quality Assurance, Accessibility, Policy, & SEO Up to 2,500 pages	Siteimprove	Information Technology	Fund 5230 - Information Technology	12/01/18	11/30/21	\$21,038
41	Forcepoint Security Software	MicroAge	Information Technology	Fund 5230 - Information Technology	12/19/17	12/19/20	\$18,150
42	Electronic Insurance Certificate Management System	PINS Advantage	Human Resources - Risk Management	Fund 5310 - Insurance Administration	10/24/17	10/24/22	\$9,900
43	Claims management software and software support for management of general liability claims	JDI	Human Resources	Fund 5330 Liability Insurance	08/17/17	08/16/19	\$167,750
44	AssetWorks (FA Suite)	AssetWorks	Public Works	Fund 5409 - Fleet	12/01/18	11/30/20	\$44,000
45	Total						\$3,142,046

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-318**

RESOLUTION APPROVING A ONE-TIME PURCHASE WITH ATLANTIC MACHINERY, INC., SILVER SPRINGS, MD., BY UTILIZING “PIGGYBACKING” UNDER THE COMPETITIVE BID PROCESS WITH NATIONAL JOINT POWERS ALLIANCE (NJPA)/SOURCEWELL, FOR A VAC-CON COMBINATION SEWER AND STORM DRAIN CLEANER MOUNTED ON A NEW PETERBILT 348 6X4 TRUCK CHASSIS FOR A TOTAL AMOUNT NOT TO EXCEED \$455,917 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER, AND RESCINDING RESOLUTION NO. 2019-212

WHEREAS, the Vac-Con combination sewer and storm drain cleaner replacement unit will be used by the Water Construction Division, and

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services assigned to various departments, and

WHEREAS, the Vac-Con has the capacity to clean up large water leaks in emergency situations and is used to excavate around buried utilities such, and

WHEREAS, in reviewing the National Joint Powers Alliance (NJPA)/Sourcewell Request for Proposals (RFP) for Sewer Vacuum, Hydro-Excavation and Street Sweeper Equipment with Related Accessories and Supplies, and

WHEREAS, on December 21, 2017 thirty proposals were formally opened, and

WHEREAS, thirteen vendors were awarded contracts, and

WHEREAS, Modesto Municipal Code authorizes entities to rely on terms that have already been competitively bid “piggybacking” in certain situations; based on the review of the bidding process for National Joint Powers Alliance (NJPA)/Sourcewell, the City will “piggybacking” on their bid, and

WHEREAS, Resolution 2019-212 was approved by Council to award the purchase of the Vac-Con combination sewer and storm cleaner to Municipal Maintenance Equipment (MME), and

WHEREAS, MME is the incorrect vendor and the correct vendor is Atlantic Machinery, and

WHEREAS, the Purchasing Manager has determined, pursuant to Section 8-3.204(d) of the MMC, that the 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, sufficient funds for Vac-Con Combination Sewer and Storm Drain Cleaner have been encumbered in the Fleet Replacement Fund 5409.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a Vac-Con Combination Sewer and Storm Drain Cleaner mounted on a new Peterbilt 348 6x4 truck.

BE IT FURTHER RESOLVED, the Purchasing Manager, or her designee, is hereby authorized to issue a purchase order for an estimated cost of \$455,917.

BE IT FURTHER RESOLVED, that Resolution No. 2019-212 is hereby rescinded.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

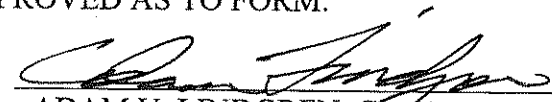
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-319**

RESOLUTION APPROVING A PAYMENT TO THE STANISLAUS ANIMAL SERVICES AGENCY IN THE AMOUNT OF \$112,583 FOR THE FISCAL YEAR 2017-18 PARTNER ALLOCATION TRUE-UP

WHEREAS, in 2009, the cities of Ceres, Hughson, Modesto, Patterson, Waterford and the County of Stanislaus entered into a Joint Powers Agreement establishing the Stanislaus Animal Services Agency; and

WHEREAS, the agreement states that “the joint operations and management of an animal shelter for the mutual benefit of the parties and their respective residents provides efficiency and economy in government operations through the cooperation of member governments and the pooling of common resources”; and

WHEREAS, the fiscal matters related to the Stanislaus Animal Services Agency are outlined in Section 5 of the Agreement; and

WHEREAS, at the completion of each fiscal year, the Stanislaus Animal Services Agency performs a final accounting; and

WHEREAS, historically, the prior years have closed with a surplus resulting from the previous fiscal year Operating Budget fund balance, and

WHEREAS, the final accounting for Fiscal Year 2017-2018 resulted in a deficit in the amount of \$202,231; and

WHEREAS, On February 21, 2019, the Stanislaus Animal Service Agency Joint Powers Authority Board voted to approve the true-up of Fiscal Year 2017-18 partner agency financial contributions and authorized the Executive Director to invoice the partner agencies for their respective contributions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a payment to the Stanislaus Animal Services Agency in the amount of \$112,583 for the Fiscal Year 2017-2018 partner allocation true-up.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-320**

**RESOLUTION CALLING A SPECIAL ELECTION FOR THE CITY OF
MODESTO TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY
FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)**

WHEREAS, on May 28, 2019, by Resolution No. 2019-244, Council adopted a Resolution of Intention to Annex to indicate its intention to annex certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and authorize the levy of the District special taxes within the territory proposed to be annexed (the "Annexed Territory"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and set a hearing thereon, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004, create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and

WHEREAS, the Annexed Territory will be annexed to and subject to the special taxes in Tax Zone #2, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, a map of the Annexed Territory, entitled “Annexation Map No. 17 of Community Facilities District No. 2004-1 (Village One #2) City of Modesto, County of Stanislaus, State of California” was recorded on June 11, 2019, in the Office of the County Recorder of the County of Stanislaus, in Book 5 of Maps of Assessment and Community Facilities Districts, at page 87, and

WHEREAS, at the time and date set for the hearing (July 2, 2019) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory have not been filed with the City Clerk by 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory, and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners, and

WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election.

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

1. The foregoing recitals are true and correct.
2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes for Tax Zone #2 within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes for Tax Zone #2 within the Annexed Territory.

5. A special election is hereby called at which the question of levying the District special taxes for Tax Zone #2 within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be applicable to such election. The ballot measure shall be substantially in the form **attached** hereto as **Exhibit A**.

6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowner(s) of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

7. Since the City Clerk has received an appropriate waiver of time limits and other requirements pertaining to the conduct of the election by the owner of all of the land in the Annexed Territory (the "Landowner"), the election shall be held on the 2nd

day of July 2019. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

8. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk up to and including 5:30 p.m., Pacific Time, on July 2, 2019, and/or up to the conclusion of the Public Hearing, whether said ballots shall be personally delivered or received by mail.

9. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowner.

10. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the Landowner.

11. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

12. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

13. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes for Tax Zone #2 in the Annexed Territory, this Council may thereafter order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the

“Resolution of Formation”). The Special Tax will be levied only at the rate and apportioned only in the manner specified in the Resolution of Formation, as clarified by the City Council on December 14, 2004 (Resolution No. 2004-681), and at the rates set forth in Tax Zone #2 created by the City Council on December 14, 2004 (Resolution No. 2004-683).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

OFFICIAL BALLOT

BALLOT NO. 1

CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)

ANNEXATION NO. 17

SPECIAL TAX ELECTION

July 2, 2019

NUMBER OF VOTES ENTITLED TO BE CAST: 8
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO."

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY:
MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-683, entitled "A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District", adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2019-244, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 17)" adopted by the City Council of the City of Modesto on May 28, 2019, for the purposes set forth in Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District", adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference.

YES

NO

BALLOT NO. 1

THIS BALLOT HAS A VALUE OF 8 VOTES

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-321**

RESOLUTION DECLARING THE RESULTS OF THE JULY 2, 2019 SPECIAL ELECTION AND ORDERING THE ANNEXATION OF THE ADDITIONAL TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and the levy of the District special taxes (the "District Special Taxes") within such territory, as described in its Resolution No. 2019-244 entitled A Resolution of Intention to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes within the Territory Proposed to be Annexed (Annexation No. 17)", pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"); and

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of this Council's Resolution No. 2019-320, adopted on July 2, 2019, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the "Election") for July 2, 2019, or as soon thereafter as practicable, relative to the foregoing; and

WHEREAS, on July 2, 2019, the Election was held; and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election.

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

1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owner or owners of the territory proposed to be annexed are as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is **attached**.

3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2019-244 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory.

4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

CERTIFICATE OF CITY CLERK

I, STEPHANIE LOPEZ, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2019-320, A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 17) adopted on July 2, 2019, by the City Council of the City of Modesto, I did conduct the Special Tax Election on July 2, 2019, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City’s Resolution No. 2004-683, entitled “A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District”, adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City’s Resolution No. 2019-244, entitled “A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 17)” adopted by the City Council of the City of Modesto on May 28, 2019, for the purposes set forth in Resolution No. 2004-199, entitled “A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District”, adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

YES
NO

TOTAL VOTES CAST: YES ____ NO ____

Stephanie Lopez
City Clerk of the City of Modesto

Dated: _____, 2019

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-322**

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 PROFESSIONAL OFFICE, (P-O), TO NEIGHBORHOOD COMMERCIAL, (C-1), PROPERTY LOCATED AT THE NORTHWEST CORNER OF SYLVAN AVENUE AND FOREST GLENN DRIVE

WHEREAS, on March 5, 2019, by Resolution No. 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, Leslie Minson has proposed a rezone from Professional Office (P-O) zone to Neighborhood Commercial (C-1) zone, property located at the northwest corner of Sylvan Avenue and Forest Glenn 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 2019-14 (“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 June 12, 2019, 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 July 2, 2019, 2019, 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 Professional Office (P-O) zone to Neighborhood Commercial (C-1) zone, property located at the northwest corner of Sylvan Avenue and Forest Glenn 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 2nd day of July, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour, Mayor Brandvold

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

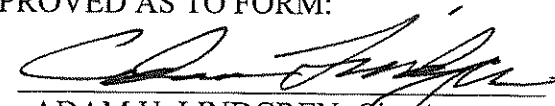
By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2019-14

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist C&ED No. 2019-14

For the proposed:

RZN-19-002 – Rezone from Professional Office (P-O) zone to
Neighborhood Commercial (C-1) zone at the northwest corner of
Sylvan Avenue and Forest Glenn Drive

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

May 14, 2019

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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 Professional Office (P-O) zone to Neighborhood Commercial (C-1) 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 Professional Office (P-O) zone to Neighborhood Commercial (C-1) zone
- B. Address or Location: Northwest corner of Sylvan Avenue and Forest Glenn Drive
- C. Applicant: Leslie Minson
- D. City Contact Person: Paul Liu, Principal Planner

Project Manager: Paul Liu
Department: Community and Economic Development Department
Phone Number: 209 577 5267
E-mail address: pliu@modestogov.com

- E. Current General Plan Designation(s): Mixed Use
- F. Current Zoning Classification(s): Professional Office, P-O
- G. Surrounding Land Uses:
 - North: Assisted living complex
 - South: Duplexes
 - East: City Park

West: Medical office

- 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 1.17 acres from P-O zone to C-1 zone. No specific development has been proposed with the rezone. Development of the site will need to apply 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. **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,

Paul Liu
Project Manager

Principal Planner
Title

5-14-19
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is a rezone of 1.17 acres from P-O zone to C-1 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 (PM₁₀) 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, PM₁₀, 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. NOISE AND VIBRATION	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. LOSS OF PLANT AND WILDLIFE HABITAT	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would involve the removal of known significant resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would place housing within a 100-year flood hazard area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially alter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10. FLOODING AND WATER QUALITY	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in new	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12. INCREASED DEMAND FOR SCHOOLS	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) For a project within the vicinity of a private	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially degrade the existing visual character or quality of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

19. VISUAL RESOURCES	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would substantially degrade views from riverside areas and parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project will be consistent land use and planning policies. The proposed rezone would be an extension of the commercial centers on the west side of Kingswood Drive along Sylvan Avenue.
- (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. 2019-323**

RESOLUTION APPROVING THE ANNUAL RATE ADJUSTMENT TO THE MAXIMUM RATE SCHEDULE FOR CITY SOLID WASTE COLLECTION SERVICES PROVIDED BY THE GARBAGE HAULERS, FOR AN INCREASE OF \$0.81 PER MONTH FOR RESIDENTIAL SERVICES, \$2.33 PER CUBIC YARD PER MONTH FOR COMMERCIAL SERVICES, AND \$5.42 PER PULL FOR INDUSTRIAL SERVICES EFFECTIVE JULY 1, 2019, AND RESCINDING RESOLUTION NO. 2019-36 FOR THE JANUARY 1, 2019 MID-YEAR 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 garbage 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 f (2) of the City's Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed annually as per the Agreements with the City's garbage collection companies, and

WHEREAS, on June 12, 2018, by Resolution No. 2018-242, Council approved the annual rate adjustment to the Maximum Rate Schedule for Solid Waste Services conducted by SCS Engineers, Inc. based on the haulers FY 15/16 audited financial statements, and

WHEREAS, during the rate hearing staff proposed a mid-year rate review utilizing the FY 16/17 audited financial statements with any adjustments to become effective January 1, 2019, and

WHEREAS, on January 22, 2019, by Resolution No. 2019-36, Council approved the mid-year annual rate adjustment to the Maximum Rate Schedule rate review, and

WHEREAS, the proposed rate review utilizes the audited financial statements of the garbage haulers for FY 17/18, and

WHEREAS, during the Solid Waste Rate Study it was determined that residential, commercial, and industrial customers should be contributing fees based on the allocation of waste combined with the number of customers from each sector, and

WHEREAS, the allocation for FY 17/18 is 49.4% residential, 23.9% commercial, and 26.7% industrial, and

WHEREAS, the residential and commercial allocations decreased slightly and industrial increased as compared to FY 16/17, and

WHEREAS, these percentage allocations were then utilized in applying fees accordingly, and

WHEREAS, to keep enterprise revenues in line with the increases in expenses each year, staff applied a Consumer Price Index (CPI) adjustment of 2.4% to the Recycling and Green Waste Diversion Program Fees, and

WHEREAS, the current maximum monthly rate for standard residential service is \$34.71 per household per month, and

WHEREAS, based on the cost structure of the lowest cost hauler, the FY 17/18 audited financial statements, and the rate analysis conducted by staff, an \$0.81 increase in the maximum residential rate is recommended for a new maximum residential rate of

\$35.52, to be effective July 1, 2019, and

WHEREAS, the current base maximum rate for commercial detachable container service is \$46.50 for one-cubic yard picked up once weekly per month, and

WHEREAS, based on the cost structure of the lowest cost hauler, the FY 17/18 audited financial statements, and the rate analysis conducted by staff, a \$2.33 increase in the base maximum commercial rate is recommended for a new maximum rate for commercial detachable container service of \$48.83 for one-cubic yard picked up once weekly per month, to be effective July 1, 2019, and

WHEREAS, the maximum rates for industrial drop boxes and roll-off compactors are set for the pickup charge and daily rental rate only, and

WHEREAS, the actual disposal charge is negotiated directly between the garbage collection company and the customer, and

WHEREAS, the current maximum rate per pick-up is \$405.79, however, based on the cost structure of the lowest cost hauler utilizing the FY 17/18 audited financial statements and analysis conducted by staff, a \$5.42 increase in the maximum rate per pick-up is recommended for a new rate of \$411.21 per pick-up, to be effective July 1, 2019, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the existing schedules of rates and charges for garbage service in the City of Modesto should be revised as recommended, and

WHEREAS, the fiscal impact related to the proposed adjustments for residential, commercial and industrial garbage and recycling services will increase revenue over the next fiscal year to the General Fund by \$58,100, the Streets Fund by \$29,400, the Solid Waste Fund by \$13,800, and the Green Waste Fund by \$132,300.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the Maximum Charges for Garbage Services provided by the garbage haulers, as **attached** hereto as **Attachment A**, dated July 1, 2019, and incorporated herein by reference. Said Maximum Charges for Garbage Service shall include all other services as stipulated in the Service Agreements and shall become effective July 1, 2019 and shall remain in effect until revised or rescinded by Council.

BE IT FURTHER RESOLVED, that Resolution No. 2019-36 for the January 1, 2019 mid-year rate adjustment is hereby rescinded effective July 1, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

ATTACHMENT A

MAXIMUM CHARGES FOR GARBAGE SERVICE - JULY 1, 2019

STANDARD CONTAINERS - Maximum Monthly Rate

Standard container service includes the following:

- 1 container for garbage and 1 container for organics waste recycling picked up once a week
- 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	\$ 29.45
Recycling Fee	\$ 0.43
Green Waste Fee	\$ 5.03
Carpenter Rd Landfill Fee	\$ 0.46
Geer Rd Landfill Fee	\$ 0.15
MAXIMUM MONTHLY RATE	\$ 35.52

Additional Garbage Container - \$ 13.00 each per month picked up once a week

Additional Organics Container - \$8.00 each per month picked up once a week

*Containers must be placed in a location set forth in Section 5-5.111 of the MMC.

DETACHABLE CONTAINERS - Maximum Monthly Rate

Weekly rental for Detachable Containers shall not exceed the rate for 1 pick-up per week for each size container.

Base Rate	\$ 36.85
Recycling Fee	\$ 0.69
Green Waste Fee	\$ 9.72
Litter Abatement	\$ 0.59
Carpenter Rd Landfill Fee	\$ 0.74
Geer Rd Landfill Fee	\$ 0.24

MAXIMUM RATE 1 CU YD	\$ 48.83
-----------------------------	-----------------

Container Size	Regular Container Maximum Rates					
	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	\$48.83	\$97.66	\$146.49	\$195.32	\$244.15	\$292.98
2 CY	\$97.66	\$195.32	\$292.98	\$390.64	\$488.30	\$585.96
3 CY	\$146.49	\$292.98	\$439.47	\$585.96	\$732.45	\$878.94
4 CY	\$195.32	\$390.64	\$585.96	\$781.28	\$976.60	\$1,171.92
5 CY	\$244.15	\$488.30	\$732.45	\$976.60	\$1,220.75	\$1,464.90
6 CY	\$292.98	\$585.96	\$878.94	\$1,171.92	\$1,464.90	\$1,757.88

****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 for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. 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 garbage company. The garbage 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 \$17.30 per ton is added to the disposal charges.

Base Rate	\$ 362.26
Recycling Fee	\$ 20.23
Carpenter Rd Landfill Fee	\$ 21.70
Geer Rd Landfill Fee	\$ 7.02
MAXIMUM RATE PER PICK-UP	\$ 411.21

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

Front Loader Compactors

Compactor Rates						
Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
3 CY	\$439.47	\$878.94	\$1,318.41	\$1,757.88	\$2,197.35	\$2,636.82
4 CY	\$585.96	\$1,171.92	\$1,757.88	\$2,343.84	\$2,929.80	\$3,515.76
6 CY	\$878.94	\$1,757.88	\$2,636.82	\$3,515.76	\$4,394.70	\$5,273.64

Roll-Off Compactors

- 6CY to 40CY \$411.21 per pick-up
- 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 \$17.30 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 garbage company and the customer.

**DETACHABLE CONTAINER ONLY
 REPLACEMENT AND CLEANING SERVICE**

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 11-6.16(c)(2) of the Modesto Municipal Code, the garbage 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. 2019-324**

RESOLUTION APPROVING AN EIGHTH AMENDMENT TO THE LEASE AGREEMENT WITH SKY TREK AVIATION FUELS, INC., EXTENDING THE AGREEMENT FOR 20 YEARS SET TO EXPIRE IN 2053, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE EIGHTH AMENDMENT

WHEREAS, Skytrek Aviation Fuels, Inc (“SKY TREK”), is a tenant of the City at the Modesto City-County Airport; and

WHEREAS, Sky Trek has a long-term Lease Agreement with the City, initially entered into on February 21, 1989, that will expire in 2033; and

WHEREAS, Sky Trek and the City have executed seven amendments to the Lease Agreement, by Resolution Nos. 89-910, 90-824, 92-366, 93-646, 94-49, 97-114, 1999-510; and

WHEREAS, Sky Trek, for the duration of the Lease Agreement with the City has remained in good standing; and

WHEREAS, Sky Trek and the City have agreed to amend the Lease Agreement, and

WHEREAS, Sky Trek and the City agree to extend the Lease Agreement for an additional twenty (20) years, set to expire on November 23, 2053; and

WHEREAS, Sky Trek and the City will both mutually benefit from this Eighth Amendment to the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Eighth Amendment to the Lease Agreement with Sky Trek Aviation Fuels, Inc., that extends the lease agreement an additional twenty (20) years, terminating on November 23, 2053.

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 9th day of July, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-325**

**RESOLUTION AMENDING FISCAL YEAR 2018-2019 ANNUAL OPERATING
AND CAPITAL IMPROVEMENT FUND BUDGETS**

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 2018-19.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2018-19 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 9th day of July, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2018-19

COMMUNITY AND ECONOMIC DEVELOPMENT

A budget adjustment is needed in the Village One Community Facilities District (CFD) Fund (3200) to budget \$2,500 in revenues related to refunds and damages and \$75,100 in expense related to repair & maintenance, utility expense, services city forces-interfund, and legal service.

A budget adjustment is needed in the Village One #2 CFD Fund (3290) to budget \$2,500 in revenues related to refunds and damages and \$74,600 in expense related to repair & maintenance, utility expense, services city forces-interfund, and legal service.

A budget adjustment is necessary to recognize \$242,831 of unbudgeted revenue for Project #100673 (Abatement of Public Nuisance). The increase comes from Abatement Reimbursements, Abatement Program Administrative Costs, Abatement Program Citations, Civil Penalties, Miscellaneous Revenues and Interest Revenue. The expense budget will be increased by \$433,020 to match the overall revenue budget.

HUMAN RESOURCES DEPARTMENT

A budget adjustment in the amount of \$1,780,658 is necessary in the Workers Compensation Fund (5320) to budget the workers compensation excess insurance revenue and increase the claim payments expense budget by the same amount.

A budget adjustment in the amount of \$2,626,000 is needed to establish a transfer from the Employee Benefits Fund (5510) to the Insurance – Health Fund (5360) and increase the claim payments budget by the same amount. On April 2, 2019, via Resolution 2019-147, the Council approved the use of \$2,626,000 of Employee Benefit Fund reserves to fund unpaid healthcare claims, however the required fiscal resolution was not included in the Council item to allow the transfer and increase in budget.

A budget adjustment in the amount of \$250,000 is needed to increase the budget in the Employee Benefit Fund Admin (5520) to fund professional and legal services related to unbudgeted labor contract negotiations and Riverstone Insurance legal costs.

NON-DEPARTMENTAL

A budget adjustment is necessary to increase the revenues in the Non-Departmental cost center which is used to house the revenues associated with the major taxes received by the City of Modesto. These adjustments are ones that were presented in the mid-year adjustment report that went to Finance Committee in January and were overlooked on being taken to Council on a previous monthly adjustment. This action will correct that oversight. The revenues being adjusted are noted on the table below:

Revenue						
Account Number	Account Name	Department	Current Budget	Adjustment	Revised Budget	
0100-90001-41201	Sales and Use Taxes	General	\$ 31,238,582	\$ 400,000	\$ 31,638,582	
0100-90001-41402	Business License Tax - Mill Tax	General	\$ 10,408,454	\$ 800,000	\$ 11,208,454	
0100-90001-41403	Business License Tax - Mill Tax DID	General	\$ -	\$ 100,000	\$ 100,000	
0100-90001-41204	Transient Occupancy Tax	General	\$ 2,340,177	\$ 100,000	\$ 2,440,177	
0100-90001-41406	Business Tax - Cannabis Tax	General	\$ 1,500,000	\$ (1,200,000)	\$ 300,000	
0100-90001-42420	Intergov - Local - McHenry Tax Sharing Agreement	General	\$ 2,200,000	\$ 150,000	\$ 2,350,000	
				Total Adjustments	\$ 350,000	

PARKS RECREATION AND NEIGHBORHOODS

A budget adjustment is necessary to establish the Tuolumne River Regional Park (TRRP) Riverwalk Trail – Gateway to Neece Drive Boat Launch Project (101164) appropriations in the amount of \$150,000 within the TRRP Capital Improvement Program (CIP) Fund (6710) and a \$150,000 transfer in from Parks Capital Facility Fee Fund (3460) to cover these costs. This project will fund the design, permitting, bidding and development of the Riverwalk Trail from the TRRP Gateway Parcel to the Future Neece Drive Boat Launch which will include pathways, site furnishings and habitat restoration.

PUBLIC WORKS

A budget adjustment is necessary to decrease the FY 2018-19 10th Street Joint Powers Agreement (JPA) Allocation from various City funds for the assessment that was approved by the 10th Street JPA Board on May 22, 2018. The City received confirmation that the Board Chambers Project Upgrade is complete and that their assessment is being reduced to \$848,228 for the fiscal year. A budget adjustment is necessary in the amount of \$105,687 to account for the reduction in the City's assessment:

Fund Name	Fund	Decrease
General Fund	0100	\$ (65,270)
HUD Administration	1133	\$ (821)
Capital Improvement Support	1300	\$ (5,722)
Surface Transportation Fund	1700	\$ (3,319)
Water Fund	4100	\$ (12,488)
Sewer Operations Fund	4210	\$ (4,277)
Bus Fixed Route Max Operations Fund	4540	\$ (3,176)
Solid Waste Fund	4891	\$ (2,751)
Mail Services ISF	5120	\$ (271)
Information Technology Fund	5230	\$ (6,666)
Insurance - Administration Fund	5310	\$ (527)
Employee Benefits Management Fund	5520	\$ (399)
	Grand Total	\$ (105,687)

This adjustment will also decrease the revenue and expenses in the 10th Street JPA Fund by the amounts below in the following accounts:

Account	Amount
5810-52310-42405 (City of Modesto Contribution)	\$ (105,687)
5810-52310-53505 (Intergovernmental Services – Other)	\$ (105,687)

A budget adjustment in the amount of \$805,072 to fund 4540-53490-53505 is necessary for the payment of pass-through Federal Transit Administration grant funds to the City's Sub-grantee Stanislaus Regional Transit (StaRT). A budget adjustment increasing revenue account 4540-53490-42113 in the amount of \$805,072 is also necessary to record the revenues reimbursed by FTA from grants CA-2017-157-00 and CA-2019-001.

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 correct prior year transactions and to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 18-19. 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
1139	CDBG Direct Program Fleet Replacement Fund	(\$10)
1709	Surface Transportation Fleet Replacement	\$6,783
4109	Water Fleet Replacement Fund	(\$2,220)
4219	Wastewater Fleet Replacement Fund	\$89,959
4899	Solid Waste Fleet Replacement Fund	\$89,959
5410	GF Equipment Replacement	\$616,979
	Total Transfer Outs	\$801,450
5409	Transfer In – Fleet Management Fleet Replacement	\$801,450
	Total Transfer Ins	\$801,450

A budget adjustment is necessary to correct the transfer from Community Development Block Grant (CDBG) Direct Program Fleet Replacement Fund 1139 to Fleet Replacement Fund 5409 by decreasing the amount by \$10 for purchase made in FY16/17: (1) Mid-size Sedan.

A budget adjustment is necessary to establish a transfer in the amount of \$6,783 from Surface Transportation Fleet Replacement Fund 1709 to Fleet Replacement Fund 5409 for purchases made in FY 18/19: (1) Walk Behind Roller.

A budget adjustment is necessary to correct the transfer from Water Fleet Replacement Fund 4109 to Fleet Replacement Fund 5409 by decreasing the amount by \$2,220 for purchase made in FY17/18: (1) ¾ Ton Extended Cab Utility Truck.

A budget adjustment is necessary to establish a transfer in the amount of \$89,959 from Wastewater Fleet Replacement Fund 4219 to Fleet Replacement Fund 5409 for purchases made in FY 18/19: (1) Loader with Claw Attachment.

A budget adjustment is necessary to establish a transfer in the amount of \$89,959 from Solid Waste Fleet Replacement Fund 4899 to Fleet Replacement Fund 5409 for purchases made in FY 18/19: (1) Loader with Claw Attachment.

A budget adjustment is necessary to establish a transfer in the amount of \$616,979 from General Fund (GF) Fleet Replacement Fund 5410 to Fleet Replacement Fund 5409 for purchases made in FY16/17, FY17/18, and FY18/19: (10) Investigation Sedan, (8) Patrol Sedan, (2) SUV, (1) Patrol K9 Sedan, (1) Sargent Sedan, (1) Patrol Slick Top Sedan, (1) TPU Patrol Sedan, (1) Hybrid Gas/Electric Sedan, (1) Small/Medium Sedan, (1) Investigation Van, (1) Seven Passenger Van, and (1) Mid-Size ½ Ton Truck.

A budget adjustment is necessary to recognize \$150,000 of unbudgeted Department of Transportation (Caltrans) revenue in the Capital Grants – Streets CIP Projects Fund, Fund 3160, to the Upgrade Traffic Signals – 2019 Capital Improvement Project, #101186, and reallocate funding to Engineering/Design/Administration expense task as approved by Caltrans per the E-76.

A budget adjustment is necessary to recognize \$150,000 of unbudgeted Department of Transportation (Caltrans) revenue in the Capital Grants – Streets CIP Projects Fund, Fund 3160, to the Upgrade ATMS – 2019 Capital Improvement Project, #101192, and reallocate funding to Engineering/Design/Administration expense task as approved by Caltrans per the E-76.

UTILITIES

A budget adjustment is necessary to establish the Arc-Flush Study project (101189) appropriations in the amount of \$200,000 from the Wastewater Reserves (Fund 4210). This project will identify and address safety requirement at wastewater lift stations citywide.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-326**

**RESOLUTION APPROVING UPDATES TO THE CHANGE ORDER
APPROVAL POLICY FOR THE CITY OF MODESTO CAPITAL
IMPROVEMENT PROJECTS (CIP)**

WHEREAS, on July 19, 1994 under Resolution 94-443, City Council approved establishing a Change Order approval policy for the City of Modesto Capital Improvement Construction projects, and

WHEREAS, this written policy provided clear and defined guidelines within the Public Works and 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, the policy revisions includes defining the department authorized to approve the change orders and added delegation authority for management positions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a policy revision entitled "Change Order Approval Policy," a copy of which is **attached** here to marked **Exhibit A** and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney



CITY OF MODESTO
CITY COUNCIL POLICY

ORIGINAL EFFECTIVE DATE: 07/19/1994
REVISE EFFECTIVE DATE: POLICY NUMBER:
3.6
CITY DEPARTMENT: UTILITIES

SUBJECT: Change Order Approval Policy

PURPOSE:

Providing a written policy establishing clear guidelines within which the Utilities Departments can issue Contract Change Orders on Capital Improvement Projects (CIP) and/or Public Works Projects.* The policy is consistent with current-day construction principles and practices while maintaining Council control over budgetary concerns.

BACKGROUND:

Each Construction Contract includes language which provides the Director of Utilities with the authority to execute Change Orders during the course of construction. In the opinion of the City Attorney's Office, this language appears to delegate complete and unlimited authority to the Director. By approval of this policy, the Council also provides that authority.

POLICY:

The Director of Utilities are authorized to issue changes in construction contracts via written change orders within the limitations established below after determining that the change order is within the original project scope, both reasonable and necessary and that funds are available in the approved Capital Improvement Program budget.

1. For contracts originally awarded for a cost of less than \$250,000, the Director has the authority to issue change orders for an increase in contract price of up to \$25,000, provided that the sum of all such change orders for any single contract does not exceed \$25,000.
2. For contracts originally awarded for a cost of at least \$250,000, but less than \$1,000,000, the Director has the authority to issue change orders, provided the sum of all such change orders for any single contract does not exceed ten percent (10%) of the original contract price.
3. For contracts originally awarded for a cost of at least \$1,000,000, but less than \$10,000,000, the Director has the authority to issue change orders, provided the sum of all such change orders for any single contract does not exceed eight percent (8%) of the original contract price.
4. For contracts originally awarded for a price of \$10,000,000 or more, the Director has the authority to issue change orders, provided the sum of all such change orders for any single contract does not exceed six percent (6%) of the original contract price.

LEGISLATIVE HISTORY:
RESO 94-443

POLICY No. 3.6

5. Any individual change order in excess of \$20,000 will require the approval of both the Director and the City Manager.
6. Any individual change order up to \$5,000 will require the approval of the Senior Civil Engineer over Construction Administration Division.
7. Any individual change order up to \$20,000 will require the approval of the Engineering Division Manager.
8. Variance from the above limitations may be requested at the time of bid award for unusual situations, including, but not limited to contracts for building renovations. In addition, variances may be requested in response to unforeseen conditions which may arise in the field.
9. Notwithstanding the above limitations, if in the Director's discretion it becomes necessary to issue a change order in order to:
 - Prevent the interruption of work which has the potential to result in a substantial increase in cost to the City; or
 - Protect the work, equipment, or materials to be used in the work, human safety, or the environment at or near the site of the work, from substantial and immediate danger or injury; or
 - Protect, where damage or injury has occurred, the work, equipment, or materials to be used in the work, human safety, or the environment, at or near the site of the work from further damage, injury or deterioration caused by man, nature or other sources;

The Director shall have the authority to issue change orders in such sums as may reasonably be necessary for such purposes; provided, however, in the event any such action exceeds the specific authority set forth in the above, the Director shall report to the City Council regarding any such action as soon as it is reasonably possible, but no later than thirty (30) days subsequent. If said change orders will require an adjustment to the approved budget for the project, prior approval shall be obtained based on the appropriate budget approval authority.

* Capital Improvement Projects (CIP): A capital improvement project provides for the construction, repair, or improvement of buildings or grounds. This includes new construction, additions, renovations, renewals, repairs, site development, utility services, extensions and plant improvements, parking facilities, roads, traffic, fixed equipment installation and similar projects. Capitalization begins with a minimum project budget of \$50,000.

*Public Works projects: A Public Works project provides for the construction or improvement of public buildings, works, drains, sewers, utilities, parks, playgrounds and streets (exclusive of projects for resurfacing, maintenance and repair of streets, or any park or parks playground project).

Directive requires City Council Approval.

Original Council approval – Resolution 94-443.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-327**

**RESOLUTION APPROVING THE FISCAL YEAR 2017-2018 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 recipients sole cost and expense, and

WHEREAS, for the audit related to FY 2017-2018 the City received information from StanCOG that they would be conducting 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 2017-2018 audit report, and

WHEREAS, as part of the City's Fiscal Year 2017-2018 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, 2018. 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, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2017-2018 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 9th day of July, 2019, by Councilmember Ridenour, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

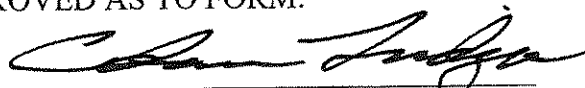
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-328**

RESOLUTION APPROVING PURCHASE AGREEMENTS WITH VARIOUS VENDORS AS DEFINED UNDER ATTACHMENT A; APPROVING TERMINATION DATES FOR THE SERVICES STATED HEREIN; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE IDENTIFIED ANNUAL PURCHASE AGREEMENTS TERMINATION DATES APPROVED BY COUNCIL

WHEREAS, City staff continues to review and monitor over 1,000 purchasing items and identify the best and most efficient way to procure the needs of the City, and

WHEREAS, City staff has continued to work diligently in monitoring all purchasing agreements and implementing recommendations to establish improvements with the City's purchasing controls, and

WHEREAS, the Finance Department has implemented monthly purchasing training to educate City Staff about the standards which govern the City's purchases, including the City's Charter, Municipal Code, and the implementation of Administrative Directive 7.5 Purchasing Policy, and

WHEREAS, the Finance Department continues to work with departments to address the on-going procurement needs of the City and strategizing the best solution to ensure a new agreement can be approved by the time the existing 24/7 annual purchasing agreements expire, and

WHEREAS, the Finance Department, via the Purchasing Division, has identified a number of agreements that require further time extensions of their termination dates (as shown in **Attachment A – Purchasing Agreement Extension Dates**), and

WHEREAS, the extension of these term dates for existing agreements will not alter the dollar amount of said agreements nor the terms and conditions of the agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchasing agreements with various vendors as **attached** and term dates for the services stated herein.

BE IT FURTHER RESOLVED, the Purchasing Manager, or her designee, is hereby authorized to issue the identified Annual Purchase Agreements terms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Attachment A - Purchasing Agreement Extension Dates

No.	Description	Supplier	Agreement Amount	Original Term Date	Revised Term Date
1	Annual Agreement- Rock Sand and Gravel - Reso. 2014-352 - RFB 1314-41	WEST COAST SAND & GRAVEL INC	\$ 2,637,070	8-Sep-19	31-Dec-19
2	Annual Agreement For City Wide Document Storage/Records	PACIFIC STORAGE COMPANY	\$ 681,239	31-Dec-18	31-Mar-20
3	Annual Agreement - Fuel Card Lock Reso 2014-440 - RFP 1314-38	BOYETT PETROLEUM	\$ 11,794,900	27-Oct-19	31-Dec-19
4	Annual Agreement - Bulk Fuel - Reso #2014-306 - RFB #1314-35	SC FUELS	\$ 8,824,375	5-Aug-19	29-Feb-20
5	Annual Agreement - Bulk Oil/Lubricants - Reso #2014-306 - RFB #1314-35	E R VINE & SONS INC	\$ 725,500	5-Aug-19	31-Dec-19

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-329**

RESOLUTION APPROVING THE PURCHASE OF TWO ARTICULATING LOADERS WITH CLAW BUCKET WITH SPECIFIC CONFIGURATIONS TO VOLVO CONSTRUCTION EQUIPMENT AND SERVICES, TURLOCK, CA FOR A TOTAL AMOUNT NOT TO EXCEED \$188,041, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the two articulating loaders with claw bucket will be used by the Forestry Division; and

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services assigned to various departments; and

WHEREAS, on March 20, 2019 the Purchasing Division issued RFB 1819-53 for the purchase of two articulating loader with claw bucket flatbeds with specific configurations on the City's website; and

WHEREAS, on April 30, 2019 bids were formally opened in the City Clerk's Office; and

WHEREAS, fourteen companies downloaded the RFB, four companies chose to respond, one was the lowest responsive and responsible bidder; and

WHEREAS, based on overall lowest responsive and responsible bids staff recommends awarding the purchase of two articulating loader with claw bucket flatbeds with specific configurations to Volvo Construction Equipment and Services, Turlock, CA; and

WHEREAS, sufficient funds for two articulating loaders with claw bucket flatbeds have been encumbered in the Fleet Replacement Fund 5409; 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, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of two articulating loaders with claw bucket flatbeds with specific configurations to Volvo Construction Equipment and Services, Turlock, Ca 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 bid for the purchase of two articulating loader with claw bucket flatbeds with specific configurations to Volvo Construction Equipment and Services, Turlock, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue a purchase order for an estimated total amount of \$188,041.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-330**

RESOLUTION APPROVING THE PURCHASE OF ONE DUMP TRUCK 6-7 YARDS WITH SPECIFIC CONFIGURATIONS TO INTERSTATE TRUCK CENTER, STOCKTON, CA FOR A TOTAL AMOUNT NOT TO EXCEED \$109,048, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the dump truck will be used by the Water Division; and

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services assigned to various department; and

WHEREAS, on March 19, 2019 the Purchasing Division issued RFB 1819-52 for the purchase of one dump truck 6-7 yard with specific configurations on the City's website; and

WHEREAS, on April 30, 2019 bids were formally opened in the City Clerk's office; and

WHEREAS, twenty-three companies downloaded the RFB, one was the lowest responsive and responsible bidder; and

WHEREAS, based on overall lowest responsive and responsible bids staff recommends awarding the purchase of one dump truck 6-7 yard with specific configurations to Interstate Truck Center, Stockton CA; and

WHEREAS, sufficient funds for one dump truck 6-7 yard with specific configurations have been encumbered in the Fleet Replacement Fund 5409, 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, based on providing the overall lowest responsive and responsible bid, City staff recommends the aware of bid for the purchase of one dump truck 6-7 yard with specific configurations to Interstate Truck Center, Stockton, CA 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 bid for the purchase of one dump truck 6-7 yards with specific configurations to Interstate Truck Center, Stockton, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue a purchase order for an estimated total of \$109,048.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-331**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR STREET SWEEPING SERVICES ON AN AS-NEEDED BASIS TO ADVANCED BUILDING CLEANERS, INC., MODESTO, CA, FOR A ONE-YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$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, the Public Works Streets Division is in their third full year of an ongoing Pavement Preservation Program, and

WHEREAS, this program applies a type II surface treatment which is a preventative maintenance seal coat comprised of ¼” aggregate, oil, water, and cement to the roadway surface. Part of this process, which is performed by a private contractor, is to ensure the street is clean of all debris prior to the surface treatment and is swept again after the treatment has been applied, and

WHEREAS, in January 2016, the City conducted an informal bid process for the furnishing of Street Sweeping services, and

WHEREAS, on October 2, 2018 bids were formally opened in the City Clerk’s office, and

WHEREAS, one Company Environmental Systems, Modesto, CA chose to respond, and

WHEREAS, the Purchasing Division planned to award the bid to Environmental Systems but Environmental Systems ultimately declined the award in mid-April because equipment required to perform the work was not operational, and

WHEREAS, April 2019, the Purchasing Division compiled a list of 15 local vendors and invited them all to bid on the street sweeping work; only received one responsive bid was received which was submitted by Advance Building Cleaners, Inc., and

WHEREAS, staff recommends the award of bid for the “as-needed Street Sweeping Services” to Advance Building Cleaners, Inc., Modesto, CA for an annual cost not to exceed \$75,000, not to exceed \$375,000 over a five year period, 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, 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 desired quality”; in addition, MMC 8-3.204 (c) states “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, an award of bid for the purchase of as-needed sweeping services from Advance Building Cleaners, Inc. conforms to the Modesto Municipal Code because the Purchasing Division complied with the formal bid procedures due to soliciting several bids and these services are essential for the upcoming street pavement program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and agreement for Street Sweeping services on an as-needed basis to Advanced Building Cleaners, Inc., Modesto, CA, for a one-year

agreement with four one-year extension options, for an annual estimated cost not to exceed \$75,000, and a total amount not to exceed \$375,000 over five years.

BE IT FURTHER RESOLVED, 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 July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

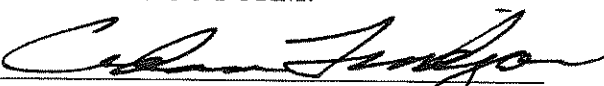
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-332**

RESOLUTION APPROVING A THREE-YEAR AGREEMENT WITH KIDZ LOVE SOCCER TO PROVIDE SOCCER CLASSES TO AREA YOUTH ENDING JUNE 30, 2022, WITH AN AGREEMENT TO SPLIT GROSS REGISTRATION PROGRAM REVENUE BETWEEN THE CITY AND KLS AT 30/70% AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto entered into an agreement with Kidz Love Soccer in September of 2008 for the purpose of providing soccer camps and training sessions for community youth; and

WHEREAS, on January 23, 2018, by Resolution No. 2018-53, Council established an end date to this original contract and approved a subsequent nine month agreement with Kidz Love Soccer to continue providing programming through the end of June 2019; and

WHEREAS, the City has identified the community demand for an increase to the level of programming offered to the community; and

WHEREAS, the City and Kidz Love Soccer desire to continue working together to serve the community; and

WHEREAS, the terms of the new agreement will include an increase to the percentage compensation received by the City from 25% to 30%.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a three-year agreement with Kidz Love Soccer to provide soccer classes to area youth ending June 30, 2022, with an agreement to split gross registration program revenue between the City and KLS at 30/70%.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the Agreement as approved 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 9th day of July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

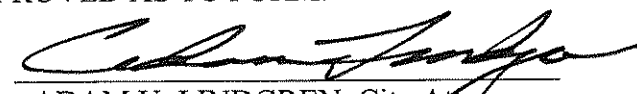
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-333**

RESOLUTION APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS FOR THE CÉSAR E. CHAVEZ PARK RENOVATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONDUCT ALL NEGOTIATIONS, SIGN AND SUBMIT DOCUMENTS, INCLUDING, BUT NOT LIMITED TO APPLICATIONS, AGREEMENT, AMENDMENTS, AND PAYMENT REQUESTS, WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT SCOPE

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation required the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL HEREBY:
APPROVES THE FILING OF AN APPLICATION FOR THE **CÉSAR E. CHAVEZ
PARK RENOVATION**; AND

1) Certifies that said Applicant had or will have available , prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and

2) Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project; and

3) Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

4) Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and

5) Agrees to comply with all applicable federal, state, and local laws, ordinance, rules, regulations and guidelines; and

6) Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-334**

RESOLUTION APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS FOR THE MELLIS PARK RENOVATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONDUCT ALL NEGOTIATIONS, SIGN AND SUBMIT DOCUMENTS, INCLUDING, BUT NOT LIMITED TO APPLICATIONS, AGREEMENT, AMENDMENTS, AND PAYMENT REQUESTS, WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT SCOPE

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation required the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL HEREBY:
APPROVES THE FILING OF AN APPLICATION FOR THE **MELLIS PARK
RENOVATION**; AND

1) Certifies that said Applicant had or will have available , prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and

2) Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project; and

3) Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

4) Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and

5) Agrees to comply with all applicable federal, state, and local laws, ordinance, rules, regulations and guidelines; and

6) Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

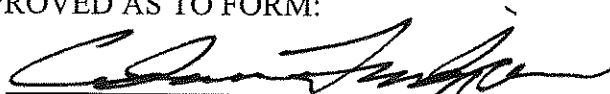
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-335**

RESOLUTION APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS FOR THE MANCINI PARK RENOVATION AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CONDUCT ALL NEGOTIATIONS, SIGN AND SUBMIT DOCUMENTS, INCLUDING, BUT NOT LIMITED TO APPLICATIONS, AGREEMENT, AMENDMENTS, AND PAYMENT REQUESTS, WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT SCOPE

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation required the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL HEREBY:
APPROVES THE FILING OF AN APPLICATION FOR THE **MANCINI PARK RENOVATION**; AND

1) Certifies that said Applicant had or will have available , prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and

2) Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project; and

3) Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

4) Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and

5) Agrees to comply with all applicable federal, state, and local laws, ordinance, rules, regulations and guidelines; and

6) Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-336**

**RESOLUTION ACCEPTING THE TRANSPORTATION DEVELOPMENT ACT
TRIENNIAL PERFORMANCE AUDIT CONDUCTED BY THE STANISLAUS
COUNCIL OF GOVERNMENTS FOR TRANSIT OPERATIONS AND CAPITAL
EXPENSES**

WHEREAS, the Transportation Development Act (TDA) of 1971 is a funding mechanism administered by the California Department of Transportation (Caltrans) through Regional Transportation Planning Agencies (RTPA), and

WHEREAS, in Stanislaus County, the RTPA is Stanislaus Council of Governments (StanCOG), and

WHEREAS, as the RTPA, StanCOG programs and administers TDA funds to the local jurisdictions for transit and non-transit projects, and

WHEREAS, TDA funds are expended for StanCOG administration and planning of public transportation, distributed to local jurisdictions for operations of public transit systems, non-motorized projects, and streets and roads, and

WHEREAS, the Public Utilities Commission (PUC) requires all recipients of TDA funding to complete an independent audit on a three-year cycle in order to maintain TDA funding eligibility, and

WHEREAS, each transit operator in the County, including the City, is also subject to these triennial independent audits, and

WHEREAS, in 2018, StanCOG selected Moore & Associates, Inc., to prepare Triennial Performance Audits of itself as the RTPA and the four transit operators to which it allocates TDA funding, and

WHEREAS, the TDA audit report summarizes key findings and recommendations developed during the TPA of the City's public transit program for the period Fiscal Year (FY) 2015/16 through FY 2017/18, and

WHEREAS, based on discussions with City staff, analysis of program performance, and an audit of program compliance and function, the audit team presented no compliance findings, and

WHEREAS, Moore & Associates identified one functional finding, that the City should revise the current Short Range Transit Plan, with a more comprehensive document that contemplates a five to ten year planning horizon. The recommendation is addressed in the City's FY19/20 work plan. While the finding does not affect TDA compliance, it is significant enough to be addressed within this audit.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby accepting the Transportation Development Act Triennial Performance Audit conducted by the Stanislaus Council of Governments for transit operations and capital expenses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-337**

RESOLUTION APPROVING A 10-YEAR LICENSE AGREEMENT WITH MAD MONK HOLDINGS, BERKELEY, CA, FOR THE USE OF PARKING SPACES FOR THE MODESTO AREA EXPRESS PARK AND RIDE LOT AT 2800 SISK ROAD FOR A TOTAL AMOUNT OF \$6,000 IN THE INITIAL YEAR, AND A TOTAL NOT TO EXCEED \$63,000 FOR THE TERM OF THE AGREEMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City has used the parking spaces it currently occupies at the former Orchard Supply Hardware (OSH) store at 2800 Sisk Road since 2004 when the City entered into the original agreement, and

WHEREAS, the parking lot is used for a Park and Ride lot for people using the Modesto Area Express (MAX) commuter bus to the Bay Area Rapid Transit (BART) station in Pleasanton, and

WHEREAS, the parking lot provides a lighted, convenient and well-maintained location for people to park their vehicles for the day, and

WHEREAS, the City entered into a 10-year agreement with OSH in 2018 to continue using the parking lot for commuter services. However, later in 2018 the OSH store was closed. The parking lot has been continuously used after the OSH store closed until present day, and

WHEREAS, the new owner of the property is willing to enter into a similar agreement with the City to provide the same services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a 10-year license agreement with Mad Monk Holdings, Berkeley, CA, for the use of parking spaces for the Modesto Area Express Park and Ride lot at

2800 Sisk Road for a total amount of \$6,000 in the initial year, and a total not to exceed \$63,000 for the term of 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 9th day of July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

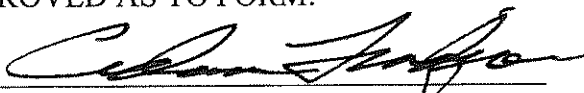
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-338**

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH TOKEN TRANSIT, SAN FRANCISCO, CA, TO INSTALL AUTOMATIC MOBILE TICKET VALIDATORS ON BUSES FOR MOBILE TICKETING SERVICES APP USED BY MODESTO AREA EXPRESS BY \$144,769 FROM \$178,000 TO A NEW TOTAL AMOUNT OF \$322,769, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City's fixed route transit system currently uses cash, magnetic striped fare cards, and the visually validated Token Transit mobile ticketing application for fare payment to allow bus riders to pay for rides on Modesto Area Express (MAX), and

WHEREAS, Token Transit has developed technology to validate the Token Transit mobile ticket with hardware on the bus, and

WHEREAS, the new validators will automatically confirm the validity of a Token Transit mobile ticket, and

WHEREAS, the driver will no longer be required to visually validate the mobile ticket or record the ride, and

WHEREAS, mobile ticketing services were formally bid in a Request for Proposals in 2018, with Token Transit being the successful proposer, and

WHEREAS, the validators were not available at the time of the proposal, but were discussed as a future add-on option during the demonstration interviews, and

WHEREAS, an amendment to agreement is required to add this new functionality to the MAX system.

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

Token Transit, San Francisco, CA, to install automatic mobile ticket validators on buses for mobile ticketing services app used by Modesto Area Express by \$144,769 from \$178,000 to a new total amount of \$322,769.

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 9th day of July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-339**

**RESOLUTION APPROVING THE IMPLEMENTATION OF CHANGES TO
THE MODESTO AREA DIAL-A-RIDE SYSTEM ALLOWING MAINTENANCE
AND OPERATIONS TO BE PERFORMED AT THE BUS MAINTENANCE
FACILITY**

WHEREAS, Modesto Area Dial-A-Ride (MADAR) is the City of Modesto's shared ride public transportation service for qualified persons with disabilities and senior citizens of age 65 and older, and

WHEREAS, MADAR is currently operated as a turnkey operation, where the Contractor provides everything including a facility, vans, maintenance, dispatching software and personnel, and

WHEREAS, the Transit Division proposes to use the existing Bus Maintenance Facility, purchase the vans and provide maintenance by existing City staff, and

WHEREAS, by using City owned assets and maintenance, there would be savings in a new contract, and

WHEREAS, the savings primarily come from reduced maintenance, facility and fuel costs which will provide a more efficient use of funding for the program.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the implementation of changes to the Modesto Area Dial-A-Ride system allowing the City to purchase vans, purchase a Computer Aided Dispatch software, conduct vehicle maintenance and provide Contractor space at the Bus Maintenance Facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

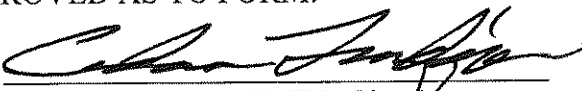
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-340**

RESOLUTION APPROVING A FIVE-YEAR LEASE WITH THE OPTION OF A FIVE YEAR EXTENSION LEASE AGREEMENT WITH CIVIL AIR PATROL (CAP) AS A NON PROFIT SERVICE PROVIDER AT THE MODESTO CITY-COUNTY AIRPORT (MOD), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Airport Building No. 2, is one of the older building facilities at the Modesto City-County Airport, and

WHEREAS, Civil Air Patrol (CAP) seeks to lease all of Airport Building No. 2 for use for their cadet program, and

WHEREAS, CAP has presented a lease stipulation where a rent reduction of 50% would be in effect throughout the duration of the lease, and

WHEREAS, the lease agreement is expected to provide revenues of approximately \$2,970 annually in rents to the Airport Enterprise Fund Account No. 4310-53312-43887, and

WHEREAS, CAP will be responsible for stipulated tenant improvements as defined in the lease agreement, and

WHEREAS, CAP agrees that if the lease is terminated prior to the end of the period, any and all in-kind and donated improvements would be forfeited and become the property of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Airport Lease Agreement for the use of Building No. 2 with the option of a five year extension between the City of Modesto and Civil Air Patrol, a non-profit service provider, 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 9th day of July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

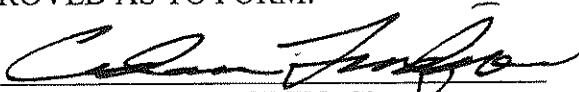
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-341**

RESOLUTION REJECTING ALL BIDS FOR THE 9TH STREET STORM DRAIN BASIN PROJECT AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT FOR BIDS AT A FUTURE DATE WITH AN AMENDED SCOPE OF WORK

WHEREAS, proposed 9th Street Storm Drain Basin is located north of the Kansas-Needham overpass, and

WHEREAS, the storm drain basin is designed to alleviate flooding during the rainy seasons along 9th Street and the surrounding tributary area, and

WHEREAS, the project was advertised for bids on May 8, and bids were publicly opened on June 4, 2019, pursuant to City Charter Section 1307, and

WHEREAS, three bids were received which were above the engineer's estimate, and

WHEREAS, sufficient funding to cover the project at the lowest bid cost is not available in the Storm Drain Fund, and

WHEREAS, staff recommends rejecting all bids received and re-advertising the project for bids at a later date with a reduced scope.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bids received for the 9th Street Storm Drain Basin Project.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project for bids at a future date with an amended scope of work.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

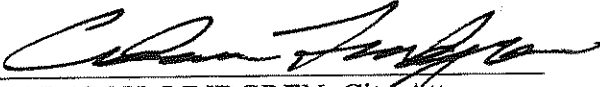
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-342**

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE
MODESTO FIRE DEPARTMENT ASSISTANCE TO FIREFIGHTERS GRANT
EXHAUST SYSTEMS PROJECT, ACCEPTING THE BID, AND APPROVING A
CONSTRUCTION CONTRACT WITH BENZ AIR ENGINEERING INC.,
BEAVERTON, OR, IN THE AMOUNT OF \$128,080 PLUS \$19,212 FOR
CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT OF \$147,292 AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE AGREEMENT**

WHEREAS, specifications have been prepared for the Modesto Fire Department (MFD) Assistance to Firefighters Grant (AFG) Exhaust Systems Project, and

WHEREAS, on May 14, 2019 staff received one bid that was responsible and responsive, from Benz Air Engineering Inc., and

WHEREAS, MMC 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, and the award of bid for the MFD AFG Exhaust Systems 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 \$128,080 received from Benz Air Engineering Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Benz Air Engineering Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Modesto Fire Department Assistance to Firefighters Grant Exhaust Systems Project and accepts the bid of \$128,080 plus \$19,212 for contingency (if needed) for a total amount of \$147,292 and Awards

Benz Air Engineering Inc., of Beaverton, OR, the contract for the Modesto Fire Department Assistance to Firefighters Grant Exhaust Systems 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 9th day of July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

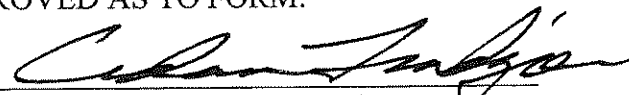
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-343**

**RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S
AUTHORITY TO ISSUE CHANGE ORDERS FOR THE MODESTO FIRE
DEPARTMENT ASSISTANCE TO FIREFIGHTERS GRANT EXHAUST
SYSTEMS PROJECT FROM 10% (\$12,808) TO 15% (\$19,212) OF THE
CONSTRUCTION CONTRACT PRICE OF \$128,080 WITH BENZ AIR
ENGINEERING INC., BEAVERTON, OR**

WHEREAS, the Modesto Fire Department Assistance to Firefighters Grant Exhaust Systems Project will provide new exhaust systems for the Fire Department vehicles in five different fire stations throughout the City, and

WHEREAS, given the nature of the project, additional work may be needed to address unexpected conditions that require changes in project scope, and

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 94-443 on July 19, 1994, established a contract change order budget of 10% for projects up to \$1 Million, and

WHEREAS, staff is requesting authorization to increase the contract change order budget to 15% (\$19,212) due to the construction within five different fire stations, which presents unknown challenges.

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 the Modesto Fire Department (MFD) Assistance to Firefighters Grant (AFG) Exhaust Systems Project from 10 percent (\$12,808) to 15 percent (\$19,212) of the construction contract price of \$128,080 with Benz Air Engineering Inc., Beaverton, OR.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

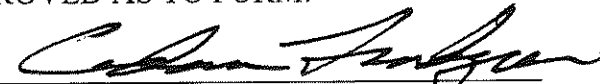
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-344**

RESOLUTION APPROVING A PURCHASING AGREEMENT FOR THE FURNISHING OF HOT PATCH WORK WITH PATCH CREW, MODESTO, CA, FOR AN ANNUAL ESTIMATED COST NOT TO EXCEED \$400,000 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE AGREEMENT, AND AUTHORIZE THE DIRECTOR OF FINANCE, OR HER DESIGNEE TO ADJUST THE FINANCIAL AMOUNTS BETWEEN THE TWO PROVIDERS (UNITED PAVEMENT AND PATCH CREW) WITHOUT EXCEEDING THE ANNUAL ESTIMATED COST OF \$4,306,500

WHEREAS, the Utilities Department's Water and Wastewater Divisions request contractual assistance to perform hot patch work throughout Modesto and the outlying areas included in 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 to 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, for two-year agreements with three one-year extension options; the annual combined total costs of the contract were not to exceed \$4,306,500, and approval of any of the one year extensions would require approval by Council; and

WHEREAS, upon review of the insurance certification for the hot patch contractors, it was discovered that the insurance had expired on February 28, 2019 for the primary contractor, Garrett Thompson; and

WHEREAS, the delay in proof of insurance coverage, coupled with a coverage gap and the performance of work without proper insurance led to the City's decision to terminate the contract with Garrett Thompson and immediately engage the secondary provider; and

WHEREAS, with United Pavement becoming the primary vendor, it was important to identify and secure a backup provider to avoid service interruptions, the Purchasing Division reached out to all contractors who participated at the bid conference on January 18, 2018 to solicit bids for Hot Patch work; and

WHEREAS, one contractor, Patch Crew responded with a reasonable bid and is being recommended as the new secondary contractor; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.204(c), the Purchasing Manager has the authority to recognize the department's current situation as an exigent circumstance; based on the need for availability of a secondary vendor, the Purchasing Manager, within the scope of this authority, recommends staff be allowed to transfer amounts between both contractors in accordance with MMC Section 8-3.204(c) ensuring hot patch services continue and needed work is not significantly delayed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a Purchasing Agreement for the furnishing of hot patch work with Patch Crew, Modesto, CA, for an annual estimated cost not to exceed \$400,000.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to adjust financial amounts between two providers (United Pavement and Patch Crew) without exceeding the annual estimated cost of \$4,306,500.

BE IT FURTHER RESOLVED, that the Purchasing Manager, 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 9th day of July, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-345**

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 SECTION 20-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL (R-1) TO MEDIUM DENSITY RESIDENTIAL (R-2) PROPERTIES LOCATED AT 1215 AND 1225 W. ROSEBURG AVENUE

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, Ly Nguyen has proposed an amendment to Section 20-3-9 of the Zoning Map to rezone from Low Density Residential (R-1) to Medium Density Residential (R-2) properties located at 1215 and 1225 W. Roseburg Avenue, 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 2019-011 (“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 June 19, 2019, 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 July 9, 2019, 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 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 9th day of July, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

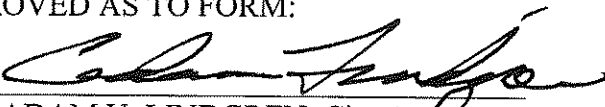
By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2019-11

City of Modesto

**Finding of Conformance with the
Urban Area General Plan Master EIR
(SCH No. 2014042081)**

**Initial Study Environmental Checklist
C&ED No. 2019-11**

For the proposed:

**Rezone of 1215 and 1225 W. Roseburg Avenue
from Low Density Residential (R-1)
to Medium Density Residential (R-2)**

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

April 15, 2019

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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 Roseburg Residential Rezone 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: Roseburg Residential Rezone
- B. Address or Location: 1215 and 1225 W. Roseburg Avenue
- C. Applicant: Ly Nguyen
- D. City Contact Person:

Project Manager: Jonnie Lan, AICP
Department: Community and Economic Development Department, Planning Division
Phone Number: 209.577.5267
E-mail address: jlan@modestogov.com

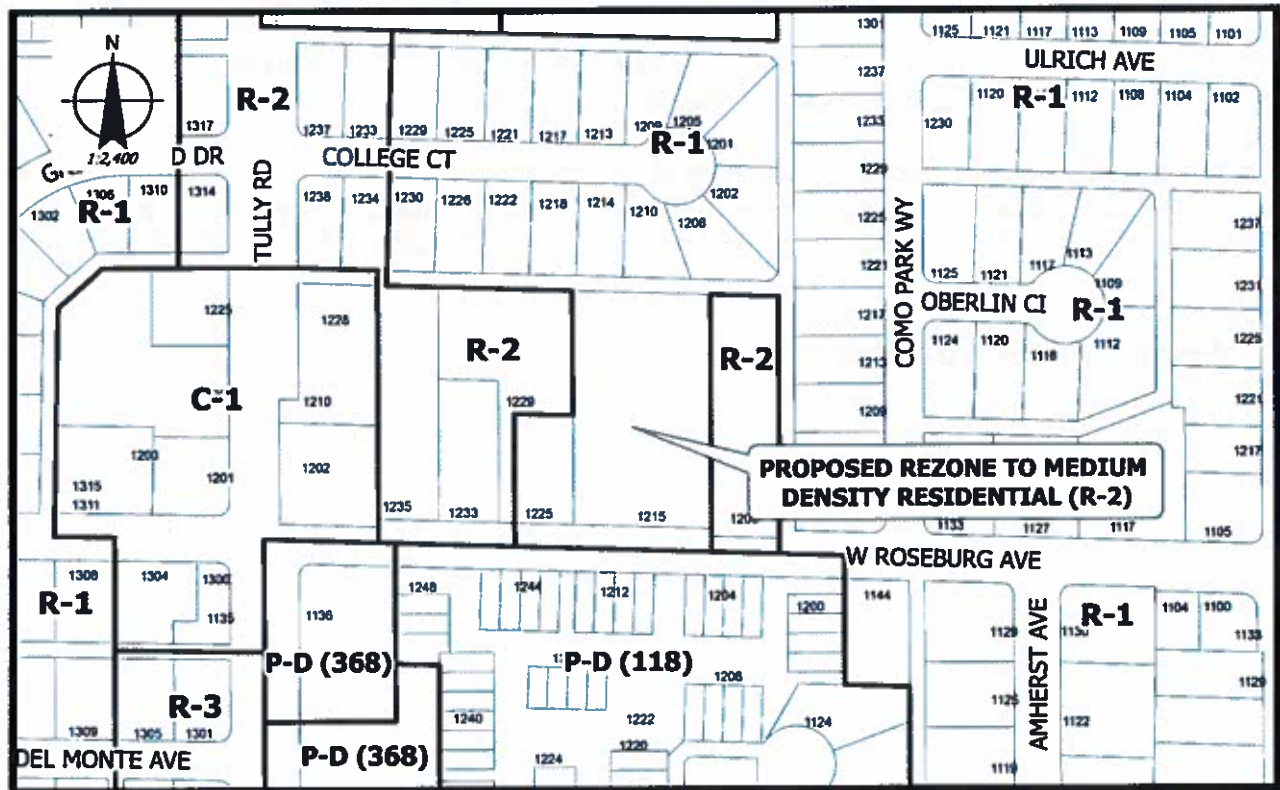
- E. Current General Plan Designation(s): Residential (R)
- F. Current Zoning Classification(s): Low Density Residential (R-1)
- G. Surrounding Land Uses:
 - North: Low Density Residential (R-1)
 - South: Planned Development (118) (Medium Density Residential)
 - East: Medium Density Residential (R-2)

West: Medium Density Residential (R-2)

- 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):

Rezone two parcels for a total of 1.45 acres from Low Density Residential (R-1) to Medium Density Residential (R-2). There is an application that has been submitted for the larger of the two properties (1215 W. Roseburg Avenue). The applicant proposes to develop the 1.21 acre site into a 14 unit multi-family residential project. Under the City of Modesto R-2 requirements, this property could be allowed 13 to 17 dwelling units on 1.21 acres. The property at 1225 W. Roseburg Avenue is being rezoned to Medium Density Residential to maintain a consistent land use pattern.

PROPOSED PROJECT AREA



- 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,
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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,
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could

not have been known at the time that the Master EIR was certified as complete, has become available.



Project Manager

Associate Planner

Title

5/6/19

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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6) Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 are included in 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is a rezone of two parcels totaling 1.45 acres. It will have no effect on the circulation system. The project will not increase vehicle trips above what is assumed in the adopted Master EIR.
- (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. It is a rezone of the two properties that is in line with the zoning of adjacent properties.
- (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 (PM₁₀) 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, PM₁₀, 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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 Lmax inside bedrooms or 55 dBA Lmax inside other occupied areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 the new units on 1215 W. Roseburg Avenue, 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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would conflict with existing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 residential 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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 plant 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. It is infill residential development, so 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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would involve the removal of known significant resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would substantially increase the rate or amount of surface runoff in a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would place housing within a 100-year flood hazard area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in any	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would substantially degrade views from riverside areas and parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project will be consistent 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. 2019-346**

RESOLUTION ACCEPTING THE APPLICATIONS OF CITIZENS MEDICAL RESPONSE, LLC AND THE MEDIC'S PLUS INC, AND ISSUING BOTH ENTITIES A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY IN THE CITY OF MODESTO

WHEREAS, Citizens Medical Response, LLC and The Medic's Plus Inc. have submitted applications to provide non-emergency medical transport services within the City of Modesto, and

WHEREAS, Citizens Medical Response, LLC and The Medic's Plus Inc. have paid the required \$1,000 filing fee and has provided all necessary information as outlined in Modesto Municipal Code Section 3-9.03-3-9.04, and

WHEREAS, the Modesto Police Department has completed background investigations regarding Citizens Medical Response, LLC and The Medic's Plus Inc. per Modesto Municipal Code Section 3-9.05, and

WHEREAS, Council approval is required for Citizens Medical Response, LLC and The Medic's Plus Inc. to function as a non-emergency medical transport service providers within the City of Modesto, and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on July 9, 2019, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of permits to Citizens Medical Response, LLC and The Medic's Plus Inc. for non-emergency medical transport service within the City of Modesto, and

WHEREAS, Modesto City Council finds that Citizens Medical Response, LLC and The Medic's Plus 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 accepts the applications of Citizens Medical Response, LLC and The Medic's Plus Inc. and issues both entities 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 9th day of July, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

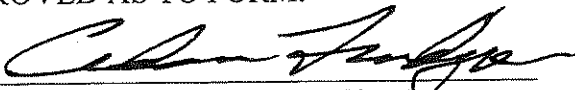
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-347**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE MODESTO CENTRE PLAZA ENTRY DOOR REPLACEMENT PROJECT, ACCEPTING THE BID AND AWARDING A CONTRACT TO R&S ERECTION TRI-COUNTY, INC OF MODESTO, CA IN THE AMOUNT OF \$63,500 AND AUTHORIZING THE DIRECTOR OF UTILITIES TO APPROVE CHANGE ORDERS UP TO THE CUMULATIVE AMOUNT OF \$6,350 (10% OF THE ORIGINAL CONTRACT PRICE) IF NEEDED FOR A TOTAL AMOUNT NOT TO EXCEED \$69,850 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Centre Plaza was constructed in 1988 and has served as the primary community event center for the City of Modesto, and

WHEREAS, the main entrance of the facility features four sets of clear tempered glass double doors and serves as the primary entry point for the facility, and

WHEREAS, the main entry doors have experienced 3 decades of use and no longer function properly, and

WHEREAS, staff has determined that deferring the replacement of these doors is no longer a feasible option, and

WHEREAS, plans and specifications have been prepared for the Modesto Centre Plaza Entry Door Replacement Project, and City staff recommends approval by the City Council, and

WHEREAS, formal bids were unable to be obtained through standard best practices, and

WHEREAS, the Purchasing Manager approved an informal bid process due to the exigent circumstance pursuant to Modesto Municipal Code Section 8-3.204(c), and

WHEREAS, a single responsive and responsible bid was received on for the Modesto Centre Plaza Entry Door Replacement Project from R&S Erection Tri-County, Inc. of Modesto, CA, and

WHEREAS, the City staff recommends that the bid of \$63,500 received from R&S Erection Tri-County, Inc. of Modesto, CA be accepted as the lowest responsible and responsive bid and the contract be awarded to R&S Erection Tri-County, Inc. of Modesto, 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, this situation meets the exception authorized by Modesto Municipal Code Section 8-3.204(c) which authorizes the Purchasing Manager, in his or her discretion, to determine that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances. An award of \$63,500 and agreement for the Parks, Recreation and Neighborhoods Department to use R&S Erection Tri-County, Inc. of Modesto, CA conforms to the Modesto Municipal Code because the City complied with the informal bid procedures and R&S Erection Tri-County, Inc. of Modesto, CA was the only responsive and responsible bidder. Therefore, City staff and the City Manager recommend awarding the contract to R&S Erection Tri-County, 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 Modesto Centre Plaza Entry

Door Replacement Project, accepts the bid and awards a contract to R&S Erection Tri-County, Inc. of Modesto, CA in the amount of \$63,500.

BE IT FURTHER RESOLVED, that the Director of Utilities may approve change orders up to the cumulative amount of \$6,350 (10% of the original Contract price) if needed.

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 9th day of July, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

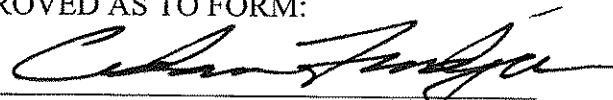
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-348**

RESOLUTION APPROVING THE AWARD OF BID FOR THE FURNISHING OF ASPHALT AND EMULSIFIED ASPHALT MATERIALS FOR ROAD MAINTENANCE ON AN AS-NEEDED BASIS, WITH GEORGE REED, INC., ESCALON, CA, AND CALAVERAS MATERIALS INC., HUGHSON, CA FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COMBINED COST NOT TO EXCEED \$543,151, AND A TOTAL COMBINED AMOUNT NOT TO EXCEED \$2,715,755 OVER A FIVE YEAR PERIOD, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENTS

WHEREAS, the Streets Division is responsible for maintaining residential streets, major arterial and collector streets, and alleys within the City of Modesto, in which, asphalt materials are essential for staff to perform its street maintenance function, and

WHEREAS, the timely furnishing and availability of asphalt and emulsified asphalt materials is vital to the Streets Division being able to perform its primary function of maintaining the residential streets, major arterial and collector streets, and alleys throughout the City, and

WHEREAS, on December 5, 2018, the Purchasing Division issued RFB 1819-06RB for as-needed furnishing of asphalt and emulsified asphalt materials and posted on PlanetBids via the City's Website, and

WHEREAS, on January 8, 2019, bids were formally opened in the City Clerk's Office, and

WHEREAS, only one vendor responded to the bid and due to the critical need of this material the Purchasing Division solicited additional bids to identify a secondary vendor, and

WHEREAS, four additional bidders were contacted and two bidders responded, and

WHEREAS, one of the two bidders, Teichart Aggregates was responsible but non-responsive because they did not meet the twenty-five mile radius requirement from the center of City of Modesto located at 1400 Coffee Road, Modesto CA, 95355 for any asphalt plant manufacturer which was over by 0.6 miles from this center point, 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 bid for the purchase of as furnishing of asphalt and emulsified asphalt materials George Reed, Inc. conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, 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;" the seeking of an additional vendor conforms to the Modesto Municipal Code, 8-4.204 (d) as the Purchasing Division solicited additional pricing to obtain the lowest cost.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the furnishing of asphalt and emulsified asphalt materials for road maintenance on an as-needed basis, with George Reed, Inc., Escalon, CA, and Calaveras Materials Inc., Hughson, CA for a two-year agreement with three one-year extension options, for an annual combined cost not to exceed \$543,151, and a total combined amount not to exceed \$2,715,755 over a five year period.

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


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

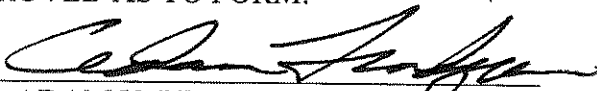
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-349**

**RESOLUTION ACCEPTING THE RESIGNATION OF LISA BATTISTA FROM
THE CITY OF MODESTO'S CITIZENS' HOUSING AND COMMUNITY
DEVELOPMENT COMMITTEE**

WHEREAS, the Citizens' Housing and Community Development Committee was established to make policy and funding recommendations regarding the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnership Grant programs; and

WHEREAS, on August 14, 2018 by Resolution No. 2018-325, Lisa Battista was appointed to the City of Modesto's Citizens' Housing and Community Development Committee; and

WHEREAS, Ms. Battista submitted her resignation on June 5, 2019 as she will no longer be able to serve on the committee due to personal reasons.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto accepts the resignation of Lisa Battista from the City of Modesto's Citizens' Housing and Community Development Committee.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

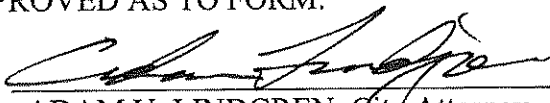
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-350**

**RESOLUTION ACCEPTING THE RESIGNATION OF SAVANNAH WILLIAMS
FROM THE CITY OF MODESTO'S CITIZENS' HOUSING AND COMMUNITY
DEVELOPMENT COMMITTEE**

WHEREAS, the Citizens' Housing and Community Development Committee was established to make policy and funding recommendations regarding the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnership Grant programs; and

WHEREAS, on May 7, 2019 by Resolution No. 2019-199, Savannah Williams was appointed to the City of Modesto's Citizens' Housing and Community Development Committee; and

WHEREAS, Ms. Williams submitted her resignation on May 9, 2019 as she will not be able to serve on the committee due to personal reasons.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto accepts the resignation of Savannah Williams from the City of Modesto's Citizens' Housing and Community Development Committee.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-351**

RESOLUTION APPROVING A TWO YEAR CONTRACT WITH ECCOVIA SOLUTIONS FOR HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS) ADMINISTRATION SERVICES IN AN AMOUNT NOT TO EXCEED \$115,200 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on July 11, 2017, by Resolution No. 2017-289, the City assumed the Collaborative Applicant role for the COC, and

WHEREAS, the City is responsible for administration and oversight of the Homeless Management Information System (HMIS) for COC, and

WHEREAS, the City utilizes a tool called ClientTrack by Eccovia, an HMIS system which is a requirement by HUD which enables the network of homeless service providers to collect uniform client information over time including the size, characteristics, and needs of the homeless population, and

WHEREAS, the system meets Federal requirements, collaborates, and enhances homeless prevention services delivery, and

WHEREAS, ClientTrack offers HMIS Administrator Services which can assist with continued compliance with federal partner standards, advise on effective HMIS policy, and administer day-to-day system operations, and

WHEREAS, the community is transitioning into a shared data system which will increase the effectiveness of homeless funds and the people being served in the community, and

WHEREAS, this service will also create a more streamlined approach to Coordinated Entry which is the process developed to ensure that all people experiencing

a homeless crisis have fair and equal access, and are quickly identified, assessed for, referred and connected to housing and assistance based on their strengths and needs, and

WHEREAS, ClientTrack HMIS administrators have over ten years of experience, and has intimate knowledge of the unique needs faced by communities large and small in supporting a truly functional and integrated HMIS, 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, 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 procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, ClientTrack should be exempt from the formal bidding procedure in accordance with the Modesto Municipal Code 8-3.204(b), since as our contracted HMIS software provider no other company can provide the internal software programming updates to their software, and

WHEREAS, services will be paid for by California Emergency Solutions and Housing (CESH) grant funds in partnership with Stanislaus County.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a two year contract with Eccovia Solutions for Homeless Management Information System (HMIS) Administration Services in an amount not to exceed \$115,200.

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 special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-352**

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AS THE COLLABORATIVE APPLICANT FOR CONTINUUM OF CARE FUNDS; AND APPROVING A CONTRACT WITH THE CENTER FOR COMMON CONCERNS, INC. DBA HOMEBASE FOR ASSISTANCE WITH THE CONTINUUM OF CARE GRANT IN AN AMOUNT NOT TO EXCEED A TOTAL OF \$62,000, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND ANY RELATED GRANT DOCUMENTS

WHEREAS, on July 11, 2017, by Resolution No. 2017-289, the City assumed the Collaborative Applicant role for the COC, and

WHEREAS, as the Collaborative Applicant, the City is responsible to collect and submit the required Continuum of Care application information for all projects the COC¹ selects for funding, and

WHEREAS, the City is responsible for administration and oversight of the Homeless Management Information System (HMIS) for COC, and

WHEREAS, the City will be responsible for submitting the grant of approximately \$3.3 million on behalf of the community and local COC, and

WHEREAS, if the funding is approved, agreements are executed directly from HUD to the agencies running the projects, and

WHEREAS, as the Collaborative Applicant for a COC, the City is eligible to apply for a Planning Grant and HMIS Grant to help offset staffing and oversight costs, and

WHEREAS, the Planning Grant application can total up to 3% of the total grant application; it is anticipated that the application will be approximately \$105,000, and

¹ <https://csocstan.com/>

WHEREAS, the grant includes funding for salary and benefits, in order to assist with coordination, project evaluation, monitoring, and compliance of the COC program awarded participants, and

WHEREAS, HMIS² is a requirement by HUD which enables the network of homeless service providers to collect uniform client information over time including the size, characteristics, and needs of the homeless population, and

WHEREAS, the system meets Federal requirements, collaborates, and enhances homeless prevention services delivery. The grant includes funding for salary and benefits, oversight, computer software, training, and licenses for the client management software, and

WHEREAS, City staff anticipates applying for \$225,000, and

WHEREAS, the grant requires a 25% match that will come from fees for additional reporting support and user licenses for agencies that request them, and

WHEREAS, Administrative Directive 7.2 Grant Management, grant award acceptance requires Council approval based on the award requiring local match funding, and

WHEREAS, over the last three years, the COC has contracted with The Center for Common Concerns dba Homebase for assistance with the Notice of Funding Availability, and

WHEREAS, HomeBase provides diverse capacity-building support to communities, COCs, and individual agencies across the country, with expertise in

² <https://www.hudexchange.info/programs/hmis/> - A Homeless Management Information System (HMIS) is a local information technology system used to collect client-level data.

facilitating action planning and assisting stakeholders in identifying, implementing and monitoring best and promising practice approaches to ending homelessness, and

WHEREAS, HomeBase will work closely with the COC, its committees, and agency applicants in compiling and submitting by the deadline a fully qualified, strong, consolidated application to HUD, including the COC Application, project proposals, and all required forms and certifications, and

WHEREAS, based on the services provided and HomeBases's intricate history, knowledge, and expertise with the Stanislaus Community System of Care and the complexities of the U.S. Department of Housing and Urban Development's application process, it has been identified and confirmed as a Professional Service as defined under MMC 8-3.103, 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(a) provides an exemption to the formal bidding process for professional services. Therefore, HomeBase should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(a).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of a grant application as the Collaborative Applicant for Continuum of Care funds; and approving a contract with The Center for Common Concerns, Inc. dba HomeBase for assistance with the Continuum of Care Grant in an amount not to exceed a total of \$62,000.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-353**

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH COMMUNITY REINVESTMENT FUND (CRF), FOR CONTINUED LOAN SERVICING OF HUD FUNDED LOANS BY \$40,000 FROM \$50,000 TO A NEW TOTAL AMOUNT OF \$90,000 AND EXTENDING THE TERM OF THE AGREEMENT FROM MAY 1, 2020 TO JUNE 30, 2023 AND AUTHORIZING 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 homeowner repair and acquisition and rehabilitation of new housing units, and

WHEREAS, an agreement is executed to secure funds in a loan or a grant, and to ensure the property remains affordable under the grant terms and guidelines, and

WHEREAS, the City receives program income from these outstanding loans on a monthly basis, and

WHEREAS, in order to manage the loan profile, the City of Modesto contracts with a loan servicer who manages the loan profile and collects the monthly program income payments from the outstanding loans, and

WHEREAS, the City of Modesto has utilized CRF loan servicing to manage our HUD loan profile since 1994, and

WHEREAS, the most recent contract was executed in 2015 and the City has previously exercised its right to extend the contract for the last three years, and

WHEREAS, the current contract is approaching expending \$50,000, and

WHEREAS, staff is requesting an additional three year extension for this agreement, with a total amount not to exceed \$90,000, and

WHEREAS, since 2017, staff has been reviewing all of the outstanding loan and grant documents, and

WHEREAS, staff has systematically been scanning and verifying loan terms and affordability requirements, and

WHEREAS, at this time, the project is at approximately 70% of completion, and

WHEREAS, Staff will need to continue with this process and ensure a total inventory of all of loans, prior to moving forward with a transition, therefore, it is recommended to continue the contract with CRF until the City's entire loan program is on file, and

WHEREAS, we project this to take an additional 12-24 months, and

WHEREAS, the loan servicing fees are paid from the loan repayments received on a monthly.

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 Community Reinvestment Fund (CRF), for continued loan servicing of HUD funded loans by \$40,000 from \$50,000 to a new total amount of \$90,000 and extending the term of the agreement from May 1, 2020 to June 30, 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 special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-354**

**RESOLUTION ACCEPTING THE LANDMARK PRESERVATION
COMMISSION ANNUAL REPORT FOR FISCAL YEAR 2018-2019**

WHEREAS, Section 1104 of the City Charter specifies that appointed commissions shall report on their fiscal year activities to City Council on or before September 1 of each year, and Section 9-10.03(d) of the Modesto Municipal Code specifies that the Landmark Preservation Commission shall report its activities to City Council each year, and

WHEREAS, at its regular meeting of June 17, 2019, at 1010 10th Street, Modesto, California, the Landmark Preservation Commission accepted the Annual Report for Fiscal Year 2018-2019, and

WHEREAS, said matter was scheduled for the regular City Council meeting of August 7, 2019, in the 10th Street Palace Chambers located at 1010 10th Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the Landmark Preservation Commission Annual Report for Fiscal Year 2018-2019 as described in **Exhibit "A"**, **attached** hereto and incorporated herein by reference, is accepted.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

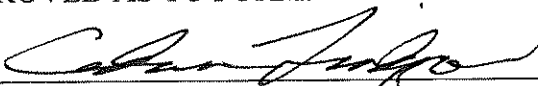
By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Landmark Preservation Commission Annual Report for FY 2018-2019

LANDMARK PRESERVATION COMMISSION ANNUAL REPORT FOR FISCAL YEAR 2018-2019

The City of Modesto Landmark Preservation Commission (Commission) was formed by the City Council to promote public recognition and appreciation for Landmark Preservation Sites and for the City's history; to conduct continuing surveys and research in order to identify and classify as to their relative importance, properties which have historic, architectural, archaeological, engineering, or cultural significance to the community; to recommend properties which meet the criteria of significance for designation as Landmark Preservation Sites; to protect Landmark Preservation Sites by public review of proposed alterations, relocations, demolitions, or new construction affecting those properties; and to advise property owners and educate the public in appropriate maintenance, rehabilitation, or restoration methods and to encourage continued use of such properties. The Commission is also responsible for requesting of the Board of Zoning Adjustment, the Planning Commission, various City departments, or the City Council adoption of measures required or appropriate for the preservation, protection, or maintenance of Landmark Preservation Sites; providing general preservation plans and guidelines to owners of Landmark Preservation Sites regarding appropriate maintenance, restoration, and rehabilitation; promoting public recognition and appreciation for Landmark Preservation Sites; and for the solicitation of gifts and contributions to support the activities and purposes of the Commission.

The Commission meets on the third Monday of the month at 1:00 p.m. The 2018-2019 Annual Report highlights a few key projects the Commission has worked on this year.

I. MEMBERSHIP

The Landmark Preservation Commission is currently comprised of a total of five (5) registered voters residing in Modesto, with two vacant positions. A total of nine (9) commissioners have served during the past fiscal year.

Current Commissioners:

- Joseph Cahill
- Patrick Cavanah (Culture Commission Representative)
- Will Crew
- Naramsen Goriel
- David Leamon
- Matthew Lippert (Chair)
- David Roddick (Vice Chair)

Former Commissioners:

- Joanna Esparza *

* Resigned from Landmark Preservation Commission for personal reasons

II. BYLAWS

No bylaws amendments were proposed or adopted during the fiscal year.

III. PROJECTS

Web Pages

In addition to the Landmark Preservation Commission page, the Landmark Preservation Program now has web pages to promote Modesto's history and raise the profile of established landmarks, as well as other historic properties. The web site is regularly updated with agendas, minutes, and resolutions. A new Historic Guide to Modesto: Modesto Landmarks 1870 - 1940 (http://www.modestogov.com/1967/History_of_Modesto) brochure has been added to the web site that can be used on mobile phones or printed.

Mills Act Contract Monitoring

In accordance with the existing Mills Act contracts on 12 landmark properties, staff has requested property owners update the list of improvements that is attached to each contract. Mills Act contracts require the list be updated to ensure the properties are being maintained as required by the contract. Nine property owners responded in 2018. Two of the three remaining property owners have responded by providing an updated list of improvements.

Update Ordinance

Updates to the Landmark Preservation Ordinance, Title 9, Chapter 10, of the Modesto Municipal Code were approved by City Council after review by the Landmark Preservation Commission. Amendments were minor in nature and typically reflected changes to the way the Landmark Preservation Program is administered.

Applications and Permits Reviewed

Landmark 19: In February, the Commission took a guided field trip to the Southern Pacific Railroad Depot in anticipation of an application to modify the site. The City's Transit Manager, Adam Barth, and architect Barrett Lipomi of RED Architects narrated their concerns with the current programming of the building and site and discussed ideas for accommodating increased passenger traffic in the future.

Future Projects

In addition to evaluating resources nominated for landmark status, the Commission is responsible for reviewing proposed alterations to historic resources and proposed demolitions. Applications are processed on a case-by-case basis.

Other projects that may be undertaken by the Commission include:

Update the status of buildings in the historic resources survey More than 20 years have passed since Modesto hired Carey & Co. to prepare a survey of some of Modesto's historic resources that were 50 years old or older at the time of the survey. During that time, many buildings have been altered or demolished and the city's records should be updated. This is a multi-year project.

Develop historic brochures Cities often highlight their historic resources by preparing walking tours or brochures, often themed. Brochures promote the city's unique history, civic involvement and pride, and offer added appeal for visitors. Three brochures have been produced to date highlighting Modesto's landmarks, buildings from the Establishment Period, and Mid-Century Modern buildings. Additional brochures will feature other periods of Modesto's development. This is a multi-year project.

Develop a list of high-priority resources and pursue landmark status Modesto's historic resources survey, prepared in the 1990s by Carey & Co., has been used as a starting point for preservation efforts. The survey was performed in-depth on a few properties known to have significance in addition to architectural qualities, but most of the survey was limited to architecture. In the past, the historic resources survey served to promote designation of potential historic resources for landmark status by the Commission. This is a multi-year project.

IV. PURPOSE OF THE ANNUAL REPORT

This annual report is prepared in compliance with Article XI, Section 1104, of the City Charter, and with Modesto Municipal Code Section 9-10-03(d) which require a report of the Commission's activities be prepared and submitted to the City Council annually. Reporting shall be made on a fiscal year basis and shall be submitted to Council on or before September 1.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-355**

RESOLUTION APPROVING THE AWARD OF BID AND SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE, WEED ABATEMENT AND TRASH REMOVAL SERVICES TO GROVER LANDSCAPE SERVICES INC, MODESTO CA, FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$155,000 AND A TOTAL AMOUNT NOT TO EXCEED \$853,000 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, retention basins are utilized to collect water through a sequence of pipes which feed water into detentions basins, and

WHEREAS, detention basins are utilized to remove storm water through pump stations to open waterways, MID canal, creek or river, and

WHEREAS, the need to maintain retention and detention basins is important in order to allow water to properly flow or evaporate in order to mitigate flood danger, and

WHEREAS, overgrown basins could lead to a fire hazard, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of landscape maintenance, weed abatement and trash removal services, and

WHEREAS, prospective bidders were notified online of the bid opportunity, and

WHEREAS, fourteen companies chose to download the RFB document, and bids were formally opened in the City Clerk's office. Four companies chose to respond, two of them being a local vendor and three companies responding provided a responsive and responsible bid, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid and agreement for landscape maintenance, weed

abatement and trash removal services to Grover Landscape Services Inc, Modesto CA for an estimated annual cost of \$155,000 and not to exceed \$853,000 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 follow formal bid procedures. The award of RFB No. 1718-45 and agreement for landscape maintenance, weed abatement and trash removal services to Grover Landscape conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and 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 landscape maintenance, weed abatement and trash removal services for the Utilities Department, Storm Water collections and Sewer collections Divisions, to Grover Landscape Services Inc., Modesto CA for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$155,000, and not to exceed \$853,000 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 special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-356**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASE AGREEMENT FOR VARIABLE FREQUENCY DRIVE UNITS TO WILLE ELECTRIC SUPPLY COMPANY, MODESTO, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT NOT TO EXCEED \$189,334 AND A TOTAL AMOUNT NOT TO EXCEED \$946,670 OVER FIVE YEARS, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASING AGREEMENT

WHEREAS, the Utilities Department, Water and Wastewater Divisions need to purchase Variable Frequency Drive (VFD) units in order to stabilize water pressure and wastewater flows in the City's water and wastewater systems, and

WHEREAS, the Water Division has approximately one hundred twenty-five VFD's, and

WHEREAS, the Wastewater Division has approximately ninety-seven VFD's, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase variable frequency drive units throughout the city, and

WHEREAS, on January 9, 2019, the Purchasing Division issued RFB No. 1718-60RB for the purchase of variable frequency drive units to eleven prospective bidders, and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Seven companies chose to respond and six provided responsive and responsible bids. Four local vendor responded, and

WHEREAS, based on providing the lowest responsive and responsible bids, City staff recommends the award of bid for the purchase of variable frequency drive units to Wille Electric, Modesto, CA, for a two (2) year agreement with three (3) one year extension options, for an estimated annual cost not to exceed \$189,334 and total amount not to exceed \$946,670 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 bid for the purchase of variable frequency drive units to Wille Electric, Modesto, CA, conforms to the Modesto Municipal Code, and

WHEREAS, due to higher cost of materials, addition of Tertiary Phase 2, and addition of well sites, staff requests an estimated annual total of \$189,334 for 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 purchase of variable frequency drive units for the Water and Wastewater Divisions to Wille Electric, Modesto, CA, for a two year agreement with three one-year extension options for an estimated annual cost not to exceed \$189,334 and a total amount not to exceed \$946,670 over five years.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

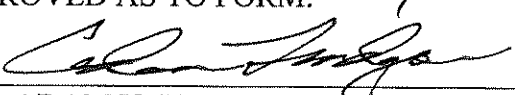
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-357**

RESOLUTION APPROVING THE AWARD OF BID AND PURCHASING AGREEMENTS FOR SEWER & STORM DRAINAGE PIPE & FITTINGS TO PACE SUPPLY CORPORATION, STOCKTON, CA, R&B COMPANY, MANTECA, CA AND PIRANHA PIPE & PRECAST, CHOWCHILLA, CA FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$414,331, \$158,332, AND \$118,690, RESPECTIVELY, AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ADJUST THE FINANCIAL AMOUNTS BETWEEN THE THREE PROVIDERS WITHOUT EXCEEDING THE ESTIMATED COMBINED ANNUAL COST OF \$691,353 AND A TOTAL COMBINED COST NOT TO EXCEED \$3,802,442 OVER FIVE YEARS FOR ALL VENDORS AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENTS

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of circle clamps, gaskets, pipe couplings and tapping sleeves, and

WHEREAS, the Purchasing Division issued RFB No. 1819-04 for the purchase of sewer & storm drainage pipe & fittings to twenty-one prospective bidders, and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Three companies chose to respond, none of which were local companies, and

WHEREAS, all four companies responding provided responsive and responsible bids, and

WHEREAS, based on providing lowest responsive and responsible bids, City staff recommends the award of bids for the purchase of sewer & storm drainage pipe & fittings to Pace Supply Corp., Stockton, CA, R&B Company, Manteca CA and Piranha Pipe & Precast, Chowchilla, CA for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost not to

exceed \$414,331, \$158,332, and \$118,690, respectively, and an estimated combined cost not to exceed \$3,802,442 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. The award of bids for the purchase of sewer & storm drainage pipe and fittings to Pace Supply Corp., Stockton, CA, R&B Company, Manteca CA, and Piranha Pipe & Precast, Chowchilla 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 authorizes the award of bids for the Wastewater Division for the purchase of sewer & storm drainage pipe & fittings to Pace Supply Corp., Stockton, CA, R&B Company, Manteca CA and Piranha Pipe & Precast, Chowchilla, CA for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$414,331, \$158,332, and \$118,690, respectively, and an estimated combined cost not to exceed \$3,802,442 over five (5) years.

BE IT FURTHER RESOLVED the Finance Director, or her designee, is hereby authorized to adjust the financial amounts between all three providers, without exceeding the estimated combined annual cost of \$691,353.

BE IT FURTHER RESOLVED the Purchasing Manager, or her designee, is hereby authorized to execute the purchasing agreements.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-358**

**RESOLUTION APPROVING REVISIONS TO COUNCIL POLICY 2.009,
“INJURY AND ILLNESS PREVENTION PROGRAM,” TO UPDATE
REGULATORY REFERENCES AND DESIGNATE RESPONSIBILITY FOR
THE PROGRAM TO THE CITY MANAGER, OR DESIGNEE**

WHEREAS, the City of Modesto wishes to ensure the safest possible work place for our employees and to comply with all applicable safety regulations; and

WHEREAS no function of the City of Modesto is so critical as to require a compromise of safety, and

WHEREAS, by Resolution No. 2013-204, Council adopted an Injury and Illness Prevention Program (IIPP) as Council Policy 2.009, and as required by Title 8, Section 3203 of the California Code of Regulations on June 4, 2013, and

WHEREAS, it is necessary to periodically review and update the IIPP to ensure that program information is current and aligned with the City’s organizational structure, goals, and strategies.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Modesto hereby approves revisions to Council Policy 2.009, “Injury and Illness Prevention Program,” to reflect the most current regulatory references.


BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby designated as the responsible person for this program.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-359**

RESOLUTION APPROVING AN AGREEMENT WITH WINDMILL SEPTIC, LLC, RIPON, CA, FOR PORTABLE TOILET RENTALS AND SERVICES AT THE MODESTO OUTDOOR EMERGENCY SHELTER THROUGH DECEMBER 31, 2019 FOR A TOTAL AMOUNT NOT TO EXCEED \$90,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City established a temporary outdoor shelter underneath the 9th Street Bridge known as the Modesto Outdoor Emergency Shelter (MOES) to accommodate the growing number of homeless individuals, and

WHEREAS, the City issued informal bids for portable toilet rentals and services to keep the encampment safe and sanitary for a period not to exceed seven months, and

WHEREAS, Windmill Septic, LLC, provided the lowest responsible bid and the Finance Purchasing Division issued a purchase agreement, not to exceed \$50,000, to cover MOES expenses through October 31, 2019, and

WHEREAS, at three months into service, staff has increased the amount of portable toilets and service levels to keep pace with the influx of homeless individuals at MOES, and

WHEREAS, staff also expects the need for portable toilets through the end of December, and

WHEREAS, the current purchase order does not meet these needs, and

WHEREAS, the City and Windmill Septic, LLC, desire to enter into a new purchase agreement for portable toilets and services for MOES through December 31, 2019 for a total not to exceed \$90,000, 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, and

WHEREAS, 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, MMC 8-3.204(d) provides that a purchase may be exempt 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, Windmill Septic is exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(d) since the informal bidding procedure, of which Windmill Septic provided the lowest bid, had five responsive and responsible bids and was recently solicited, and

WHEREAS, Windmill Septic is exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(c) since a formal bidding process would require six months to process, at which point, the purchase order in place would be fully exhausted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Windmill Septic, LLC, Ripon, CA, for portable toilet rentals and services at the Modesto Outdoor Emergency Shelter through December 31, 2019 for a total amount not to exceed \$90,000.

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 special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-360**

RESOLUTION APPROVING AN EIGHTH AMENDMENT TO THE AGREEMENT WITH SCS ENGINEERS, INC., MODESTO, CA, TO ANALYZE RIVER FLOWS AND PRODUCE A NO-RISE CERTIFICATION FOR THE CARPENTER ROAD LANDFILL PROJECT IN ACCORDANCE WITH FEMA REGULATIONS, AND THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD COMPLIANCE ABATEMENT ORDER R5-2015-0700, IN AN AMOUNT NOT TO EXCEED \$9,807 THROUGH DECEMBER 31, 2019 OR UNTIL THE PROJECT IS COMPLETE, FOR A REVISED TOTAL AMOUNT NOT TO EXCEED \$1,506,156, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City of Modesto owned and operated the Carpenter Road Landfill from 1956 to 1968, and the landfill includes fill sites on both the east and west sides of Carpenter Road, along the Tuolumne River, and

WHEREAS, the City is required by State law to perform post closure landfill maintenance, monitoring, and reporting for the landfill site, and

WHEREAS, in December 2005, it appeared that methane gas levels at the landfill's Northern boundary exceeded the maximum limits, and the California Integrated Waste Management Board (CIWMB) required the City to determine the cause and develop a Mitigation and Monitoring Plan, and

WHEREAS, the Central Valley Regional Water Quality Control Board (CVRWQCB) subsequently required the City to assess the potential for groundwater impacts, and

WHEREAS, on June 12, 2007 by Resolution No. 2007-341, Council authorized a Professional Services Agreement with SCS Engineers, Inc. in an amount not to exceed \$299,500 to assess the landfill and recommend corrective action, and

WHEREAS, after the initial site assessment, Resolution No. 2007-728 authorized a no-cost Letter Amendment to shift the focus of the work to installation of gas probes, design and installation of groundwater monitoring wells, and ongoing monitoring and reporting of methane gas and groundwater, and

WHEREAS, the assessment determined that migration of methane gas past the boundaries of the landfill was not a problem, but that a groundwater monitoring event determined that the landfill had experienced a “release” that could potentially have affected groundwater, and

WHEREAS, an engineering feasibility study had to be completed and the CVRWQCB required the City to submit a Corrective Action Plan (CAP), and

WHEREAS, in May 2009 by Resolution 2009-199, Council approved a Second Amendment to the Agreement with SCS Engineers, Inc. to further evaluate the site, develop the CAP, and provide ongoing monitoring and reporting services in an amount not to exceed \$242,000, and

WHEREAS, in November 2010, after conducting 12 hydro punch borings to sample groundwater and analyzing them for Volatile Organic Compounds (VOC’s), SCS submitted the CAP to the CVRWQCB proposing to use an injection of a hydrogen releasing compound to remediate any groundwater impacts, and

WHEREAS, subsequently , the VOC concentrations began to consistently decline, and City staff and SCS Engineers, Inc. determined that the proposed CAP needed to be re-evaluated, and

WHEREAS, in August 2013 by Resolution No. 2013-277, Council approved a Third Amendment to the Agreement with SCS Engineers, Inc. for ongoing monitoring,

lab analysis, compliance reports, corrective action monitoring and maintenance, and re-evaluating and implementing the CAP in a cost not to exceed \$290,500, and

WHEREAS, in October 2014, a revised CAP and post closure maintenance plan was submitted to the CVRWQCB and in March 2015, the CVRWQCB issued the City a Cleanup and Abatement Order (CAO R5-2015-0700) requiring the City to clean close the Eastern Fill, move all the waste to the Western Fill, install a final cover atop the Western Fill, and construct a storm water retention basin, and

WHEREAS, in April 2015, SCS Engineers, Inc. submitted the plans and drawings to address the CAO and it was conditionally approved by the CVRWQCB in July 2016, with mitigation to be completed by October 2017, and

WHEREAS, the Central Valley experienced a significant wet winter at the end of 2016 and into the beginning of 2017, with the Tuolumne River above flood stage and not expected to completely recede until September or mid-October 2017, and

WHEREAS, the City petitioned the CVRWQCB in June 2017 for an extension to the CAO due to the groundwater elevation being higher than that of the waste to be excavated, and

WHEREAS, in mid-July the CVRWQCB approved the City's request to postpone the execution of the Clean Closure Work Plan with the condition that the approved background soil assessment would be completed and submitted to the water board by October 20, 2017 and the Final Construction and Completion Report for the CAO would be submitted no later than October 31, 2018, and

WHEREAS, in September 2017, by Resolution No. 2017-341, Council approved a Fourth Amendment to the Agreement with SCS Engineers, Inc. to complete these tasks and carry the project through December 31, 2018 in a cost not to exceed \$92,349, and

WHEREAS, in July 2018 the City opened the bid process for the Clean Closure work, and in August 2018, awarded the bid to Pacific States Environmental Contractors for a total of \$3,776,598 by Council Resolution No. 2018-345, and

WHEREAS, in addition, a Fifth Amendment to the SCS Agreement in an amount not to exceed \$520,000 was approved by Council Resolution No. 2018-348 for environmental and design support services to the Clean Closure work, and

WHEREAS, Resolution No. 2018-348 also authorized the City Manager to execute any amendments up to a cumulative amount of 10% of the Fifth Amendment, or \$52,000, and

WHEREAS, in September 2018, it was determined that the City needed to have a No-Rise Certification in order to be in compliance with Federal Emergency Management Agency (FEMA) Regulation, and

WHEREAS, the City requested that SCS Engineers perform this analysis but since nothing was identified in their agreements for this type of work, in December 2018 a Sixth Amendment to the SCS Agreement in an amount not to exceed \$44,036 was approved under the authority of the City Manager, for SCS to hire HDR Engineering to produce the model runs, analysis, and No-Rise Certification needed to be in compliance with FEMA, and

WHEREAS, the last six months HDR Engineering has been diligently working with SCS Engineers and the City to help the City achieve a No-Rise Certification and has

recently determined that with some slight design modifications and their site review of the vegetation layout, that the No-Rise Certification can be met, and

WHEREAS, with the number of analytical models that needed to be run and the slight design modifications that needed to be made, the Sixth Amendment fell short by \$17,771, and in order to keep the project moving to meet construction deadlines, the City Manager executed a Seventh Amendment to the SCS Agreement, under his authority in the Fifth Amendment by Resolution No. 218-348, for the balance of the cumulative total of 10%, which was \$7,964, and

WHEREAS, the previous amount was approved in the Sixth Amendment in the amount of \$44,033, and the City Manager total delegated authority was \$52,000, and

WHEREAS, this Eighth Amendment is for the remaining \$9,807 of the \$17,771 needed to complete the No-Rise Certification, and

WHEREAS, it is critical that this amendment be processed for several reasons: 1) the health and safety of the neighborhood in and around the landfill as the longer the project is delayed, the longer the waste sits in a non-line landfill without groundwater protection; 2) the contract was awarded almost a year ago and the contractor has been in a holding pattern; 3) there are time limitations to when construction can occur due to wildlife cycles; and 4) if the project does not get started as mandated by the CVRWQCB, the City will be subjected to fines of up to \$10,000 per day, and

WHEREAS, funds are collected in the garbage rate for this mitigation project, estimated to cost \$4.6 million and to date the Carpenter Road Landfill Fund (Fund 4893-56016) has approximately \$5 million.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Eighth Amendment to the Agreement with SCS Engineers, Inc. to analyze river flows and produce a No-Rise Certification for the Carpenter Road Landfill Project in accordance with FEMA Regulations, and the Central Valley Regional Water Quality Control Board Compliance Abatement Order R5-2015-0700, in an amount not to exceed \$9,807 through December 31, 2019 or until the project is complete, for a revised total amount not to exceed \$1,506,156.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-361**

RESOLUTION AUTHORIZING THE REPAYMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO HUD EXPENDED ON INELIGIBLE ACTIVITIES IN THE AMOUNT OF \$154,160, REALLOCATING \$36,586 FROM HOME FUNDING FOR HOME ADMINISTRATION ELIGIBLE EXPENSES, AND \$1,570 FROM NSP2 FUNDING FOR NSP2 ADMINISTRATION ELIGIBLE EXPENSES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE RELATED DOCUMENTS

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City receives Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, annually, and

WHEREAS, in September 2017, the Office of Inspector General (OIG) reached out to the City of Modesto to notify staff that the OIG would perform an audit to ensure that the City used CDBG funds in accordance with HUD requirements, focusing on the City's Housing Rehabilitation Program, and

WHEREAS, from October 2017 through April 2018, the OIG was at the City reviewing and auditing funding and projects that were a part of the Housing Rehabilitation Program, and

WHEREAS, the OIG reviewed projects and documentation from July 2015 through September 2017, and

WHEREAS, in July 2018, the OIG finalized and published their audit report, and

WHEREAS, the OIG made sixteen findings totaling \$1,686,739 in unsupported funds and \$257,737 in ineligible funds for a total of \$1,944,332, and

WHEREAS, the OIG directed the City to work directly with HUD's San Francisco Office of Community Planning and Development to resolve the findings of the audit, and

WHEREAS, The OIG directed the City to:

1. Support that its use of more than \$1.6 million in CDBG funds met program requirements or repay the program from non-Federal funds
2. Repay the program \$257,737 for duplicate costs from non-Federal funds
3. Implement policies and procedures to ensure that CDBG funds are used in accordance with program requirements
4. Provide training to its staff to ensure sufficient knowledge of CDBG program requirements, and
5. Implement policies and procedures to ensure that it includes all of its CDBG recipients in its monitoring plan and that it selects objective samples, and

WHEREAS, staff has worked closely with HUD over the last year, and submitted documentation and support for the OIG findings, and

WHEREAS, staff has updated the policies to ensure they meet both HUD and City standards, implemented procedures and checklists to ensure proper documentation is completed before any project is approved, agreement is signed, or funding is expended, and provided ongoing training for staff to ensure sufficient knowledge of CDBG program requirements, and

WHEREAS, The City provided supporting documentation for all of reported OIG findings, and

WHEREAS, HUD reviewed all of the information and submitted it to the OIG for approval, and

WHEREAS, as a result, the OIG agreed that the City would not have to repay \$1,790,316 of the total \$1,944,332 that was identified in the report, and

WHEREAS, eleven findings are closed, and five findings remain open and require partial repayment in order to close the findings and audit, and

WHEREAS, HUD and the OIG identified \$154,160 that would have to be repaid from non-federal funds to the CDBG program, \$36,586 reallocated from HOME funding for HOME Administration eligible expenses, and \$1,570 reallocated from NSP2 funding for NSP2 Administration eligible expenses, and

WHEREAS, a substantial portion of this funding needs to be repaid due to staff charging their time to the incorrect funding source, and

WHEREAS, to correct this issue moving forward, the division has worked with finance and budget to move all staff to a non-grant funded cost center, and now charge out the staff time according to the project and grant they are working on, and

WHEREAS, the repayment of funds is required to be made from a non-federal source, and will be repaid from 2019-2020 Community and Economic Development Department savings, and

WHEREAS, the funding that is returned to HUD will be added to the City CDBG account, and can be used on future CDBG eligible projects, and

WHEREAS, HUD has requested that the audit be completed by August 1, 2019, and

WHEREAS, Staff was able to address two findings and wire a repayment under City Manager authority totaling \$28,243.34, \$25,169.84 repaid from non-federal funds, and \$3,073.50 reallocated from other HUD grant funds, and

WHEREAS, because the remainder of the findings exceeded \$50,000 to return to HUD, HUD has granted an extension until August 8, 2019 for the closeout.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizing the repayment of Community Development Block Grant funds to HUD expended on ineligible activities in the amount of \$154,160, reallocating \$36,586 from HOME funding for HOME Administration eligible expenses, and \$1,570 from NSP2 funding for NSP2 Administration eligible expenses.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his designee, is hereby authorized to execute related documents.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Ah You, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-362**

**RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 ANNUAL
OPERATING AND MULTI-YEAR PROJECT BUDGETS AND AUTHORIZING
THE CITY MANAGER OR HIS DESIGNEE, TO TAKE 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 is required to develop an Annual Action Plan (AAP) that describes proposed activities funded with Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, in September 2017, the Office of Inspector General (OIG) reached out to the City of Modesto to notify staff that the OIG would be auditing to ensure that the City used CDBG funds in accordance with HUD requirements, focusing on the City's Housing Rehabilitation Program, and

WHEREAS, from October 2017 through April 2018, the OIG was at the City reviewing and auditing funding and projects that were a part of the Housing Rehabilitation Program, and

WHEREAS, during the audit, they reviewed projects and documentation from July 2015 through September 2017, and

WHEREAS, HUD and the OIG identified \$154,160 that would have to be repaid to the CDBG program, and

WHEREAS, HUD's preference is that the City repay the disallowed costs from a non-federal source.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Fiscal Year 2019-2020 Annual Operating and Multi-Year Project budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED by the Council of the City of Modesto authorize City Manager or his designee, to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Ah You, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

- Amend the Community Development Administration operating budget (0100-14210) for fiscal year 2019-20, to decrease the Salaries and Benefits budget by \$154,161, and to increase the Discretionary Expenses budget (0100-14210) by \$154,161, to reflect the transfer of ineligible expenses from CDBG Rehab Admin and RLF Rehab Direct Loans.
- Amend the Community Development HUD Administration operating budgets for fiscal year 2019-20 (1130-14010-54500) as follows to allow for the transfer of expenses from CDBG Rehab Admin (1130-14020):
 - Activity 1170 – Increase budget by \$11,808
 - Activity 1224 – Increase budget by \$889
 - Activity 1255 – Increase budget by \$17,561
- Amend the Community Development HOME Administration operating budgets (1170-14030-54500) as follows to allow for transfer of expenses from CDBG Rehab Admin (1130-14020):
 - Activity 1317 – Increase budget by \$36,587

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-363**

**RESOLUTION CALLING A SPECIAL ELECTION REGARDING
PROPOSED CHANGES TO RATE AND METHOD OF APPORTIONMENT OF
SPECIAL TAX FOR CITY OF MODESTO COMMUNITY FACILITIES
DISTRICT NO. 2016-2 (THE VINTAGE)**

WHEREAS, on January 26, 2016, the City Council of the City of Modesto (“the City”) adopted Resolution No. 2016-21 (the “Resolution of Intention”) declaring its intention to establish City of Modesto Community Facilities District No. 2016-2 (The Vintage) (“CFD No. 2016-2), pursuant to the Mello-Roos Community Facilities Act of 1982, Government Code Sections 53311 et seq. (the “Act”), and

WHEREAS, on March 8, 2016, the City Council adopted Resolution No. 2016-95 (the “Resolution of Formation”) declaring the formation of CFD No. 2016-2 for the purpose of financing all costs associated with the creation of CFD No. 2016-2, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the community facilities district and administering the community facilities district and to pay the costs of the services listed therein, and

WHEREAS, by adopting the Resolution of Formation, the City Council declared its intention, subject to the approval of the qualified electors of the proposed community facilities district, to levy the proposed special taxes at the rates set forth in the Rate and Method of Apportionment of Special Tax (the “Original RMA”) **attached** thereto as **Attachment A**, and

WHEREAS, on March 8, 2016, the City Council adopted Resolution No. 2016-97, declaring the results of the election pertaining to CFD No. 2016-2, and determining that the qualified electors had approved the Original RMA, and

WHEREAS, it has been determined that it is necessary and prudent to adjust the maximum special taxes set forth in the Original RMA, and

WHEREAS, on June 11, 2019, this City Council adopted Resolution No. 2019-259, (the "Resolution of Consideration"), by which this City Council declared its intention to modify the rate and method of apportionment of the special tax for CFD No. 2016-2, as set forth in the Amended and Restated RMA, which was **attached** to the Resolution of Consideration as **Exhibit A**, and

WHEREAS, by its Resolution of Consideration, this City Council scheduled a public hearing on the matter of the modification of the rate and method of apportionment of the special tax for CFD No. 2016-2 for August 7, 2019, and directed the publication of a notice of the hearing, and

WHEREAS, the required notice of hearing was published in the manner required by the Act, and

WHEREAS, the public hearing having been conducted and closed on this date, this City Council hereby finds and determines that a majority protest was not made at the hearing, as provided by Section 53338 of the Mello-Roos Act, and

WHEREAS, it has been established that there are no registered voters residing within the boundary of CFD No. 2016-2, and

WHEREAS, on the basis of the Certificate and Waiver of Certain Election Procedures With Respect to Landowner Election” (the "Certificate and Waiver”), a

separate copy of which has been executed on behalf of each landowner owning property within boundaries of CFD No. 2016-2 (each a "Landowner"), filed with the City Clerk and presented at this meeting, this City Council hereby further finds and determines as follows:

A) each of the Landowners has consented to the conduct of the special mailed-ballot election on this date and has waived the requirements to

- (1) prepare and distribute an impartial analysis,
- (2) invite arguments in favor of or against the ballot measure,
- (3) publish a notice of the election and
- (4) mail the special election ballot a prescribed number of days prior to the election; and

B) each of the Landowners has agreed to accept personal service of the ballot or service by mail; and

WHEREAS, this City Council, by this Resolution, wishes to call the special election to be held on this date immediately upon adoption of this Resolution, and to direct that, forthwith upon receiving an executed and completed ballot from each of the Landowners, the City Clerk shall close the election and declare the results to this City Council.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Modesto hereby finds, determines and resolves the foregoing recitals are true and correct, and this City Council hereby expressly so finds and determines that pursuant to Sections 53326 and 53338 of the Act, this City Council hereby calls a special

mailed-ballot election, to be held and conducted forthwith upon adoption of this Resolution, and sets this same date as the election date.

BE IT FURTHER RESOLVED that the measure to be submitted to the Landowners, as the qualified electors of CFD No. 2016-2, shall be as set forth in **Exhibit A, attached** hereto and by this reference incorporated herein. The action of the City Clerk in providing the special election ballot to the Landowners by personal service or mail is hereby ratified.

BE IT FURTHER RESOLVED The City Clerk is hereby directed, forthwith upon receiving an executed and completed ballot from each of the Landowners, to close the election and declare the results to this City Council.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

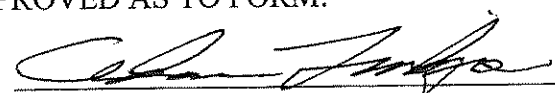
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

APPENDIX A
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-2
(VINTAGE MAINTENANCE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance) 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 CFD No. 2016-2, unless exempted by law or by the provisions of Section F 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 of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), 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 CFD No. 2016-2, including, but not limited to, levying and collecting the Special Tax; 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 property owner inquiries regarding the Special Tax; 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 Tax according to this RMA.

"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” or **“APN”** 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.

“CFD” or **“CFD No. 2016-2”** means the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance).

“CFD Formation” means the date on which the Resolution of Formation to form CFD No. 2016-2 was adopted by the City Council.

“City” means the City of Modesto.

“City Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-2.

“Commercial Property” means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a commercial building, as determined by the City.

“County” means the County of Stanislaus.

“Developed Property” means, in any Fiscal Year, the following:

- for Single Family Residential Property, all Parcels of Taxable Property for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year;
- for Multi-Family Property, all Parcels of Taxable Property for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year; and
- for Commercial Property, all Parcels of Taxable Property for which a building permit for construction of a commercial structure was issued prior to June 30 of the preceding Fiscal Year.

“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 on July 1 and ending on the following June 30.

“Land Use Class” means one of the three mutually-exclusive land use classes identified in Table 1 in Section C below and defined in this Section A.

“Maximum Special Tax” means the maximum special tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

“Multi-Family Property” means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units.

“Proportionately” means, for Developed Property, 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 Assessor’s Parcels of Taxable Property that is Developed Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Property that is Undeveloped Property. For Taxable Public Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Public Property.

“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; and (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.

“RMA” means this Rate and Method of Apportionment of Special Tax.

“SFR Lot” means an individual numbered lot which is in its final configuration and for which a building permit may be issued for a single family residential unit.

“Single Family Residential Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure on an SFR Lot.

“Special Tax” means a special tax levied in any Fiscal Year to pay the Special Tax Requirement, as defined below.

“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.

“Taxable Property” means all Assessor’s Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section F below.

“Taxable Public Property” means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in prior Fiscal Years.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2016-2 that are not Developed Property.

B. DATA FOR SPECIAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) whether each Parcel of Taxable Property is Developed Property or Undeveloped Property, (ii) which Parcels are Commercial Property, Single Family Residential Property, and Multi-Family Property, (iii) the Acreage of each Parcel of Commercial Property and Multi-Family Property, and (iv) the Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

Table 1 below identifies the Maximum Special Tax assigned to all Parcels of Taxable Property.

**TABLE 1
MAXIMUM SPECIAL TAXES
FISCAL YEAR 2015-16**

	<i>Land Use Category</i>	<i>Fiscal Year 2015-16 Maximum Special Tax*</i>
Developed Property	Single Family Residential Property	\$326 per SFR Lot
	Multi-Family Property	\$300 per Acre
	Commercial Property	\$300 per Acre
Undeveloped Property	Single Family Residential Property	\$1,950 per Acre
	Multi-Family Property	\$300 per Acre
	Commercial Property	\$300 per Acre

** On January 1, 2016 and each January thereafter, the Maximum Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1*

D. METHOD OF LEVY OF SPECIAL TAXES

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

- Step 1:* The Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;
- Step 2:* If additional revenue is needed after Step 1, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property that is not Commercial Property within the CFD, up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;
- Step 3:* If additional revenue is needed after applying the first two steps, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Special Tax assigned to each Parcel of Taxable Public Property.

E. COLLECTION OF SPECIAL TAXES

The 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 Special Taxes through foreclosure or other available methods. The Special Tax shall be levied and collected in perpetuity unless and

until the City determines that the Special Tax no longer needs to be levied to pay Authorized Services and Administrative Expenses.

F. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels of Commercial Property that are Undeveloped Property and Parcels of Public Property, except Taxable Public Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document 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.

H. ENFORCEMENT

All delinquent Special Taxes billed off the County tax roll shall be subject to an immediate 10% penalty plus interest charges of 1.5 % as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract of guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-364**

**RESOLUTION DECLARING RESULTS OF LANDOWNER-VOTER
ELECTION AND ORDERING CHANGE TO RATE AND METHOD OF
APPORTIONMENT OF SPECIAL TAX FOR CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-2 (THE VINTAGE)**

WHEREAS, on March 8, 2016, the City Council adopted Resolution No. 2016-95 (the "Resolution of Formation") declaring the formation of CFD No. 2016-2 for the purpose of financing all costs associated with the creation of CFD No. 2016-2, the determination of the amount of special taxes to be levied and costs otherwise incurred in order to carry out the authorized purposes of the community facilities district and administering the community facilities district and to pay the costs of the services listed therein, and

WHEREAS, by adopting the Resolution of Formation, the City Council declared its intention, subject to the approval of the qualified electors of the proposed community facilities district, to levy the proposed special taxes at the rates set forth in the Rate and Method of Apportionment of Special Tax (the "Original RMA") **attached** thereto as **Attachment A**; and

WHEREAS, it has been determined that it is necessary and prudent to adjust the maximum special taxes set forth in the Original RMA, and

WHEREAS, on June 11, 2019, this City Council adopted Resolution No. 2019-259, (the "Resolution of Consideration"), by which this City Council declared its intention to modify the rate and method of apportionment of the special tax for CFD No. 2016-2, as set forth in the Amended and Restated RMA, which was **attached** to the Resolution of Consideration as **Exhibit A**, and

WHEREAS, by its Resolution of Consideration, this City Council scheduled a public hearing on the matter of the modification of the rate and method of apportionment of the special tax for CFD No. 2016-2 for August 7, 2019, and directed the publication of a notice of the hearing, and

WHEREAS, the public hearing having been conducted and closed on this date in accordance with the Resolution of Consideration, the published notice, and no protests against the proposed changes prescribed by the Resolution of Consideration having been made either orally or in writing, and

WHEREAS, this City Council then adopted its resolution calling a special mailed-ballot landowner-voter election to submit to the owners of the taxable land in CFD No. 2016-2 (the "Landowners"), as the qualified electors of CFD No. 2016-2, the question whether this City Council shall be authorized to modify the rate and method of apportionment of the special tax for CFD No. 2016-2, and

WHEREAS, on the basis of executed copies of a "Certificate and Waiver of Certain Election Procedures With Respect to Landowner Election" submitted by all Landowners owning property within CFD No. 2016-2, and all of which instruments are on file with the City Clerk, the election was scheduled to occur immediately upon adoption of the resolution calling the election and approving the form of ballot, which was **attached as Exhibit A** to said resolution, and

WHEREAS, the City Clerk has advised this City Council that she has received an executed and completed ballot from all of the Landowners and has therefore closed the election and declared to this City Council that the ballot measure was unanimously approved by the Landowners, and

WHEREAS, this City Council wishes by this Resolution to declare the results of the landowner-voter election and to order the modification of the rate and method of apportionment of the special tax for CFD No. 2016-2 as set forth in the Amended and Restated RMA, which is **attached** hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby finds the foregoing recitals are true and correct, and this City Council hereby expressly so finds and determines.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this City Council hereby declares that the measure submitted to the landowner-voter election respecting the proposed modification of the rate and method of apportionment of the special tax for CFD No. 2016-2 has been passed.

NOW, THEREFORE, BE IT FURTHER RESOLVED that in conformity with the provisions of Section 53338 of the Mello-Roos Act, this City Council orders that rate and method of apportionment of the special tax for CFD No. 2016-2 be modified to read as set forth in the Amended and Restated Rate and Method of Apportionment of the Special Tax for CFD No. 2016-2, a copy of which is **attached** hereto as **Exhibit A** and by this reference incorporated herein.

NOW, THEREFORE, BE IT FURTHER RESOLVED the City Clerk is hereby authorized and directed to cause the preparation and recordation of a notice of the change represented by Amended and Restated Rate and Method of Apportionment of the Special Tax for CFD No. 2016-2 pursuant to Section 3117.5 of the California Streets and Highways Code, to take all other action necessary to carry out the purpose and intent of this resolution .

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 7th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

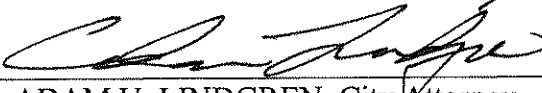
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

APPENDIX A
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-2
(VINTAGE MAINTENANCE)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance) 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 CFD No. 2016-2, unless exempted by law or by the provisions of Section F 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 of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), 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 CFD No. 2016-2, including, but not limited to, levying and collecting the Special Tax; 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 property owner inquiries regarding the Special Tax; 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 Tax according to this RMA.

"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” or **“APN”** 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.

“CFD” or **“CFD No. 2016-2”** means the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance).

“CFD Formation” means the date on which the Resolution of Formation to form CFD No. 2016-2 was adopted by the City Council.

“City” means the City of Modesto.

“City Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-2.

“Commercial Property” means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a commercial building, as determined by the City.

“County” means the County of Stanislaus.

“Developed Property” means, in any Fiscal Year, the following:

- for Single Family Residential Property, all Parcels of Taxable Property for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year;
- for Multi-Family Property, all Parcels of Taxable Property for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year; and
- for Commercial Property, all Parcels of Taxable Property for which a building permit for construction of a commercial structure was issued prior to June 30 of the preceding Fiscal Year.

“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 on July 1 and ending on the following June 30.

“Land Use Class” means one of the three mutually-exclusive land use classes identified in Table 1 in Section C below and defined in this Section A.

“Maximum Special Tax” means the maximum special tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

“Multi-Family Property” means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units.

“Proportionately” means, for Developed Property, 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 Assessor’s Parcels of Taxable Property that is Developed Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Property that is Undeveloped Property. For Taxable Public Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Public Property.

“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; and (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.

“RMA” means this Rate and Method of Apportionment of Special Tax.

“SFR Lot” means an individual numbered lot which is in its final configuration and for which a building permit may be issued for a single family residential unit.

“Single Family Residential Property” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure on an SFR Lot.

“Special Tax” means a special tax levied in any Fiscal Year to pay the Special Tax Requirement, as defined below.

“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.

“Taxable Property” means all Assessor’s Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section F below.

“Taxable Public Property” means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in prior Fiscal Years.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2016-2 that are not Developed Property.

B. DATA FOR SPECIAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) whether each Parcel of Taxable Property is Developed Property or Undeveloped Property, (ii) which Parcels are Commercial Property, Single Family Residential Property, and Multi-Family Property, (iii) the Acreage of each Parcel of Commercial Property and Multi-Family Property, and (iv) the Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

Table 1 below identifies the Maximum Special Tax assigned to all Parcels of Taxable Property.

**TABLE I
MAXIMUM SPECIAL TAXES
FISCAL YEAR 2015-16**

	<i>Land Use Category</i>	<i>Fiscal Year 2015-16 Maximum Special Tax*</i>
Developed Property	Single Family Residential Property	\$326 per SFR Lot
	Multi-Family Property	\$300 per Acre
	Commercial Property	\$300 per Acre
Undeveloped Property	Single Family Residential Property	\$1,950 per Acre
	Multi-Family Property	\$300 per Acre
	Commercial Property	\$300 per Acre

** On January 1, 2016 and each January thereafter, the Maximum Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1*

D. METHOD OF LEVY OF SPECIAL TAXES

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

- Step 1:* The Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;
- Step 2:* If additional revenue is needed after Step 1, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property that is not Commercial Property within the CFD, up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;
- Step 3:* If additional revenue is needed after applying the first two steps, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Special Tax assigned to each Parcel of Taxable Public Property.

E. COLLECTION OF SPECIAL TAXES

The 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 Special Taxes through foreclosure or other available methods. The Special Tax shall be levied and collected in perpetuity unless and

until the City determines that the Special Tax no longer needs to be levied to pay Authorized Services and Administrative Expenses.

F. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels of Commercial Property that are Undeveloped Property and Parcels of Public Property, except Taxable Public Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document 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.

H. ENFORCEMENT

All delinquent Special Taxes billed off the County tax roll shall be subject to an immediate 10% penalty plus interest charges of 1.5 % as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract of guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

ATTACHMENT B

CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-2 (VINTAGE MAINTENANCE)

AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance) 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 CFD No. 2016-2, unless exempted by law or by the provisions of Section F 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 of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), 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 CFD No. 2016-2, including, but not limited to, levying and collecting the Special Tax; 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 property owner inquiries regarding the Special Tax; 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 Tax according to this RMA.

"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" or "APN" 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.

“CFD” or **“CFD No. 2016-2”** means the City of Modesto Community Facilities District No. 2016-2 (Vintage Maintenance).

“CFD Change” means the date on which the Resolution of Change for CFD No. 2016-2 was adopted by the City Council, thereby making this RMA the operative tax formula for the CFD.

“City” means the City of Modesto.

“City Council” means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-2.

“Commercial Property” means all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a commercial building, as determined by the City.

“County” means the County of Stanislaus.

“Developed Property” means, in any Fiscal Year, the following:

- for Single Family Residential Property, all Parcels of Taxable Property for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year;
- for Commercial Property, all Parcels of Taxable Property for which a building permit for construction of a commercial structure was issued prior to June 30 of the preceding Fiscal Year.

“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 on July 1 and ending on the following June 30.

“Maximum Special Tax” means the maximum special tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

“Proportionately” means, for Developed Property, 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 Assessor’s Parcels of Taxable Property that is Developed Property. For

Undeveloped Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Property that is Undeveloped Property. For Taxable Public Property, “Proportionately” means that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Public Property.

“**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; and (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.

“**RMA**” means this Amended and Restated Rate and Method of Apportionment of Special Tax.

“**SFR Lot**” means an individual numbered lot which is in its final configuration and for which a building permit may be issued for a single family residential unit.

“**Single Family Residential Property**” means, in any Fiscal Year, all Parcels of Taxable Property for which a building permit has been or may be issued for construction of a residential structure on an SFR Lot.

“**Special Tax**” means a special tax levied in any Fiscal Year to pay the Special Tax Requirement, as defined below.

“**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.

“**Taxable Property**” means all Assessor’s Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section F below.

“**Taxable Public Property**” means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Special Taxes were assigned to the Parcels in prior Fiscal Years.

“**Tax Area**” means one of the three mutually exclusive geographic areas defined below and identified in Attachment I.

“**Tax Area A**” means the geographic area that: (i) at the CFD Change, was anticipated to be developed with low-density single family detached residential units, and (ii) is specifically identified as Tax Area A in Attachment I of this RMA.

“Tax Area B” means the geographic area that: (i) at the CFD Change, was anticipated to be developed with medium-density single family detached residential units, and (ii) is specifically identified as Tax Area B in Attachment 1 of this RMA.

“Tax Area C” means the geographic area that: (i) at the CFD Change, was anticipated to be developed with commercial land uses, and (ii) is specifically identified as Tax Area C in Attachment 1 of this RMA.

“Undeveloped Property” means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2016-2 that are not Developed Property.

B. DATA FOR SPECIAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) the Tax Zone within which each Parcel is located; (ii) whether each Parcel of Taxable Property is Developed Property or Undeveloped Property, (iii) the Acreage of each Parcel of Commercial Property, and (iv) the Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

Table 1 below identifies the Maximum Special Tax assigned to all Parcels of Taxable Property.

**TABLE 1
MAXIMUM SPECIAL TAXES
FISCAL YEAR 2019-20**

<i>Tax Area</i>		<i>Fiscal Year 2019-20 Maximum Special Tax*</i>
A	Developed Property Undeveloped Property	\$665.28 per SFR Lot \$5,281.13 per Acre
B	Developed Property Undeveloped Property	\$350.87 per SFR Lot \$3,880.83 per Acre
C	Developed Property Undeveloped Property	\$340.56 per Acre \$0 per Acre
All Tax Areas	Taxable Public Property	The Maximum Special Tax that would have applied to the Parcel prior to the Parcel becoming Public Property (as determined by the City)

** On January 1, 2020 and each January thereafter, the Maximum Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1.*

D. METHOD OF LEVY OF THE SPECIAL TAX

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

- Step 1:* The Special Tax shall be levied Proportionately on each Parcel of Developed Property within all Tax Areas in the CFD up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;
- Step 2:* If additional revenue is needed after Step 1, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property in Tax Areas A and B, up to 100% of the Maximum Special Tax for each Parcel of Taxable Property for such Fiscal Year;
- Step 3:* If additional revenue is needed after applying the first two steps, the Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property, up to 100% of the Maximum Special Tax assigned to each Parcel of Taxable Public Property.

E. COLLECTION OF SPECIAL TAXES

The 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 Special Taxes through foreclosure or

other available methods. The Special Tax shall be levied and collected in perpetuity unless and until the City determines that the Special Tax no longer needs to be levied to pay Authorized Services and Administrative Expenses.

F. EXEMPTIONS

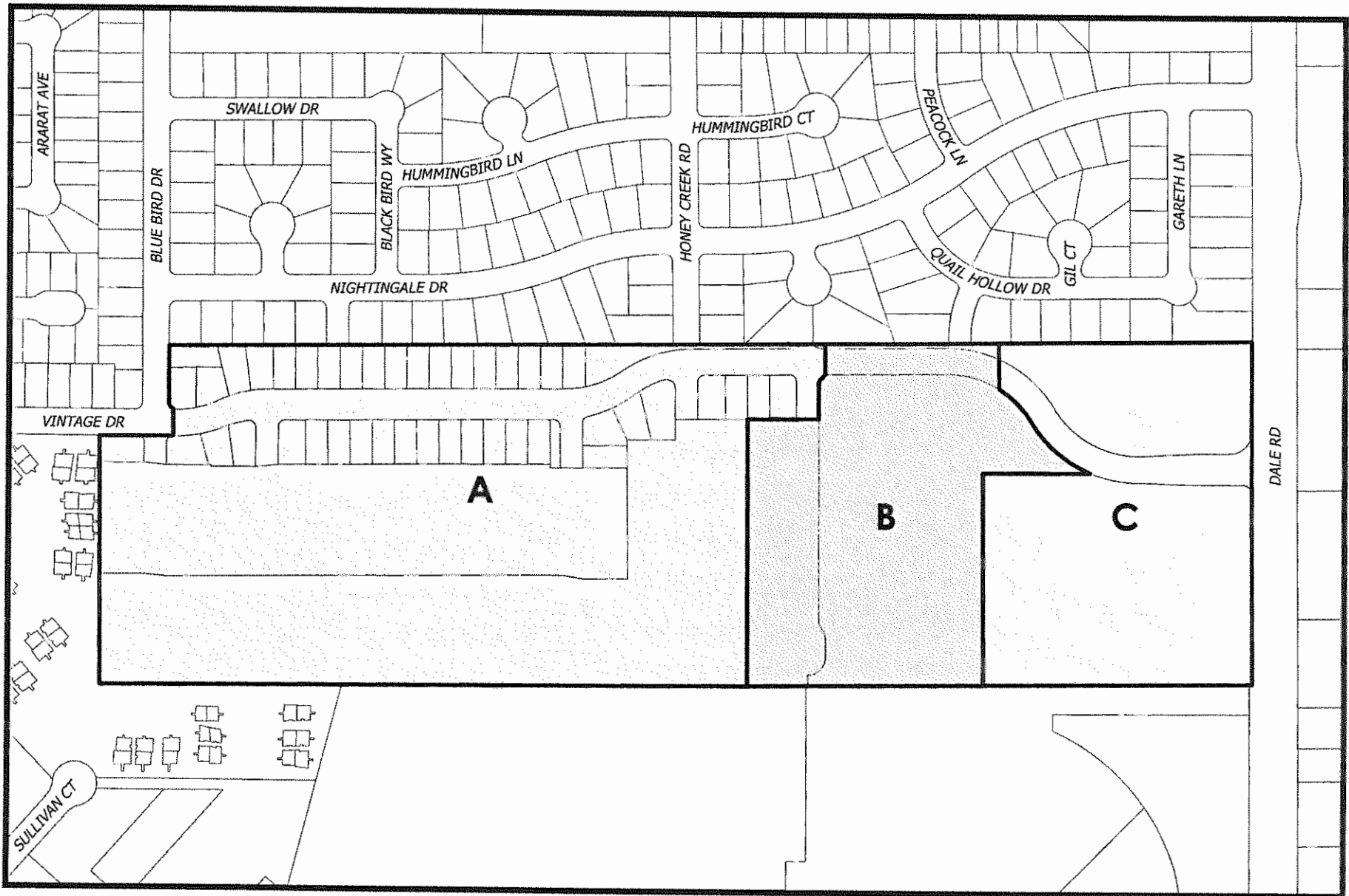
Notwithstanding any other provision of this RMA, no Special Tax shall be levied on: (i) Parcels of Undeveloped Property within Tax Area C, and (ii) Parcels of Public Property, except Taxable Public Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document 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.

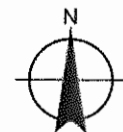
H. ENFORCEMENT

All delinquent Special Taxes billed off the County tax roll shall be subject to an immediate 10% penalty plus interest charges of 1.5 % as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract of guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.



CFD Tax Area Boundary Map
The Vintage

- Tax Area A
- Tax Area B
- Tax Area C
- Parcels



1 inch = 300 feet

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-365**

RESOLUTION APPROVING A THIRD AMENDMENT TO THE RESTATED LEGAL SERVICES AGREEMENT WITH ARATA, SWINGLE, VAN EGMOND & GOODWIN IN THE AMOUNT OF \$150,000, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$650,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on June 24, 2014 by Resolution No. 2014-241, Council approved a standard legal services agreement with Arata, Swingle, Van Egmond and Goodwin (Arata), a Modesto based law firm, for representation of the City in numerous tort liability cases; and

WHEREAS, since their original agreement, Arata has handled 68 cases, the majority of the City's tort cases involving dangerous conditions, trip and falls, sidewalk issues, trees and other related matters on an on-call basis; and

WHEREAS, on December 12, 2017, by Resolution No. 2017-500, Council approved a Restated Legal Services Agreement in the amount of \$130,000; and

WHEREAS, on August 14, 2018, by Resolution No. 2018-328, Council approved a First Amendment to the Restated Legal Services Agreement in the amount of \$125,000, for a total agreement amount of \$255,000; and

WHEREAS, on February 12, 2019, by Resolution No. 2019-56, Council approved a Second Amendment to the Restated Legal Services Agreement in the amount of \$245,000, for a total agreement amount of \$500,000; and

WHEREAS, the City is still in need of outside counsel services; and

WHEREAS, the City Attorney's office has drafted a Third Amendment to the Restated Legal Services agreement with Arata, Swingle, Van Egmond and Goodwin.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin, in the amount of \$150,000, for a total amount not to exceed \$650,000 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 13th day of August, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

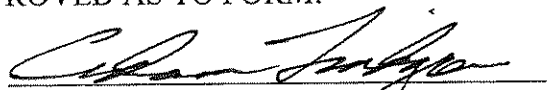
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

THIRD AMENDMENT TO RESTATED LEGAL SERVICES AGREEMENT

This Third Amendment to the Restated Legal Services (this "**Third Amendment**"), is made and entered into on _____ day of _____ 2019 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **ARATA, SWINGLE, VAN EGMOND AND GOODWIN**, 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 "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Restated Legal Services Agreement ("**Agreement**") to provide 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 the Agreement; and

WHEREAS, City and Attorney desire to amend the Restated Agreement for further service by increasing the previously approved amount of fees from \$500,000 to \$650,000.

NOW, THEREFORE, it is hereby agreed that the Restated Legal Services Agreement between the City of Modesto and Arata, Swingle, Van Egmond and Goodwin dated December 12, 2017 authorized by Resolution No. 2017-500, amended by Resolution No. 2018-328 and Resolution 2019-56 is amended as follows:

1. 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 (hereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of six hundred and fifty thousand dollars (\$650,000)."

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 December 12, 2017, 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 below.

CITY OF MODESTO,
A Municipal Corporation

By: _____

Print name: Joseph P. Lopez

Title: City Manager

APPROVED TO AS FORM:

By: _____
Adam U. Lindgren, City Attorney

ATTEST:

By: _____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
ARATA, SWINGLE, VAN EGMOND & GOODWIN,
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. 2019-366**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP IN THE AMOUNT OF \$215,000, FOR A TOTAL AMOUNT NOT TO EXCEED \$245,000, FOR CONTINUED REPRESENTATION AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on February 2, 2019, the City entered into a standard Legal Services Agreement with Allen, Glaessner, Hazelwood & Werth, LLP in the amount of \$30,000 for representation in the *Perkins v. City of Modesto* police case; and

WHEREAS, our office would like to add additional anticipated police matters, including use of force and the discharge of a weapon to this contract and increase the budget for continued representation; and

WHEREAS, the City Attorney's office has drafted a First Amendment to the Legal Services agreement with Allen, Glaessner, Hazelwood & Werth, LLP for additional 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 Allen, Glaessner, Hazelwood & Werth, LLP in the amount of \$215,000, for a total not to exceed amount of \$245,000, and the addition of anticipated police matters, including use of force and the discharge of a weapon 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 13th day of August, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment to the Legal Services (this “**First Amendment**”), is made and entered into on ___ day of ___ 2019 (“**Effective Date**”), by and between the **CITY OF MODESTO**, a California Municipal Corporation (“**City**”), and **ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP** (“**Attorney**”), located at 180 Montgomery Street, Suite 1200, San Francisco, California 94104. 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 *Perkins v. City of Modesto, et al.*; 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 \$30,000 to \$245,000, and expanding the Scope of Work to include additional anticipated police matters, including use of force and the discharge of a weapon.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Allen, Glaessner, Hazelwood & Werth, LLP dated February 2, 2019, is amended as follows:

1. Section 1(a) of Paragraph 1, “Services,” is amended to state as follows:

“**Scope of Work:** Subject to the terms and conditions set forth in this Agreement, Attorney shall provide to City the following services (“**Services**”):

Perform such work that may be necessary and reasonable on the case of *Perkins v. City of Modesto, et al.*, and additional anticipated police matters, including use of force and the discharge of a weapon, including but not limited to: trial counsel, discovery, pleadings, securing and working with experts, and participating in any pretrial negotiations.

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 (hereafter 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 February 2, 2019, 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:

Adam U. Lindgren, City Attorney

ATTEST:

Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

**ATTORNEY:
ALLEN, GLAESSNER, HAZELWOOD & WERTH, 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
 Other (*please specify:* _____)

Signature of Authorized Person

Title

Additional Signature (*if required*)

Title

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-367**

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH BARTKIEWICZ, KRONICK & SHANAHAN, P.C. IN THE AMOUNT OF \$50,000, FOR A TOTAL AMOUNT NOT TO EXCEED \$142,300, 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 \$35,000; 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 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 Second 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 Second Amendment to the Legal Services Agreement with Bartkiewicz, Kronick & Shanahan, P.C., in the amount of \$50,000, for a total amount not

to exceed \$142,300 to 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 13th day of August, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

This Second Amendment to the Legal Services (this "**Second Amendment**"), is made and entered into on ___ day of ___ 2019 ("**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 \$92,300 to \$142,300.

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, is amended as follows:

1. Paragraph No. 3 "Compensation" is amended to state as follows:

"Consultant Services specifies the sum of **ONE HUNDRED FORTY- TWO THOUSAND AND THREE HUNDRED DOLLARS (\$142,300)** 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 Second 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 Second 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 Second Amendment. No alteration to the terms of this Second 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 Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Second 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:

Adam U. Lindgren, City Attorney

ATTEST:

Stephanie Lopez, City Clerk

[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. 2019-368**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH SLOAN, SAKAI, YEUNG AND WONG, LLP IN THE AMOUNT OF \$50,000, FOR A TOTAL AMOUNT NOT TO EXCEED \$250,000 FOR ADDITIONAL SERVICES AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on September 11, 2018, by Resolution No. 2018-386, Council approved a two year agreement with Sloan, Sakai, Yeung and Wong, LLP, in the amount of \$200,000 for labor negotiations; and

WHEREAS, staff has requested to consult with Management Strategies Group (MSG), a division within Sloan Sakai Yeung Wong LLP; and

WHEREAS, MSG will help assess the City's Risk Management Division within the Human Resource Department for best management practices; and

WHEREAS, the Risk Management Division oversees critical areas such as the City's workers' compensation program, disability interactive process, general liability program, loss control, recovery, commercial driver program, property insurance and contract insurance; and

WHEREAS, MSG's assessment will benchmark the programs performance and needs and develop recommendations to improve performance from a cost and outcome basis; and

WHEREAS, the City Attorney's office has drafted a First Amendment to the Legal Services agreement with Sloan, Sakai, Yeung and Wong, LLP for these additional 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 Sloan,

Sakai, Yeung and Wong, LLP in the amount of \$50,000, for a total not to exceed amount of \$250,000, and adding the additional scope of services to the Legal Services Agreement for Management Strategies Group (MSG), 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 13th day of August, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment to the Legal Services (this "**First Amendment**"), is made and entered into on ___ day of ___ 2019 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **SLOAN, SAKAI, YEUNG & WONG LLP** ("**Attorney**"), located at 1220 Seventh Street, Suite 300, Berkeley, California 94710. 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**") for legal advice, representation and assistance on matters involving labor negotiations; 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 \$200,000 to \$250,000, expanding the Scope of Work to include additional services from Management Strategies Group (MSG), a division within Sloan Sakai Yeung Wong LLP to assess the City's Risk Management Division within the Human Resource Department for best management practices.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Sloan Sakai Yeung Wong LLP dated September 11, 2018, is amended as follows:

1. Section 1(a) of Paragraph 1, "Services," is amended to state as follows:

"Scope of Work: Subject to the terms and conditions set forth in this Agreement, Attorney shall provide to City the following services ("**Services**"):

Labor Negotiations and services from Management Strategies Group (MSG), a division within Sloan Sakai Yeung Wong LLP to assess the City's Risk Management Division within the Human Resource Department for best management practices.

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 (hereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of two hundred and fifty thousand dollars (\$250,000)."

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 11, 2018, 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:

Adam U. Lindgren, City Attorney

ATTEST:

Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
SLOAN, SAKAI, YEUNG & WONG 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
- Other (*please specify*: _____)

Signature of Authorized Person

Title

Additional Signature (*if required*)

Title

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-369**

RESOLUTION APPROVING AN AGREEMENT WITH WILLDAN, FRESNO, CA, FOR TRAFFIC ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$145,000 FOR UP TO ONE YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on June 21, 2019, staff solicited and formally advertised for a Request for Proposal (RFP) through Planet Bids (#1819-72) for traffic engineering consulting services, and

WHEREAS, on July 5, 2019, staff received six proposals, and

WHEREAS, two City staff members rated each of the proposals based on various categories and objectives, and

WHEREAS, from the ratings that were received, Willdan received the top score and was the firm selected, and

WHEREAS, staff negotiated a final Scope of Services and Cost Proposal with Willdan in an amount not to exceed \$145,000 for up to one year, 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 Willdan, Fresno, CA, for Traffic Engineering Services in an amount not to exceed \$145,000 for up to one year.

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 August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-370**

RESOLUTION ACCEPTING THE RESULTS OF THE “FINAL REPORT – CITY OF MODESTO, PROPOSITION 1B AUDIT” FOR THE STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT FROM THE CALIFORNIA DEPARTMENT OF FINANCE OFFICE OF STATE AUDITS AND EVALUATIONS, AND REMITTING \$13,167 OF PROPOSITION 1B EXPENSES

WHEREAS, the State Route (SR) 99 / Pelandale Avenue Interchange Reconstruction Project included reconstruction of the Pelandale Avenue overcrossing, the SR-99 on and off ramps in new alignments, and construction of a southbound auxiliary lane, and

WHEREAS, the project was critical to enhancing safety, relieving congestion, and improving traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, Project funding sources include City of Modesto Capital Facilities Fees (CFF), Federal Funds, City Water Funds and the SR 99 Proposition (Prop) 1B Bond Savings funds for a total project cost of \$54.1 million, of which \$41.6 million Prop 1B is programmed for construction, and

WHEREAS, on April 25, 2017, by Resolution No. 2017-154, Council approved the SR 99 / Pelandale Avenue Interchange Reconstruction Project improvements as complete, and

WHEREAS, the project is currently in the final closeout process to submit all required documentation to Caltrans for project completion, and

WHEREAS, in November 2018, the City was contacted by the Department of Finance Office of State Audits and Evaluations that an audit would be conducted on the

SR 99/Pelandale Avenue Interchange Reconstruction Project of the Prop 1B funds used,
and

WHEREAS, after an extensive review, the Department of Finance Office of State Audits and Evaluations provided a confidential draft report on April 15, 2019 for the City to review, and

WHEREAS, the report detailed they found one finding in which costs were expended outside the Caltrans Program guidelines, and

WHEREAS, \$13,167 of professional engineering expenditures within the construction support expenditure category were outside the contract period, and

WHEREAS, according to the January 2018 Caltrans Local Assistance Procedures Manual (LAPM), Chapter 10.3, costs shall be allowable only if the cost is incurred and allowable in accordance with contract provisions. Expenditures incurred outside a contract period may not be enforceable, leading to ineligible project expenditures, and

WHEREAS, on April 25, 2019, the City responded to the Confidential Draft Report findings, in which the City stated these costs were within the scope of work of the contract and authorized by the City in an exigency to keep the project on the critical path and within the project delivery schedule to avoid potentially dire consequences. The City requested that the State consider these mitigating factors in preparing its final response, and

WHEREAS, on May 15, 2019, the Department of Finance Office of State Audits and Evaluations provided the “Final Report-City of Modesto, Proposition 1B Audit.” The report stated it reviewed the City’s response to the draft audit report and since the

City did not provide any additional supporting documentation to the contrary, the finding and recommendations will remain unchanged.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the results of the “Final Report – City of Modesto, Proposition 1B Audit” for the State Route 99/Pelandale Avenue Interchange Reconstruction Project from the California Department of Finance Office of State Audits and Evaluations and remitting \$13,167 of Proposition 1B expenses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-371**

RESOLUTION APPROVING A LETTER OF AGREEMENT AMENDING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND MODESTO POLICE MANAGEMENT ASSOCIATION (MPMA) FOR THE TERM OF JULY 1, 2017 THROUGH SEPTEMBER 3, 2019 TO CORRECT THE LANGUAGE IN SECTION 4, SALARY TO ADJUST THE AUGUST 20, 2019 EFFECTIVE DATE FOR A SALARY RANGE INCREASE TO AN EFFECTIVE DATE OF JUNE 25, 2019; 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 Management' Association (MPMA) for the term of July 1, 2017 through September 3, 2019 was approved by Resolution 2017-05, and

WHEREAS, the Modesto Police Officers Association (MPOA) and MPMA have been individual entities and have negotiated separately in previous years, and

WHEREAS, to create parity and consistency between the two associations, the decision was made to merge into one association under MPOA effective fiscal year 2019-20, and

WHEREAS, the City and the newly formed MPOA recently negotiated a new MOU with a term of July 1, 2019 through June 20, 2023 which includes both groups under one agreement, and

WHEREAS, the existing approved language in MPMA MOU states in Section 4, Salary:

Effective August 20, 2019, salary ranges shall be adjusted upward by an amount equal to the change in CPI-U, Western Cities for the twelve-month period ending March

2019. However, in no event shall the wage increase be less than two (2%) percent or more than four (4%) percent, and

WHEREAS, the CITY and MPOA have reached agreement in order to create parity and consistency between the two associations effective fiscal year 2019-20 by amending the effective date in Section 4, Salary to reflect:

Effective June 25, 2019, salary ranges shall be adjusted upward by an amount equal to the change in CPI-U, Western Cities for the twelve-month period ending March 2019. However, in no event shall the wage increase be less than two (2%) percent or more than four (4%) percent, and

WHEREAS, changes for a Letter of Agreement (LOA) which, upon execution, shall be **attached** hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Letter of Agreement between the City of Modesto and the Modesto Police Management Association (MPMA), amending the Memorandum of Understanding which covers a term from July 1, 2017 through September 3, 2019, Section 4, Salary to reflect:

Effective June 25, 2019, salary ranges shall be adjusted upward by an amount equal to the change in CPI-U, Western Cities for the twelve-month period ending March 2019. However, in no event shall the wage increase be less than two (2%) percent or more than four (4%) percent and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

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 August, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Letter of Agreement
Between
City of Modesto
And
Modesto Police Management Association

The City of Modesto, hereby referred to as "City" and the Modesto Police Management Association, hereby referred to as "Union" execute this Letter of Agreement ("LOA") on this 13th day of August 2019 regarding the following:

The City and the Union agree effective June 25, 2019:

Article 4, Salary, Section (b) of the MOU is amended to change the effective date of the August 20, 2019 salary adjustment to June 25, 2019.

This Letter of Understanding shall become effective upon ratification by the effective membership of the Union and by the Modesto City Council.

MODESTO POLICE MANAGEMENT ASSOCIATION

Dated: _____

By: _____

CITY OF MODESTO

Dated: _____

By: _____

Dated: _____

By: _____

Dated: _____

By: _____

Dated: _____

By: _____

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-372**

**RESOLUTION GRANTING SALARY CHANGES TO NON-SWORN
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES
INCLUDING CHARTER OFFICERS AND EXECUTIVES AND
UNREPRESENTED SWORN POLICE EMPLOYEES, AS OF JUNE 25, 2019,
RESCINDING RESOLUTION NO. 2019-314, AND AUTHORIZING THE CITY
MANAGER OR HIS DESIGNEE TO TAKE THE NECESSARY
ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES**

WHEREAS, on June 25, 2019, by Resolution No. 2019-314, Council approved Class Range Tables and salary schedule changes for unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the adopted a Letter of Agreement with Modesto Police Management Association (MPMA) on August 13, 2019 which included changes in the effective date for previously approved August 20, 2019 salary increases, and

WHEREAS, the City desires to approve a change to the effective date of this salary adjustment, and

WHEREAS, salary ranges shall be adjusted upward by an amount equal to the change in CPI-U, Western Cities for the twelve-month period ending March 2019 effective June 25, 2019. However, in no event shall the wage increase be less than two (2%) percent or more than four (4%) percent; and

WHEREAS, the City desires to maintain competitive position with the labor market.

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

1. SALARY RANGES, RATES AND EFFECTIVE DATES. For Unrepresented Police Management employees, the City shall increase the salary schedule by 2.4%

percent effective June 25, 2019. The salary rates, salary ranges and salary steps as set forth in the following **exhibits** which are **attached** hereto and made a part hereof provide for amending the Police Management salary ranges. 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 "A"** entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective July 12, 2016."
2. **Exhibit "B"** entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective March 7, 2017."
3. **Exhibit "C"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Management/Confidential – Non-Sworn Unrepresented."
4. **Exhibit "D"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 Management/Confidential – Non-Sworn Unrepresented."
5. **Exhibit "E"** entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 18/19, Effective June 25, 2018 Management/Confidential – Non-Sworn Unrepresented."
6. **Exhibit "F"** entitled "City Of Modesto Class Range Table, Executive Management, Effective July 12, 2016" which includes Charter Officers.
7. **Exhibit "G"** entitled "City Of Modesto Class Range Table, Executive Management, Effective March 7, 2017" which includes Charter Officers.
8. **Exhibit "H"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Executive Management."
9. **Exhibit "I"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 - Executive

Management."

10. **Exhibit "J"** entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 18/19, Effective June 25, 2018 – Executive Management."
11. **Exhibit "K"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 18/19, Effective April 16, 2019 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.
12. **Exhibit "L"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 19/20, Effective June 25, 2019 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.
13. **Exhibit "M"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 20/21, Effective June 23, 2020 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.
14. **Exhibit "N"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 18/19, Effective April 16, 2019 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."
15. **Exhibit "P"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 19/20, Effective June 25, 2019 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."
16. **Exhibit "Q"** entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 20/21, Effective June 23, 2020 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."
17. **Exhibit "T"** City of Modesto Schedule of Salary Ranges In City Service For FY 18/19, Effective April 16, 2019 – Unrepresented - Fire Chief
18. **Exhibit "V"** City of Modesto Schedule of Salary Ranges In City Service For FY 19/20, Effective June 25, 2019 – Unrepresented - Fire Chief
19. **Exhibit "W"** City of Modesto Schedule of Salary Ranges In City Service For FY 20/21, Effective June 23, 2020 – Unrepresented – Fire Chief
20. **Exhibit "Y"** entitled "City of Modesto Class Range Table, Fire

Management Classes, Effective July 12, 2016.

21. **Exhibit “Z”** entitled “City of Modesto Class Range Table, Sworn Fire Executive Management Classes, Effective July 12, 2016.
22. **Exhibit “A-1”** entitled “City of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective January 10, 2017.
23. **Exhibit “A-2”** City of Modesto Schedule of Salary Ranges in City Service for FY 20/21, Effective June 23, 2020 – Management/Confidential Police Captains – Unrepresented.
24. **Exhibit “A-3”** City of Modesto Schedule of Salary Ranges in City Service for FY 21/22, Effective June 22, 2021 – Management/Confidential Police Captains – Unrepresented.
25. **Exhibit “A-4”** City of Modesto Schedule of Salary Ranges in City Service for FY 22/23, Effective June 21, 2022 – Management/Confidential Police Captains – Unrepresented.
26. **Exhibit “A-5”** City of Modesto Schedule of Salary Ranges in City Service for FY 20/21, Effective June 23, 2020 – Management/Confidential Police Chief – Unrepresented.
27. **Exhibit “A-6”** City of Modesto Schedule of Salary Ranges in City Service for FY 21/22, Effective June 22, 2021 – Management/Confidential Police Chief – Unrepresented.
28. **Exhibit “A-7”** City of Modesto Schedule of Salary Ranges in City Service for FY 22/23, Effective June 21, 2022 – Management/Confidential Police Chief – Unrepresented.

2. CHARTER OFFICERS. The salaries for the positions of the Charter Officers shall be as follows effective March 1, 2016:

<u>TITLE</u>	<u>HOURLY</u>	<u>BI-WEEKLY</u>	<u>MONTHLY</u>
City Manager	103.68	8,294.40	18,040.32
City Attorney	78.75	6,299.88	13,702.24
City Clerk	53.13	4,250.40	9,244.62

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.

8. REPEAL. Resolution No. 2019-314 is hereby rescinded effective August 13, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-373**

**RESOLUTION APPROVING A COMMERCIAL CANNABIS CULTIVATION 3A
BUSINESS PERMIT FOR FARM 209 CULTIVATION, LOCATED AT 901 E.
WHITMORE AVENUE, WITH APPROPRIATE CONDITIONS**

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, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis business permits, and

WHEREAS, under Section 10-3.704(f), commercial cannabis business permits must be awarded by the City Council and such decisions are final and not subject to appeal, and

WHEREAS, the City Council held a properly noticed public hearing to consider the Farm 209 commercial cannabis cultivation 3A business permit application on August 13, 2019, and

WHEREAS, the City Council desires to issue commercial cannabis business permits to qualified operators at permitted locations that comply with state and local laws and regulations, enhance the diversity of the City's economy, mitigate negative impacts, provide a variety of locations and types of cannabis businesses to the community, and best promote the public health, safety, and general welfare of Modesto residents and businesses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed project application for a Commercial Cannabis Cultivation 3A Business Permit is exempt from further analysis under the California Environmental Quality Act under the existing facilities exemption in Regulation 15301 and that the proposed cannabis cultivation business is permitted under the current zoning code.

BE IT FURTHER RESOLVED by the City Council that a Commercial Cannabis Cultivation 3A Business Permit is issued to Farm 209 Cultivation, located at 901 E. Whitmore Avenue.

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of approval, including but not limited to the following:

1. City staff, with assistance from HdL Companies staff, will be authorized to access the business site / location during construction of tenant improvements in order to document various components of business operations, security systems, and/or any other points of concern.
2. Farm 209 Cultivation staff is required to submit a completed City of Modesto Wastewater Discharge Permit Application form within 30 days of beginning operations. City staff will conduct ongoing inspections as needed to verify wastewater discharge from the business.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-374**

**RESOLUTION APPROVING A COMMERCIAL CANNABIS
MANUFACTURING 2-7 BUSINESS PERMIT FOR FARM 209
MANUFACTURING, LOCATED AT 901 E. WHITMORE AVENUE, WITH
APPROPRIATE CONDITIONS**

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, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis business permits, and

WHEREAS, under Section 10-3.704(f), commercial cannabis business permits must be awarded by the City Council and such decisions are final and not subject to appeal, and

WHEREAS, the City Council held a properly noticed public hearing to consider the Farm 209 commercial cannabis manufacturing 2-7 business permit application on August 13, 2019, and

WHEREAS, the City Council desires to issue commercial cannabis business permits to qualified operators at permitted locations that comply with state and local laws and regulations, enhance the diversity of the City's economy, mitigate negative impacts, provide a variety of locations and types of cannabis businesses to the community, and

best promote the public health, safety, and general welfare of Modesto residents and businesses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed project application for a Commercial Cannabis Manufacturing 2-7 Business Permit is exempt from further analysis under the California Environmental Quality Act under the existing facilities exemption in Regulation 15301 and that the proposed cannabis cultivation business is permitted under the current zoning code.

BE IT FURTHER RESOLVED by the City Council that a Commercial Cannabis Manufacturing 2-7 Business Permit is issued to Farm 209 Manufacturing, located at 901 E. Whitmore Avenue.

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of approval, including but not limited to the following:

1. City staff, with assistance from HdL Companies staff, will be authorized to access the business site / location during construction of tenant improvements in order to document various components of business operations, security systems, and/or any other points of concern.
2. Farm 209 Manufacturing staff is required to submit a completed City of Modesto Wastewater Discharge Permit Application form within 30 days of beginning operations. City staff will conduct ongoing inspections as needed to verify wastewater discharge from the business.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Mayor Brandvold

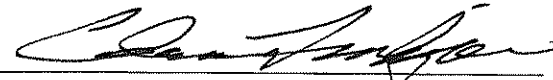
NOES: Councilmembers: Zoslocki

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-375**

**RESOLUTION APPROVING A COMMERCIAL CANNABIS CULTIVATION 1A
BUSINESS PERMIT FOR PATIENT CARE SERVICES OF CALIFORNIA, INC.
(VIP), LOCATED AT 1404 N. CARPENTER ROAD, WITH APPROPRIATE
CONDITIONS**

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, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis business permits, and

WHEREAS, under Section 10-3.704(f), commercial cannabis business permits must be awarded by the City Council and such decisions are final and not subject to appeal, and

WHEREAS, the City Council held a properly noticed public hearing to consider the Patient Care Services of California, Inc. (VIP), commercial cannabis cultivation 1A business permit application on August 13, 2019, and

WHEREAS, the City Council desires to issue commercial cannabis business permits to qualified operators at permitted locations that comply with state and local laws and regulations, enhance the diversity of the City's economy, mitigate negative impacts, provide a variety of locations and types of cannabis businesses to the community, and

best promote the public health, safety, and general welfare of Modesto residents and businesses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed project application for a Commercial Cannabis Cultivation 1A Permit is exempt from further analysis under the California Environmental Quality Act (CEQA) under the existing facilities exemption in Regulation 15301 and that the proposed cannabis cultivation business is permitted under the current zoning code.

BE IT FURTHER RESOLVED by the City Council that a Commercial Cannabis Cultivation 1A Business Permit is issued to Patient Care Services of California, Inc. (VIP), located at 1404 N. Carpenter Road.

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of approval, including but not limited to the following:

1. City staff, with assistance from HdL Companies staff, will be authorized to access the business site / location during construction of tenant improvements in order to document various components of business operations, security systems, and/or any other points of concern.
2. Patient Care Services of California, Inc. (VIP), staff is required to submit a completed City of Modesto Wastewater Discharge Permit Application form within 30 days of beginning operations. City staff will conduct ongoing inspections as needed to verify wastewater discharge from the business.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: Zoslocki

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-376**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE DEL RIO WELL 70 (REPLACING WELL 271) SURFACE IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH CONCO-WEST, INC., OF MANTECA, CA, IN THE AMOUNT OF \$2,320,450 PLUS \$185,636 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT OF \$2,506,086 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Del Rio Well 70 (Replacing Well 271) Surface Improvements Project will enable the newly installed Del Rio Production Well (Well 70) to increase service reliability of the City's water system as described in the 2010 Water System Engineer's Report, and

WHEREAS, the existing Well 271 site is not large enough for a replacement well, and no property adjacent to the well site is available, and

WHEREAS, a portion of the parcel at the northwest corner of McHenry Avenue and Stewart Road was identified as a proposed replacement well site, and

WHEREAS, specifications have been prepared for the Del Rio Well 70 (Replacing Well 271) Surface Improvements Project, and

WHEREAS, MMC 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, on July 2, 2019 staff received bids from six companies that were responsible and responsive, including a bid from Conco-West, Inc., and

WHEREAS, the award of bid for the Del Rio Well 70 (Replacing Well 271) Surface Improvements 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 \$2,320,450 received from Conco-West, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Conco-West, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Del Rio Well 70 (Replacing Well 271) Surface Improvements Project and accepts the bid of \$2,320,450 plus \$185,636 (8 %) for contingency (if needed) for a total amount of \$2,506,086 and Awards Conco-West, Inc., of Manteca, CA, the contract for the Del Rio Well 70 (Replacing Well 271) Surface 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 13th day of August, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-377**

RESOLUTION SUPPORTING INCLUSION AND EMBRACING DIVERSITY

WHEREAS, Modesto is a thriving, diverse and inclusive city.

WHEREAS, the City Council recognizes that mass violence, hate crimes and bigotry continue to take a tragic and unacceptable toll on our country, state and community.

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

1. The City denounces hate and hate crime.
2. The City condemns oppression, decries violence, supports inclusion, and embraces diversity.
3. The City opposes the use of words, images and ideologies that feed fear, hatred or intolerance.
4. We are committed to leading our community by civil, respectful, uplifting public discourse.
5. The City encourages our entire community to take this opportunity to join the City Council in support of this Resolution and for citizens and community leaders to unite to support tolerance and oppose hate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

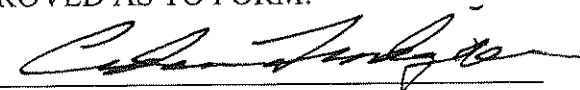
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-378**

**RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 AND FISCAL YEAR
2019-2020 ANNUAL OPERATING AND CAPITAL IMPROVEMENT PROGRAM
FUND BUDGETS**

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 2018-19 and Fiscal Year 2019-20.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2018-19 and Fiscal Year 2019-20 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 3rd day of September, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2018-19

COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment in the amount of \$93,706 is necessary to increase the existing transfer from Village One CFD (3200) to Village One #2 CFD (3290) Project 100892 – Playground Improvements from \$153,550 to \$247,256. This increase of transfer will correct the funding source of this project which should be funded 50% by Village One CFD (3200) and 50% by Village One #2 CFD (3290).

FINANCE

A budget adjustment is needed to increase the interfund transfer from the General Fund (0100) to debt service fund 2150-Public Financing Authority 98 & 07 Bonds by \$79,174. The General Fund provides funding annually to the Public Financing Authority Fund (2150) for debt service payments on the '08 Lease Revenue Bonds. This transfer adjustment will true-up the balance of the debt service fund based on debt service requirements as of June 30, 2018.

HUMAN RESOURCES DEPARTMENT

A budget adjustment in the amount of \$110,655 is needed to establish a transfer from the various funds listed in the table below to the Medical (5360) Dental (5350), Vision (5390), and EAP (5380) Insurance Funds to account for previously uncollected employer and employee medical, dental, vision, and EAP contributions for periods of the time when an employee was on non-protected leave, from calendar year 2012 through June 2018.

Fund	Medical - Employer	Medical - Employee	Dental	Vision	EAP	Total
0100 - General Fund	\$44,763	\$9,294	\$8,827	\$1,446	\$268	\$64,598
1700 - Surface Transportation Fund	\$5,643	\$129	\$1,136	\$160	\$31	\$7,099
3220 - IFP Admin	\$918	\$157	\$154	\$22	\$3	\$1,254
4100 - Water Fund	\$2,439	\$43	\$749	\$143	\$29	\$3,403
4210 - Wastewater Fund	\$14,024	\$1,162	\$2,223	\$429	\$42	\$17,880
4310 - Airport Operating Fund	\$324	\$0	\$47	\$12	\$1	\$384
4480 - Storm Drain Fund	\$1,173	\$0	\$98	\$13	\$6	\$1,290
4540 - Bus Fixed Route Max Ops Fund	\$2,050	\$0	\$108	\$29	\$15	\$2,202
4700 - Community Center Ops Fund	\$283	\$43	\$22	\$6	\$1	\$355
4890 - Compost Fund	\$273	\$0	\$23	\$3	\$1	\$300
4891 - Solid Waste Fund	\$2,114	\$0	\$1,079	\$154	\$24	\$3,371
4892 - Green Waste Fund	\$6,282	\$1,113	\$632	\$136	\$32	\$8,195
5800 - P/R Building Services Fund	\$270	\$0	\$41	\$10	\$3	\$324
Grand Total	\$80,556	\$11,941	\$15,139	\$2,563	\$456	\$110,655

MEASURE L - COMMUNITY & ECONOMIC DEVELOPMENT/PUBLIC WORKS

A budget adjustment is necessary to establish a transfer in the amount of \$327,362 from the Measure L Fund (1410) Transit Services (53402) cost center to the Bus Fixed Route Max

Operations Fund (4540) and Bus Service Fund – DAR (4520). \$307,362 of the transfer will go to the Bus Fixed Route Max Operations Fund (4540) and \$20,000 to the Bus Service Fund – DAR (4520) to offset transit operations and maintenance services in the fiscal year.

A budget adjustment is necessary to increase the transfer from the Surface Transportation Fund – Measure L/SB1 Maintenance of Effort (MOE) Fund (1420) to the Measure L – Capital Projects Fund (3300), Standiford Avenue Pavement Rehabilitation Project #101088 in the amount of \$259,505 to offset project expenses in the fund and meet the Senate Bill 1 RMRA/Measure L MOE requirement. Additionally, the transfer in from the Measure L Road Tax Fund (1410) to the Standiford Avenue Pavement Rehabilitation Project #101088 needs to be reduced by \$259,505 so that the funds can be available for a future local streets and roads Measure L project.

A budget adjustment is necessary to re-establish the transfer out from the Surface Transportation Fund – Measure L/SB1 Maintenance of Effort (MOE) Fund (1420) to the Measure L – Capital Projects Fund (3300) in the amount of \$123,604. This transfer was budgeted originally in fiscal year 2017-2018, however, the entire transfer was not completed in that fiscal year as those projects did not have enough expenses incurred by the fiscal year end. The projects now have sufficient expenses and the transfer out budget now needs to be re-established.

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 \$1,155,496 to offset transportation operations in the fund and meet the Senate Bill 1 RMRA/Measure L MOE requirement.

PARKS RECREATION AND NEIGHBORHOODS

A budget adjustment is needed to increase the interfund transfer from the RDA Successor Agency Debt Service Fund (2903) to debt service fund 2150-Public Financing Authority 98 & 07 Bonds by \$35,074. The RDA Successor Agency Debt Service Fund provides funding annually to the Public Financing Authority Fund (2150) for debt service payments on the '08 Lease Revenue Bonds. This transfer adjustment will true-up the balance of the debt service fund based on debt service requirements as of June 30, 2018.

A budget adjustment is necessary to increase the Fiscal Year 2018-19 Golf Operating Expenditure Fund budgets as well as the General Fund Transfer Out to the Golf Fund to cover the operations of the City's golf courses in Fiscal Year 2018-19. Revenues for the three golf courses were down in fiscal year 2018-19 due to certain factors including decreases in rounds of golf by approximately 10,000 rounds due to inclement weather as well as golf cart revenue decreasing due to issues with the carts themselves. The requested action will increase the budget in expenditure account 59002 (Interest Expense) by \$18,208 in Fund 4600 (Golf Fund) in cost center 34170 (Golf General) and increase the budget in expenditure account 54900 (General and Administrative Services) by \$104,933 in Fund 4605 (Golf Kemper Fund) in cost center 34181 (Golf Kemper Dryden Course). This action will also increase the General Fund Transfer Out to the Golf Fund by \$525,000 which will be funded via an offsetting reduction to various General Fund Transfer Outs to other funds that were no needed in their entirety in fiscal year 2018-19. The chart below details those changes to offset the increase to the Golf Fund Transfer:

Account	Fund being Transferred To	Increase	Decrease
0100-70100-74600	Transfer from General Fund to Golf Fund	\$ 525,000	
0100-19383-71342	Transfer from General Fund to Grants - Police		\$ (245,541)
0100-70100-74700	Transfer from General Fund to Centre Plaza		\$ (181,241)
0100-70100-72150	Transfer from General Fund to 98 & 07 Bonds		\$ (49,873)
0100-70100-73120	Transfer from General Fund to Special Fund for Capital Outlay		\$ (48,345)
	Totals	\$ 525,000	\$ (525,000)

PUBLIC WORKS

A budget adjustment in the amount of \$150,000 is necessary in the Fleet Fund (5400) to account for unanticipated repair and maintenance costs. The increase in budget is covered by Fund 5400 reserves and will be recouped from the appropriate departments in two years using the Internal Service Fund (ISF) allocation model.

A budget adjustment is necessary to recognize \$284,852 of unbudgeted Department of Transportation (Caltrans) SHOPP revenue in the Streets Capital Facility Fees Fund, Fund 3410, to the State Route 132 West Expressway Project, #100614, and reallocate funding to Engineering/Design/Administration expense task as approved by Caltrans.

A budget adjustment is necessary to establish a transfer from the Waste to Energy Fund (4895) to the Cal Fire Grant for Trees project, within the Grants - Operation Grants Reimbursed fund (1341), in the amount of \$92,765 to cover the reimbursement to Cal Fire of \$55,552 authorized by Resolution 2019-285 and cover the additional revenue shortage of \$37,212.34 to allow the project to be closed.

A budget adjustment is necessary to re-establish the transfer out from the LTF – Non-Motorized Fund in the amount of \$168,095 to the TRRP Gateway Phase 2 project. In fiscal year 2015-16, a transfer was established from LTF – Non-Motorized Fund (1520) to the TRRP Gateway Phase 2 project (100599) in the amount of \$168,095 by Resolution 2016-42 but at the end of the fiscal year the transfer out appropriation lapsed. As the project is coming to completion all the funding sources are needed and the transfer out needs to be re-established.

A budget adjustment in the amount of \$942,249 to the Bus Fixed Route Fund (4510) is necessary to meet the In-kind and local contribution requirements for the California Air Resource Board (CARB) grant. The budget adjustment will establish a transfer in from Bus Fixed Route MAX Operations Fund (4540) to project 101132 - Electric Bus Purchase-CARB in the amount of \$670,074 and will increase Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) revenues in the amount of \$272,175 and will reduce Local transportation fund revenues for project 101132 in the amount of \$942,249.

UTILITIES

A budget adjustment in the amount of up to \$25,000,000 is needed to establish a transfer from the Water Fund (4100) to the Water CIP Fund (4180) for Capital Improvement Projects (CIP). For tracking purposes, Water Capital Projects are housed in Water CIP Fund (4180), and at the end of the fiscal year, a transfer is made from the Water Fund (4100) to the Water CIP Fund (4180) to fund the expenditure.

A budget adjustment is needed to increase the interfund transfer from fund 4210-Sewer Operations Fund to the debt service fund 4245-State Revolving Loan (Tertiary Treatment Funding) by \$108,758. The Sewer Operations Fund provides funding annually to the Tertiary debt service fund from which payments on the State Revolving Loan are made. This transfer adjustment will true-up the balance of the debt service fund based on debt service requirements as of June 30, 2018.

FISCAL YEAR 2019-20

COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment is necessary to recognize \$2,396,616 of unbudgeted Miscellaneous Revenue in the Special Fund For Capital Outlay, Fund 3120, to the 10th Street Improvements (B St to D St) – Stanislaus Food Products Capital Improvement Projects, #101196, and reallocate to the projects discretionary expense tasks.

A budget adjustment is necessary to recognize \$200,000 of unbudgeted Miscellaneous Revenue in the Special Fund For Capital Outlay, Fund 3120, to the 10th Street Aesthetic Improvements – Stanislaus Food Products Capital Improvement Projects, #101206, and reallocate to the projects discretionary expense tasks.

A budget adjustment is necessary to recognize \$150,000 of unbudgeted Miscellaneous Revenue in the Special Fund For Capital Outlay, Fund 3120, Stanislaus Food Products Traffic Study Non-Capital Improvement Project, #101207, and reallocate to the projects discretionary expense tasks.

HUMAN RESOURCES DEPARTMENT

A budget adjustment in the amount of \$1,340,976 is needed to reduce the Premium Assessments revenue in the Workers Compensation Fund (5320). In Fiscal Year 2019-20, a 19.8% rate reduction was implemented, which reduced the cost to all departments; however the revenue budget in the Worker's Compensation Fund was inadvertently not reduced to account for the reduction in revenue from other departments. This adjustment will not have any impact to any departments or the rate reduction.

A budget adjustment in the amount of \$30,552 is needed to increase the Premium Assessments revenue in the Insurance Admin Fund (5310) to budget the Long Term Disability (LTD) Surcharge.

POLICE DEPARTMENT

A budget adjustment is necessary to 1) recognize SLESF revenue received in the amount of \$609,639 and \$1,858 from interest earned for a total of \$611,497, 2) program offsetting expenses in a like amount, and 3) to release a transfer out to another project in which expenses came in lower than expected and re-appropriate those funds.

UTILITIES

A budget adjustment is needed in the Water CIP Fund (4180) to reduce the City Construction Forces in the Residential Meter Installation – South Modesto Capital Project (100576) by \$500,000 and increase the City Construction Forces in the Residential Meter Installation – Outlying Areas Capital Project (100577) by \$500,000. It has been determined that this is more efficient and cost effective to move the meter installation date for the town of Empire up and install those meters as a soon as possible while meter installation crews are still located at the Codoni Ave. yard and in close proximity to the town of Empire. Crews will be relocating to the new Litt Rd. Yard at the end of the year and that location is much further away and would

require more time and greater cost to complete the installation. There are 400 unmetered water services in Empire and the \$500,000 increase to project 100577 will fund these installations.

A budget adjustment is necessary to establish the appropriations for the Sewer Line Replacement – Tully and Briggsmore (Project 101201) in the amount of \$420,000. This project is necessary due to the failure of the liner.

A budget adjustment is necessary to establish the appropriations for the Automatic Transfer Switch (ATS) Replacement - Sutter Wastewater Treatment Plant (Project 101202) in the amount of \$650,000. These ATS units are old and obsolete and require custom orders to get the replacement parts.

A budget adjustment is necessary to reduce appropriations by \$1,400,000 in the Crows Landing Sewer Trunk project (101100). This amount was approved in the FY 2020 CIP Adopted Budget but when the contract was awarded on 6/25/19 there was also a budget adjustment (Resolution 2019-301) to fully fund the project making the \$1.4 million apart of the CIP Adopted Budget not necessary.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-379**

**RESOLUTION APPROVING THE FINAL MAP OF VINTAGE SQUARE
SUBDIVISION, APPROVING THE SUBDIVISION AGREEMENT AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A
SUBDIVISION AGREEMENT WITH THE OWNER, NRB INVESTMENTS, LLC
AND THE DEVELOPER, MODESTO ROSELLE, LLC AND AUTHORIZING
THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH
THE STANISLAUS COUNTY RECORDER'S OFFICE**

WHEREAS, Modesto Roselle, LLC, a California limited liability company ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 8.87 acres, known as the VINTAGE SQUARE SUBDIVISION ("SUBDIVISION"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on October 19, 2015 with conditions of approval as noted in Planning Commission resolution Number 2015-26, and

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

WHEREAS, the project is currently under construction and the public improvements have not been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Final Map be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and approve the subdivision agreement and authorize the City Manager or his designee to execute the Subdivision Agreement.

BE IT FURTHER RESOLVED that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-380**

**RESOLUTION APPROVING THE FINAL MAP OF VINTAGE UNIT TWO
SUBDIVISION, APPROVING THE SUBDIVISION AGREEMENT AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A
SUBDIVISION AGREEMENT WITH THE OWNER, NRB INVESTMENTS, LLC
AND THE DEVELOPER, MODESTO ROSELLE, LLC, AND AUTHORIZING
THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH
THE STANISLAUS COUNTY RECORDER'S OFFICE**

WHEREAS, NRB Investments, LLC, a California limited liability company (“OWNER”) and the developer, Modesto Roselle, LLC, a California limited liability company (“SUBDIVIDER”), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 6.77 acres, known as the VINTAGE UNIT TWO SUBDIVISION (“SUBDIVISION”), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on October 19, 2015 with conditions of approval as noted in Planning Commission resolution Number 2015-26, and

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

WHEREAS, the project is currently under construction and the public improvements have not been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision

Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Final Map be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and approve the subdivision agreement and authorize the City Manager or his designee to execute the Subdivision Agreement.

BE IT FURTHER RESOLVED that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-381**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR SB-90 STATE MANDATES REIMBURSEMENT CLAIMS PROCESSING SERVICES TO LOCAL GOVERNMENTAL CONSULTANTS, LLC, ROSEVILLE, CA FOR TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST NOT TO EXCEED \$11,900 AND A TOTAL AMOUNT NOT TO EXCEED \$59,500 OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Request for Proposal (RFP) for the procurement of SB 90 Mandate Reimbursement claims processing, and

WHEREAS, prospective bidders were notified online of the bid opportunity, and

WHEREAS, eight (8) vendors downloaded the RFP; two vendors responded, none of which were local vendors; both were determined to be responsive and responsible bids, and

WHEREAS, an evaluation committee comprised of Finance Department and Modesto Police Department staff evaluated the proposals based on the selection criteria listed in the RFP, and

WHEREAS, based on being ranked highest in total evaluation criteria, the committee recommended award of contract for SB-90 State Mandates -Reimbursement Claims Processing services to Local Governmental Consultants, LLC, Roseville, 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 formal bid procedures, and

WHEREAS, an award of proposal and agreement for SB-90 state mandates reimbursement claims processing services for the Finance Department use to Local Governmental Consultants, LLC, conforms to the Modesto Municipal Code because the City complied with the formal bid procedures and Local Governmental Consultants, LLC was the highest score proposer including being a responsive and responsible bidder;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and agreement for SB-90 state mandates reimbursement claims processing services to Local Governmental Consultants, LLC, Roseville, CA for two year agreement with three one-year extension options, for an annual estimated cost not to exceed \$11,900 and a total amount not to exceed \$59,500 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 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-382**

RESOLUTION APPROVING PURCHASING AND CONSULTANT AGREEMENTS WITH VARIOUS VENDORS AS DEFINED UNDER ATTACHMENT A; APPROVING TERMINATION DATES FOR THE SERVICES STATED HEREIN; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE IDENTIFIED PURCHASE AND CONSULTANT AGREEMENTS TERMINATION DATES APPROVED BY COUNCIL

WHEREAS, City staff continues to review and monitor over 1,000 purchasing items and identify the best and most efficient way to procure the needs of the City, and

WHEREAS, to ensure that goods and services are available to effectively manage the operations of the City, the Purchasing Division is making every attempt to expedite the bidding process and making sure we have new agreements in place before the current agreements expire, and

WHEREAS, the Finance Department has implemented monthly purchasing training to educate City Staff about the standards which govern the City's purchases, including the City's Charter, Municipal Code, implementation of Administrative Directive 7.5 Purchasing Policy, and updated Purchasing Purchase Manual, and

WHEREAS, the Finance Department continues to work with departments to address the on-going procurement needs of the City and strategizing the best solution to ensure a new agreement can be approved by the time the existing annual purchasing and consultant agreements expire, and

WHEREAS, the Finance Department, via the Purchasing Division, has identified a number of agreements that require further time extensions of their termination dates (as shown in **Attachment A – Purchasing and Consultant Agreement Extension Dates**), and

WHEREAS, the extension of these term dates for existing agreements will not alter the dollar amount of said agreements nor the terms and conditions of the agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchasing agreements with various vendors and approves the term dates for the services stated, shown in **Attachment A** – Purchasing and Consulting Agreement Extension Dates, **attached** hereto and incorporated herein.

BE IT FURTHER RESOLVED, the Purchasing Manager, or her designee, is authorized to issue the identified Annual Purchase and Consultant Agreements terms.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Attachment A - Purchasing and Consultant Agreement Extension Dates

No.	Description	Supplier	Agreement Amount	Vendor Invoices Paid or Pending Payment - 08/08/19	Amount Remaining on Agreement	Original Start Date	Original Term Date	Current Term Date	Revised Term Date
1	Annual Agreement for Background Investigations	NOONAN AND HART INVESTIGATIVE SERVICES	\$ 184,136	\$ 93,611	\$ 90,525	1-Feb-2015	8-Sep-19	22-Sep-19	30-Jun-20
2	Annual Agreement for Background Investigations	STI INVESTIGATIONS	\$ 116,377	\$ 20,677	\$ 95,700	1-Jun-2015	31-Dec-18	22-Sep-19	30-Jun-20
3	Annual Agreement for Background Investigations	SIMPSON INVESTIGATIVE SERVICES GROUP	\$ 325,353	\$ 229,652	\$ 95,701	23-Sep-2014	30-Sep-18	22-Sep-19	30-Jun-20
4	Annual Agreement for Background Investigations	RANK INVESTIGATIONS	\$ 175,000	\$ 77,779	\$ 97,221	23-Sep-2014	30-Sep-18	22-Sep-19	30-Jun-20
5	Consulting Agreement for Survey Services	BENCHMARK ENGINEERING	\$ 49,000	\$ 12,330	\$ 36,670	13-Feb-2018	5-Aug-19	13-Feb-19	31-Dec-19
6	Annual Agreement For City Wide Document Storage/Records	PACIFIC STORAGE COMPANY	\$ 681,239	\$ 270,137	\$ 411,102	20-Dec-2002	31-Dec-18	31-Dec-19	30-Jun-20
7	Consulting Agreement for Survey Services	O'DELL ENGINEERING	\$ 49,000	\$ 17,488	\$ 31,512	13-Feb-2018	5-Aug-19	12-Feb-19	31-Dec-19
8	Annual Agreement for Fuel Card-Lock RFP 1314-38	BOYETT PETROLEUM	\$ 11,794,900	\$ 7,474,898	\$ 4,320,002	26-Oct-2014	27-Oct-19	31-Dec-19	30-Jun-20
9	Annual Agreement - Hazardous Waste Spill Clean-up Services	ADVANCED CHEMICAL TRANSPORT	\$ 120,000	\$ 50,214	\$ 69,786	6-Aug-2014	5-Aug-19	5-Aug-19	30-Jun-20

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-383**

**RESOLUTION APPROVING AN AGREEMENT WITH YOSEMITE
COMMUNITY COLLEGE DISTRICT FOR USE OF THE MODESTO JUNIOR
COLLEGE REGIONAL FIRE TRAINING CENTER, FOR AN ESTIMATED
ANNUAL COST NOT TO EXCEED \$30,000 AND A TOTAL AMOUNT NOT TO
EXCEED \$150,000 OVER A FIVE-YEAR TERM, AND AUTHORIZING THE
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Modesto Junior College Regional Fire Training Center (MJC RFTC) offers vital training and educational opportunities for area firefighters and is known throughout the state as a premier fire training facility; and,

WHEREAS, historically, the Modesto Fire Department (MFD) has accessed the MJC RFTC for educating, training and skill evaluation of personnel; and,

WHEREAS, the Yosemite Community College District (District) and City recognize each other as valued partners in fire and emergency service education and training; and,

WHEREAS, the partnership agreement allows MFD personnel the ability to schedule and use the MJC RFTC buildings and grounds, as available for meetings, training and skill evaluations; and,

WHEREAS, the term of the agreement is for five years, from July 1, 2019 to June 30, 2024; and,

WHEREAS, the City will pay District an annual partnership fee of \$30,000 each academic year; and,

WHEREAS, the total estimated cost for Fiscal Years 19-20, 20-21, 21-22, 22-23 and 23-24 is \$150,000 and the cost for FY 19-20 will be paid from the AMR/General

EMS Project 100960; the remaining FY costs will be paid from the Fire Department Operating Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the agreement with Yosemite Community College District for use of the Modesto Junior College Regional Fire Training Center, for an estimated annual cost not to exceed \$30,000 and a total amount not to exceed \$150,000 over a five-year term.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or 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 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-384**

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING FOR SERVICE BETWEEN THE CITY OF CERES, THE CITY OF MODESTO AND THE SALIDA FIRE PROTECTION DISTRICT FOR FIRE DEPARTMENT TRAINING SERVICES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Fire Department is an all-risk fire department that responds to multiple types of emergency incidents and firefighters must be well trained and proficient in all emergencies; and,

WHEREAS, a partnership between Modesto Fire Department, Salida Fire Protection District and Ceres Fire Department will provide training staff, equipment, and facilities to meet the training needs of the agencies and better serve the communities; and,

WHEREAS, the Joint Training Division will be responsible for the on-going training of all operational personnel; and,

WHEREAS, the Modesto Fire Department will provide administrative oversight of the training division and will provide two (2) forty-hour training officers, along with administrative support from a part-time administrative assistant; and,

WHEREAS, the City of Ceres will provide the facility for the Joint Training Division, utilizing the existing unstaffed Fire Station No. 3 on Service Road; and,

WHEREAS, the City of Modesto's FY 19/20 General Fund budget for the Fire Department is not impacted by this Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Memorandum of Understanding for service between the City of Ceres, the City of Modesto and the Salida Fire Protection District for Fire Department Training Services.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or 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 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-385**

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH PROTERRA, FOR THE SALES TAX OF THE PURCHASE OF FIVE ELECTRIC BUSES AND ASSOCIATED COSTS BY \$381,647 FROM \$5,278,559 TO A NEW TOTAL AMOUNT OF \$5,660,206; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on January 26, 2016, by Resolution 2016-23, Council approved joining a multi-agency partnership to apply for grant funds under the CARB's Zero-Emission Bus Deployment Project, and

WHEREAS, on June 28, 2016, by Resolution 2016-278, Council accepted the grant award from the San Joaquin Valley Air Pollution Control District (SJVAPCD), and

WHEREAS, on June 26, 2018, by Resolution 2018-273, Council approved a grant agreement with SJVAPCD for \$4,016,188, and

WHEREAS, on September 4, 2018, by Resolution 2018-378, Council approved the agreement with Proterra Inc. for \$5,278,559, and

WHEREAS, on February 12, 2019, by Resolution 2019-62, Council approved the payment to the California Department of Tax and Fee Administration for the State and Local sales tax of \$415,687, and

WHEREAS, after approval of this item, Proterra found they were required to submit the sales tax directly to the California Department of Tax and Fee Administration, and that the City was not able to do that process, and

WHEREAS, the funds have been previously budgeted, and

WHEREAS, the total cost for the agreement is \$5,660,206.

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 Proterra, for the sales tax of the purchase of five electric buses and associated costs by \$381,647 from \$5,278,559 to a new total not to exceed amount of \$5,660,206.

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.

BE IT FURTHER RESOLVED that Resolution 2019-62 is hereby authorized rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-386**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR A NEW VIDEO SURVEILLANCE SYSTEM FOR THE MODESTO AREA EXPRESS BUSES TO IVS, INC. DBA ANGELTRAX, DOTHAN, AL, FOR A FIVE YEAR AGREEMENT, FOR AN ESTIMATED COST IN THE FIRST YEAR NOT TO EXCEED \$333,520 FOR EQUIPMENT, INSTALLATION, SERVICE, HOSTING, WARRANTY AND SUPPORT AND A TOTAL AMOUNT NOT TO EXCEED \$352,720 OVER FIVE YEARS FOR ON-GOING SERVICE, HOSTING, WARRANTY AND SUPPORT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City's fixed route transit system currently uses a 10-year old system for video surveillance, and

WHEREAS, on June 12, 2018, by Resolution 2018-229, Council approved the award from the California Governor's Office of Emergency Services under Proposition 1B for the California Transit Security Grant Program – California Transit Assistance Fund for a project total of \$435,985 for a new on board video surveillance system, and

WHEREAS, a Request for Proposal (RFP) was issued by the City to select, through a competitive proposal process, a contractor to provide a new video surveillance system for the Modesto Area Express (MAX) transit buses, and

WHEREAS, after evaluation and demonstration of the proposals, AngelTrax was determined to be the most advantageous and greatest value to the City, and

WHEREAS, AngelTrax is a leading designer, manufacturer and provider of in-vehicle mobile surveillance for student transit, mass transit, waste management, law enforcement and locomotive industries, and

WHEREAS, AngelTrax is providing a video surveillance system that will monitor and record video, audio and selected auxiliary equipment onboard the vehicles, and

WHEREAS, AngelTrax is providing a cloud hosted video surveillance system solution that is compatible with the City's data network and Wide Area Network (WAN) architecture, connectivity, and bandwidth parameters.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the proposal and agreement for a new video surveillance system for the Modesto Area Express buses to IVS, Inc. dba AngelTrax, Dothan, AL, for a five year agreement, for an annual estimated cost not to exceed \$333,520 and a total amount not to exceed \$352,720 over five years.

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 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-387**

**RESOLUTION AMENDING FISCAL YEAR 2019-2020 CAPITAL
IMPROVEMENT PROGRAM BUDGET FOR PROJECT 101151- VIDEO
SURVEILLANCE SYSTEM – MAX IN THE AMOUNT OF \$242,614 TO FUND
THE AGREEMENT WITH IVS, INC. DBA ANGELTRAX, DOTHAN, AL, FOR A
NEW VIDEO SURVEILLANCE SYSTEM FOR THE MODESTO AREA
EXPRESS BUSES**

WHEREAS, certain budgetary transactions are necessary in the amount of \$242,614 in order to fund the purchase of a new video surveillance system for the Modesto Area Express (MAX) buses, and

WHEREAS, on June 12, 2018, by Resolution 2018-229, Council approved the award from the California Governor’s Office of Emergency Services under Proposition 1B for the California Transit Security Grant Program – California Transit Assistance Fund for a project total of \$435,985 for a new on board video surveillance system, and

WHEREAS, the Fiscal Year 2019-2020 capital improvement program budget for project 101151 must be amended as shown 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 approves the amendment of the Fiscal Year 2019-2020 Capital Improvement Program Budget as shown in **Exhibit A**, attached hereto.

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 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

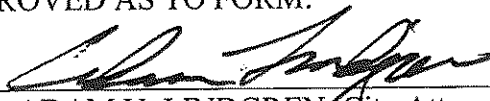
By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

Budget Adjustment

Project 101151 - Video Surveillance System - MAX

Revenues

Intergov - State- CalEMA/CalOES increase 242,614

Expenditures

Appr Unit C increase 242,614

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-388**

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE WELL 295 SALT TANK PLATFORMS, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT TO SMITH CONSTRUCTION COMPANY, INC., FRESNO, CA, IN THE AMOUNT OF \$76,600 PLUS \$15,000 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT NOT TO EXCEED \$91,600 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, Well Site 295 is equipped with an ion exchange water treatment system, where the system utilizes a sodium brine soaked resin for the ion exchange process, and

WHEREAS, this current process of refilling the salt tanks is unsafe and time consuming, and a permanent working platform is required where operators can safely stand and refill the tanks as needed, and

WHEREAS, specifications have been prepared for the Well 295 Salt Tank Platforms Project, and

WHEREAS, on June 25, 2019 staff received bids from two companies that were responsible and responsive, including a bid from Smith Construction Company Inc., and

WHEREAS, MMC 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, and the award of bid for the Well 295 Salt Tank Platforms 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 \$76,600 received from Smith Construction Company Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Smith Construction Company Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Well 295 Salt tank Platforms Project and accepts the bid of \$76,600 plus \$15,000 for contingency (if needed) for a total amount of \$91,600 and Awards Smith Construction Company Inc., of Fresno, CA, the contract for the Well 295 Salt Tank Platforms 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 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

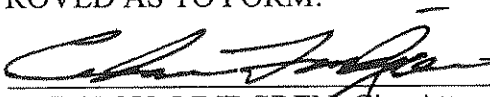
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-389**

**RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S
AUTHORITY TO ISSUE CHANGE ORDERS FOR THE WELL 295 SALT TANK
PLATFORMS PROJECT FROM 10% (\$7,660) TO 19.6% (\$15,000) OF THE
CONSTRUCTION CONTRACT PRICE OF \$76,600 WITH SMITH
CONSTRUCTION COMPANY, INC., FRESNO, CA**

WHEREAS, on September 3, 2019, Council is concurrently awarding a \$76,600 contract to Smith Construction Company, Inc., Fresno, CA for the construction of the Well 295 Salt Tank Platforms Project, and

WHEREAS, given the nature of the project, additional work may be needed to address unexpected conditions that require changes in project scope, and

WHEREAS, the additional costs may exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443.

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 the Well 295 Salt Tank Platforms Project from 10 percent (\$7,660) to 19.6 percent (\$15,000) of the construction contract price of \$76,600 with Smith Construction Company, Inc., Fresno, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

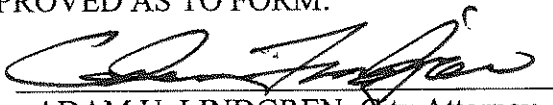
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-390**

RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$151,600 TO ESTABLISH THE BUDGET OF 101205 – UPP ENGINEERING DESIGN “WELL 295 SALT TANK PLATFORMS” FROM WATER FUND RESERVES IN ORDER TO FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, ENGINEERING DESIGN SUPPORT AND ADMINISTRATION

WHEREAS, certain budgetary transactions are necessary in the amount of **\$151,600**, in order to fund construction, contingency, construction administration, and design support during construction for the Well 295 Salt Tank Platforms Project, and

WHEREAS, the Fiscal Year 2019-2020 Capital Improvement Program Budget must be amended as shown 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 approves the amendment of the Fiscal Year 2019-2020 Capital Improvement Program Budget as shown in **Exhibit A**, **attached** hereto.

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 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

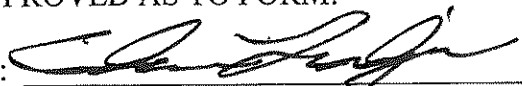
By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

A total of \$151,600 is being requested from water reserves to revise the budget of CIP project 101205 – Well 295 Salt Tank Platforms:

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-391**

RESOLUTION APPROVING AN AGREEMENT WITH THE ALKALI SINK CONSERVATION BANK FOR THE PURCHASE OF SWAINSON'S HAWK CONSERVATION MITIGATION CREDITS FOR PROJECT IMPACTS OF THE WATER CORPORATION YARD PROJECT IN AN AMOUNT OF \$131,100 AND FOR THE DEL RIO TANK AND WELLS PROJECT IN AN AMOUNT OF \$69,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department is currently constructing two projects that require mitigation for the endangered Swainson's hawk; the Water Corporation Yard Project and the Del Rio Tank and Wells Project, and

WHEREAS, both required extensive environmental review prior to design and start of construction, and

WHEREAS, On April 1, 2014, by Resolution No. 2014-116, Council approved an agreement with Horizon Water and Environment, LLC (Horizon) for Project Level Environmental Impact Report (EIR) for the Del Rio Water System Improvements Project, and

WHEREAS, On August 28, 2017, by Resolution No. 2017-347, Council certified the EIR for the Del Rio Tank and Wells Project, and

WHEREAS, in May, 2016, staff requested a proposal from Horizon for Environmental Services for the Water Corporation Yard project. Staff negotiated with Horizon to complete the Environmental Services which included all the required mitigation requirements for the Swainson's hawk, and

WHEREAS, due to both projects impacting the hunting grounds for the Swainson's hawk, it was noted in the Environmental Report for the Tank and Wells Project, as well as the Initial Study/Finding of Conformance for the Water Corporation

*amended for clerical error

Yard, that a mitigation measure was necessary to compensate for the loss of the hawk's foraging habitat, and

WHEREAS, as a result, Horizon was able to determine the approximate mitigation ratio needed to comply with the environmental document for both projects, and

WHEREAS, to comply with the requirements of the environmental document for both projects Horizon approached the Alkali Sink Conservation Bank (Alkali) about possibly providing credits for the Swainson's hawk, and

WHEREAS, in order to fulfil the requirements of the environmental documents for the Water Corporation Yard Project and Del Rio Tank and Wells Project staff is recommending that Council approve the agreements with the Alkali Sink Conservation Bank for the Swainson's hawk, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with the Alkali Sink Conservation Bank for the Swainson's hawk for the Water Corporation Yard Project in an amount of \$131,100 and for the Del Rio Tank and Wells Project in an amount of \$69,000.

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 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-392**

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH FERRELLGAS LP, ELK GROVE, CA, BY UTILIZING THE COMPETITIVE BID PROCESS WITH THE STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES FOR THE PURCHASE OF LIQUEFIED PETROLEUM GAS FOR THE WATER CORPORATION YARD PROJECT FOR A ONE YEAR AGREEMENT NOT TO EXCEED AN ANNUAL COST OF \$31,320 AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE A PURCHASING AGREEMENT.

WHEREAS, the Utilities Department, Water Services Division, has been in search of a replacement corporation yard since 2013, and

WHEREAS, as the City's demands increase, a new water corporation yard provides benefits to existing and future customers, while improving overall operational and fiscal efficiencies, and

WHEREAS, The new water corporation yard will replace the existing facilities used by the Water Services Division, and

WHEREAS, On November 4, 2015, by Resolution No. 2015-424, Council approved the purchase of a 48.62-acre site at 4240 Litt Road in northeast Modesto for the future corporation yard. The project site is approximately 3,000 feet north of Sylvan Avenue and 850 feet south of Plainview Road, just outside of City limits but within the City's sphere of influence, and

WHEREAS, on February 27, 2018, by Resolution No. 2018-93, Council awarded a \$14.1 million design build contract to Diede Construction for the Water Corporation Yard Project, and

WHEREAS, the Water Corporation Yard is currently being constructed and is expected to be complete in December 2019.

WHEREAS, to meet the Water Corporation Yard Project contract end date of December 10, 2019 and allow staff to begin utilizing the facility at the completion of the project, staff is requesting a purchase agreement with Ferrellgas, LP, Elk Grove, CA, by utilizing the competitive bid process, “piggybacking”, with the State of California’s contract to provide Liquefied Petroleum Gas., and

WHEREAS, MMC Section 8-3.204(d) is available 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(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, Ferrellgas meets the requirement under this MMC due to their recent award from the competitive bidding process utilizing the cooperative purchasing agreement through the State of California.,

WHEREAS, staff determined that utilizing propane for the Water Corporation Yard would be the best option for the project at this time to meet the requirements of meeting the project timeframe of December 2019, Staff is in the process of negotiating a permanent solution with PG&E, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a purchasing agreement with Ferrellgas LP, Elk Grove, CA, by utilizing the competitive bid process with the State of California Department of General

Services for the purchase of Liquefied Petroleum Gas for the Water Corporation Yard Project for a one year agreement not to exceed an annual cost of \$31,320.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute a purchase agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-393**

**RESOLUTION AUTHORIZING THE FINANCE DIRECTOR & CITY
MANAGER TO SIGN A BILL CODE FROM THE STATE OF CALIFORNIA TO
PLACE THE ORDER FOR LIQUEFIED PETROLEUM GAS.**

WHEREAS, the Water Corporation Yard is currently being constructed and is expected to be complete in December 2019, and

WHEREAS, to meet the Water Corporation Yard Project contract end date of December 10, 2019 and allow staff to begin utilizing the facility at the completion of the project, staff is requesting a purchase agreement with Ferrellgas, LP, Elk Grove, CA, by utilizing the competitive bid process, “piggybacking”, with the State of California’s contract to provide Liquefied Petroleum Gas, and

WHEREAS, additionally, to utilize the State of California agreement with Ferrellgas, the State requires agencies to obtain a Department of General Services billing code prior to placing any order against the contract, and

WHEREAS, staff also requests approval from the Finance Director and City Manager to Request the Bill Code Form, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Finance Director and City Manager to sign a Bill Code form from the State of California to place the order for Liquefied Petroleum Gas.

BE IT FURTHER RESOLVED, that the the Finance Director and City Manager to execute the Bill Code form from the State of California to place the order for Liquefied Petroleum Gas.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

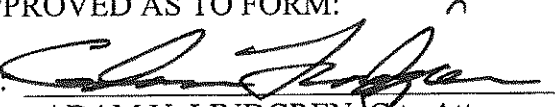
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-394**

RESOLUTION ACCEPTING THE LA LOMA NEIGHBORHOOD PHASE 2B FIRE HYDRANT ADDITIONS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$675,929 TO ROLFE CONSTRUCTION COMPANY OF ATWATER, CA

WHEREAS, this project is a partnership between the City's Community and Economic Development Department and the Utilities Department, and

WHEREAS, the Community and Economic Development Department administers Community Development Block Grant funds (CDBG) which were used to partially fund this project, and

WHEREAS, this project had been vetted to ensure it met CDBG eligibility criteria which required the project be located within a primarily residential area and be within an income eligible Census Block Group, and

WHEREAS, the La Loma Phase 2B Fire Hydrant Addition Project included installation of approximately 17 fire hydrants in the La Loma Neighborhood to meet current City Standard spacing requirements, and

WHEREAS, the installation of the hydrants will assist in providing reliability, flow, pressure and the added safety for the La Loma Neighborhood

WHEREAS, bids were advertised on November 20, 2018, and

WHEREAS, three bids were publicly opened on December 18, 2018, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and Rolfe Construction Company of Atwater, CA was the apparent low bidder, and

WHEREAS, on January 22, 2019, by Resolution No. 2019-29, Council awarded a contract Rolfe Construction Company of Atwater, CA for the construction of the La

Loma Neighborhood Phase 2B Fire Hydrant Additions Project in the amount of \$692,963.

WHEREAS, the contractor received the Notice to Proceed with a first working day of February 11, 2019 and all contract work was completed by March 29, 2019, and

WHEREAS, the total project costs were \$754,915 which included all construction, design, and construction administration costs. The total project amount originally budgeted was \$926,274 which included \$762,259 for the construction contract and contingency with Rolfe Construction Company, and

WHEREAS, there was 1 change order resulting in an overall decrease of \$17,304 for change order work, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the La Loma Neighborhood Phase 2B Fire Hydrant Additions Project is hereby accepted as complete from said contractor, Rolfe Construction Company of Atwater, California, 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 \$675,929, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

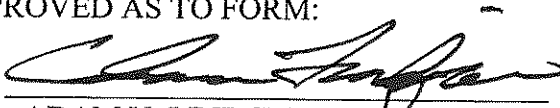
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-395**

RESOLUTION ACCEPTING THE CARPENTER ROAD STREET IMPROVEMENTS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$2,315,031 TO DSS COMPANY DBA KNIFE RIVER CONSTRUCTION OF STOCKTON, CA

WHEREAS, On May 24, 2016, by Resolution No. 2016-220, Council approved a list of projects to be funded upon the passage of Measure L within the first 5 years, and

WHEREAS, the list included the Carpenter Road Street Improvements Project under the Local Streets and Roads category with a total budget of \$2.9 million dollars, and

WHEREAS, On July 5, 2017, by Resolution No. 2017-269, Council approved a list of proposed projects including the Carpenter Road Street Improvements project to be funded with Measure L tax proceeds in Fiscal Year 2017-18 and necessary budget adjustments, and

WHEREAS, on December 12, 2017, by Resolution No. 2017-502, Council approved an Agreement with Drake Haglan and Associates, Modesto, CA, for professional engineering design services for the Carpenter Road Street Improvements Project, and

WHEREAS, Carpenter Road Street Improvements Project is a pavement rehabilitation project starting at the Carpenter Road / Chicago Avenue intersection and proceeding north to approximately Kansas Avenue, a length of approximately 1.5 miles, and

WHEREAS, bids were advertised on April 10, 2018, and

WHEREAS, one bid was publicly opened on May 1, 2018, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and DSS Company dba Knife River Construction of Stockton, CA was the apparent low bidder, and

WHEREAS, on May 22, 2018, by Resolution No. 2018-177, Council awarded a contract to DSS Company dba Knife River Construction of Stockton, California for the construction of the Carpenter Road Street Improvements Project in the amount of \$2,067,738.

WHEREAS, the contractor received the Notice to Proceed with a first working day of June 25, 2018 and all contract work was completed by October 30, 2018, and

WHEREAS, the total project costs were \$2,672,901 which included all construction, design, and construction administration costs. The total project amount originally budgeted was \$2,946,800 which included \$2,425,353 for the construction contract and contingency with DSS Company dba Knife River Construction, and

WHEREAS, there were 4 change orders resulting in an overall increase of \$110,165 for change order work, 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 Carpenter Road Street Improvements Project is hereby accepted as complete from said contractor, DSS Company dba Knife River Construction of Stockton, California, 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 \$2,315,031, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-396**

**RESOLUTION ACCEPTING THE CML 5059 (191) EXPANSION OF
ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) AND CLOSED
CIRCUIT TV (CCTV) ALONG BRIGGSMORE AVENUE FROM OAKDALE
ROAD TO CLAUS ROAD PROJECT AS COMPLETE, AUTHORIZING ALL
NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER,
RELEASING SECURITY, AND RELEASING PAYMENTS TO CARL JOSEPH
BARTALDO CONSTRUCTION OF PALO CEDRO, CA, IN THE AMOUNT OF
\$320,930**

WHEREAS, City of Modesto's Congestion Mitigation Air Quality (CMAQ) Management CML 5059 (191) Expand ATMS and CCTV along Briggsmore Avenue Project is identified as a desirable project to expand the existing Advanced Traffic Management System (ATMS) and install Closed Circuit TV (CCTV) cameras at signalized intersections along the south side of Briggsmore Avenue from Oakdale Road to Claus Road, and

WHEREAS, Traffic Engineering staff applied for and received 100% Congestion Mitigation and Air Quality (CMAQ) funding for the engineering and construction phases with zero local match money for this project in the amount of \$400,000, and

WHEREAS, this project is beneficial for the City of Modesto because it provides fiber optics along the south side of Briggsmore Avenue between Oakdale Road and Claus Road and closed circuit TV cameras at the intersections of Briggsmore Avenue at Roselle Avenue and Briggsmore Avenue at Claus Road, and

WHEREAS, CCTV cameras were installed at the signalized intersections of Briggsmore Avenue at Roselle Avenue and Briggsmore Avenue at Claus Road, and

WHEREAS, five bids were publicly opened on February 16, 2016, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and Carl Joseph Bartaldo Construction of Palo Cedro, CA was the apparent low bidder, and

WHEREAS, on March 22, 2016, by Resolution No. 2016-113, Council awarded a contract to Carl Joseph Bartaldo Construction of Palo Cedro, California for the construction of the CML 5059 (191) Expansion of ATMS and CCTV Along Briggsmore Avenue from Oakdale Road to Claus Road Project in the amount of \$280,350.

WHEREAS, the contractor received the Notice to Proceed with a first working day of April 18, 2016 and all contract work was completed by January 23, 2018, and

WHEREAS, the total project costs were \$428,037 which included all construction, design, and construction administration costs. The total project amount originally budgeted was \$336,982 which included \$308,385 for the construction contract and contingency with Carl Joseph Bartaldo Construction, and

WHEREAS, on December 12, 2017 by Resolution No. 2017-519, Council authorized an increase in the Director's authority to issue change orders from 10 percent of the construction contract (\$28,035) to 16 percent of the construction contract (\$44,856), and

WHEREAS, this was due to a change order that was generated when it was determined that a viable connection to the City's ATMS System was not available at the Oakdale Road and Briggsmore Avenue hub, as originally designed and after thorough review of all the alternatives, the best option required installation of a new 48 strand Single Mode Fiber Optic (SMFO) cable from the hub cabinet at Oakdale Road and Scenic Drive to the hub cabinet at Oakdale Road and Briggsmore Avenue, and

WHEREAS, there were 5 change orders resulting in an overall increase of \$40,580 for change order work, 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 construction of the CML 5059 (191) Expansion of ATMS and CCTV Along Briggsmore Avenue from Oakdale Road to Claus Road Project is hereby accepted as complete from said contractor, Carl Joseph Bartaldo Construction of Palo Cedro, California, 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 \$320,930, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-397**

RESOLUTION ACCEPTING THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (221) HIGH FRICTION SURFACE TREATMENT PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$205,852 TO AMERICAN CIVIL CONSTRUCTORS WEST COAST LLC, OF BENICIA, CA

WHEREAS, the City of Modesto's Highway Safety Improvement Program (HSIP) (221) High Friction Surface Treatment (HFST) project was identified as one of the City's top safety priorities through the City's regular review of collision data, and

WHEREAS, Scenic Drive and West Orangeburg Avenue are two major Arterial streets in the City that connect East Modesto to Highway 99 that are on the top list of roadways for the number of collisions in the City roadway systems, and

WHEREAS, due to the existing geometry of the roadway and constraints by adjacent properties, HFST will help reduce collisions by helping vehicles stay in their lanes as they are driving thru these curves, and

WHEREAS, Traffic Engineering staff applied for HSIP funding for Preliminary Engineering on May 31, 2016 and was granted \$45,000 on June 23, 2016, and

WHEREAS, Traffic Engineering staff applied for HSIP funding for construction on June 30, 2017 and was granted \$301,200 on November 27, 2017, and

WHEREAS, the total grant awarded for the project was \$346,200 and the 10% local match of \$38,600 was funded from Surface Transportation Fund, and

WHEREAS, bids were advertised on August 28, 2018, and

WHEREAS, one bid was publicly opened on September 25, 2018, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and American Civil Constructors West Coast LLC, of Benicia, CA was the apparent low bidder, and

WHEREAS, on November 13, 2018, by Resolution No. 2018-507, Council awarded a contract to American Civil Constructors West Coast LLC, of Benicia, California for the construction of the Highway Safety Improvement Program (221) High Friction Surface Treatment Project in the amount of \$212,200.

WHEREAS, the contractor received the Notice to Proceed with a first working day of January 28, 2019 and all contract work was completed by March 11, 2019, and

WHEREAS, the total project costs were \$251,986 which included all construction, design, and construction administration costs. The total project amount originally budgeted was \$384,800 which included \$233,420 for the construction contract and contingency with American Civil Constructors West Coast LLC, and

WHEREAS, there were 2 change orders resulting in an overall decrease of \$6,348 for change order work, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Highway Safety Improvement Program (221) High Friction Surface Treatment Project is hereby accepted as complete from said contractor, American Civil Constructors West Coast LLC, of Benicia, California, 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 \$205,852, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-398**

RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY FOR ENGINEERING REVIEW AND CONSTRUCTION INSPECTION SERVICES RELATING TO THE WEST MODESTO AREA 7 SEWER INFRASTRUCTURE PROJECT, IN AN AMOUNT NOT TO EXCEED \$48,966, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Spencer/Marshall Community, referred to as County Area 7, is an unincorporated, disadvantaged community located on the west area of the City of Modesto (City) with approximately 114 parcels that rely on septic systems for treatment of sewage, and

WHEREAS, the Spencer/Marshall 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 the Airport, and is prepared to provide sewer services to the Spencer/Marshall Community, and

WHEREAS, the Stanislaus County (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, , which includes installation of gravity sewer pipe systems with sewer mains, service laterals, clean-outs, manholes and trench paving in accordance with City Standards, and

WHEREAS, once the Project Improvements are constructed, the residences will be allowed to connect to the City's sewer system, and

WHEREAS, the County will transfer ownership of the Project Improvements to City, upon Notice of Completion filed by the County and upon inspection and approval by the City, and

WHEREAS, the County has requested assistance from the City to provide engineering review and construction inspection for the Project Improvements, and

WHEREAS, the City has qualified staff with experience to perform these services, and the County has agreed to compensate the City in an amount not to exceed \$48,996, and

WHEREAS, the purpose of this Agreement is to facilitate cooperation between the City and the County for the above referenced services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Stanislaus County for engineering review and construction inspection services to be provided by the City related to construction of the West Modesto County Area 7 Sewer Infrastructure Project, in an amount not-to-exceed \$48,996.

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 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

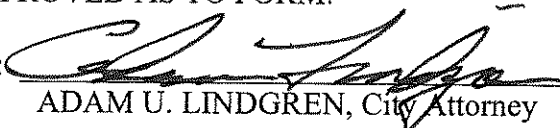
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-399**

RESOLUTION ADOPTING THE REVISED ENFORCEMENT RESPONSE PLAN (ERP) FOR ASSESSING VIOLATIONS TO CHAPTER 6 OF TITLE 5 FOR NON-COMPLIANT WASTEWATER DISCHARGES TO THE CITY'S PUBLICLY OWNED TREATMENT WORKS (POTW).

WHEREAS, the Wastewater Division, Environmental Services permits, inspects, and monitors discharges from industrial and commercial users to ensure compliance with Federal and State Law, and

WHEREAS, Environmental Services provides immediate response for any industrial or commercial incident that a business may experience and ensures that discharges of hazardous or toxic material do not compromise employees, the public's health and welfare, or damage the City's collection and treatment systems, and

WHEREAS, an increase in Federal, State, and Local Municipal regulatory requirements has facilitated an update to the City's 1991 ERP that references the civil penalties provisions for all non-compliance issues assessed by a Notice and Order, and

WHEREAS, Tetra Tech, an Environmental Protection Agency contractor, recommended that civil and criminal provisions in the current ERP be updated and include progressive noncompliance enforcement under Modesto Municipal Code (MMC) 5-6.703, rather than MMC-1-6.404, and

WHEREAS, this update will ensure that the penalties provisions are a sufficient deterrent of noncompliance, and

WHEREAS, as required by Title 40 Code of Federal Regulations 40 CFR 403.8(f)(5)), the City is required to implement an ERP which reflects the current investigating and reporting procedures of noncompliant Industrial Users (IU). The ERP

was crafted to ensure that IU's discharges to the City Publicly Owned Treatment Works (POTW) are in compliance with the MMC, Title 1 Chapter 6, as well as all Federal and State Regulations, and

WHEREAS, the ERP includes the following elements: 1) Identification of enforcement authority and personnel responsible for enforcement response, 2) Procedures for the City to identify and characterize instance of noncompliance, 3) Range of escalating enforcement actions the City may take to respond to instances of noncompliance, 4) Reference to MMC sections authorizing the City to enforce applicable Federal and State pretreatment requirements and standards, and

WHEREAS, under MMC 5-6.703, the City is allowed to collect applicable fees in accordance with any noncompliance or Permit Conditions that is required by the ERP, and

WHEREAS, the ERP was developed in accordance with 40 CFR 403.8(f)(5), which consists of the following elements: 1) Investigation of noncompliance, 2) Escalation of enforcement, 3) Identify responsible officials, and 4) Ability to enforce all pretreatment requirements and standards as specified in 40 CFR403.8(f)(1) &(2), and

WHEREAS, the City agreed to a first-step notification without a Notice of Violation or monetary fee, and

WHEREAS, the ERP was amended to include the following: 1) Notice of Corrective Action, 2) Noncompliance fees, MMC 5-6.703, 3) Civil penalties, MMC 1-6.304 and 4) Criminal prosecution, MMC. 5-6.713, and

WHEREAS, stakeholder and staff comments were incorporated into the revised ERP that was presented to stakeholders at a follow-up meeting on May 23, 2019.

NOW, THEREFORE, BE IT RESOLVED the Council of the City of Modesto adopts the Revised Enforcement Response Plan for Assessing Violations to Chapter 6 of Title 5 for Non-Compliant Wastewater Discharges to the City's Publicly Owned Treatment Works,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-400**

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE
RELINQUISHMENT OF THOSE PORTIONS OF STATE RIGHT-OF-WAY
ALONG HIGHWAY 99 BETWEEN POST MILE 21.0 AND POST MILE 22.1
FROM THE STATE OF CALIFORNIA TO THE CITY OF MODESTO**

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project is a project to increase safety, relieve congestion, and enhance traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, State Route 99/Pelandale Avenue Intersection Reconstruction Project funds were programmed in accordance with California Department of Transportation's (Caltrans) Project Development Procedures Manual, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City's consultant and submitted to Caltrans for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on July 10, 2012, by Resolution No. 2012-277, Council approved an Agreement between the City of Modesto and Caltrans for maintenance of improvements within State Highway Right of Way on Route 99 (Pelandale Avenue) within the City of Modesto for the State Route 99 and Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on February 25, 2014, by Resolution No. 2014-71, Council approved the contract with Teichert/MCM, a Joint Venture, Fowler, California in an amount of \$30,999,969, and authorized the City Manager, or his designee, to execute the contract, and

WHEREAS, on April 25, 2017, by Resolution number 2017-154, Council accepted the State Route 99/Pelandale Avenue Interchange Reconstruction Project improvements as complete, and

WHEREAS, a Record of Survey must be submitted to the State for final closeout of the project to be completed, and

WHEREAS, for the Record of Survey to be submitted, Council must first approve the relinquishment of land to both County and State, and

WHEREAS, on January 23, 2018, by Resolution number 2018-42, Council approved the transfer of real property, APNs 135-029-038 and 135-029-039 to Stanislaus County and State of California, and APNs 135-029-040 and 135-029-041 to the State of California for the SR-99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, now that Caltrans received both City and County approval of relinquishment, approval is then needed by the California Transportation Commission (CTC) for the State's property to be relinquished to the City and County, and

WHEREAS, Caltrans is requesting an approved resolution from the City authorizing the acceptance of State right of way for CTC to approve the relinquishment of State property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the acceptance of the relinquishment of those portions of State right-of-way along Highway 99 between post mile 21.0 and post mile 22.1 from the State of California to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-401**

RESOLUTION APPROVING ONE-TIME SOFTWARE IMPLEMENTATION COSTS ASSOCIATED WITH THE COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEMS FROM LUCITY, INC., OVERLAND PARK, KS, FOR \$70,500, AND ESRI GIS FROM ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC., REDLANDS, CA, FOR \$2,000

WHEREAS, on January 12, 2016, by Resolution No. 2016-08, Council approved an agreement with Lucity Inc., Overland Park, KS (Lucity), for the purchase and implementation of a Computerized Maintenance Management System (CMMS) for the Wastewater Collections Division of the Utilities Department to improve critical business processes using the most effective and efficient system to support utility operations, and

WHEREAS, the Public Works Department will also be implementing this software within some of its divisions, and

WHEREAS, implementation includes the use of Lucity Mobile which provides crews within the Traffic Electrical, Streets, and Community Forestry Divisions the ability to receive, create, and complete work orders in real time at the work location, and

WHEREAS, Lucity CMMS is fully integrated with the City's Geographic Information System (GIS), which enables crews to display work orders on a GIS map of the city and thus greatly increases work efficiencies, and

WHEREAS, the Community Forestry Division will utilize Lucity as an asset management resource to develop and maintain a comprehensive database of the City's public tree inventory and urban forestry system, and

WHEREAS, the Traffic Operations and Traffic Electrical Divisions will utilize Lucity to help implement a paperless method in tracking tasks and quantities, as well as track existing and new infrastructure that can integrate with GIS, and

WHEREAS, the Streets Division will utilize Lucity to improve the tracking of citizen concerns reported by phone or on the City's GoModesto app on streets and sidewalk deficiencies, as well as data that will be collected to monitor costs associated with all repairs done by the crews within the City's right-of-way related to streets, curb, gutters, and sidewalks.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a one-time software implementation cost associated with the Computerized Maintenance Management Systems from Lucity, Inc., Overland Park, KS, for \$70,500, and ESRI GIS from Environmental Systems Research Institute, Inc., Redlands, CA, for \$2,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to sign all documents related to this implementation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-402**

**RESOLUTION APPROVING A COMMERCIAL CANNABIS MICROBUSINESS
TYPE 12 BUSINESS PERMIT FOR BIG DIPPER BRANDS LLC, LOCATED AT
901 E. WHITMORE AVENUE, WITH APPROPRIATE CONDITIONS**

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, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis business permits, and

WHEREAS, under Section 10-3.704(f), commercial cannabis business permits must be awarded by the City Council and such decisions are final and not subject to appeal, and

WHEREAS, the City Council held a properly noticed public hearing to consider the Big Dipper Brands LLC commercial cannabis microbusiness Type 12 business permit application on September 10, 2019, and

WHEREAS, the City Council desires to issue commercial cannabis business permits to qualified operators at permitted locations that comply with state and local laws and regulations, enhance the diversity of the City's economy, mitigate negative impacts, provide a variety of locations and types of cannabis businesses to the community, and best promote the public health, safety, and general welfare of Modesto residents and businesses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed project application for a Commercial Cannabis Microbusiness Type 12 Business Permit is exempt from further analysis under the California Environmental Quality Act under the existing facilities exemption in Regulation 15301 and that the proposed cannabis cultivation business is permitted under the current zoning code.

BE IT FURTHER RESOLVED by the City Council that it hereby finds and determines that the proposed project application for a Commercial Cannabis Microbusiness Type 12 Business Permit meets the security requirements, and development and operational standards set forth in Modesto Municipal Code Sections 10-3.706 and 10-3.707.

BE IT FURTHER RESOLVED by the City Council that a Commercial Cannabis Microbusiness Type 12 Business Permit is issued to Big Dipper Brands LLC, located at 901 E. Whitmore Avenue.

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of approval, including but not limited to the following:

1. City staff, with assistance from HdL Companies staff, will be authorized to access the business site / location during construction of tenant improvements in order to document various components of business operations, security systems, and/or any other points of concern.
2. Big Dipper Brands LLC staff is required to submit a completed City of Modesto Wastewater Discharge Permit Application form within 30 days of beginning operations. City staff will conduct ongoing inspections as needed to verify wastewater discharge from the business.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

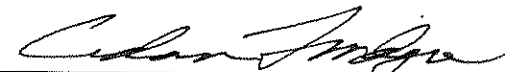
ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:



ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-403**

**RESOLUTION APPROVING A COMMERCIAL CANNABIS CULTIVATION
NURSERY TYPE 4 BUSINESS PERMIT FOR LEGACY NURSERY LLC,
LOCATED AT 901 E. WHITMORE AVENUE, WITH APPROPRIATE
CONDITIONS**

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, under Section 10-3.704(g) and City Council Resolution 2017-525, the City Manager designed the application forms and procedures for commercial cannabis business permits, and

WHEREAS, under Section 10-3.704(f), commercial cannabis business permits must be awarded by the City Council and such decisions are final and not subject to appeal, and

WHEREAS, the City Council held a properly noticed public hearing to consider the Legacy Nursery LLC commercial cannabis cultivation nursery Type 4 business permit application on September 10, 2019, and

WHEREAS, the City Council desires to issue commercial cannabis business permits to qualified operators at permitted locations that comply with state and local laws and regulations, enhance the diversity of the City's economy, mitigate negative impacts, provide a variety of locations and types of cannabis businesses to the community, and

best promote the public health, safety, and general welfare of Modesto residents and businesses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed project application for a Commercial Cannabis Cultivation Nursery Type 4 Business Permit is exempt from further analysis under the California Environmental Quality Act under the existing facilities exemption in Regulation 15301 and that the proposed cannabis cultivation business is permitted under the current zoning code.

BE IT FURTHER RESOLVED by the City Council that it hereby finds and determines that the proposed project application for a Commercial Cannabis Microbusiness Type 12 Business Permit meets the security requirements, and development and operational standards set forth in Modesto Municipal Code Sections 10-3.706 and 10-3.707.

BE IT FURTHER RESOLVED by the City Council that a Commercial Cannabis Cultivation Nursery Type 4 Business Permit is issued to Legacy Nursery LLC, located at 901 E. Whitmore Avenue.

BE IT FURTHER RESOLVED by the City Council that the City Manager is authorized to apply necessary and appropriate general and site-specific conditions of approval, including but not limited to the following:

1. City staff, with assistance from HdL Companies staff, will be authorized to access the business site / location during construction of tenant improvements in order to document various components of business operations, security systems, and/or any other points of concern.
2. Legacy Nursery LLC staff is required to submit a completed City of Modesto Wastewater Discharge Permit Application form within 30 days of beginning

operations. City staff will conduct ongoing inspections as needed to verify wastewater discharge from the business.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-404**

**RESOLUTION APPROVING AMENDMENT NO. 1 TO CITY OF MODESTO
PROGRAM YEAR 2019-2020 ANNUAL ACTION PLAN, AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE
AMENDMENT**

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, staff held three community meetings to assess local needs and priorities related to community services, economic development, community facilities and infrastructure, housing and fair housing, and

WHEREAS, the information obtained from the community meetings was used to prepare the Substantial Amendment to the Program Year 2019-2020 Annual Action Plan, and

WHEREAS, the 30-day public review period to review and comment on the draft documents opened on August 10, 2019 and will close the 30-day public comment period with a public hearing at the City Council meeting on September 10, 2019, and

WHEREAS, any comments received during the public review period or during the September 10, 2019, City Council meeting will be incorporated into the Substantial Amendment to the Program Year 2019-2020 Annual Action Plan that is submitted to HUD, and

WHEREAS, there is no impact to the General Fund and the Annual Action Plan Amendment No. 1 would reallocate existing funds and programming carryover funds identified with Program Year 2018 closeout to new projects in order to meet HUD's timeliness deadline on April 30, 2020, and

WHEREAS, on August 29, 2019, the City's Citizens Housing and Community Development Committee recommended forwarding the Substantial Amendment Program Year 2019-2020 Annual Action Plan to the City Council for consideration and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 1 to City of Modesto Program Year 2019-2020 Annual Action Plan, and

BE IT FURTHER RESOLVED by the Council of the City of Modesto authorizes the City Manager or his designee, 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 September, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-405**

**RESOLUTION AMENDING THE FISCAL YEAR 2019-20 OPERATING,
CAPITAL AND MULTI-YEAR PROJECT BUDGETS TO RE-ALLOCATE
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AS PROPOSED IN
THE PROGRAM YEAR 2019-2020 ANNUAL ACTION PLAN AMENDMENT
NO. 1 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, 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 2019-20 capital and operating 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, and

WHEREAS, the Fiscal year 2019-20 Multi-Year budget to be amended as shown in **Exhibit B**, 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, that the Council of the City of

Modesto that it hereby approves the amendment of the Fiscal year 2019-20 Budget as shown in **Exhibit A and Exhibit B attached** hereto.

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 10th day of September, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

EXHIBIT A

<i>Amendment I Program Year 2019 Annual Action Plan</i>						
Project / Account	Task	IDIS Activity	Adjustment	Funding Source	PY	Description
100980	EDA Eng/Design/Admin	1232	\$ (350,000.00)	CDBG EN	17/18	Access Center
100866	CON Construction	1253	\$ 475,000.00	CDBG PI	17/18/19	Senior Playground
100866	EDA Eng/Design/Admin	1253	\$ 25,000.00	CDBG PI	19	Senior Playground
1130-14015-53300-01357		1257	\$ 50,000.00	CDBG EN	19	Media Park
			\$ 200,000.00			
100866	Capital Grants - HUD CIP Projects 5170	1253	\$ (500,000.00)	CDBG PI Transfer	19	Senior Playground

EXHIBIT B

<i>Amendment I Program Year 2019 Annual Action Plan</i>						
Project / Account	Task	IDIS Activity	Adjustment	Funding Source	PY	Description
101XXX	Acquisition	1356	\$ 2,500,000.00	CDBG PI	NSP 2	K House
101XXX	Professional Services	1356	\$ 100,000.00	CDBG PI	NSP 2	K House
1130-14010-53300-01330	Professional Services	1356	\$ 100,000.00	CDBG PI	NSP 2	K House
1130-14010-54500-01330	Services City Forces - Interfund	1356	\$ 150,000.00	CDBG PI	NSP 2	K House
			\$ 2,850,000.00			

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-406**

**RESOLUTION AWARDING \$2,500,000 OF COMMUNITY DEVELOPMENT
BLOCK GRANT FUNDS (CDBG) TO THE HOUSING AUTHORITY OF THE
COUNTY OF STANISLAUS (HACS), FOR THE ACQUISITION AND
REHABILITATION OF 722 KANSAS AVENUE, AND AUTHORIZING THE
CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS.**

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

WHEREAS, these funds are allocated through an Annual Action Plan which is reviewed by the Citizens' Housing and Community Development Committee and approved by the City Council, and

WHEREAS, on May 14, 2019, by Resolution No. 2019-240, Council approved the City of Modesto Program Year 2019-20 Annual Action Plan, and

WHEREAS, on August 29, 2019 the Citizen's Housing and Community Development Committee reviewed, approved and forwarded the project proposal and funding recommendation to the City Council for review and approval, and

WHEREAS, the Kansas House project is a collaborative project in partnership with Stanislaus County and the Stanislaus County Regional Housing Authority, and

WHEREAS, funding will assist with the acquisition and rehabilitation of a local motel at 722 Kansas to provide 103 permanent supportive housing units to assist approximately 200 homeless individuals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the awarding \$2,500,000 in Community Development Block

Grant funds to the Housing Authority of the County of Stanislaus (HACS), for the acquisition and or rehabilitation of 722 Kansas Avenue.

BE IT FURTHER RESOLVED; authorize 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 10th day of September, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-407**

RESOLUTION APPROVING A FIRST AMENDMENT EXTENDING THE TERM OF THE AGREEMENT WITH SLATE COMMUNICATIONS, FOR ON-CALL GRAPHIC DESIGN SERVICES FOR ONE ADDITIONAL YEAR WITH THREE, ONE-YEAR EXTENSION OPTIONS, AND INCREASING THE AGREEMENT AMOUNT BY \$200,000 FROM \$50,000 TO A NOT TO EXCEED AMOUNT OF \$250,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, on September 1, 2018, the City entered into a one-year Professional Consultant Services agreement with Slate Communications in the amount of \$50,000 for on-call graphic design services; and

WHEREAS, Slate Communications has made a number of effective communication tools for the City, including a guide to ensure all city departments were utilizing a consistent theme and style, designing recycling program advertisements, and rebranding city newsletters; and

WHEREAS, Slate Communications has several projects in the cue for design including a Site Selector Tool to refresh Modesto's web pages; and

WHEREAS, the City would like to extend the term of the agreement with Slate Communications for the period September 1, 2019 through August 31, 2023 for a new total amount not to exceed \$250,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Professional Consultant Services agreement with Slate Communications in an amount not to exceed \$250,000 for graphic design services.

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 in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki,

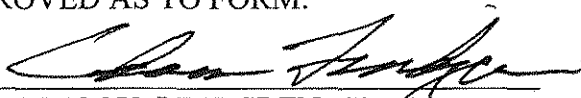
NOES: Councilmembers: Ah You, Mayor Brandvold

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-408**

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF STANISLAUS FOR SHARED SECURITY COSTS AT THE MODESTO OUTDOOR EMERGENCY SHELTER (MOES) TO BE REIMBURSED BY THE COUNTY FOR A TOTAL OF \$168,560 FOR SECURITY SERVICES; APPROVING A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR SECURITY SERVICES WITH RANK INVESTIGATION & PROTECTION, INC. FOR A FIVE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, INCREASING THE ESTIMATED COST OF THE FIRST YEAR TO AN AMOUNT NOT-TO-EXCEED \$641,498 AND A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$3,699,756 OVER SEVEN YEARS; AMENDING THE FISCAL YEAR 2019-20 OPERATING BUDGET TO INCREASE THE EXPENSE BUDGET FOR THE MOES (0100-02030) BY \$235,984 AND THE REVENUE BUDGET BY \$168,560 FOR THE REVENUE BEING RECEIVED AS REIMBURSEMENT FROM STANISLAUS COUNTY FOR SHARED SECURITY COSTS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, on February 5, 2019 the City Council approved two agreements for citywide security services at various city facilities to reduce the risk of theft, and vandalism; and

WHEREAS, staff has determined that there is a need for security services at additional sites, including the Modesto Outdoor Emergency Shelter (MOES) and the Modesto Transit Center (MTC); and

WHEREAS, the City has partnered with the County of Stanislaus to provide security services at MOES and have prepared a Memorandum of Understanding to memorialize the responsibilities of both parties; and

WHEREAS, Rank Security Services, Inc. (Rank Security) began providing services at MOES on March 18, 2019 and since that time, there has been a considerable reduction in calls-for-service to the police and fire departments; and

WHEREAS, the Modesto Transit Center requires security services on a 24-7 basis to reduce verbal disputes and physical altercations that occur on a regular basis at the MTC site and at various bus stops across the city; and

WHEREAS, the cost of security services at MOES will be shared between the County and the City through the closure of MOES, which is anticipated to be December 31, 2019; and

WHEREAS, the County shall reimburse the City in an amount not-to-exceed \$168,560 and the City shall fund the remainder in an amount not-to-exceed \$67,424 for a total cost of \$235,984 for MOES; and

WHEREAS, the cost of security services at the MTC is projected to be \$405,514 with annual increases ranging between three to eight percent, in an amount not to exceed 3,699,756 over the seven year period; and

WHEREAS, an amendment is required to the Fiscal Year 2019-2020 Operating Budget to increase the expense budget for MOES by \$235,984 and the revenue budget by \$168,560 to account for the revenue and additional costs of MOES.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to the Professional Services Agreement with Rank Investigation & Protection, Inc. in the amount not to exceed \$641,498 for the first year of service, and a total contract amount not-to-exceed \$3,699,756 over the seven year period, and that City Manager or his designee, is hereby authorized to execute the First Amendment, in a form approved by the City Attorney.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding with the County of Stanislaus for

shared security costs at the Modesto Outdoor Emergency Shelter to be reimbursed by the County of Stanislaus for a total of \$168,560 for security services, and that City Manager or his designee, is hereby authorized to execute the agreement, in a form provided by the City Attorney.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the Fiscal Year 2019-2020 operating budget to increase the expense budget for the Modesto Outdoor Emergency Shelter by \$235,984 and the revenue budget by \$168,560 for the revenue being received as reimbursement by the County of Stanislaus for shared security costs.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-409**

**RESOLUTION AUTHORIZING THE PAYMENT OF \$60,000 TO THE
MODESTO IRRIGATION DISTRICT (MID) FOR THE COMPLETED WORK
OF CONSTRUCTING STEEL POLE FOUNDATIONS AND ERECTING STEEL
UTILITY POLES ON CARPENTER ROAD AS REQUIRED FOR THE STATE
ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT**

WHEREAS, the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue; and

WHEREAS, relocation of the Modesto Irrigation District (MID) power facilities is required to meet Caltrans standards, and

WHEREAS, steel poles are required to relocate MID overhead facilities on Carpenter Road, and;

WHEREAS, on October 10, 2017, by Resolution 2017-403, Council approved a Measure L Cooperative Agreement with StanCOG (StanCOG Cooperative Agreement) for the Plans, Specifications and Estimates Stage of Phase 1 of the State Route 132 Project, through which StanCOG has agreed to reimburse the City up to \$10 million for costs relating to the PS&E Phase of the Project; and

WHEREAS, included in the \$10 million StanCOG Cooperative Agreement is \$1,750,000 for utility relocation; and

WHEREAS, the StanCOG Cooperative Agreement was amended per StanCOG Resolution 18-34 reducing the amount of Measure L funding dedicated to Utility Relocation from \$1,750,000 to \$600,000, and

WHEREAS, on October 9, 2018, by Resolution 2018-446, Council approved payment of a \$100,000 deposit to MID to provide services for the design and installation of steel power poles on Carpenter Road as necessary for the Project, and

WHEREAS, an agreement with MID dated March 6, 2019 states that the total cost of this required work on Carpenter Road would not exceed \$160,000, and

WHEREAS, the City previously paid the \$100,000 deposit after receiving Council authorization per Resolution 2018-446 and therefore only owes the balance of \$60,000, and

WHEREAS, MID has completed the work and provided a final invoice for \$60,000, and

WHEREAS, Measure L funding is currently available in project account #100614 to pay MID the requested \$60,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the payment of \$60,000 to the Modesto Irrigation District for the completed work of constructing steel pole foundations and erecting steel utility poles on Carpenter Road as required for the State Route 132 West Freeway/Expressway Phase 1 Project.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-410**

RESOLUTION APPROVING THE PAYMENT OF \$202,000 TO THE MODESTO IRRIGATION DISTRICT (MID) FOR THE PURPOSE OF EARLY RELOCATION OF ELECTRICAL LINES ON ROSEMORE AVENUE NEAR KANSAS AVENUE AS REQUIRED FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT

WHEREAS, the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue; and

WHEREAS, relocation of the Modesto Irrigation District (MID) power facilities is required to meet Caltrans standards, and

WHEREAS, the existing power lines along Rosemore Avenue near Kansas Avenue are situated such that their presence will be in conflict with pile driving equipment necessary to construct bridge abutments and deep foundations, and

WHEREAS, this relocation is necessary so that work can commence on the bridge crossing of Rosemore Avenue and its associated retaining structures, and

WHEREAS, MID has requested that the City pay the estimated cost of \$202,000 to relocate the facilities as required for the Project, and

WHEREAS, after the work is complete, MID will audit the work order and after completion of the work order auditing process, the City will be billed or refunded the difference between the actual costs and the estimated costs, and

WHEREAS, on October 10, 2017, by Resolution 2017-403, Council approved a Measure L Cooperative Agreement with StanCOG (StanCOG Cooperative Agreement) for the Plans, Specifications and Estimates Stage of Phase 1 of the State Route 132

Project, through which StanCOG has agreed to reimburse the City up to \$10 million for costs relating to the PS&E Phase of the Project; and

WHEREAS, included in the \$10 million StanCOG Cooperative Agreement is \$1,750,000 for utility relocation; and

WHEREAS, the StanCOG Cooperative Agreement was amended per StanCOG Resolution 18-34 reducing the amount of Measure L funding dedicated to Utility Relocation from \$1,750,000 to \$600,000, and the City of Modesto will be seeking reimbursement from StanCOG for the \$202,000 deposit required by MID.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the payment of \$202,000 to the Modesto Irrigation District for the purpose of early relocation of electrical lines on Rosemore Avenue near Kansas Avenue as required for the State Route 132 West Freeway/Expressway Phase 1 Project.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-411**

RESOLUTION APPROVING AGREEMENTS WITH INTERWEST CONSULTING GROUP AND 4LEAF, INC. FOR A TWO YEAR PROFESSIONAL SERVICES AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$53,000 AND TOTAL NOT TO EXCEED THE AMOUNT OF \$265,000 OVER 5-YEARS FOR EACH CONTRACT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO THESE AGREEMENTS

WHEREAS, by Resolution No. 2012-486, Council approved the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc., Bureau Veritas, CSG Consultants and Interwest Consulting Group, and

WHEREAS, on August 19, 2014, an amendment to the Interwest Consulting Group contract was made to provide for Chief Building Official services, and

WHEREAS, by Resolution No. 2014-354, Council approved an amendment to the standard agreement for consultant services with Interwest Consulting Group for Building Official and Code Enforcement services in an amount not to exceed \$180,000, and

WHEREAS, by Resolution No. 2015-364, Council approved an amendment to the standard agreement for consultant services with Interwest Consulting Group for Building Official and Code Enforcement services in an amount not to exceed \$200,000, and

WHEREAS, by Resolution No. 2015-363, Council approved an amendment to the standard agreement for consultant services with 4LEAF Inc., Bureau Veritas, and CSG Consultants Inc., for plan review and inspection services to increase annual compensation for each contract in an amount not to exceed \$50,000, and

WHEREAS, the City exhausted all extensions provided through the Agreements which are set to expire December 31, 2018 and a 6-month extension was approved by the City Council Resolution No. 2018-548 on December 11, 2019, and

WHEREAS, staff is requesting two-year Agreements with an option for three one-year extensions, with Interwest Consulting Group and 4Leaf Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Agreements with Interwest Consulting Group and 4Leaf Inc., to provide services for Plan Review and Building Inspection Services for two-years with the option of three one-year extensions, for an estimated annual cost of \$53,000 and a total not to exceed amount of \$265,000 over five years for each contract.

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 in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-412**

RESOLUTION APPROVING THE PURCHASE OF ONE 1-TON DUAL REAR WHEEL (DRW) FLATBED TRUCK WITH SPECIFIC CONFIGURATIONS TO TOWNE FORD, REDWOOD CITY, CA FOR A TOTAL AMOUNT NOT TO EXCEED \$54,218, AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, the 1-ton DRW truck will be used by the Water Division; and

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services assigned to various departments; and

WHEREAS, on March 20, 2019 the Purchasing Division issued Request for Bid (RFB) 1819-50 for the purchase of one 1-ton DRW flatbed truck with specific configurations on the City's website; and

WHEREAS, on April 30, 2019 bids were formally opened in the City Clerk's office; and

WHEREAS, twenty-one (21) companies chose to download the RFB, three companies chose to respond, one was the lowest responsive and responsible bidder; and

WHEREAS, based on overall lowest responsive and responsible bids staff recommends awarding the purchase of one 1-ton DRW flatbed truck with specific configurations to Towne Ford, Redwood City, CA; and

WHEREAS, sufficient funds for one 1-ton DRW flatbed truck with specific configurations has been encumbered in the Fleet Replacement Fund 5409.

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 one 1-ton DRW truck with flatbed with specific configurations to Towne Ford, Redwood City, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue a purchase order for a not-to-exceed total amount of \$54,218.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

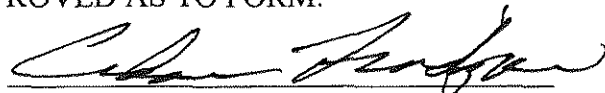
ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-413**

RESOLUTION APPROVING THE PURCHASE OF NINE STAKE SIDE DUMP TRUCKS WITH SPECIFIC CONFIGURATIONS TO AMERICAN CHEVROLET, MODESTO, CA FOR A TOTAL AMOUNT NOT TO EXCEED \$508,114, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, the nine stake side dump truck replacements will be used by the Forestry and Parks divisions; and

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services assigned to various department; and

WHEREAS, on May 21, 2019 the Purchasing Division issued RFB 1819-49RB for the purchase of nine stake side dump trucks with specific configurations on the City's website; and

WHEREAS, on June 11, 2019 bids were formally opened in the City Clerk's Office; and

WHEREAS, twenty three companies downloaded the RFB, four vendors responded; and

WHEREAS, Santos Ford Inc. was the lowest bidder for Spec A, however, Santos Ford withdrew their bid; and

WHEREAS, Santos Ford Inc. was deemed non-responsive and not responsible; and

WHEREAS, based on lowest responsive and responsible bid staff recommends awarding the purchase of nine stake side dump trucks with specific configurations to American Chevrolet, Modesto, CA; and

WHEREAS, sufficient funds for nine stake side dump truck have been encumbered in the Fleet Replacement Fund: 5409; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of nine stake side dump trucks to American Chevrolet, Modesto, CA; and

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the purchase order for an estimated total of \$508,114

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-414**

RESOLUTION APPROVING PURCHASING AGREEMENTS FOR ELECTRICAL PARTS AND SUPPLIES TO PLATT ELECTRIC, MODESTO CA, WILLE ELECTRIC, MODESTO CA AND CONSOLIDATED ELECTRIC DISTRIBUTORS, MODESTO CA FOR ONE-YEAR AGREEMENTS WITH FOUR ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$130,000, \$95,000, AND \$30,000, RESPECTIVELY; AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE TO ADJUST THE FINANCIAL AMOUNTS BETWEEN THE THREE PROVIDERS WITHOUT EXCEEDING THE ESTIMATED COMBINED ANNUAL COST OF \$255,000 AND A TOTAL COMBINED COST NOT TO EXCEED \$1,275,000 OVER FIVE YEARS FOR ALL VENDORS; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, staff utilizes all three vendors to purchase fuses, wiring, conduit, connectors, fittings, photo controls, and various other electrical parts and supplies, and

WHEREAS, these items are currently being purchased on a blanket purchase order, and

WHEREAS, the blanket purchase orders have exceeded the \$50,000 threshold and alternatives have been evaluated to monitor the spending, and

WHEREAS, staff attempted to gather information for a formal bidding process, but found that with the fluctuating market, vast and unpredictable nature of parts used, it was not feasible to proceed with a competitive bidding process, and

WHEREAS, staff met with Platt Electric, Wille Electric, and Consolidated Electric Distributors to better understand the business and whether or not the City could obtain a deeper discount with each vendor, and

WHEREAS, all three vendors provided discounted pricing, and are located within the City of Modesto, and

WHEREAS, staff will still be required as by Administrative Directive 7.5 to obtain three quotes if the purchase exceeds \$3,500, and

WHEREAS, based on discounted pricing, and local availability, City staff recommends approving purchasing agreements for electrical parts and supplies to Platt Electric, Modesto CA, Wille Electric, Modesto CA, and Consolidated Electric Distributors, Modesto CA for a one year agreement with four one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$130,000, \$95,000, and \$30,000, respectively, and an estimated combined cost not to exceed \$1,275,000 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. 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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the agreements for the purchase of electrical parts and supplies to Platt Electric, Modesto Ca, Wille Electric, Modesto Ca, and Consolidated Electric Distributors, Modesto CA for a one year agreement with four one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$130,000, \$95,000, and \$30,000, respectively, and an estimated combined cost not to exceed \$1,275,000 over five years.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to adjust the financial amounts between all three providers, without exceeding the estimated combined annual cost of \$255,000 and a total combined cost not to exceed \$1,275,000 over five years of all vendors.

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

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-415**

RESOLUTION APPROVING PURCHASING AGREEMENTS FOR EQUIPMENT AND VEHICLE PARTS TO MOTOR PARTS DISTRIBUTION, MODESTO CA, NAPA MODESTO AUTO AND TRUCK PARTS, MODESTO, CA, INTERSTATE TRUCK CENTER, TURLOCK, CA AND FLEET PRIDE INC., MODESTO, CA FOR A ONE YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$100,000, \$60,000, \$100,000 AND \$75,000, RESPECTIVELY; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE TO ADJUST THE AMOUNTS BETWEEN THE FOUR PROVIDERS WITHOUT EXCEEDING A COMBINED ANNUAL ESTIMATED COST OF \$335,000 FOR A TOTAL COMBINED AUTHORIZATION LIMIT OF \$1,675,000 OVER FIVE YEARS; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASING AGREEMENTS

WHEREAS, the City Fleet Services Division services and maintains 1,100 vehicles, heavy equipment, buses, fire trucks, trailers and other miscellaneous equipment for all areas of the City, and

WHEREAS, these items are currently being purchased on a blanket purchase order, and

WHEREAS, the blanket purchase orders have exceeded the \$50,000 threshold and alternatives have been evaluated to monitor the spending, and

WHEREAS, staff attempted to gather information for a formal bidding process, but found that with the fluctuating market, vast and unpredictable nature of parts used, it was not feasible to proceed with a competitive bidding process, and

WHEREAS, staff met with Motor Parts Distribution, Napa Modesto Auto and Truck Parts, Interstate Truck Center, and Fleet Pride Inc. to better understand the business and whether or not the City could obtain a deeper discount with each vendor, and

WHEREAS, all four vendors provided discounted pricing, and are located within the City of Modesto and Turlock area, and

WHEREAS, based on discounted pricing, and local availability, City staff recommends approving purchasing agreements for equipment and vehicle parts to Motor Parts Distribution, Modesto CA, Napa Modesto Auto and Truck Parts, Modesto, CA, Interstate Truck Center, Turlock, CA and Fleet Pride Inc., Modesto, CA for a one year agreement with four one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$100,000, \$60,000, \$100,000 and \$75,000, respectively, and an estimated combined cost not to exceed \$1,675,000 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. 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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the agreements for the purchase of equipment and vehicle parts to Motor Parts Distribution, Modesto CA, Napa Modesto Auto and Truck Parts, Modesto, CA, Interstate Truck Center, Turlock, CA and Fleet Pride Inc., Modesto, CA for a one year agreement with four one-year extension options, for an estimated annual cost not to

exceed \$100,000, \$60,000, \$100,000 and \$75,000, respectively, and an estimated combined cost not to exceed \$1,675,000 over five years.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to adjust the financial amounts between all four providers, without exceeding the combined annual cost of \$335,000 and a total combined cost not to exceed \$1,675,000 over five years of all vendors.

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

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-416**

**RESOLUTION APPROVING REQUIREMENTS FOR ANNUAL TRAINING OF
CERTAIN CITY OF MODESTO EMPLOYEES AND OFFICIALS REGARDING
THE MUNICIPAL DISCLOSURE RESPONSIBILITIES**

WHEREAS, as an issuer of municipal securities, the City's employees and officials must regularly review their responsibilities and internal processes to ensure continuing compliance with the Securities Act, and

WHEREAS, the City's recent update of its Debt Management Policy – which was adopted at the May 28, 2019 Council meeting with Resolution 2019-246 – included updated language requiring annual training for certain City employees and officials, and

WHEREAS, the City contracts with Norton Rose Fulbright to provide legal counsel for bonds and related issues, and

WHEREAS, the training presented under the **Attachment** – Training Presentation will be designed to meet the requirements of applicable securities laws and the City's Debt Management Policy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts requirements for annual training of certain City of Modesto employees and officials regarding municipal disclosure responsibilities.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-417**

RESOLUTION APPROVING APPLICATION TO THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO CONFIRM THE CITY OF MODESTO'S FIRE SERVICE CONTRACT WITH THE CITY OF OAKDALE AND OAKDALE FIRE PROTECTION DISTRICT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE APPLICATION

WHEREAS, effective January 1, 2016, Government Code Section 56134 requires fire protection contracts or agreements for the exercise of new or extended fire protection services outside a public agency's jurisdictional boundaries to be reviewed by the Stanislaus Local Agency Formation Commission, and

WHEREAS, on June 11, 2019, by Resolution 2019-270, the City Council approved an agreement to provide fire protection services between to the City of Modesto, the City of Oakdale, and Oakdale Fire Protection District, and

WHEREAS, this Resolution of Application is proposed pursuant to Government Code Section 56134(c), and

WHEREAS, pursuant to Government Code Section 56134(e) and 56134(f), a plan for services and independent fiscal analysis shall be prepared and submitted with the application, and

WHEREAS, the application for review of a fire service contract is considered exempt from the California Environmental Quality Act under the General Rule, Section 15061(b)(3) as it can be seen with certainty that there will not be a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application to the Stanislaus Local Agency Formation

Commission to confirm the City of Modesto's fire service contract with the City of Oakdale and Oakdale Fire Protection District.

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

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

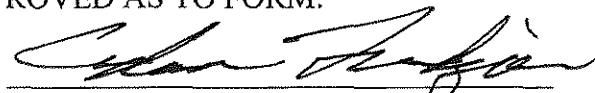
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-418**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR THE PURCHASE OF DESKTOP COMPUTERS, LAPTOPS, TABLETS, SOFTWARE AND SERVICES TO DELL TECHNOLOGIES, OF ROUND ROCK, TX, FOR A THREE-YEAR AGREEMENT FOR AN INITIAL COST NOT TO EXCEED \$1.35M AND A TOTAL AMOUNT NOT TO EXCEED \$1.95M OVER THREE-YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AGREEMENT

WHEREAS, The City of Modesto uses personal computers to conduct city business, and

WHEREAS, personal computers require replacement because they are beyond their useful life, and

WHEREAS, The City Manager authorized the distribution of formal Request for Proposals for the furnishing of Desktop Computers, Laptops, Tablets, Software and Services, and

WHEREAS, The City issued RFP 1819-44 Desktop Computers, Laptops, Tablets, Software and Services on the City's website and,

WHEREAS, Proposals were formally opened in the City Clerk's office on April 16, 2019, and

WHEREAS, Two (2) companies chose to respond, and

WHEREAS, an evaluation committee comprised of five (5) City staff members evaluated and graded the proposals, and

WHEREAS, Dell Technologies was ranked highest in total evaluation criteria and the lowest responsive bidder 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, this purchase conforms to the Modesto Municipal Code, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it adopts Resolution awarding the bid and contract with Dell Technologies, of Round Rock, TX, for a three-year agreement, for an initial cost not to exceed \$1.35M and a total amount not to exceed \$1.95M over three years, and

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 in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-419**

RESOLUTION APPROVING THE PURCHASE OF MICROSOFT SOFTWARE AND LICENSING, FROM THE CURRENT MICROSOFT ENTERPRISE AGREEMENT, WITH INSIGHT PUBLIC SECTOR INC., TEMPE, AZ, FOR A TOTAL AMOUNT NOT TO EXCEED \$300,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT.

WHEREAS, The City of Modesto uses the Microsoft Windows 7 Operating System and Office 2010 products to conduct city business, and

WHEREAS, The Microsoft Windows 7 Operating System and Office 2010 products will no longer be supported by Microsoft, and

WHEREAS, Microsoft will no longer release security patch updates for Windows 7 and Office 2010, and

WHEREAS, Failure to keep systems updated creates a tremendous security risk to the organization from ransomware, viruses and malicious attacks, and

WHEREAS, Purchasing Microsoft Windows 10 and Office 365 will provide a supported operating system and office product for the City, and

WHEREAS, On May 2nd 2017 by resolution 2017-166 the Council approved a three-year Microsoft Enterprise Agreement with Insight Public Sector through the County of Riverside 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, 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, 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, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it adopts Resolution authorizing the purchase of Microsoft Software and Licensing to Insight Public Sector Inc., of Tempe, AZ, for a total amount not to exceed \$300,000, and

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 in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-420**

RESOLUTION ACCEPTING THE 2020 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT IN THE AMOUNT OF \$600,000 FROM THE OFFICE OF TRAFFIC SAFETY TO INCREASE ENFORCEMENT FOR SPEED, DUI, AND OTHER SPECIAL TRAFFIC ENFORCEMENT OPERATIONS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as the Selective Traffic Enforcement Program (STEP) grant from the Office of Traffic Safety (OTS), and

WHEREAS, the Police Department was awarded a grant in the sum of \$600,000 from OTS, and

WHEREAS, acceptance of said \$600,000 grant will increase enforcement for speed, DUI, and other special traffic enforcement operations, while also reducing collisions with speed, DUI, and special operations, and

WHEREAS, OTS will pay overtime for officers, training, and equipment to assist in traffic studies and other traffic related enforcement equipment, and

WHEREAS, the term of this grant will be from October 1, 2019, through September 30, 2020,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Selective Traffic Enforcement Program Grant in the amount of \$600,000 from the Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations.

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

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-421**

RESOLUTION AMENDING THE FISCAL YEAR 2019-20 OPERATING AND MULTI-YEAR BUDGET TO APPROPRIATE REVENUE AND EXPENSES IN THE AMOUNT OF \$600,000 RELATED TO THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT TO INCREASE ENFORCEMENT FOR SPEED, DUI, AND OTHER SPECIAL TRAFFIC ENFORCEMENT OPERATIONS

WHEREAS, the Police Department acquired a grant award in the amount of \$600,000 from the Office of Traffic Safety (OTS) to increase enforcement for speed, DUI, and other special traffic enforcement operations, and

WHEREAS, the grant will pay overtime for officers for special enforcement operations, DUI saturation patrols, and other traffic related enforcement supplies, and

WHEREAS, there is no local match required for this grant, and

WHEREAS, certain budgetary adjustments are necessary to account for the programing of revenues and offsetting expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2019-2020 Operating and Multi-Year Budget is hereby adjusted as indicated on budget adjustment **attached**.

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 in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

EXHIBIT A

2020 OTS STEP Grant – Project #101204

Budget Adjustment is necessary to establish a new Operating account and to program revenues and offsetting expense as outlined in the grant award.

Fund 1342 – Police Grants

MY Operating Budget

<u>Expense Account</u>	<u>Increase/Decrease</u>	<u>Description of Account</u>
51200	\$393,627	Overtime
52010	\$700.00	Printing
52300	\$5,673.00	Tools & Field Supplies<\$5K
52038	\$200,000	Public Safety Equipment <\$5K
Total Expense:	\$600,000	

<u>Revenue Account</u>	<u>Increase/Decrease</u>	<u>Description of Account</u>
1342-19998-42141	\$600,000	Intergov-State Office of Traffic Safety
Total Revenue:	\$600,000	

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-422**

**RESOLUTION APPROVING SUPPORTING THE REDUCING CRIME AND
KEEPING CALIFORNIA SAFE ACT OF 2020.**

WHEREAS, protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance. Murderers, rapists, child molesters and other violent criminals should not be released early from prison; and

WHEREAS, since 2014, California has had a larger increase in violent crime than the rest of the United States. Since 2013, violent crime in Los Angeles has increased 69.5%. Violent crime in Sacramento rose faster during the first six months of 2015 than in any of the 25 largest U.S. cities tracked by the FBI; and

WHEREAS, The FBI Preliminary Semiannual Uniform Crime Report for 2017, which tracks crimes committed during the first six months of the past year in U. S. cities with populations over 100,000, indicates that last year violent crime increased again in most of California's largest cities.

WHEREAS, recent changes to parole laws allowed the early release of dangerous criminals by the law's failure to define certain crimes as "violent." These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter, and felony domestic violence to be considered "nonviolent offenders."; and

WHEREAS, as a result, these so-called "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge; and

WHEREAS, violent offenders are also being allowed to remain free in our communities even when they commit new crimes and violate the terms of their post release community supervision, like the gang member charged with the murder of Whittier Police Officer, Keith Boyer; and

WHEREAS, this measure reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations; and

WHEREAS, nothing in this act is intended to create additional "strike" offenses which would increase the state prison population, nor is it intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits; and

WHEREAS, recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal; and

WHEREAS, as a result, between 2014 and 2016, California had the 2nd highest increase in theft and property crimes in the United States, while most states have seen a steady decline. According to the California Department of Justice, the value of property stolen in 2015 was \$2.5 billion with an increase of 13 percent since 2014, the largest single-year increase in at least ten years; and

WHEREAS, grocery store operators around the state have seen unprecedented increases in the amount of losses associated with shoplifting in their stores, with some reporting up to 150% increases in these losses from 2012 to present, with the largest jumps occurring since 2014; and

WHEREAS, shoplifting incidents have started to escalate in such a manner that have endangered innocent customers and employees; and

WHEREAS, individuals who repeatedly steal often do so to support their drug habit. Recent changes to California law have reduced judges' ability to order individuals convicted of repeated theft crimes into effective drug treatment programs; and

WHEREAS, California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter into existing drug treatment programs. This measure enacts such reforms; and

WHEREAS, collecting DNA from criminals is essential to solving violent crimes. Over 450 violent crimes including murder, rape and robbery have gone unsolved because DNA is being collected from fewer criminals; and

WHEREAS, DNA collected in 2015 from a convicted child molester solved the rape-murders of two six-year-old boys that occurred three decades ago in Los Angeles County. DNA collected in 2016 from an individual caught driving a stolen car solved the 2012 San Francisco Bay Area rape/murder of an 83-year-old woman; and

WHEREAS, recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes. This measure restores DNA collection from persons convicted for such offenses; and

WHEREAS, permitting collection of more DNA samples will help identify suspects, clear the innocent and free the wrongly convicted, and

WHEREAS, this measure does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted or are found innocent.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the Reducing Crime and Keeping California Safe Act of 2020.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-423**

RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT WITH STANISLAUS COUNTY FOR A JOINT APPLICATION FOR FUNDING OF LICENSE PLATE READERS AND POD (PORTABLE OBSERVATION DEVICE) CAMERAS IN THE AMOUNT OF \$174,853 THROUGH THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the JAG Program allows states, tribes and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions, and

WHEREAS, the City of Modesto Police Department is eligible to apply for \$145,293 and Stanislaus County is eligible for \$29,560, and

WHEREAS, the City of Modesto Police Department is considered “disparate” under the terms of this grant because the City is eligible to receive one and one-half times more than than a County (150% more than the County with concurrent jurisdiction), and

WHEREAS, the Modesto Police Department and Stanislaus County are required to submit a joint application for the total eligible allocation of \$174,853, and

WHEREAS, the City of Modesto will use its allocation to help fund the acquisition and implementation of License Plate Reader (LPR) equipment and Portable Observation Device (POD) cameras and associated system components, and

WHEREAS, there is no match required for this grant, and

WHEREAS, Stanislaus County will be the fiscal agent for this grant, and

WHEREAS, the County will charge the City a three percent (3%) administrative fee in the amount of \$4,359 to cover the reporting costs associated with the grant, and

WHEREAS, the grant requires the City, as a disparate agency, to set aside three percent (3%) in the amount of \$4,359 to be used for NIBRS compliance, and

WHEREAS, the City will utilize these set-aside funds to cover costs of building, testing and training staff in the use of this reporting module, and

WHEREAS, the grant requires that a separate multi-year project account must be established for fund deposits, and funds cannot be comingled with funds from any other source, and

WHEREAS, the grant requires a signed Memorandum of Agreement between the City and County for the application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Agreement with Stanislaus County for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Fiscal Year 2019 Local Solicitation and authorizes a joint application with Stanislaus County.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the grant application upon award.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-424**

RESOLUTION APPROVING AN AGREEMENT WITH AT&T FIRSTNET FOR CELLULAR AND DATA SERVICES FOR THE MODESTO POLICE DEPARTMENT FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST NOT TO EXCEED \$280,048 IN YEAR ONE, INCREASING BY \$2,700 EACH YEAR FOR ADDITIONAL LINE ALLOTMENT, TO AN ANNUAL ESTIMATED COST NOT TO EXCEED \$290,848 IN YEAR FIVE AND A TOTAL NOT TO EXCEED \$1,459,287 INCLUDING ONE-TIME EXPENSES OVER FIVE YEARS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN A FORM APPROVED BY THE CITY ATTORNEY.

WHEREAS, the First Responder Network Authority was created as part of the Middle Class Tax Relief and Job Creation Act, which was signed into law on February 22, 2012; and

WHEREAS, the law allocated 20 megahertz of spectrum and \$7 billion to establish a broadband network dedicated to the nation's first responders and gave the First Responder Network Authority the mandate to build, operate, and maintain that network; and

WHEREAS, the First Responder Network Authority was required to engage in an open, transparent, and competitive RFP process for the deployment of the network; and

WHEREAS, FirstNet issued its objectives-based RFP in January of 2016; and

WHEREAS, FirstNet awarded a 25-year contract to AT&T in March 2017; 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 8-202(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; and

WHEREAS, this exemption is satisfied because the FirstNet Authority was competitively bid at the national level and all States have adopted this as their First Responder Network; and

WHEREAS, the National Purchasing Partners holds a contract for FirstNet and AT&T (AS10296); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves an agreement with AT&T FirstNet for cellular and data services for the Modesto Police Department for a two year agreement with three one-year extension options, for an annual estimated cost not to exceed \$280,048 in year one, increasing by \$2,700 each year for additional line allotment, to an annual estimated cost not to exceed \$290,848 in year five and a total not to exceed \$1,459,287 including one-time expenses over five years.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that the City Manager is authorized to execute the agreement with AT&T FirstNet network for cellular service for the Modesto Police Department, in a form approved by the City Attorney.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-425**

RESOLUTION APPROVING REJECTING THE BIDS FOR THE ON-CALL BORING SERVICE FOR THE HIGH VOLTAGE UPGRADES PROJECT, AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT FOR BID AT A FUTURE DATE WITH AN AMENDED SCOPE OF WORK

WHEREAS, the City currently has a total of 11,576 street lights, of which 490 are high voltage street lights on 26 high voltage circuits (HVC), and

WHEREAS, most of the HVC are 2400 volts to 4000 volts, while modern street lights voltage in residential areas are 120 volts, and

WHEREAS, on February 26, 2019, by Resolution No. 2019-90, Council approved a proposal to upgrade high voltage street light circuits to low voltage by contracting \$500,000 of high voltage work to convert 50 street lights and allocating \$500,000 for City staff to convert 100 street lights, and

WHEREAS, the recommended approach to replace the HVC is to allocate \$1,000,000 per year programmed from the Surface Transportation Fund and Senate Bill (SB) 1 that will replace approximately 150 high voltage street lights each year with estimated completion of the process in four years, and

WHEREAS, City staff initiated design of the plans to go out to bid for the conversion of 50 street lights, and it was determined that the estimated cost of a contractor to complete the conversion was around \$705,000, and

WHEREAS, it was determined the best course of action was to instead request an on-call boring contractor to directional drill under the asphalt/concrete and place the conduit, and

WHEREAS, the City is currently installing by open trench method, which requires a lot more time and material, and

WHEREAS, by utilizing a boring contractor, this minimizes the contractual scope of work to a singular service thereby reducing the overall cost needed for an outside contractor. Additionally, it will greatly improve the overall cost and efficiency of City staff to complete all the circuits, and

WHEREAS, on April 4, 2019, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for an on-call boring service agreement for directional drilling and conduit installation, and

WHEREAS, the project was advertised for bids on May 15, 2019 and bids were publicly opened on June 11, 2019, pursuant to City Charter Section 1307, and

WHEREAS, three bids were received, which the lowest unit cost was \$32.39/lf; more than one and a half times the originally estimated amount, and

WHEREAS, based on the bids received, staff recommends rejecting the bids and re-advertising the project, and

WHEREAS, staff is revising the scope of work to exclude bore pit restoration and exclude liability in restoration costs, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.203, 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 bids for the on-call boring service for the High Voltage Upgrades Project, Invitation No. 1819-61, and authorizes staff to re-advertise the project for bid at a future date with an amended scope of work.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-426**

**RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN AN AMOUNT OF \$499,000 BY WAY
OF TRANSFER FROM PROJECT #101167 (UPGRADE HIGH VOLTAGE –
CONTRACTOR) TO PROJECT #101166 (UPGRADE HIGH VOLTAGE – CITY)**

WHEREAS, on April 4, 2019, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for an on-call boring service agreement for directional drilling and conduit installation, and

WHEREAS, the project was advertised for bids on May 15, 2019, and bids were publicly opened on June 11, 2019, pursuant to City Charter Section 1307, and

WHEREAS, three bids were received, which the lowest unit cost was \$32.39/lf; more than one and a half times the originally estimated amount, and

WHEREAS, based on the bids received, staff recommends rejecting the bids and re-advertising the project, and

WHEREAS, staff is revising the scope of work to exclude bore pit restoration and exclude liability in restoration costs, and

WHEREAS, Due to the time needed to re-bid and obtain contract execution for the on-call boring service, staff is continuing forward converting circuits, and

WHEREAS, It is anticipated the majority of the remaining circuits will be completed during this timeframe, and

WHEREAS, staff recommends moving \$499,000 in Capital Improvement Project (CIP) #101167 (Upgrade High Voltage – Contractor) to CIP #101166 (Upgrade High Voltage – City) to complete the remaining circuits this fiscal year and start the on-call boring contractor on next year's list of conversions, and

WHEREAS, Currently, CIP #101167 has \$499,000 remaining and will not utilize remaining budget due to the timeframes involved in re-bidding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2019-2020 Capital Improvement Program Budget in an amount of \$499,000 by way of transfer from project #101167 (Upgrade High Voltage – Contractor) to project #101166 (Upgrade High Voltage – City).

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 in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-427**

RESOLUTION APPROVING THE SUBMISSION OF A PROJECT LIST FOR SENATE BILL 1 (SB1) ALSO KNOWN AS THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 FOR THE MODESTO AREA EXPRESS (MAX) BUS SYSTEM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND FILE ALL OTHER NECESSARY DOCUMENTS

WHEREAS, the City of Modesto is an eligible project sponsor and may receive State Transit Assistance (STA) funding from the State of Good Repair Account (SGR) now or sometime in the future for transit projects, and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations, and

WHEREAS, Senate Bill 1 (SB1) (2017) named the California Department of Transportation (Caltrans) as the administrative agency for the SGR, and

WHEREAS, Caltrans has developed guidelines for the purpose of administering and distributing SGR funds to eligible project sponsors (local agencies), and

WHEREAS, a project list (**Attachment 1 - SB1 City of Modesto Project List**) has been developed to improve the conditions of the facilities, rolling stock and equipment needed to operate the Modesto Area Express (MAX) bus system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submission of the project list for the Road Repairs and Accountability Act of 2017 for the City of Modesto Transit Division.

BE IT FURTHER RESOLVED that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and

applicable statutes, regulations and guidelines for all State of Good Repair funded transit projects.

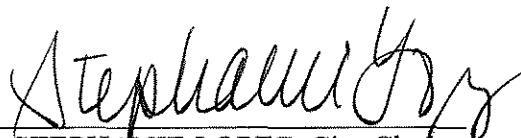
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and file all required documents of the State of Good Repair program and any Amendments thereto with the California Department of Transportation.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

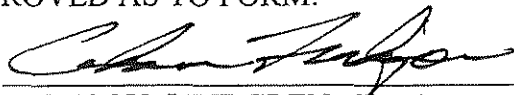
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney



Agency Information

Funding Fiscal Year: 2018-19

(Choose First) Regional Entity :

Stanislaus Council of Governments

***Estimated SGR 99313 Allocation**

Operator (Not required if you are the Regional Entity):

City of Modesto

***Estimated SGR 99314 Allocation**

\$ 33,173

****Enter your total STA allocation in the blue box:**

The amount to be reported on will be listed in the grey box:

\$ -

Agency Address:

1010 10th St Suite 4500

City:

Modesto

Contact Name:

Dero In

Contact Title:

Transit Analyst

Contact Phone Number:

209-577-5317

Contact Email:

dein@modestogov.com

*You can find your SGR allocation estimates on the letter from the California State Controller dated January 31, 2018:
https://www.sco.ca.gov/Files-ARD-Payments/Transit/statetransitassistanceestimate_sgr_1819_January18.pdf

**You can find your STA allocation estimates on the letter from the California State Controller dated January 31, 2018:
https://www.sco.ca.gov/Files-ARD-Payments/Transit/statetransitassistanceestimate_1819_January18.pdf

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-428**

**RESOLUTION ACCEPTING THE MODESTO JUNIOR COLLEGE BICYCLE
PATH PHASE II – ACTIVE TRANSPORTATION PROGRAM LOCAL 5059(209)
PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO
FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND
RELEASING PAYMENTS TOTALING \$510,932 TO MCFADDEN
CONSTRUCTION INC., STOCKTON, CA**

WHEREAS, On January 6, 2004, Council approved the Virginia Corridor Specific Plan and since then, the Virginia Corridor has been constructed in phases, and

WHEREAS. Phase III of the project constructed the bike path trailhead at the juncture of College Avenue and MID Lateral 4, and

WHEREAS, on August 22, 2014 the City was awarded \$630,000 in competitive Active Transportation Program (ATP) funds that were made available by StanCOG for the Modesto Junior College Bike Path Phase II Project, and

WHEREAS, this project installed a Class I bicycle path, lighting, landscaping and mid-block crossing at Campus Way from College Avenue (existing Virginia Corridor path) to Campus Way along an alley, and

WHEREAS, bids were advertised on August 1, 2017, and

WHEREAS, five bids were publicly opened on August 29, 2017, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and McFadden Construction Inc., of Stockton, CA was the apparent low bidder, and

WHEREAS, on September 12, 2017, by Resolution No. 2017-352, Council awarded a contract to McFadden Construction Inc., of Stockton, CA for the construction of the Modesto Junior College Bicycle Path Phase II – ATPL 5059(209) Project in the amount of \$474,622, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of October 9, 2017 and all contract work was completed by April 30, 2018, and

WHEREAS, the total project costs were \$979,417 which included all construction, design, and construction administration costs. The total project amount originally budgeted was \$965,228 which included \$522,084 for the construction contract and contingency with McFadden Construction Inc., and

WHEREAS, there were 7 change orders resulting in an overall increase of \$36,310 for change order work, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto Junior College Bicycle Path Phase II – ATPL 5059(209) Project is hereby accepted as complete from said contractor, McFadden Construction Inc., of Stockton, California, 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 \$510,932, as is authorized.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-429**

RESOLUTION ACCEPTING THE INDUSTRIAL TANK NO. 13 AND PUMP STATION PROJECT, AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$9,800,964 TO CONCO WEST, INC., OF MANTECA, CA,

WHEREAS, this project constructed a 4-million gallon (MG) water storage concrete reservoir, a 12-million gallon per day (MGD) booster pump station and retention basin with a 1 MG holding capacity, and

WHEREAS, the project will increase service reliability of the City's water system in the southeast industrial area of Modesto, and

WHEREAS, the project site is located on 5.3 acres on the south side of Modesto Irrigation District Lateral No. 1 on the west side of Codoni Avenue, approximately half a mile south of Yosemite Boulevard, and

WHEREAS, bids were advertised on September 28, 2016, and

WHEREAS, eight bids were publicly opened on November 15, 2016, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and Conco West, Inc., of Manteca, CA was the apparent low bidder, and

WHEREAS, on February 14, 2017, by Resolution No. 2017-62, Council awarded a contract to Conco West, Inc., of Manteca, CA for the construction of the Industrial Tank No. 13 and Pump Station Project in the amount of \$9,076,000, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of March 13, 2017 and all contract work was completed by May 11, 2018, and

WHEREAS, the total project costs were \$12,217,535 which included all construction, design, and construction administration costs. The total project amount

originally budgeted was \$12,453,584 which included \$9,802,080 for the construction contract and contingency with Conco West, Inc., and

WHEREAS, there were 56 change orders resulting in an overall increase of \$724,964 for change order work, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Industrial Tank No. 13 and Pump Station Project is hereby accepted as complete from said contractor, Conco West, Inc., of Manteca, California, 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 \$9,800,964, as is authorized.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-430**

RESOLUTION ACCEPTING THE RIGHT TURN LANE AT PRESCOTT ROAD AND PLAZA PARKWAY CONSTRUCTION PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$755,875 TO CAZADORO CONSTRUCTION, INC. OF SAN FRANCISCO, CA

WHEREAS, in April, 2010, the City applied for Congestion Mitigation and Air Quality (CMAQ) funds to construct a dedicated right turn lane on Southbound Prescott Road at Plaza Parkway, and

WHEREAS, construction of this project modified the existing curb return and the existing traffic signal and constructed a right turn lane within City right-of-way, and

WHEREAS, these improvements will reduce the amount of southbound congestion, while providing a right turn lane consistent with City Standard Specifications, and

WHEREAS, bids were advertised on June 26, 2017, and

WHEREAS, one bid was publicly opened on July 18, 2017, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and Cazadoro Construction, Inc. of San Francisco, CA was the apparent low bidder, and

WHEREAS, on January 23, 2018, by Resolution No. 2018-18, Council awarded a contract to Cazadoro Construction, Inc., of San Francisco, CA for the construction of the Right Turn Lane at Prescott Road and Plaza Parkway Construction Project in the amount of \$735,115, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of April 2, 2018 and all contract work was completed by October 22, 2018, and

WHEREAS, the total project costs were \$1,008,907 which included all construction, design, and construction administration costs. The total project amount originally budgeted was \$918,893 which included \$808,627 for the construction contract and contingency with Cazadoro Construction, Inc., and

WHEREAS, there were 8 change orders resulting in an overall increase of \$20,760 for change order work, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Right Turn Lane at Prescott Road and Plaza Parkway Construction Project is hereby accepted as complete from said contractor, Cazadoro Construction, Inc. of San Francisco, California, 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 \$755,875, as is authorized.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-431**

RESOLUTION ACCEPTING THE LA LOMA PHASE 2B STRENGTHEN AND REPLACE WATER MAINS PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$3,999,843 TO D.A. WOOD CONSTRUCTION, INC., OF MODESTO, CA,

WHEREAS, this project is one of the many prioritized areas within the City's water service area that require replacement of current, aging water infrastructure, and

WHEREAS, the scope of this CIP includes replacing and upgrading deficient water mains, associated water valves, services and fire hydrants to increase service reliability, flows and pressures, and

WHEREAS, in an effort to replace the worst sections of infrastructure first while ensuring the competitive prices for this work, Phase 2 was separated into 3 sub-phases, and

WHEREAS, Phase 2B (project) is bounded by Encina Avenue to the North, El Vista Ave to the East, Yosemite Boulevard to the South and San Juan Drive to the West, and

WHEREAS, existing water mains in the project area are aged, undersized steel mains which are prone to the most severe leaking and low pressure issues and Phase 2B was identified by operations and engineering staff as most critical to begin construction first and will provide over 4.5 miles of new water mains, 380 water services and 21 hydrants, and

WHEREAS, bids were advertised on August 29, 2017, and

WHEREAS, four bids were publicly opened on October 3, 2017, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and D.A. Wood Construction, Inc., of Modesto, CA was the apparent low bidder, and

WHEREAS, on November 8, 2017, by Resolution No. 2017-507, Council awarded a contract to D.A. Wood Construction, Inc., of Modesto, CA for the construction of the La Loma Phase 2B Strengthen and Replace Water Mains Project in the amount of \$3,749,000, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of December 11, 2017 and all contract work was completed by December 6, 2018, and

WHEREAS, the total project costs were \$4,475,626 which included all construction, design, and construction administration costs. The total project amount originally budgeted was \$4,598,800 which included \$4,048,920 for the construction contract and contingency with D.A. Wood Construction, Inc., and

WHEREAS, there were 11 change orders resulting in an overall increase of \$250,843 for change order work, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the La Loma Phase 2B Strengthen and Replace Water Mains Project is hereby accepted as complete from contractor D.A. Wood Construction, Inc., of Modesto, California, 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 \$3,999,843, as is authorized.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

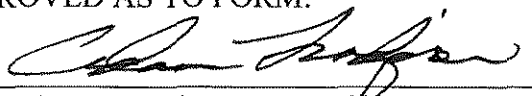
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-432**

**RESOLUTION ACCEPTING THE TUOLUMNE RIVER SHEET PILE AND
DAM DEBRIS REMOVAL PROJECT AS COMPLETE, AUTHORIZING ALL
NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER,
RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING
\$1,472,020 TO INNOVATIVE CONSTRUCTION SOLUTIONS OF DUBLIN, CA**

WHEREAS, the Dennett Dam was first constructed in the 1930's and was damaged by high flood waters twice and in 1947 was condemned by the State of California, and

WHEREAS, since then, the remnant of the Dennett Dam has acted as a partial barrier to fish passage and an impediment to recreational boating, and

WHEREAS, the Tuolumne River Preservation Trust (TRT) has been involved with public relations and fund raising efforts for the removal of the Remnant Dennett Dam and ultimately seeks to restore the river channel and enhance the surrounding landscape, resulting in restored instream habitat and fish passage conditions, improved native riparian habitat, and a safe recreational experience, and

WHEREAS, on June 14, 2016, by Resolution 2016-245, Council approved an MOU with the TRT regarding the removal of the Remnant Dennett Dam, and

WHEREAS, bids were advertised on January 23, 2018, and

WHEREAS, seven bids were publicly opened on February 27, 2018, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and Innovative Construction Solutions of Dublin, CA was the apparent low bidder, and

WHEREAS, on June 12, 2018, by Resolution No. 2018-226, Council awarded a contract to Innovative Construction Solutions of Dublin, CA for the construction of the

Tuolumne River Sheet Pile and Dam Debris Removal Project in the amount of \$968,260, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of July 16, and all contract work was completed by September 15, 2018, and

WHEREAS, the total project costs were \$2,028,121 which included all construction, design, and construction administration costs. The total project amount originally budgeted was \$1,647,149 which included \$1,161,912 for the construction contract and contingency with Innovative Construction Solutions, and

WHEREAS, permitting restrictions resulted in a small window in which all the work within the active river could be performed (July 15 to September 15), resulting in the Contractor accelerating his work and the City's consultant providing construction management services tracked the additional overtime charges on a force account basis, and

WHEREAS, the other two major additional costs associated with the project construction were (1) extra work related to the diversion of the river during demolition and (2) additional excavation, removal of buried concrete and backfill of materials, and

WHEREAS, on April 23, 2019, by Resolution No. 2019-189, Council approved an increase in the Director's authority to issue change orders from 20 percent (\$193,652) to 52 percent (\$503,760) of the original construction contract price of \$968,260 with Innovative Construction Solutions of Dublin, CA for unforeseen conditions associated with the Tuolumne River Sheet Pile and Dam Debris Removal Project, and

WHEREAS, there was 9 change orders resulting in an overall increase of \$503,760 for change order work, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Tuolumne River Sheet Pile and Dam Debris Removal Project is hereby accepted as complete from contractor Innovative Construction Solutions of Dublin, California, 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 \$1,472,020, as is authorized.

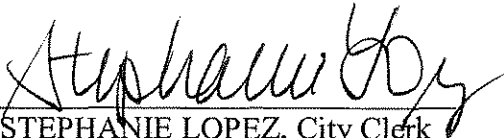
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-433**

RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH CONSOLIDATED CONSTRUCTION MANAGEMENT INC., OF OAKLAND, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE TUOLUMNE RIVER SHEET PILE AND DAM DEBRIS REMOVAL PROJECT IN AN AMOUNT NOT TO EXCEED \$62,994, FOR A TOTAL AGREEMENT AMOUNT OF \$245,367, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO THE AGREEMENT

WHEREAS, on June 26, 2018, per Resolution No. 2018-260, Council approved an agreement with Consolidated Construction Management (CCM), Inc., of Oakland, CA, for construction management and inspection services for the Tuolumne River Sheet Pile and Dam Debris Removal Project, in an amount not to exceed \$165,794, and authorized the City Manager, or his designee, to execute the agreement and any amendments up to a cumulative amount of 10 percent (\$16,579), and

WHEREAS, the project was scheduled to begin as early as mid-June and be completed by mid-September; however, the work onsite did not begin until the end of July due to delays caused from permitting requirements, nesting Swainson's Hawks, and required advanced notices to regulating agencies, and

WHEREAS, the overlapping permitting restrictions resulted in a small window in which all the work within the active river could be performed (July 15 to September 15), consequently the Contractor accelerated his work and CCM provided construction management services that tracked the additional overtime charges on a force account basis, and

WHEREAS, two other major additional costs associated with the project construction were (1) extra work related to the diversion of the river during demolition and (2) additional excavation, removal of buried concrete and backfill of materials, and

WHEREAS, related to tracking the extra costs and negotiating final change order costs, there were additional costs incurred by CCM, 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, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Agreement with Consolidated Construction Management, Inc., of Oakland, CA, for Design and Construction Management and Inspection Services for Tuolumne River Sheet Pile and Dam Debris Removal Project in an amount not to exceed \$62,994 for the identified scope of services, for a revised maximum total amount of \$245,367.

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 in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-434**

RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD, UNDER THE PROPOSITION 1 STORM WATER GRANT PROGRAM, FOR THE ROUND 2 IMPLEMENTATION GRANT FOR THE MODESTO AREA 2 STORM WATER TO SANITARY SEWER CROSS CONNECTION REMOVAL PROJECT PHASE III JM PIKE PARK AND PHASE IV CATHERINE EVERETT PARK.

WHEREAS, proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, provides funds for grants to local public agencies, and

WHEREAS, the Storm Water Grant Program include funding for planning, disadvantaged community involvement, implementation, and companion grant programs that support water projects including surface and groundwater storage, ecosystem and watershed protection and restoration, and drinking water protection, and

WHEREAS, the JM Pike Park and Catherine Everett Park Projects encompass all of the requirements of the SWGP with an emphasis on groundwater recharge, and

WHEREAS, like the completed Phase I Garrison Park project and the ongoing construction of the Phase II Roosevelt Park project, the JM Pike Park and Catherine Everett Park projects will utilize Low Impact Development principles and components to remove and store storm water runoff, and

WHEREAS, The project benefits local disadvantaged neighborhoods by reducing localized street flooding and restoring local City parks where the storm runoff volume will be stored underground, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a grant application to the State Water Resources Control Board, under the Proposition 1 Storm Water Grant Program, for the Round 2 Implementation Grant for the Modesto Area 2 Storm Water to Sanitary Sewer Cross

Connection Removal Project Phase III JM Pike Park and Phase IV Catherine Everett Park.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-435**

RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION ON BEHALF OF THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION GROUNDWATER SUSTAINABILITY AGENCY TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES TO OBTAIN A GRANT UNDER THE 2019 SUSTAINABLE GROUNDWATER MANAGEMENT (SGM) GRANT PROGRAM PLANNING GRANT PURSUANT TO THE WATER QUALITY, SUPPLY, AND INFRASTRUCTURE IMPROVEMENT ACT OF 2014 (PROPOSITION 1) (WATER CODE 79700 ET SEQ.) AND/OR THE CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION, AND OUTDOOR ACCESS FOR ALL ACT OF 2018 (PROPOSITION 68).

WHEREAS, in September of 2014, Governor Edmund G. Brown signed into law, the Sustainable Groundwater Management Act of 2014 , which changed the method for groundwater management, and

WHEREAS, Sustainable Groundwater Management Act is a comprehensive three-bill package that sets the framework for statewide sustainable groundwater management by local agencies, and

WHEREAS, Sustainable Groundwater Management Act requires that a Groundwater Sustainability Agency be formed for all groundwater basins designated by the Department of Water Resources as high-priority basins, which includes the Modesto Subbasin. SGMA also requires that a Groundwater Sustainability Plan (GSP) be prepared for high priority basins, and

WHEREAS, the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) member agencies include the cities of Oakdale, Riverbank, Modesto, and Waterford; Stanislaus County; Oakdale Irrigation District; and Modesto Irrigation District, and

WHEREAS, on January 24, 2017, by Resolution No. 2017-030, Council authorized a Groundwater Sustainability Agency Memorandum of Understanding with the STRGBA member agencies and approved the formation of the GSA for the Basin, and

WHEREAS, per the MOU (Section 4.3.4), the STRGBA can designate a party that will enter into contracts, and approve all amendments thereto, for and on behalf of the STRGBA GSA, necessary to carry out the powers and duties of the STRGBA GSA, and

WHEREAS, at the August 14, 2019, STRBGA GSA meeting, the City was appointed to be the lead applicant on behalf of the GSA, and

WHEREAS, the lead applicant, the City is required to enter into Grant Agreements with the DWR, if the applications score high enough for an award and the STRGBA GSA chooses to accept the grants, and

WHEREAS, The Grant will provide funds to install monitoring wells within the various City of Modesto water service areas and key locations to monitor water quality and static water levels to better manage groundwater sustainability throughout the Modesto Subbasin, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authorizing the submittal of an application on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency, to the California Department of Water Resources to obtain a grant under the 2019 Sustainable Groundwater Management (SGM) Grant Program Planning Grant Pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of

2014 (Proposition 1) (Water Code 79700 et seq.) and/or the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Proposition 68), and to enter into an agreement to receive a grant for the: Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency Groundwater Monitoring Wells Project.

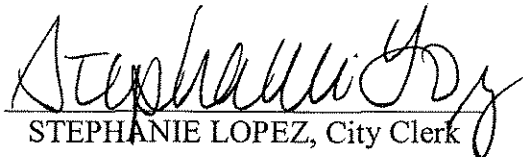
The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-436**

**RESOLUTION APPROVING A MEASURE L COOPERATIVE AGREEMENT
WITH THE STANISLAUS COUNCIL OF GOVERNMENTS FOR THE
CONSTRUCTION PHASE OF THE STATE ROUTE 132 WEST
FREEWAY/EXPRESSWAY - PHASE 1 PROJECT AND AUTHORIZING THE
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, State Route 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, the SR 132 corridor 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

WHEREAS, the SR 132 West Freeway/Expressway Project developed by Caltrans proposes to construct a four lane freeway/expressway on a new alignment south of Kansas Avenue from Dakota Avenue to east of SR 99 at Needham Street, and

WHEREAS, the Phase 1 portion of the project, aka the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto on a new alignment south of Kansas Avenue from Dakota Avenue to east of SR 99 at Needham Street, 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, on October 10, 2017, by Resolution 2017-403, Council approved a Measure L Cooperative Agreement with StanCOG (StanCOG Cooperative Agreement) for the Plans, Specifications and Estimates Stage of Phase 1 of the State Route 132 Project, through which StanCOG has agreed to reimburse the City up to \$10 million for costs relating to the PS&E and ROW phases of the Project; and

WHEREAS, On July 24, 2019, the City requested an amendment to the existing Cooperative Agreement to increase the maximum reimbursement for the PS&E and ROW phases of the project by \$4.4M to a maximum total of \$14.4M, and

WHEREAS, StanCOG agreed to provide the requested additional funding for the PS&E and ROW phases of the Project, and

WHEREAS, The Measure L Strategic Plan designates SR-132 Phase 1 as the top regional project and provides for an allocation of \$43.1M, and

WHEREAS, The Strategic Plan escalates the allocation amount by the actual and projected rate of growth of Measure L revenues received each year and currently, the escalated amount for the Phase 1 Project is \$46.2M, and

WHEREAS, With the City's request to allocate \$14.4M for the PS&E and ROW phases of the project, the remaining \$31.8M is available for the construction phase of the project, and

WHEREAS, On July 24, 2019, City of Modesto requested a new Cooperative Agreement (Agreement) for the construction phase of the project in the amount of \$31.8M, and

WHEREAS, StanCOG has agreed to provide funding for the construction 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 September 18, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Measure L Cooperative Agreement between the City of Modesto and the Stanislaus Council Of Governments for the Construction Phase of the State Route 132 West Freeway/Expressway – Phase 1 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 in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Ah You, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

MEASURE L
REGIONAL CONTROL PROJECT COOPERATIVE AGREEMENT
FOR THE CONSTRUCTION OF PHASE 1 OF THE SR 132 WEST PROJECT

This Cooperative Agreement (“Agreement”) is made and entered into on September ____, 2019 by and between the CITY OF MODESTO (“Sponsor”) and the STANISLAUS COUNCIL OF GOVERNMENTS, acting as the Local Transportation Authority (“Authority”).

RECITALS

WHEREAS, Authority and Sponsor desire to enter into a Cooperative Agreement for funding of transportation improvements in Stanislaus County pursuant to the authority provided by Measure L: Local Roads First Transportation Funding Measure (“Measure L”) which was approved by the voters of Stanislaus County on November 8, 2016; and

WHEREAS, Sponsor desires to receive funding from the Authority for the particular transportation improvement project work specified herein and described in the attached Exhibit “A” (“Project”); and

WHEREAS, the Project is eligible as the construction of Phase 1 of the State Route 132 West Freeway/Expressway project in the Measure L Expenditure Plan; and

WHEREAS, the Authority is authorized to issue Measure L funds to Sponsor; and

WHEREAS, Authority shall issue Measure L reimbursement payments as provided in Section 2.1 to 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 \$31,800,000.00; and

WHEREAS, any cost savings which result in less than \$31,800,000.00 being spent on the Project will be retained by the Authority and may be re-programmed for other Measure L eligible projects;

WHEREAS, Sponsor agrees to abide by the terms and conditions of the Authority as set forth herein for the receipt of Measure L funds; and

WHEREAS, Authority agrees to provide funding for the transportation improvements of the Sponsor’s Project according to the terms and conditions set forth herein.

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 \$31,800,000.00.

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 construction management and oversight, any and all costs which exceed \$31,800,000.00, 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 Completion. Sponsor will submit to Authority a "Letter of Project Completion" within 45 days of the Final Report of Project Expenditures being approved by the Caltrans District Local Assistance Engineer in accordance with Chapter 5 of the Caltrans Local Assistance Procedures Manual. The Letter of Project Completion will include the date the Final Report was approved by Caltrans and an itemization of the Project's final costs and revenues, including reimbursements received for each funding source. This letter shall accompany Sponsor's final invoice for payment and will act as notice of account closing by Authority.

1.8. Public Outreach. Sponsor will be responsible for the development and administration of a public outreach effort to ensure public awareness and involvement in the Project development and delivery process. Sponsor will provide a copy of the public outreach plan and all materials documenting the public outreach activities, including public notices, press releases, flyers, etc. to the Authority. The public outreach plan must accompany the first invoice for payment from the Sponsor. The materials documenting the public outreach activities must accompany the final invoice for payment from the Sponsor.

1.9. Provision of Signs. Sponsor shall install ~~fundingsigns~~ signs at multiple locations along and near the project site to meet the requirements of the various funding agreements and consistent with the Authority's Project Signs Guidelines and Specifications set forth in Exhibit "B" of this Agreement, attached hereto and incorporated herein by this reference. Measure L signs will be prominently displayed around the perimeter of the project.

1.10. Cost Savings and Excess Costs.

1.10.1. 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.

1.10.2. 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.

1.10.3. 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.

1.11. 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 of construction as such costs are deemed ineligible costs. The parties expressly acknowledge that SHOPP funds have been granted to Sponsor to cover a portion of the costs for remediation of the project site and such costs and expenses specifically covered by SHOPP funds are ineligible for reimbursement from the Measure L program.

2.1.4. Reimbursement Amount. The amount of reimbursement payments to Sponsor shall not exceed \$31,800,000.00 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 will be spread over three fiscal years

consistent with the adopted Measure L Strategic Plan. The maximum reimbursements for each fiscal year are specified in Exhibit "A".

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 construction and up to a five (5) year period after completion of the Project.

2.3. Maximum Obligation. Authority's maximum obligation for all costs under this Agreement shall not exceed Thirty-One Million Eight Hundred Thousand Dollars (\$31,800,000.00), 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 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 "T" Street, Suite 308
Modesto, CA 95354
Attention: Executive Director

TO SPONSOR:
1010 Tenth Street, 3rd Floor, Suite 3100
P.O. Box 642
Modesto, CA 95354
Attention: Vickey Dion, City Engineer

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. 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.

3.8. 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 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.

3.10. 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. 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.

3.13.1. Survival. The following provisions in this Agreement shall survive discharge:

3.13.2. Sponsor. As to Sponsor, the following sections shall survive discharge: Section (obligation to apply funds to Project), Section 1.8 (obligation to provide copies and retain records), Section 1.9 (obligation to continue to manage Project).

3.13.3. Authority. As to Authority, the following section shall survive discharge: Section 2.2 (right to conduct audit).

3.13.4. Both Parties. As to both parties, the following section shall survive discharge: Section 3.3. (mutual indemnities).

3.14. 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. 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 so 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.

3.15. 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.

3.16. 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.

3.17. 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.

3.18. Applicable Law. This Agreement shall be governed by, and construed and enforced in accordance with the laws of the State of California.

3.19. 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.

3.20. 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.

3.21. 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.

3.22. 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

Stanislaus Council of Governments, acting as the
LOCAL TRANSPORTATION AUTHORITY:

By: _____
Joseph P. Lopez
City Manager

By: _____
Jeramy Young
Chairperson

ATTEST:

ATTEST:

By: _____
Stephanie Lopez
City Clerk

By: _____
Rosa De León Park
Executive Director

APPROVED AS TO FORM:

By: _____
Monica J. Streeter
General Counsel

By : _____
Adam U. Lindgren
City Attorney



EXHIBIT A

PROJECT SCOPE, COST, SCHEDULE AND FUNDING PLAN

Project Name: SR 132 WEST PHASE 1 CONSTRUCTION

Project Contact: Vickey Dion, City Engineer, City of Modesto

PROJECT SCOPE

Responsible Agency: City of Modesto

Project Limits: _____

Project Phase:

Construction of Phase 1 (Includes Project Construction & Construction Management)

Project Phase Scope:

Construction of Phase 1 of the SR-132 West Freeway/Expressway consistent with the final design completed in February 2019. The Project Plans (final design) are entitled, "City of Modesto, Community and Economic Development Department Construction on State Highway in Stanislaus County, in and near the City of Modesto on Route 132 from near North Dakota Avenue to 0.2 mile East of Route 99 and on Route 99 from 0.5 mile South of Tuolumne River Bridge to 0.1 mile North of Woodland Avenue Overcrossing Federal Aid Project Number: TGHPLUL 5059(230) in Modesto California."

Generally, the 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 SR-99 at the base of the Needham Street Bridge west to Dakota Avenue and then along Dakota Avenue to the existing SR-132/Maze Blvd. Grade separations will be constructed at Rosemore Ave, Carpenter Ave, Emerald Ave and SR-99. The project includes improvement to the 5th and 6th Street connections to the new SR-132 expressway and the addition of an auxiliary lane at the northbound SR-99 on-ramp at L Street.

City of Modesto has entered into an agreement with WSP USA INC. for Construction Management Services for Phase 1 in an amount not to exceed \$8,973,533 plus \$897,353 for additional services, if needed.

Project Purpose:

The purpose of this project is to improve regional and interregional circulation, relieve regional congestion, enhance safety and improve operations.

Transportation Benefit:

The project is intended to improve regional and interregional circulation, relieve traffic congestion along existing SR 132 (Maze Boulevard), and improve operations. The project will be built in two phases. Phase 1, is slated to be open to traffic in 2020. Phase 2, is slated for completion in 2028.

Current Status:

City of Modesto is scheduled to award the construction contract for Phase 1 at its September 24, 2019 City Council Meeting.

PROJECT COST AND FUNDING PLAN

Fund Source	Fund Amount
Measure L Regional Funds	\$31,800,000
Trade Corridor Enhancement Grant	\$21,000,000
STIP	\$40,419,000
STIP from Kern County (fund swap)	\$3,500,000
TIGER Grant	\$9,000,000
RSTP funds (County share)	\$4,135,000
DEMO Grant	\$3,357,834
SHOPP Funds	\$2,400,000
City Modesto Utility Fees	\$1,600,000
Private Capital (Opportunity Stanislaus)	\$25,000
TOTAL CONSUTRCTION FUNDS	\$117,236,834

**MEASURE L REIMBURSEMENT MAXIMUMS BY FISCAL YEAR
FOR PHASE 1 CONSTRUCTION**

Measure L Maximum Reimbursement for Phase 1 Construction			
FY 19-20	FY 20-21	FY 21-22	TOTAL
\$10,981,000	\$10,981,000	\$9,838,000	\$31,800,000



EXHIBIT A Continued

PROJECT SCOPE, COST, SCHEDULE AND FUNDING PLAN

Project Name: SR 132 WEST PHASE 1 CONSTRUCTION

Project Contact: Vickey Dion, City Engineer, City of Modesto

PROJECT SCHEDULE

<u>Project Phase</u>	<u>Start</u>	<u>End</u>	<u>Timely Use of Funds Deadline (if applicable)</u>
Construction	9/24/2019	12/31/2021	N/A



EXHIBIT B

MEASURE L PROJECT SIGNS

The City of Modesto shall install at least four (4) Measure L project signs that include the project title, Measure L logo, project completion date, project sponsor logo and Measure L website address. The Measure L project signs can be combined or incorporated into signs required for other funding sources provided the Measure L logo is clearly visible and of the same size as other funding source logos contained on the sign.

The signs will be installed around the perimeter of the project. The signs will be posted for the duration of construction of Phase 1.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-437**

**RESOLUTION APPROVING AN AMENDMENT TO THE MEASURE L
COOPERATIVE AGREEMENT WITH THE STANISLAUS COUNCIL OF
GOVERNMENTS FOR THE PLANS, SPECIFICATIONS, AND ESTIMATE
(PS&E) AND RIGHT OF WAY (ROW) PHASES OF THE STATE ROUTE 132
WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE
AMENDMENT**

WHEREAS, State Route 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, the SR 132 corridor 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

WHEREAS, the SR 132 West Freeway/Expressway Project developed by Caltrans proposes to construct a four lane freeway/expressway on a new alignment south of Kansas Avenue from Dakota Avenue to east of SR 99 at Needham Street, and

WHEREAS, the Phase 1 portion of the project, aka the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto on a new alignment south of Kansas Avenue from Dakota Avenue to east of SR 99 at Needham Street, 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, on October 10, 2017, by Resolution 2017-403, Council approved a Measure L Cooperative Agreement with StanCOG (Agreement) for the Plans, Specifications and Estimates Stage of Phase 1 of the State Route 132 Project, through which StanCOG has agreed to reimburse the City up to \$10 million for costs relating to the PS&E and ROW phases of the Project; and

WHEREAS, On July 24, 2019, the City requested an amendment to the existing Cooperative Agreement to increase the maximum reimbursement for the PS&E and ROW phases of the project by \$4.4M to a maximum total of \$14.4M, and

WHEREAS, StanCOG has agreed to provide funding for the PS&E and ROW phases of the Project in accordance with the terms and conditions set forth in the Amendment to the Agreement between the City and StanCOG, **attached** hereto, and

WHEREAS, StanCOG's Policy Board approved the Amendment to the Agreement on September 18, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to the Measure L Cooperative Agreement between the City of Modesto and Stanislaus Council Of Governments for the Plans, Specifications and Estimate (PS&E) and Right of Way (ROW) phases of the State Route 132 West Freeway/Expressway – Phase 1 Project.

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

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Ah You, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

AMENDMENT #1
MEASURE L COOPERATIVE AGREEMENT
FOR THE PLANS, SPECIFICATIONS AND ESTIMATES STAGE OF PHASE 1 OF
THE STATE ROUTE 132 PROJECT

This AMENDMENT #1 to the Cooperative Agreement dated October 12, 2017 by and between the CITY OF MODESTO, a municipal corporation (“Sponsor”) and the STANISLAUS COUNCIL OF GOVERNMENTS, acting as the Local Transportation Authority (“Authority”) is entered into and effective as of September _____, 2019.

WHEREAS, Authority and Sponsor have entered into that certain Cooperative Agreement (“Agreement”) dated October 12, 2017; and

WHEREAS, the City of Modesto requested an amendment to the Agreement to increase the maximum reimbursement agreement to support the Plans, Specifications and Estimates (PS&E) phase (including Right of Way) of the Project; and

WHEREAS, the Agreement identifies the maximum Measure L reimbursement amount as \$10,000,000; and

WHEREAS, the Sponsor is requesting an additional reimbursement amount of \$4,400,000 for the PS&E phase of the Project.

NOW THEREFORE, in consideration of the mutual promises, covenants, terms and conditions contained herein, the parties desire to amend the Agreement and agree as follows:

1. Section 2.1.d of the Agreement is hereby amended to read as follows:

2.1.d. Reimbursement Amount. The amount of Measure L reimbursement payments to Sponsor shall not exceed \$14,400,000 of eligible expenditures submitted to the Authority as specified in Exhibit “A” for the PS&E Phase, unless the parties agree to otherwise in writing.

2. Section 2.3.B. of the Cooperative Agreement is hereby amended to read as follows:

2.3. Maximum Obligation.

B. Authority’s maximum obligation for all costs under this Agreement shall not exceed Fourteen Million Four Hundred Thousand Dollars (\$14,400,000.00), unless such maximum obligation is increased by an amendment to this Agreement. The parties agree that such Measure L funds shall not be used for reimbursement of expenses incurred by Sponsor for the project that are not covered by this Agreement such as litigation support, construction, construction design support, and construction management, and any other phases of the SR 132 West Freeway/Expressway project not covered by this Agreement.

3. Exhibit "A" attached to the Agreement is hereby amended in part to read as follows:

6. Estimated Cost of PS & E Phase I Project Activities:

PS & E Contract - Dokken Engineering	7,600,000
Contingency	-
PS & E Support	1,400,000
Right of Way Support	3,252,137
Utility Relocation	600,000
Plan Check	400,000
Early Right of Way Acquisitions	5,147,863
TOTAL EXPENSES	18,400,000

8. Sources(s) and Amount of Matching Funds

Source	Amount
City of Modesto Capital City Fees*	4,000,000
Measure L Regional Project Funds	14,400,000
TOTAL	18,400,000

**City of Modesto committed \$4,000,000 of Streets Capital Facilities Fees for the SR 132 West Project, the majority of said monies were utilized for early right-of-way acquisitions. Right-of-Way Acquisition commenced concurrently with PS & E.*

4. Except as modified by this Amendment, the Agreement shall remain unchanged and is in full force and effect.

5. The terms and provisions of this Amendment are incorporated by reference into the Agreement as though set forth in full therein.

6. This Amendment may be executed in any number of counterparts with the same effect as if the parties had all signed the same document, and which together shall constitute one and the same instrument.

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IN WITNESS WHEREOF, this Amendment #1 has been executed hereto as of the day and year written above.

CITY OF MODESTO
A municipal corporation

STANISLAUS COUNCIL OF
GOVERNMENTS ACTING AS THE LOCAL
TRANSPORTATION AUTHORITY

By: _____
Name: Joseph P. Lopez
Title: City Manager

By: _____
Name: Jeramy Young
Title: Chair

ATTEST

ATTEST

By: _____
Name: Stephanie Lopez
Title: City Clerk

By: _____
Name: Rosa De León Park
Title: Executive Director

APPROVED AS TO FORM

APPROVED AS TO FORM

By: _____
Name: Adam U. Lindgren
Title: City Attorney

By: _____
Name: Monica J. Streeter
Title: General Counsel

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-438**

RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET IN THE AMOUNT OF \$85,611,834 FOR THE CONSTRUCTION PHASE OF PROJECT #101119 AND \$6,613,800 FOR THE PS&E AND ROW PHASES OF THE PROJECT #100614 FOR STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY – PHASE 1 PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the purpose of the State Route (SR) 132 West Freeway/Expressway - Phase 1 Project (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, Phase 1 of the project is approximately four miles in length and will allow for construction of the ultimate multi-lane freeway. The City is primarily responsible for the implementation of Phase 1 of the project, and

WHEREAS, on July 24, 2019, the City of Modesto requested an amendment to the existing cooperative agreement to increase the reimbursement for the Plans, Specifications and Estimate (PS&E) and Right of Way (ROW) phases of the Project by \$4.4M to a maximum of \$14.4M, and

WHEREAS, on July 24, 2019, the City of Modesto requested a new cooperative agreement for the construction phase of the Project in the amount of \$31.8M, and

WHEREAS, on September 18, 2019 the StanCOG Policy Board approved an amendment to the existing Cooperative Agreement for the PS&E and ROW phases and the new Cooperative Agreement for the construction phase of the Project, and

WHEREAS, the Project is supported by a complex matrix of funding elements including a combination of local, Regional Measure L, State and Federal sources, and

WHEREAS, the PS&E and ROW phases of the Project will be housed under project #100614 – SR 132 West Expressway, and

WHEREAS, a budget adjustment in the amount of \$6,613,800 is necessary to fully fund the PS&E and ROW phases for project #100614 as outlined in **Exhibit A**, and

WHEREAS, the construction phase of the Project will be housed under project #101119 – SR 132 West Expressway Construction, and

WHEREAS, a budget adjustment in the amount of \$85,611,834 is necessary to fully fund the construction phase for project #101119 as outlined in **Exhibit A**, and

WHEREAS, this funding is essential to support the PS&E, ROW and Construction phases of the Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2019-2020 Capital Improvement Program (CIP) Budget in the amount of \$85,611,834 for the construction phase of the project #101119 and \$6,613,800 for the PS&E and ROW phases of the project #100614 for State Route 132 West Freeway/Expressway - Phase 1 Project.

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 in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Ah You, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

Funding Matrix for SR-132 - 9/4/2019

Fund Source	Phase of Work	PE	ROW	CON	TOTAL	Total by fund source	Requesting budget adjustment at 9/24/19 council meeting	Project Number	Notes
Stanislaus County Federal Regional Surface Transportation Funds (Federal)	PE				\$ -				This amount is currently shown on the E-76 as Advance Construction. Results of August redistribution won't be known until mid-September. The worst case scenario is that the County will pay with PFF if August redistribution is unsuccessful.
	ROW				\$ -	\$ 4,135,000	\$ 4,135,000	101119	
	CON			\$ 4,135,000	\$ 4,135,000				
Tiger Grant (Federal)	PE				\$ -				Already approved and budgeted in #101119
	ROW				\$ -	\$ 9,000,000	\$ 9,000,000		
	CON			\$ 9,000,000	\$ 9,000,000				
Demonstration Funds (Federal)	PE				\$ -				\$3,395,081 approved and budgeted in #100614 \$3,357,834 is approved as shown on E-76 but not yet budgeted
	ROW		\$ 3,395,081		\$ 3,395,081	\$ 6,752,915	\$ 3,357,834	101119	
	CON			\$ 3,357,834	\$ 3,357,834				
Earmark Repurposing	PE				\$ -				Approved as shown on E-76. Not yet budgeted
	ROW		\$ 132,800		\$ 132,800	\$ 132,800	\$ 132,800	100614	
	CON				\$ -				
City of Modesto Federal Regional Surface Transportation Funds (Federal)	PE				\$ -				This amount is currently shown on the E-76 as Advance Construction. Results of August redistribution won't be known until mid-September. The worst case scenario is that the City will pay with CFF if August redistribution is unsuccessful
	ROW		\$ 2,081,000		\$ 2,081,000	\$ 2,081,000	\$ 2,081,000	100614	
	CON				\$ -				
State SB1-Trade Corridor Enhancement Grant	PE				\$ -				Already approved and budgeted in #101119
	ROW				\$ -	\$ 21,000,000	\$ 21,000,000		
	CON			\$ 21,000,000	\$ 21,000,000				
State Regional Improvement Program	PE				\$ -				Approved at June 2019 CTC meeting but not yet budgeted \$500,000 already budgeted in #100614
	ROW		\$ 500,000		\$ 500,000	\$ 40,919,000	\$ 40,419,000	101119	
	CON			\$ 40,419,000	\$ 40,419,000				
State Regional Improvement Program Kern COG Fund Swap	PE				\$ -				Approved at June 2019 CTC meeting but not yet budgeted
	ROW				\$ -	\$ 3,500,000	\$ 3,500,000	101119	
	CON			\$ 3,500,000	\$ 3,500,000				
County-wide Transportation Sales Tax Measure L	PE	\$ 13,252,137			\$ 13,252,137				New StanCOG MOU for \$31.845M and amendment to StanCOG MOU for additional \$4.4M for PE & ROW. \$10M already budgeted in 100614
	ROW		\$ 1,147,863		\$ 1,147,863	\$ 46,200,000	\$ 31,800,000	101119	
	CON			\$ 31,800,000	\$ 31,800,000	\$ 4,400,000		100614	
City of Modesto Capital Facility Fees (CFF)	PE	\$ 600,000			\$ 600,000				Already approved and budgeted in #100614
	ROW		\$ 3,815,000		\$ 3,815,000	\$ 4,415,000			
	CON				\$ -				
SHOPP Caltrans	PE				\$ -				Approved at August 2019 CTC meeting but not yet budgeted
	ROW				\$ -	\$ 2,400,000	\$ 2,400,000	101119	
	CON			\$ 2,400,000	\$ 2,400,000				
Private Capital (Opportunity Stanislaus)	PE				\$ -				Will take this as separate item to Council in Oct or Nov. Don't need it yet.
	ROW				\$ -	\$ 25,000	\$ 25,000		
	CON			\$ 25,000	\$ 25,000				
City of Modesto Utility Funds	PE				\$ -				Already approved and budgeted in a separate CIP account housed in Utilities
	ROW				\$ -	\$ 1,600,000	\$ 1,600,000		
	CON			\$ 1,600,000	\$ 1,600,000				
Stanislaus County Local Funds Public Facility Fees (PFF)	PE				\$ -				Already approved and budgeted in #100614
	ROW		\$ 5,000,000		\$ 5,000,000	\$ 5,000,000			
	CON				\$ -				
							Totals:		
							Total budget adjustment for PS&E and ROW phases:	\$ 6,613,800	100614
							Total budget adjustment for Construction phase:	\$ 85,611,834	101119
							Grand total:	\$ 92,225,634	

not previously budgeted

previously budgeted

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-439**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT,
ACCEPTING THE BID AND AWARDING A CONTRACT TO BAY CITIES
PAVING & GRADING INC., OF CONCORD, CALIFORNIA, IN THE
AMOUNT OF \$92,054,078, AND AUTHORIZING THE CITY MANAGER, OR
HIS DESIGNEE TO EXECUTE THE AGREEMENT**

WHEREAS, the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue; and

WHEREAS, plans and specifications have been prepared for the State Route 132 West Freeway/Expressway – Phase 1 Project, and City staff recommends approval by the City Council, and

WHEREAS, On January 15, 2019, Caltrans approved final design plans for construction; and

WHEREAS, on June 14, 2019, Caltrans notified Staff that the City's Right of Way Certification submittal was approved, and

WHEREAS, on July 1, 2019, Caltrans notified Staff that Federal Highway Administration (FHWA) had approved the E-76 (funding authorization document) and cleared the Project to advertise for bids, and

WHEREAS, the Project was advertised for bids on July 2, 2019, and

WHEREAS, Bids were publicly opened on August 20, 2019 and Bay Cities Paving and Grading, Inc., of Concord, California was the apparent low bidder, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$92,054,078 received from Bay Cities Paving & Grading, Inc., of Concord, CA be accepted as the lowest responsible and responsive bid and the contract be awarded to Bay Cities Paving and Grading, Inc.

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 132 West Freeway/Expressway – Phase 1 Project, accepts the bid of Bay Cities Paving & Grading Inc., of Concord, California in the amount of \$92,054,078 , and awards Bay Cities Paving & Grading Inc. the contract 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 contract in a form approved by the City Attorney.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-440**

RESOLUTION AUTHORIZING THE INCREASE IN AUTHORITY TO APPROVE CHANGE ORDERS FOR THE CONSTRUCTION OF THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT TO \$9,205,408 (10% OF THE ORIGINAL CONTRACT AMOUNT) AND TO AUTHORIZE STAFF TO APPROVE INDIVIDUAL CHANGE ORDERS FOR THE PROJECT WITHIN THE REQUESTED AMOUNTS

WHEREAS, the State Route 132 West Freeway/Expressway Phase 1 Project (Project) bids were publicly opened on August 20, 2019, and Bay Cities Paving & Grading of Concord, California was the apparent low bidder with the amount of \$92,054,078, and

WHEREAS, City's Change Order Approval Policy 1.028 approved by Council per Resolution No. 2019-36, established a maximum contract change order amount of up to 6% of the construction contract for projects over \$10 Million, and

WHEREAS, Contingency amounts are by nature variable, and should be allocated and specific to each individual project in accordance with its own unique requirements. Contingencies are not a guarantee to the Contractor and are not cost overruns. They are a necessary element for all projects that accounts for uncertainties specific to the project construction. Contingencies allow staff to react and respond to changes efficiently and appropriately to meet the ever-changing demands of the project, and

WHEREAS, due to the size, complexity and speed of this Project, staff is requesting that this contingency amount be increased to 10% of the construction contract value or \$9,205,408 , and

WHEREAS, construction oversight of utility and transportation projects is normally provided by the Construction Administration Division within the Utilities

Department and City Policy establishes approval authority levels for various staff members within the Utilities Department. The specialized nature of Highway construction mandates a thorough knowledge of highway, bridge, drainage and Caltrans construction methods. Construction Management services for the Project are being provided by a consultant specialist (WSP) with oversight provided by the C&ED Department. Staff within C&EDD will maintain direct control over construction via this professional construction management team, and

WHEREAS, staff is requesting that the individual change order approval authorities included in the Policy be amended for this Project as follows:

Staff Person	Change order approval authority
Project Manager	Up to \$50,000
City Engineer	\$50,001 to \$100,000
Director of C&EDD	\$100,001 to \$250,000
City Manager or designee	Over \$250,000

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the increase in authority to approve change orders for the construction of the SR-132 West Freeway/Expressway Phase 1 Project to \$9,205,408 (10% of the original contract amount).

BE IT FURTHER RESOLVED that the Council of the City of Modesto authorizes staff to approve individual change orders for the Project within the following limits:

Staff Person	Change order approval authority
Project Manager	Up to \$50,000
City Engineer	\$50,001 to \$100,000
Director of C&EDD	\$100,001 to \$250,000
City Manager or designee	Over \$250,000

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM: -

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-441**

RESOLUTION APPROVING A THIRD AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH DOKKEN ENGINEERING, FOR PROFESSIONAL DESIGN SERVICES FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT BY \$1,363,210 FROM \$7,488,518 TO A TOTAL NOT TO EXCEED AMOUNT OF \$8,851,728, 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 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 May 2, 2017, by Resolution No. 2017-174, 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, Council approved a First Amendment to the agreement with Dokken 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, 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 July 10, 2019, Dokken Engineering submitted to the City a budget augmentation for additional tasks in the amount of \$1,363,210, for a total contract amount of \$8,851,728, and

WHEREAS, these additional needs are described by task as follows:

Task 30: REQUESTS FOR INFORMATION (Hourly)

Task 30.1: Respond to Requests for Information (RFI's)

Task 30.2: RFI Support for Sub-Consultants

Task 30.3: Site Visits to Address RFI's and Coordination

Task 31: REVIEW OF SHOP DRAWINGS (Hourly)

Task 31.1: Review Shop Drawings

Task 31.2: Review of Shop Drawings for Pump Station

Task 31.3: Review of Shop Drawings for Electrical and ITS

Task 31.4: Review of Shop Drawings for 54" Sewer, Landscape and Irrigation

Task 32: ENVIRONMENTAL CONSTRUCTION SUPPORT (Hourly)

Task 32.1: General Environmental Construction Support

Task 33: RELINQUISHMENT SUPPORT (Hourly)

Task 33.1: Plat Maps and Legal Descriptions for 4 Parcel Adjustments

Task 33.2: Relinquishment Support

Task 34: UTILITY SUPPORT (Hourly)

Task 34.1: Utility Support

Task 35: AS-BUILT PLAN PREPARATION (Hourly)

Task 35.1: Prepare As-Built Plans

WHEREAS, the City opened bids for the construction of State Route 132 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, Dokken Engineering completed the preliminary design and final design of the project satisfactorily, and

WHEREAS, as the City does not have the staffing level or subject matter expertise to provide design support during construction for the State Route 132 West Freeway/Expressway – Phase I Project, City staff recommends approving a Third Amendment with Dokken Engineering as this will allow for the design support during the construction period for the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Third Amendment increasing the agreement amount with Dokken Engineering, for professional design services for the State Route 132 West Freeway/Expressway - Phase 1 Project by \$1,363,210 from \$7,488,518 to a total not to exceed amount of \$8,851,728.

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

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-442**

RESOLUTION APPROVING THE CITY OF MODESTO'S CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR PROGRAM YEAR 2018-2019; 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, to receive these funds, the City must develop and adopt a Consolidated Plan every five years, and

WHEREAS, the Consolidated Plan 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), describes long-term strategies for meeting those needs, and addresses how the City will utilize CDBG, HOME and ESG funding, and

WHEREAS, in addition to the Consolidated Plan, the City must annually prepare and adopt an Annual Action Plan specifying the goals and priorities for that particular Program Year, and

WHEREAS, ninety (90) days after the conclusion of each Program Year, HUD requires the City to prepare and submit a Consolidated Annual Performance Evaluation Report (CAPER), and

WHEREAS, a CAPER describes how the City used its Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant

funds in a particular fiscal year to address the needs and priorities established in the Consolidated Plan, and

WHEREAS, a notice informing the public of the availability of the Program Year 2018-2019 CAPER, and the start of the public comment period, was published in the Modesto Bee and Vida en el Valle on September 4, 2019, and

WHEREAS, the public review comment period will close on September 24, 2019, and

WHEREAS, the Citizens' Housing and Community Development Committee (CH&CDC) considered the proposed CAPER on September 12, 2019, 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 24, 2019 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 authorizes approval of the 2018-2019 Consolidated Annual Performance Evaluation Report for the use of 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 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 in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Madrigal, 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: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-443**

**RESOLUTION DENYING THE APPEAL OF K&D ENTERPRISES TO A
REQUEST FOR BID (RFB 1718-50RB) DECISION AWARDING A SPOILS
SCREENING AND ROCK CRUSHING CONTRACT TO ROCK CRUSHING
SOLUTIONS INC. AND DJ ROCHA INC.**

WHEREAS, On June 13, 2019, the City staff sent the intent to award notices to all companies who submitted a proposal to inform them the bid would be awarded to Rock Crushing Solutions Inc. and DJ Rocha Inc., pending City Council's approval, and

WHEREAS, K&D Enterprises attempted to protest this bid award through the City's Purchasing Policies and Procedures by first protesting to the Purchasing Manager with their points of protest, and

WHEREAS, the protest was received in an untimely manner on July 3, 2019, which was beyond the ten (10) working day requirement to respond to an announced decision as stated in Section 1, Procedure No. 5, C-1 of the City's Purchasing Policies and Procedures, and

WHEREAS, the Purchasing Manager denied the protest via letter on July 19, 2019, and

WHEREAS, K&D Enterprises then appealed the Purchasing Manager's decision to the Deputy City Manager, as allowed by the City's Purchasing Policies and Procedures, on July 26, 2019, and

WHEREAS, the Deputy City Manager provided a denial of the appeal to K&D Enterprises on August 2, 2019, and

WHEREAS, K&D Enterprises has now exhausted their final right of appeal

by bringing forward a letter of appeal to the City Council protesting the award of RFB 1718-50RB to Rock Crushing Solutions Inc. and DJ Rocha Inc., and

WHEREAS, this letter has been presented to City Council along with the staff recommendations to deny the appeal from K&D Enterprises in accordance with the decisions provided by the Purchasing Manager and the Deputy City Manager.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies the appeal of K&D Enterprises protesting the Request for Bid (RFB 1718-50RB) decision that awards spoils screening and rock crushing contracts to Rock Crushing Solutions Inc. and DJ Rocha Inc..

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24th day of September, 2019, by Councilmember Ah You, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

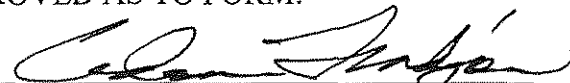
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-444**

**RESOLUTION APPROVING THE PAYMENT OF \$406,196 TO THE
AMERICAN TELEPHONE AND TELEGRAPH COMPANY (AT&T) FOR THE
PURPOSE OF RELOCATION OF EXISTING UTILITY INFRASTRUCTURE
THAT IS IN CONFLICT WITH HIGHWAY CONSTRUCTION FOR THE
STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT**

WHEREAS, the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue; and

WHEREAS, on September 24, 2019, the City awarded a construction contract for the Project to Bay Cities Paving and Grading, and

WHEREAS, construction will begin soon and utility relocation work began many months ago and will continue through the construction stage of the project, and

WHEREAS, some utilities were required to be moved prior to construction while others need to be coordinated with the various stages of construction, and

WHEREAS, relocation of the AT&T communication facilities is required so that bridges and walls can be constructed to support the installation of the Project roadway, and

WHEREAS, existing communication lines installed on power poles that run along Rosemore and Kansas Avenues are situated such that their presence will be in conflict with pile driving equipment necessary to construct bridge abutments and deep foundations. Therefore, for safety concerns as well as continuity of communication facilities, this work cannot commence until the lines are moved away from the area for foundation construction, and

WHEREAS, AT&T has provided a cost estimate of \$772,235.62 for the relocation work and a liability apportionment has been determined by Caltrans resulting in a Project obligation of \$406,195.94, and

WHEREAS, on October 10, 2017, by Resolution 2017-403, Council approved a Measure L Cooperative Agreement with StanCOG (StanCOG Cooperative Agreement) for the Plans, Specifications and Estimates Stage of Phase 1 of the State Route 132 Project, through which StanCOG has agreed to reimburse the City up to \$10 million for costs relating to the PS&E Phase of the Project; and

WHEREAS, included in the \$10 million StanCOG Cooperative Agreement is \$1,750,000 for utility relocation; and

WHEREAS, the StanCOG Cooperative Agreement was amended per StanCOG Resolution 18-34 reducing the amount of Measure L funding dedicated to Utility Relocation from \$1,750,000 to \$600,000, and the City of Modesto will be seeking reimbursement from StanCOG for \$238,000 of the \$406,195.94, and

WHEREAS, the remaining \$168,195.94 will be paid for from the various funding sources that are funding the construction phase of the Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the payment of \$406,195.94 to the American Telephone and Telegraph Company (AT&T) for the purpose of relocation of existing utility infrastructure that is in conflict with highway construction for the SR132 West Freeway/Expressway – Phase 1 Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-445**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR THE PURCHASE OF ROCK, SAND AND GRAVEL TO WEST COAST SAND & GRAVEL, MODESTO, CA, AS PRIMARY SUPPLIER, AND CALIFORNIA LANDSCAPE SUPPLY, CERES, CA AS THE SECONDARY SUPPLIER FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AND AUTHORIZING THE DIRECTOR OF FINANCE, OR DESIGNEE, TO ADJUST THE FINANCIAL AMOUNTS BETWEEN BOTH PROVIDERS WITHOUT EXCEEDING THE ESTIMATED ANNUAL COST NOT TO EXCEED \$606,000, AND A TOTAL COST NOT TO EXCEED \$3,030,000 OVER FIVE YEARS AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENTS.

WHEREAS, various departments utilize aggregate base, cut back, fractured rock, hydro patch, concrete mix, ¾" crushed rock, 3/8" crushed rock, drain rock, concrete sand, cobblestone, and track out rock for city related construction projects, and

WHEREAS, the Water Services Division utilizes aggregate base, crushed rock, and sand for infrastructure maintenance, capital improvement projects, backfilling and compacting holes, emergency repairs, and water meter line repairs, and

WHEREAS, commix and base rock is utilized for providing compaction and water absorption for saturated holes, and

WHEREAS, the Modesto Police Department utilizes sand and dirt to create berms in order to capture bullets, and

WHEREAS, when the bullets are mined out, some dirt and sand will need to be replaced, and

WHEREAS, the Modesto Police Department utilizes crushed rock and road base to compact their road, and

WHEREAS, the Public Works Department, Compost Operations has an ongoing project for storage site grading and compaction that requires 1500 tons of base rock, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of rock, sand and gravel, and

WHEREAS, the Purchasing Division issued RFB No. 1819-62 for the purchase of rock, sand and gravel to six prospective bidders, and posted the RFB on the City's website, and

WHEREAS, bids were formally opened in the City Clerk's Office. Three companies chose to respond, one of which was a local company, and,

WHEREAS, all three companies responding provided responsive and responsible bids, and

WHEREAS, based on providing lowest responsive and responsible bids, City staff recommends the award of bids for the purchase of rock, sand and gravel to West Coast Sand & Gravel, Modesto CA and California Landscape Supply, Ceres CA for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$606,000 and an estimated combined cost not to exceed \$3,030,000 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. The award of bids for the purchase of rock, sand and gravel to West Coast Sand and Gravel, Modesto CA and California Landscape Supply, Ceres 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 authorizes the award of bids award of bids for Citywide use for the purchase of rock, sand and gravel to West Coast Sand and Gravel, Modesto CA and

California Landscape Supply, Ceres CA for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$606,000 and an estimated combined cost not to exceed \$3,030,000 over five (5) years.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to adjust the financial amounts between the two providers, without exceeding the estimated combined annual cost of \$606,000.

BE IT FURTHER RESOLVED that the Purchasing Manager, 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 1st day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

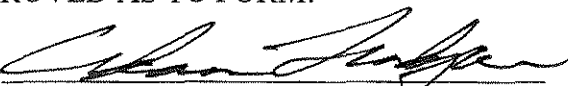
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-446**

**RESOLUTION APPROVING THE 2018-2019 WRITE-OFF AND
ADJUSTMENTS REPORTS THROUGH FISCAL YEAR END JUNE 30, 2019 IN
THE TOTAL AMOUNT OF \$1,101,988 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 2018-2019 and as such all available collection remedies have been exhausted: (1) Utilities Accounts - \$336,294, (2) Miscellaneous Receivables - \$181,044, (3) Parking Citations - \$484,223, (4) Business License - \$15,909 and

WHEREAS, for the write off amount in excess of \$25,000 for \$84,518, Section 2-3.406 of Article 4 of Title 2 of the Municipal Code requires the City Manager to report the accounts to the City Council with his recommendation,

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 \$1,101,988, and approve a report of disposition be filled with the City Clerk,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-447**

RESOLUTION CLAIMING FISCAL YEAR 2018-2019 UNCLAIMED FUNDS OF \$28,037 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 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 \$28,037 in Fiscal Year 2018-2019 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 1st day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-448**

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE LA LOMA NEIGHBORHOOD ASSOCIATION AND MODESTO NEIGHBORHOODS, INC. REGARDING THE DESIGN AND CONSTRUCTION OF THE EAST LA LOMA PARK PLAYGROUND PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU IN A FORM APPROVED BY THE CITY ATTORNEY

WHEREAS, the City of Modesto launched an initiative in 1999, known as the Park Partners Program, to formalize the City's efforts to respond to specific community requests to add to or improve park infrastructure needs, and

WHEREAS, the community benefits of the Park Partners Program are Building community ownership and utilization of parks, development of community leadership, expediting redevelopment and modernization of park facilities, and increasing community input in the design and development of parks, and

WHEREAS, the community organizers of the project are responsible, with staff assistance, to provide financial resources and volunteer labor that is necessary to complete these community driven projects, and

WHEREAS, in 2016 the East La Loma Park playground equipment was removed because it was deemed unsafe by the Parks Operations Division due to the condition and age, and

WHEREAS, in 2017, the La Loma Neighborhood Association (LLNA) approached the City to discuss their desire to assist in the replacement of the playground equipment at East La Loma Park, and

WHEREAS, the LLNA, working as a member of Modesto Neighborhoods, Inc. (MNI) organized the community to design and fund the playground project through fundraising efforts and the City's Park Partner's program, and

WHEREAS, the City and Council have expressed a desire to create strong public/private partnerships through which both the City's and the partner's investment value can be leveraged for a greater community impact, and

WHEREAS, the LLNA and MNI are both very effective partners and are capable of fulfilling their responsibilities in this effort to replace the East La Loma Park playground equipment.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding with the La Loma Neighborhood Association and Modesto Neighborhoods, Inc. regarding the design and construction of the East La Loma Park Playground Project.

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 1st day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-449**

**RESOLUTION APPROVING THE MODESTO TOURISM MARKETING
DISTRICT OWNERS' ASSOCIATION AGREEMENT AND AUTHORIZING
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, in accordance with Property Business Improvement District Law of 1994, and by Resolution No. 2019-311, Council created the Modesto Tourism Marketing District (MTMD), and

WHEREAS, the Modesto Convention and Visitor's Bureau (CVB) was designated as the Owners' Association, and

WHEREAS, Streets and Highways Code Section 36651 requires the City to contract with the Owners' Association for the provision of MTMD services, and

WHEREAS, the agreement term shall be the last date signed by all Parties and end on June 30, 2024, or if the MTMD is disestablished prior to June 30, 2024, the effective date of the MTMD disestablishment, and

WHEREAS, the CVB will provide marketing and promotional programs intended to increase hotel room night sales at all hotels paying the MTMD assessment as set for in the MTMD Management District Plan, and

WHEREAS, the City shall pass through to the CVB on or before the 15th day of the month following the reporting period in which the MTMD assessment funds are received by the City a total of 99.25% of the MTMD assessment funds collected, and

WHEREAS, the City shall retain the remaining 0.75% for collection and administration costs as detailed in the MTMD Management District Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Modesto Tourism Marketing District Owners' Association Agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the agreement 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 1st day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None


ABSENT: Councilmembers: Ridenour

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-450**

RESOLUTION APPROVING AN INCREASE IN THE AUTHORITY THAT MAY BE SPENT UNDER THE AGREEMENT WITH FONG & FONG PRINTERS AND LITHOGRAPHERS, FOR THE PRINTING OF THE MODESTO AREA EXPRESS RIDE GUIDE BY \$42,000 FROM \$121,725 TO A NEW TOTAL NOT TO EXCEED AMOUNT OF \$163,725 THROUGH THE REMAINDER OF THE FIVE YEAR CONTRACT ENDING ON AUGUST 31, 2020

WHEREAS, on September 1, 2015, by Resolution 2015-322, Council approved an agreement with Fong & Fong Printers and Lithographers for the printing of the Modesto Area Express (MAX) ride guide, and

WHEREAS, the MAX ride guide shows routes and timetables for all MAX routes, provides the fare schedule, and other helpful information to make it easy to understand the bus system, and

WHEREAS, the agreement with Fong & Fong Printers and Lithographers was based on an estimated annual total of \$24,345, and

WHEREAS, the system has needed to print more than estimated due to higher demand for the ride guide than expected in 2015, and

WHEREAS, the Transit Division printed 35,000 ride guides for the July 2019 route changes, and anticipates another printing for January and July 2020, and

WHEREAS, the total not to exceed amount of this current five year agreement will be \$163,725, and

WHEREAS, this work is funded by the Transportation Development Act (TDA) as part of the annual budget process, 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. This agreement followed the formal bid procedures and the pricing is still valid for the remainder of the original term of the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase in the authority that may be spent under the agreement with Fong & Fong Printers and Lithographers, for the printing of the Modesto Area Express ride guide by \$42,000 from \$121,725 to a new total not to exceed amount of \$163,725 through the remainder of the five year contract ending on August 31, 2020.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-451**

RESOLUTION APPROVING THE SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH AVAIL TECHNOLOGIES, INC., STATE COLLEGE, PA, FOR SPARE CELLULAR MODEMS AND MOBILE DATA TERMINALS UTILIZED IN THE MODESTO AREA EXPRESS FLEET, BY \$7,897 FROM \$342,794 TO A NEW TOTAL AMOUNT OF \$350,691, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City's fixed route transit system uses proprietary software and hardware from Avail Technologies, Inc. to dispatch and track buses, and

WHEREAS, as the system Avail system continues to operate to provide real-time information to MAX riders, system components will occasionally stop working as intended, and

WHEREAS, components are usually sent for repair; however, additional units are needed to keep the bus in operation, and

WHEREAS, this agreement provides two additional spare Sierra Wireless MP-70 modems and two additional spare mSlates which are the mobile data terminal used by Avail, and

WHEREAS, the modems and mSlates will be setup as "ready to use" with active cell data plan to be "plug and play" when needed as spares, and

WHEREAS, the original agreement approved by Resolution 2018-184 was for \$316,144, and

WHEREAS, this work is funded by the Transportation Development Act (TDA) as part of the annual budget 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, Modesto Municipal Code (MMC) Section 8-3.204(b) states one exception to the formal bid process is “Where the Purchasing Agency’s requirements can be met solely by a single article or process.” The sole source purchase of various software/hardware maintenance contracts available only from the original manufacturer conforms to the MMC.

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 Avail Technologies, Inc., State College, PA, for spare cellular modems and mobile data terminals utilized in the Modesto Area Express fleet, by \$7,897 from \$342,794 to a new total amount of \$350,691.

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 1st day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-452**

**RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(601).**

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by J.B. Anderson Land Use Planning on January 17, 2017, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(601) to allow for a 49 unit apartment complex comprised of 5 three-story buildings and 1 two-story building, property located on 2.25 acres at 1432 and 1442 Scenic Drive, described as follows:

R-1 to P-D(601)

BEGINNING at the Southeast corner of the Northwest Quarter of the Northwest Quarter of said Section 27, said point of commencement also being the Southeast corner of that parcel of land conveyed to Raymond Frank Rifenburg, et al by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on July 27, 1984 as Instrument No. 4717; thence North 89° 41' 36" West along the South line of the Northwest Quarter of the Northwest Quarter of Section 27 and the South line of said Rifenburg Parcel a distance of 64.69 feet to the Southwest corner of said Rifenburg Parcel; thence continuing North 89° 41' 36" West along said South line of the Northwest Quarter of the Northwest Quarter of Section 27 a distance of 261.81 feet to the Southeast corner of that parcel of land conveyed to Timothy McClary by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on March 6, 1988 as Document No 20820; thence North 15° 56' 36" West along the Easterly line of said McClary Parcel a distance of 130.64 feet to the Southwest corner of that parcel of land conveyed to Kevin McMiller, et ux, by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on May 11, 2006 as Document No. 70621; thence North 69° 14' 21" East along the South line of said McMiller Parcel a distance of 64.91 feet to the Southeast corner thereof; thence North 15° 56' 36" West along the East line of said McMiller Parcel, a distance of 164.5 feet to a point at the South Right-of-Way Line of Scenic Drive; thence North 69° 14' 21" East along the South Right-of-Way line of Scenic Drive a distance of 215.54 feet to the Northwest corner of that parcel of land conveyed to Raymond Frank Rifenburg, et al by Correction Deed filed in the Office of the Recorder of the County of Stanislaus on January 29, 2008 as Instrument No. 8833; thence South 15° 56' 36" East a distance of 129.58 feet to the Southwest corner of said Rifenburg Parcel; thence North 76° 51' 22"

East a distance of 60.21 feet to the Southeast corner of said Rifenburg Parcel; thence South 10° 28' 17" East along the East line of that parcel of land conveyed to Raymond Frank Rifenburg, et al by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on August 21, 2007 as Instrument No. 107249, a distance of 37.98 feet to the northeast corner of that parcel of land conveyed to Raymond Frank Rifenburg, et al by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on July 27, 1984 as Instrument No. 4717, thence continuing South 10° 28' 17" East along the east line of said Rifenburg Parcel a distance of 236.21 feet to the Southeast corner of said Rifenburg Parcel and the Point of Beginning.

Also including the Southern half of the Right-of-Way of Scenic Drive, being immediately adjacent to the above description.

Containing 2.25 acres, more or less.

APNs 034-015-013, -014, -015 and -017.

WHEREAS, after a public hearing held on August 19, 2019, 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. 2019-24, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the proposed development will conform to City standards, the requested zone change will result in an orderly planned use of land because the conditions of approval will ensure that the proposed project is compatible with the adjacent residential uses, and there are other apartment complexes located near this section of Scenic Drive in close proximity to the proposed development, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the proposed change to Planned Development allowing for new multi-family residential uses is consistent with the Modesto Urban Area General Plan, which designates the property as Residential (R), which allows for multi-family residential uses, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 1, 2019, 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 J.B. Anderson Land Use Planning for a Planned Development Zone 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. 2019-24 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3705-C.S. on the 1st day of October, 2019 , reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(601),

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(601), is hereby approved subject to the following conditions:
 1. Prior to the issuance of a building permit, all development shall conform to the Development Plan and building elevations titled "Scenic Village Apartments" stamped approved by the City Council.
 2. The developer will abide by second story review requirements to preserve the privacy of the northern adjacent property in ways such as installing windows on the second and third stories of the northern face of Building C that are fixed and obscure or clerestory.
 3. The developer shall erect a 7-foot high solid decorative masonry wall adjacent to R-1 Zones along the west property line (including that property line north of proposed Building C, bordering APN 034-015-009) and east property line, excluding that property line adjacent to Planned

Development P-D(434). Wall must be constructed prior to occupancy of any structure.

4. Screen landscaping shall be installed along the west and east property lines of the project site where adjacent to are existing residential lots, as approved by the Parks, Recreation and Neighborhoods, prior to certificate of occupancy for the first building.
5. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors and finishes which are consistent or compatible with those used for the residential buildings, as approved by the Community and Economic Development Director or designee. Climbing vines shall be included in the landscape surrounding the trash enclosures to discourage tagging.
6. The design of light fixtures and their structural supports should be architecturally compatible with the main structures on the site. Light fixtures should be architecturally integrated into the design of a structure to the satisfaction of the Director of Community and Economic Development or designee.
7. Along pedestrian corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be used. Steps and ramps should be illuminated wherever possible, with built-in light fixtures to the satisfaction of the Director of Community and Economic Development or designee.
8. All signs shall comply with the sign requirements of the R-3 Zone.
9. Sizing of monument signs shall be in accordance to the requirements of the R-3 Zone. Placement of sign shall ensure clear line of sight for vehicles exiting the development.
10. Developer shall provide signage with appropriate landscaping for visibility and Clear Vision Triangles at Driveway entrances along Scenic Drive. Within the triangle, the area between tree (3) and eight (8) feet in height measured from top of curb adjacent to the front yard shall be clear.
11. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers and HVAC equipment shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development or designee. Equipment shall be placed underground or adequately screened through the use of landscaping or masonry walls.
12. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.

13. Construction drawings shall demonstrate that all building drainage gutters, down spouts, vents, etc. located on exterior walls, are be completely concealed from public view or designed to be architecturally compatible (decorative) with the exterior building design and color to the satisfaction of the Director of Community and Economic Development or designee.
14. Prior to occupancy of any structure, striping of parking stalls, aisles and driveways shall conform to the provisions of MMC Section 10-5.105, Parking Lot Design Standards.
15. 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 specification. Such improvements may include, but not be limited to curb and gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvements shall require an encroachment permit.
16. All new improvements, should they be necessary, shall be designed and constructed per City standards in accordance with City Code (Article 7-1.701). Such improvements will include, but not be limited to roadway, storm drainage, curb and 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 permit.
17. The proposed gated driveways shall be designed and improved to meet the requirements of the City Engineer or designee.
18. A master water meter is required at property line. The City will not maintain waterline on private property. Property owner will be responsible for maintenance, rehabilitation and replacement when required.
19. Developer shall submit estimated sewer demand calculations to confirm the 6 inch wastewater fly line in Scenic Drive has the capacity to serve the demands of this additional development with the improvement plans submittal for review and approval.
20. The developer must install and maintain a private, on site sewer pump to address the site grade elevation that is at a lower grade than Scenic Drive grade elevation.
21. Proposed project direct access to the public park will be subject to approval by the Parks, Recreation and Neighborhoods, Parks Planning and Development Division.
22. Developer must develop project in compliance with the City of Modesto Second Story development Standards

23. Prior to issuance of a building or encroachment permit, ten-foot-wide public utility easements shall be dedicated along the frontage of Scenic Drive.
24. Developer must submit drainage concept and calculations with plan review for the increased storm water runoff. Also the developer must submit a soils boring report that will indicate the water table level near the river which will determine the French drain design and function in wet years and long term.
25. The Developer shall build the project to meet current Fire Code regulations at the time of building permit submittal. Applicable requirements could include, but not be limited to, the installation of hydrants, sprinklers and Knox Boxes on any vehicle access gates.
26. The project shall manage storm water runoff on-site according to current City standards. Calculations and percolation test shall be submitted to the City for review and approval with the submittal of the improvement plans, prior to issuance of a building permit.
27. 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.
28. 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 run-off on site, and incorporate pervious landscape features into the project design wherever possible.
29. 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.
30. 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. Floor of enclosures shall be graded to drain into adjacent landscape areas.
31. 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.
32. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall obtain coverage for project under the State Water

Resources Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ.

33. The Construction General Permit requires the Property Owner to develop a Stormwater Pollution Prevention Plan (SWPPP) for the project. The SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement. Prior to issuance of a Grading, Demolition, or Building Permit, provide one paper copy of SWPPP to Land Development Engineering, Stormwater.
34. Prior to issuance of a building permit, applicant shall submit Landscape and Irrigation plans for review and approval by the City's Parks Planning and Development Division. L&I plans shall meet current State of California water use requirements, MMC requirements and City of Modesto standards at time of submittal.
35. Developer shall provide street trees along Scenic Drive. Tree(s) shall be spaced thirty five (35') feet on center and located within seven feet (7') of the sidewalk or curb. Existing trees to remain to the satisfaction of the Parks Planning and Development Manager or designee.
36. Parking lot shade trees shall be provided per MMC requirements; 1 shade tree per 8 stalls, continuous and intermitted stall locations, within seven feet of stalls (50% coverage within 10 years).
37. Developer shall install a separate landscape water meter.
38. LID control and treatment measures shall be vegetated for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Provide total square feet of landscape in project information.
39. 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 or designee.
40. 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.

41. Prior to issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development or designee.
42. Prior to Certificate of Occupancy for any structure, the applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department.
43. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
44. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
45. 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.
46. 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.
47. 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.

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that shall be applied to the project:

48. 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.

49. 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.
50. Reduce PM10 emissions from City-maintained roads to the maximum extent feasible.
51. 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.
52. Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads.
53. 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.
54. Wet all exterior surfaces of buildings that are more than six stories tall during demolition.
55. 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.
56. 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.)
57. 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.
58. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday.
59. Prevent carryout and trackout for any site with 150 or more vehicle trips per day.
60. Limit traffic speeds on unpaved roads to 15 mph.
61. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

62. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site.
63. Install wind breaks at windward side(s) of construction areas.
64. Suspend excavation and grading activity when winds exceed 20 mph (regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit).
65. Limit the area subject to excavation, grading, and other construction activity at any one time.
66. 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:
 - i. Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
 - ii. Require impact tools to be equipped with shrouds or shields;
 - iii. Require that the quietest equipment available be used; and,
 - iv. Require selection of haul routes that affect the fewest number of people.
67. 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.

68. 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)).

- 69. 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.
- 70. 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.
- 71. 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.

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(601):

The entire construction program be accomplished in one phase, construction to begin on or before October 1, 2024, and completion to be not later than October 1, 2026.

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(601), 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 October 1, 2019, 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 1st day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour


ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: 
Community & Economic Development Department
Planning Division

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-453**

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 SECTION 27-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL (R-1) TO PLANNED DEVELOPMENT ZONE P-D(601), PROPERTIES LOCATED AT 1432 AND 1442 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, J.B. Anderson Land Use Planning and Scenic Village Apartments, LLC, has proposed an amendment to Section 27-3-9 of the Zoning Map to rezone from Low Density Residential (R-1) to Planned Development Zone P-D(601) properties located at 1432 and 1442 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 2017-11 (“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 September 11, 2019, 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 October 1, 2019, 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 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.
6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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 1st day of October, 2019, by Councilmember Ah You, 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: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2017-11

City of Modesto

**Finding of Conformance with the
Urban Area General Plan Master EIR
(SCH No. 2014042081)**

**Initial Study Environmental Checklist
C&ED No. 2017-11**

For the proposed:

**Rezone of 1432 and 1442 Scenic Drive
from Low Density Residential (R-1)
to Planned Development P-D(601)**

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

July 31, 2019

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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 Scenic Village Apartments Residential Rezone to Planned Development 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: Scenic Village Apartments Planned Development
- B. Address or Location: 1432 and 1442 Scenic Drive
- C. Applicant: John Anderson Land Use Planning
- D. City Contact Person:

Project Manager: Jonnie Lan, AICP
Department: Community and Economic Development Department, Planning Division
Phone Number: 209.577.5267
E-mail address: jlan@modestogov.com

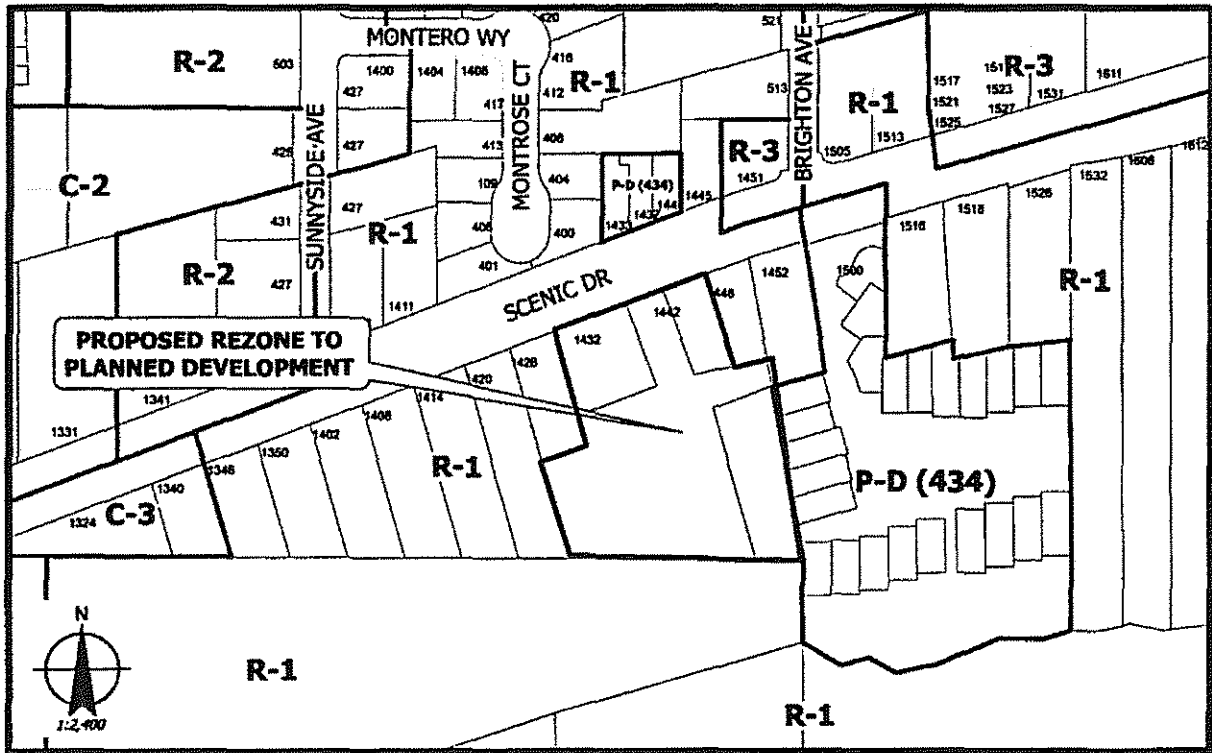
- E. Current General Plan Designation(s): Residential (R)
- F. Current Zoning Classification(s): Low Density Residential (R-1)
- G. Surrounding Land Uses:
 - North: Low Density Residential (R-1) and P-D (551) A Residential Planned Development
 - South: Monterosso Park, Low Density Residential

East: Low Density Residential (R-1) and P-D (434) A Residential Planned Development
 West: Low Density Residential (R-1)

- 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):

Rezone four parcels for a total of 2.25 acres from Low Density Residential (R-1) to Planned Development 601 (P-D(601)) allowing the construction of a 49 unit apartment complex at an overall density of 21.77 dwelling units per acre. This will consist of five 3 story residential buildings and one 2 story residential building, landscaping and parking.

PROPOSED PROJECT AREA



- I. Other Public Agencies Whose Approval is Required: None

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

1. **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:

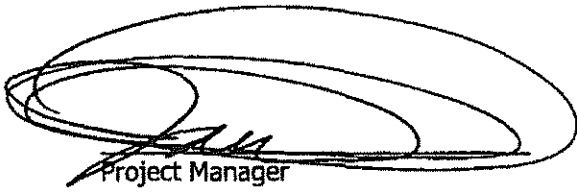
- A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;
- B. No new or additional mitigation measures or alternatives are required;
- C. The subsequent 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,
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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,
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.



Project Manager

Associate Planner
Title

7/31/19
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 not negatively affect adjacent roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at better than an LOS C, 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 not 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-1-9 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 are included in 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.C 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is a rezone of four parcels totaling 2.25 acres. It will have no effect on the circulation system. Scenic has an average peak hour trips of 3100 cars. This new complex will increase the morning peak hour trips by .73% and the evening peak hour trips by .92%. It will increase the number of trips on Scenic Drive by an average of 100 per day. This does not increase vehicle trips above what is assumed in the adopted Master EIR.
- (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. It is a rezone of the four properties that is in line with the zoning of nearby properties.
- (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 (PM₁₀) 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, PM₁₀, 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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) For a project located within an airport land use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 the new units on 1432 and 1442 Scenic Drive 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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 residential 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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 plant 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. Based on the Biologic Assessment by Moore Biological Consultants it has been determined that the property has been moderately disturbed and lacks suitable habitat to support special status species. No special status wildlife species are expected to occur in or near the site on more than a very occasional or transitory basis and on the day of survey there were no Swainson's hawk nesting sites observed.
- (3) The proposed project will have no effect on riparian habitat or other sensitive natural community identified in local or regional plans. No potentially jurisdictional Waters of the U.S. or wetlands were observed in the site and the project will not involve work in the Dry Creek riparian corridor south of the site.
- (4) The proposed project will have no effect on wetlands. It is infill residential development. No wetlands exist on the site and the project will not result in impacts to any federally regulated wetlands, riparian corridors or other sensitive habitats.
- (5) The proposed project will have no effect on native resident or migratory fish or wildlife species since the project will not involve work in the Dry Creek riparian corridor, which is south of the site.

- (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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would involve the removal of known significant resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. Though buildings more than 50 years old exist on the project site, it has been determined that none of those building are local landmarks or have any local, state or federal 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. The local tribes were given an opportunity to review the project and declined to do so.

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				
1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would place housing within a 100-year flood hazard area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) For a project located within an airport land use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 within two miles of the Modesto City-County Airport and is within the Airport Influence Boundary Referral Area 1. The project site is not within a Noise Impact Zone, Runway Protection Zone, Approach/Departure Zone, Inner Turning Zone, Outer Approach/Departure Zone or Sideline Zone, but the project site is within Zone 6, the Traffic Pattern Zone. Based on the Stanislaus County Airport Land Use Compatibility Plan, Zone 6 is the least likely to have a safety event within the Airport Influence Boundary Referral Area 1.
- (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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would result in energy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would substantially degrade views from riverside areas and parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project will be consistent 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. 2019-454**

**RESOLUTION ACCEPTING THE 2019 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 2016 and 2018, 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 2019 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 1st day of October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Zoslocki,
Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Madrigal, Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-455**

**RESOLUTION APPROVING A STATE OF CALIFORNIA SENATE BILL 2
PLANNING GRANT APPLICATION IN THE AMOUNT OF \$625,000 FOR THE
PURPOSE OF FUNDING VARIOUS HOUSING-RELATED PROJECTS AND
AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO FILE THE
GRANT APPLICATION**

WHEREAS, the issues and problems associated with the on-going housing crises in the San Joaquin Valley and across the State and Nation are serious, well-documented and pervasive, and

WHEREAS, the State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability (NOFA) dated March 28, 2019, for its Planning Grants Program (PGP), and

WHEREAS, the Department is authorized to provide up to \$123 Million under the Senate Bill 2 PGP from the Building Homes and Jobs Trust Fund for assistance to cities and counties for related projects, and

WHEREAS, the City of Modesto desires to submit a project application for the PGP to accelerate the production of housing and will submit a 2019 PGP grant application as described in the NOFA and PGP Guidelines provided by the Department, and

WHEREAS, a public meeting was held on October 1st, 2019, at the Modesto City Hall, in the basement Council Chambers, located at 1010 10th Street, Modesto, California, at which time and place Modesto's 2019 PGP grant application submittal was considered by the Modesto City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto's application for funding, in the amount of \$625,000, from the State of California Senate Bill 2 Planning Grants Program, and

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents, agreements, MOUs and other documentation needed to carry out the business of the State of California SB2 Planning Grants Program on behalf of the City of Modesto, 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 1st day of October, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

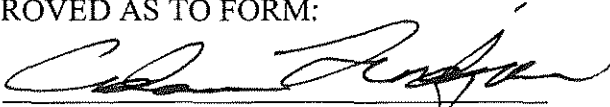
NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-456**

**RESOLUTION AMENDING FISCAL YEAR 2019-20 ANNUAL OPERATING
AND CAPITAL IMPROVEMENT PROGRAM BUDGETS**

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 2019-20.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2019-20 Annual Operating and Capital Improvement budgets 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 8th day of October, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2019-20

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment in the amount of \$994,000 is necessary to increase the expense budget in the capital project # 101209 – Public Facilities Improvements South MLK S&R Water Mains in the Capital Grants – HUD CIP Projects Fund (3170) and establish a transfer from the Water Fund (4100) in the amount of \$519,000 and from the Grants – CDBG Direct Program Fund (1130) in the amount of \$500,000, for a total transfer of \$1,019,000 to the project. A \$25,000 expense budget adjustment has already been processed under the Budget Manager’s authority for the project, which is why this adjustment is requesting \$994,000 bringing the total expense budget to \$1,019,000. This project will replace existing water mains around South Martin Luther King Boulevard near Mellis Park. The existing water mains in this area are old 2”- 4” undersized galvanized steel mains which are prone to leaking and low pressures. The project will replace water lines in the alleys for the following streets: Vine Street, Spruce Street, Walnut Street, Ruberto Street, Ash Street and Leon Avenue. It is expected that the project will be fully complete by April 30, 2020 to meet CDBG and HUD requirements.
- A budget adjustment in the amount of \$420,448 is needed for the below CFD Funds to accurately reflect the special tax levy revenue for FY19-20.

<u>Fund</u>	<u>Account Name</u>	<u>Current Budget</u>	<u>Revised Budget</u>	<u>Adjustment</u>
3200 - Village One CFD	Special Assessments - Annual Maintenance Tax	\$700,000	\$850,000	\$150,000
3210 - Kiernan Business Park West CFD	Special Assessments	\$45,000	\$50,000	\$5,000
3212 - Kiernan Business Park East#2 CFD	Special Assessments - Annual Maintenance Tax	\$100,000	\$112,842	\$12,842
3215 - The Vintage CFD	Special Assessments - Annual Maintenance Tax	\$0	\$153,606	\$153,606
3235 - North Beyer #2 CFD	Special Assessments - Annual Maintenance Tax	\$95,000	\$90,000	(\$5,000)
3240 - Fairview Village CFD	Special Assessments - Annual Maintenance Tax	\$205,000	\$195,000	(\$10,000)
3245 - Fairview Village CFD - 2014 Debt Service Fund	Special Assessments - Annual Special Tax	\$315,000	\$300,000	(\$15,000)
3265 - NorthPointe CFD Special Revenue Fund	Special Assessments - Annual Maintenance Tax	\$61,000	\$60,000	(\$1,000)
3270 - Carver/Bangs Palmdale/Snyder CFD	Special Assessments - Annual Maintenance Tax	\$100,000	\$85,000	(\$15,000)
3275 - Coffee/Clarina CFD	Special Assessments - Annual Maintenance Tax	\$60,000	\$135,000	\$75,000
3280 - Village One #2 CFD	Special Assessments - Annual Maintenance Tax	\$700,000	\$850,000	\$150,000
3284 - Village One #2 CFD - 2014 Debt Service Fund	Special Assessments - Annual Special Tax	\$1,980,000	\$1,900,000	(\$80,000)
Total		\$4,361,000	\$4,781,448	\$420,448

COMMUNITY & ECONOMIC DEVELOPMENT – MEASURE L

- A budget adjustment in the amount of \$131,563 is necessary to increase the transfer out from Fund 1410 – Measure L Traffic Management category to Project #101040 – Orville Wright Elementary Traffic Flow and Safety Improvements, Fund 3300 – Measure L – Capital Projects and allocate the amount to the projects discretionary expense budget. There is additional revenue available from the Measure L Traffic Management category that will be used on this project to extend the project construction limits and install traffic calming devices at key locations.

- A budget adjustment in the amount of \$100,000 is necessary to increase the transfer out from Fund 1410 – Measure L Traffic Management category to Project #101089 – Tully Road Safety Improvements, Fund 3300 – Measure L – Capital Projects and allocate the amount to the projects discretionary expense budget. There is additional revenue available from the Measure L Traffic Management category that will be used on this project to complete additional concrete work and install signal poles.
- A budget adjustment in the amount of \$180,200 is necessary to increase the transfer out from Fund 1410 – Measure L Bike & Pedestrian category to Project #101180 – Dry Creek Trail Phase II, Fund 3300 – Measure L – Capital Projects and allocate the amount to the projects discretionary expense budget. There is additional revenue available from the Measure L Bike and Pedestrian category that will be used on this project to extend the project construction limits.

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 correct prior year transactions and to reimburse the Fleet Replacement Fund (5409) for vehicle purchases that had been made as required by fund accounting rules in FY 19-20. 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	\$2,288
4009	Parking Fleet Replacement Fund	\$8,310
4109	Water Fleet Replacement Fund	\$182,103
4219	Wastewater Fleet Replacement Fund	\$18,654
4319	Airport Fleet Replacement Fund	\$19,139
4899	Solid Waste Fleet Replacement Fund	\$477,746
5410	GF Equipment Replacement	\$261,423
Total Transfer Outs		\$969,663
5409	Transfer In – Fleet Management Fleet Replacement	\$969,663
Total Transfer Ins		\$969,663

A budget adjustment is necessary to establish a transfer in the amount of \$2,288 from Surface Transportation Fleet Replacement Fund 1709 to Fleet Replacement Fund 5409 for purchases made in FY 14/15: (2) Sales Tax Vehicle Purchase.

A budget adjustment is necessary to establish a transfer in the amount of \$8,310 from Parking Fleet Replacement Fund 4009 to Fleet Replacement Fund 5409 for purchases made in FY 12/13: (1) Trailer.

A budget adjustment is necessary to establish a transfer in the amount of \$182,103 from Water Fleet Replacement Fund 4109 to Fleet Replacement Fund 5409 for purchases made in FY 14/15: (1) Water Truck.

A budget adjustment is necessary to establish a transfer in the amount of \$18,654 from Wastewater Fleet Replacement Fund 4219 to Fleet Replacement Fund 5409 for purchases made in FY 14/15 and 17/18: (3) Sales Tax on Vehicle Purchases and (1) SUV.

A budget adjustment is necessary to establish a transfer in the amount of \$19,139 from Airport Fleet Replacement Fund 4319 to Fleet Replacement Fund 5409 for purchases made in FY 13/14: (1) Power Stroke Plus Airless Striper.

A budget adjustment is necessary to establish a transfer in the amount of \$477,746 from Solid Waste Fleet Replacement Fund 4899 to Fleet Replacement Fund 5409 for purchases made in FY 14/15, 17/19 and 18/19: (1) Stump Grinder, (1) Rear spray bar, (1) Truck 33.0 with aerial bucket and (1) Engine for horizontal grinder.

A budget adjustment is necessary to establish a transfer in the amount of \$261,423 from General Fund (GF) Fleet Replacement Fund 5410 to Fleet Replacement Fund 5409 for purchases made in FY13/14, FY14/15, and FY17/18: (1) Truck ½ Full Size (1) Ball Field Conditioner, (3) Sedan, (2) SUV, (3) Sales Tax on Vehicle Purchases, and (27) Computer and docking stations for various fleet.

- A budget adjustment in the amount of \$136,523 is necessary to reduce the Interfund Charges – Service Credit labor charges revenue account for the Fleet Management Fund (5400) and Services City Forces-Interfund/Non-Labor expense accounts in the Fleet Management Fleet Replacement Fund (5409). The reduction in revenue and expense accounts in both funds are related to the removal of FY 19-20 Direct Charge Agreements. The agreements were established and will no longer be used for the fiscal year.

MODESTO POLICE DEPARTMENT

- A budget adjustment is being made to create a new project (101203) for the 2020 OTS Pedestrian & Bike Safety Program grant, awarded to the Modesto Police Department in the amount of \$60,000. This is to also program revenues and offsetting expenses, as per the approved grant program categories of the expenditure and as contained in the grant contract for Grant Award # PS20013, in the amount of \$60,000.

UTILITIES

- A budget adjustment in the amount of \$1,685,000 is necessary to establish capital project # 101210 – Tank 5 Recoat and Repairs in the Water CIP Fund (4180). This project will provide funding for removal and replacement of the existing interior and exterior coating (epoxy liner) of Tank 5 in order to prevent corrosion of the steel water tank walls. Based on 2018 inspection report, minor repairs will be required on the interior and exterior of the tank. Other repairs to the tanks include the exterior ladder, manways, vents, inlets and should there be items that have been damaged due to corrosion, other minor repairs will be made.

- A budget adjustment in the amount of \$4,119,000 is necessary to establish capital project # 101211 – Tank 12 Recoat and Repairs in the Water CIP Fund (4180). This project will provide funding for removal and replacement of the existing interior and exterior coating (epoxy liner) of Tank 12 in order to prevent corrosion of the steel water tank walls. Based on 2018 inspection report, minor repairs will be required on the interior and exterior of the tank. Other repairs to the tanks include the exterior ladder, manways, vents, inlets and should there be items that have been damaged due to corrosion, other minor repairs will be made.
- A budget adjustment in the amount of \$110,000 is necessary to establish capital project # 101212 – Riverdale Park Water System in the Water CIP Fund (4180). This is phase 1 of the Riverdale Park Tract Community SRF project where City staff will be reviewing the project plans and putting the project out to bid.
- A budget adjustment in the amount of \$1,155,000 is necessary to establish capital project # 101213 – Sunrise Water Mains in the Water CIP Fund (4180). The project will rehabilitate the water main on Sunrise Avenue from Fairmont Avenue to E. Orangeburg Avenue. The water main on Sunrise is old steel undersized which is prone to leaks and low pressure. The project will replace the existing system with City Standard water mains, valves and hydrants to improve system reliability, flows and pressures.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-457**

RESOLUTION APPROVING A PURCHASE ORDER FOR SERVICES BASED ON TIME AND MATERIALS WITH APPLICATIONS SOFTWARE TECHNOLOGY, LLC (AST) FOR THE IMPLEMENTATION OF ENHANCEMENTS TO THE INVENTORY AND MOBILE SUPPLY CHAIN APPLICATIONS (MSCA) MODULES IN THE AMOUNT OF \$66,600 PLUS \$6,660 FOR CONTINGENCY (IF NEEDED), FOR A TOTAL AMOUNT OF \$73,260 AND AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, on November 21, 2016, the City of Modesto made an organizational decision to close the City Central Stores and have a more decentralized approach to storing of inventory/bulk goods that were used across City operating departments, and

WHEREAS, this process was not efficient or effective and departments were dealing with multiple issues related to securing needed parts/bulk goods that adversely impacted operations, and

WHEREAS, for the City to successfully reinstate Central Stores and maintain an inventory system, the Oracle ERP system needs to have its Inventory and MSCA modules upgraded, and

WHEREAS, staff has worked with Applications Software Technology, LLC (AST) to create a Statement of Work (SOW) which is provided in **Attachment A** that details a plan to upgrade the City's Inventory and MSCA modules, and

WHEREAS, the Oracle Inventory and Mobile Supply Chain Application will allow the City to track in real-time the receipting and issuance of all City inventory items, 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, 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.”; with utilizing the services of AST, they have the institutional knowledge of the City’s setup which includes customizations which were initially setup in the Inventory and MSCA modules, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase order for services based on time and materials with Applications Software Technology, LLC (AST) for the implementation of enhancements to the Inventory and Mobile Supply Chain Applications (MSCA) modules in the amount of \$66,600 plus \$6,660 for contingency (if needed), for a total amount of \$73,260.

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to execute 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 8th day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Statement of Work

Oracle E-Business Suite

MSCA and Inventory Objects Upgrade

City of Modesto

Author: AST LLC
Version: 4.0
Release Date: 8/20/2019

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1. Introduction

1.1 Purpose

The purpose of this Statement of Work (SOW) document is to provide a description of the scope of work, to assist City of Modesto in completing a selected set of inventory related identified optimizations/ upgrades as recommended due to the reopening of a warehouse and the use of MSCA to do inventory transactions

1.2 Background

AST completed an upgrade of the Oracle E-Business Suite (EBS) Applications 2017. Some of the MSCA custom objects were not upgraded as they were not being used due to the close down of the warehouse

The City is seeking functional and the technical consulting required to complete the implementation of these services as documented in the subsequent sections. The city shall provide the project and program management oversight necessary for the project.

1.3 Current Environment

The City currently handles Inventory applications on Oracle EBS, Release 12.2.6

2. Scope of Work

This SOW document contains all elements of work needed to complete a Time and Material project to implement the enhancements for the inventory and MSCA module (hereinafter referred to as the Project).

2.1 Scope of Work

The scope of work for the upgrade of the MSCA module includes the following tasks.

- 1) Add a new location within the same inventory org and provide training guides on how to create a new location.
- 2) Provide best practices for business processes related to managing multiple locations such as but not limited to transferring inventory items between locations and pulling reports to monitor inventory stock and balances by locations.
- 3) With the implementation of Oracle Catalog Blanket Agreements, provide business process on how to complete the process for the purchase of inventory from these agreements and any other processes that should be evaluated associated with this setup
- 4) Provide overview of Purchasing processes related to Stores on how to purchase, receipt and return goods through Purchasing.
- 5) Test and Upgrade Mark-up customization in Oracle Inventory
- 6) Provide overview of Oracle inventory setup for the City related to how the inventory value is determined and billed to City departments (current setup based on Average cost)
- 7) Upgrade and Test Oracle Inventory application in 12.2+
- 8) Upgrade and Test Oracle Mobile application (MSCA or apps) for doing Misc. Issue/Receipts and receiving on the handheld devices and provide training guides on how to utilize the Oracle Mobile application
- 9) Assist the City in evaluating the out of box oracle seeded functionality of Oracle Inventory mobile apps for iPad/iPhone for performing receiving, Misc. issue and receipts.
- 10) Currently there are customization in MSCA to enable DFF's for Requestor, Project, Task, Expenditure and Organization (POET). These customizations will be upgraded and tested.
- 11) Upgrade and Test Customization to populate charge account for POET in both handheld devices and oracle inventory application.
- 12) Train users on the Stores Process including functionality of Cycle count and Physical Inventory in the application and provide User Guides.
- 13) The custom report to print Misc. Issuance/Receipts needs to be upgraded and tested
- 14) Verify all Discoverer and Oracle application reports which pull Inventory data are upgraded and tested.
- 15) The customization to automatically print Misc. Issuance/Receipt report from the handheld MSCA device needs to be upgraded and tested
- 16) To install new patches as required to deploy for the Mobile Applications and apps.
- 17) Address the sales tax issue when printing Purchase Orders.

The technical scope of work includes the following tasks

1. Configure Mobile Devices or ipads with Oracle Stores Smartphone Apps with SSH
2. Verify Software Server Connection and functionality
3. Verify Label Printer Connection and functionality
4. Upgrade and compile Project Misc Issue against Charge Account PLSQL Procedure
5. Upgrade and compile Project Misc Receipt against Charge Account PLSQL Procedure
6. Upgrade and compile Inventory Misc Issue against Charge Account PLSQL Procedure
7. Upgrade and compile Inventory Misc Receipt against Charge Account PLSQL Procedure
8. Upgrade and compile Print Receipt Report PLSQL Procedure
9. Provide Technical Documentations relating to the Upgrade/Changes

3. Assumptions

For the successful execution of the project, the cooperation, support and interaction with City project team members will be valuable to the AST personnel working on the project.

The following assumptions have been made in estimating the cost and time-line of the project as presented in this document:

3.1 Scope and Objectives Assumptions

1. The scope and schedule are fixed. Any change in scope or schedule will result in additional fees. Additional fees due to scope changes will be charged at the rate included within this SOW.
2. AST and the City are committed to executing the project based upon the agreed upon timeline. Any changes to project scope, timeline, approach or resources will be subject to a formal Change Control process and may result in an increase to project costs and/or a change to the schedule.
3. Work will only commence after formal approval of the statement of work and/or after the issuance of a PO or Notice to Proceed.
4. AST functional consultants will be on-site approximately 20% of the time and will perform other work remotely. One of the on-site visits must be on the City's go-live date.
5. AST technical consultants will work remotely.
6. AST will honor all holidays honored by AST or the City, although with concurrence, may choose to work on holidays and weekends.

4. Rate Card

AST shall provide the scoped services based on the schedule listed above on using the below rate card and estimated hours

4.1 Summary of Costs

The following table provides a summary of all project costs by resource

Resource Type	Projected Number of Hours	Hourly Billing Rate	Total
Functional Lead Inventory - Onshore	120	\$165	\$ 19,800
Technical Consultant - Offshore	400	\$50	\$ 20,000
Functional Inventory Consultant - Offshore	320	\$50	\$ 16,000
Database Administrator - Offshore	80	\$50	\$ 4,000
Technical Consultant for report changes -	40	\$50	\$ 2,000
Estimated Travel for Onshore Resources @ \$1600 per visit			\$4,800
Total			\$ 66,600

4.2 Deliverables, Payment Milestones & Costs

The services for this project will be invoiced on a Time and Material basis and will be billed monthly

4.3 Payment Terms

AST shall invoice the City based on the milestone and deliverables listed above.
All invoices shall have payment terms of Net 30 days.

5. Role Definitions

Resource Type	Site	Responsibilities
Functional Lead Inventory - Onshore	Onshore	Responsible for overall solution and will be onsite for the ser testing and production deployment
Technical Consultant - Offshore	Offshore- India	Responsible for migrating and upgrading the custom objects and working with the Offshore functional team on unit testing
Functional Inventory Consultant - Offshore	Offshore- India	Responsible for testing the custom objects and working with the Offshore technical team on unit testing
Database Administrator - Offshore	Offshore- India	Responsible for applying the needed patch set for enabling mobile applications and any other patches needed

6. APPROVALS

AST and the City agree to perform the scope of work in accordance with the conditions within this Statement of Work.

IN WITNESS WHEREOF, the Parties hereto have executed this SOW as of the date set forth below, and represent that each signatory has authority to execute the SOW on behalf of the City and AST, respectively.

Prasad Nettem, Vice President (AST)

Date

DeAnna Christensen, City of Modesto

Date

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-458**

RESOLUTION APPROVING THE AWARD OF BID AND SERVICE AGREEMENT FOR THE PAINTING OF WATER WELL AND TANK SITES TO HB RESTORATION OF RIO LINDA, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$79,500 OVER THE FIRST TWO YEARS, AND A TOTAL AMOUNT ACCOUNTING FOR POTENTIAL CPI INCREASES, NOT TO EXCEED \$423,500 OVER FIVE YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto operates and maintains 102 water well sites and thirteen (13) storage tank sites located in and around Modesto, Salida, Turlock, Grayson, Del Rio, Ceres and Empire, and

WHEREAS, the Water Services Division's painting program identifies and prioritizes the painting of well and tank sites and estimates painting 6 (six) well sites and one (1) tank site for each contract year, and

WHEREAS, on September 25, 2018, Council approved Resolution No. 2018-417, rejecting all bids received to Request for Bid No. 1718-59 for the painting of water well and tank sites, and

WHEREAS, the staff needed to amend the original Scope of Service to ensure a more competitive process and eliminate ambiguity, and

WHEREAS, on February 19, 2019, the Purchasing Division issued RFB No. 1718-59RB for the painting of water well and tank sites, and

WHEREAS, on March 19, 2019, bids were formally opened in the City Clerk's office; Ten companies chose to respond, three of which were local vendors; and

WHEREAS, seven companies provided responsive and responsible bids, and three companies were deemed non-responsive, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of the painting of water well and tank sites to HB Restoration, Rio Linda, CA for an estimated annual cost not to exceed \$79,500, 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 RFB No. 1718-59RB conforms with this MMC, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid and service agreement for the painting of water well and tank sites to HB Restoration of Rio Linda, CA, for a two-year agreement with three one-year extension options, for an estimated annual cost not to exceed \$79,500 over the first two years, and a total amount accounting for potential CPI increases, not to exceed \$423,500 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 8th day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-459**

RESOLUTION APPROVING AN AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH EAST BAY MUNICIPAL UTILITY DISTRICT, OAKLAND, CA, FOR THE DISPOSAL OF GRAY WATER BY \$72,387 FROM \$489,038 TO A NEW TOTAL AMOUNT OF \$561,425; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto operates a water treatment facility in the community of Grayson, and

WHEREAS, this treatment facility provides safe and reliable drinking water for the residents of the community, and

WHEREAS, as part of the water treatment process, a waste brine is generated that needs to be disposed of on an as-needed basis. Brine waste has been delivered to East Bay Municipal Utility District (EBMUD) since initial operations of this treatment plant in 2007. Modesto's wastewater treatment permit does not allow the disposal of this brine waste at its facility, and

WHEREAS, on June 11, 2019, by Resolution No. 2019-266, Council approved a sole source agreement with EBMUD for the disposal of gray water for a two-year agreement with three one-year extension options, for an annual cost not to exceed \$66,150 for the first year of service, with annual increases of \$0.01 per gallon annually over the five year period and 15% contingency funds for potential increases, for a total not to exceed \$489,037 over five years, and

WHEREAS, on July 22, 2019, staff received notification from EBMUD that based on the sample testing results for Total Dissolved Solids (TDS) taken on August 2018 and March 2019, the TDS level was at 140,000 mg/L. TDS measures the salt (brine) concentration in mg/L of the brine wastewater. Therefore, the City will be

changing from category that is for TDS levels of 50,000 to 100,000 mg/L at a rate of 6 cents/gallon, into the >100,000 mg/L TDS category at 9 cents/gallon, and

WHEREAS, staff does not anticipate TDS levels will decrease, and

WHEREAS, staff is requesting an increase of \$72,387 to the Agreement for a new Agreement total not to exceed \$561,425 over the five-year agreement. This is an amendment to rates based on that previously authorized sole source agreement on June 11, 2019, by Resolution No. 2019-266. Per Finance Policy and Procedures, staff reached out to other vendors and established that EBMUD is the only licensed facility in the surrounding area that can accept disposal of non-hazardous brine, and

WHEREAS, per MMC 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. Per MMC Section 8-3.204(c), the Purchasing Manager has the authority to recognize the department's current situation as an exigent circumstance. Acting within the scope of this authority, the Purchasing Manager recommends staff be allowed to increase spending authority under this previously approved sole source purchase agreement to \$561,425 in accordance with MMC Section 8-3.204(c), ensuring the City provides safe and reliable drinking water for the residents of Grayson and that services are not interrupted, and

WHEREAS, due to the TDS level exceeding 100,000 mg/L, the City has been notified by EBMUD of an increase in the disposal rate from \$0.06 to \$0.09 per gallon with projected rate increase to \$0.10 per gallon in Year 2 and to \$0.11 per gallon in Year 4. Below is a chart of estimated projected costs with the increased rates through the end of Agreement No. 162136 in 2024.

Year	# Loads / Annually	Gallons / Truckload	Disposal Price/Gal.	Projected 5 Year Cost Approved by Council 6/11/19	Price Increase Disposal Price/Gal.	New Total Projected 5 Year Cost	Increase Requested
Year 1	150	6,300	\$0.07	\$66,150.00	\$0.09	\$85,050.00	\$18,900.00
Year 2	150	6,300	\$0.08	\$75,600.00	\$0.10	\$94,500.00	\$18,900.00
Year 3	150	6,300	\$0.09	\$85,050.00	\$0.10	\$94,500.00	\$9,450.00
Year 4	150	6,300	\$0.10	\$94,500.00	\$0.11	\$103,950.00	\$9,450.00
Year 5	150	6,300	\$0.11	\$103,950.00	\$0.11	\$103,950.00	\$0.00
Total				\$425,250.00		\$481,950.00	\$56,700.00
15% Contingency Funds for Potential Increase				\$63,787.50		\$72,292.50	\$8,505.00
Two invoiced late bills charged on new Agreement						\$7,182.00	\$7,182.00
5-Year Estimated Needs				\$489,037.50		\$561,424.50	\$72,387.00

Funds are budgeted in Water Fund Professional Services 4100-45050-53300.

WHEREAS, this item was considered by the Finance Committee at the September 23, 2019 meeting and was recommended to forward to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment increasing the agreement amount with East Bay Municipal Utility District, Oakland, CA, for the disposal of gray water by \$72,387 from \$489,038 to a new total amount of \$561,425.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-460**

**RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION
FOR STATE REVOLVING FUND PROGRAM ON BEHALF OF THE
RIVERDALE PARK TRACT COMMUNITY SERVICES DISTRICT FOR
WATER SYSTEM IMPROVEMENTS.**

WHEREAS, the Riverdale Community is located on the south side of the Tuolumne River, west of Carpenter Road and north of West Hatch Road and consists of approximately 178 developed parcels, and

WHEREAS, in April 1992, the City signed a Mutual Aid Agreement with the Riverdale Park Tract Community Services District (RPTCSD or District) for an emergency water service connection, as well as other services, as a short-term back-up water supply to their independent single-well water system in the event they lose water supply capability, and

WHEREAS, the City provides an emergency water supply connection via an 8-inch PVC pipe to the system on West Hatch Rd east of Carpenter Rd and includes a meter by which water delivery is measured for billing at Modesto's industrial water rate, and

WHEREAS, Riverdale's well has had Uranium contaminant concerns, which on occasion, has exceeded the Maximum Contaminant Level (MCL) and in February 2016, the Stanislaus County Department of Environmental Resources (DER) issued a Compliance Order to the District for exceeding the MCL for Uranium for an extended period of time of more than four quarters, and

WHEREAS, in 2016, the District requested assistance from Self-Help Enterprises (SHE), a non-profit disadvantaged community assistance firm, who through use of a State

Technical Assistance Grant, conducted a Feasibility Study (Study) to explore water supply solution alternatives as part of an overall Corrective Action Plan for the community's long-term water supply sustainability, and

WHEREAS, in Autumn of 2018, staff initiated an hydraulic modeling effort with the City's water modeling consultant, West Yost Associates, to identify the specific Capital Improvement Project's (CIP) that would need to be moved forward to serve Riverdale in the near future in the City's buildout expectation, and

WHEREAS, the existing 8-inch water main in West Hatch Road, west of Carpenter Road needs to be upsized to 12-inch, and all 4-inch and 6-inch mains within the Riverdale service area need to be upsized to 8-inch, and

WHEREAS, other water assets also would be brought up to City Standards as required for the City to take possession of the water system, and

WHEREAS, the State agrees to provide State Revolving Fund (SRF) Grant Funding to reimburse 100% for all the necessary water system improvements including new pipes, meters, fire hydrants, etc., and

WHEREAS, as the lead applicant for an SRF Grant, the City will be required to enter into a Grant Agreement with the State to receive the funding, and

WHEREAS, this will be part of a consolidation plan and agreement for project construction funding, and

WHEREAS, the City will need to provide the necessary up-front funding and then be reimbursed 100%, including staff time from SRF funds, and

WHEREAS, SHE will provide SRF grant writing services for the City on behalf of the District using State Technical Assistance funding directly to SHE, and

WHEREAS, the State requires an Authorization action from the Council to validate approval to submit a grant application, and

WHEREAS, authorization allows the State to assign necessary staff to start the application process, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authorizing the submittal of a grant application for State Revolving Fund Program on behalf of the Riverdale Park Tract Community Services District for water system improvements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-461**

RESOLUTION APPROVING A COST SHARING AGREEMENT WITH THE CITY OF TURLOCK IN AN AMOUNT NOT TO EXCEED \$357,450 TO FUND EXPENSES ASSOCIATED WITH THE ROAD SECTION IMPROVEMENTS ON JENNINGS ROAD FROM WEST MAIN STREET TO WEST MONTE VISTA AVENUE AS PART OF THE TURLOCK NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Turlock has initiated the Turlock North Valley Regional Recycled Water Program (NVRWP) Project and has contracted with Ranger Pipeline, Inc. (Contractor), for the construction of said project, and

WHEREAS, as part of the Turlock NVRWP Project, large diameter pipe will be installed along Jennings Road, resulting in road section improvements of the southbound lane (west side) from West Main Street to West Monte Vista Avenue, and

WHEREAS, the City has jurisdiction and maintenance responsibility of Jennings Road from West Main Street to West Taylor Road, and

WHEREAS, considering the condition of the existing road section along Jennings Road, staff have determined that it would be in the City's best interest to construct road section improvements to the northbound lane (east side) of Jennings Road as well, providing a fully improved road section from West Main Street to West Monte Vista Avenue, and

WHEREAS, the City of Turlock has presented the cost proposal to the City of Modesto and has agreed to issue a change order for said work whereby the City of Turlock will cover the contract portion amount for the southbound lane and the City of Modesto would cover the additional amount for the change order work on the northbound lane, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authorizing a cost sharing agreement with the City of Turlock in an amount not to exceed \$357,450 to fund expenses associated with the road section improvements on Jennings Road from West Main Street to West Monte Vista Avenue as part of the Turlock North Valley Regional Recycled Water Program.

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 October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-462**

RESOLUTION AMENDING THE FISCAL YEAR 2019-20 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$357,450 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE ROAD SECTION IMPROVEMENTS ON JENNINGS ROAD FROM WEST MAIN STREET TO WEST MONTE VISTA AVENUE AS PART OF THE TURLOCK NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM

WHEREAS, certain budgetary transactions are necessary in the amount of \$357,450, in order to fund construction, contingency, construction administration, and design support during construction for the road section improvements on Jennings Road from West Main Street to West Monte Vista Avenue as part of the Turlock North Valley Regional Recycled Water Program, and

WHEREAS, the Fiscal Year 2019-2020 Capital Improvement Program Budget must be amended, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2019-2020 Capital Improvement Program Budget as shown in **Exhibit A, attached** hereto.

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 1st day of October 2019, by Councilmember ?, who moved its adoption, which motion being duly seconded by Councilmember ?, was upon roll call carried and the resolution adopted by the following vote:

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-463**

**RESOLUTION ADOPTING THE CITYWIDE 5-YEAR STRATEGIC PLAN, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO CARRY OUT
THE NECESSARY STEPS TO ACHIEVE THE PRIORITIES IDENTIFIED IN
THE STRATEGIC PLAN**

WHEREAS, a strategic planning process is an organization's process by which it ensures that its resources and priorities reflect the priorities of the community and the City Council; and

WHEREAS, on October 5, 2018 the City entered into an agreement with Management Partners, Inc. to embark on the development of a new strategic plan; and

WHEREAS, the strategic planning process included meetings with the senior executive team, interviews with the Mayor and City 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, and citywide townhall meetings; and

WHEREAS, the City received feedback from approximately 223 individuals from across the city and received surveys from approximately 700 residents; and

WHEREAS, from these discussions and survey responses staff developed the following three priorities Quality of Life, Economic Vitality, Governance and Service Delivery, each of which have their associated goals and strategies that aim to achieve each priority.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Citywide 5-Year Strategic Plan, and the City Manager, or his designee, are hereby authorized to carry out the necessary steps to achieve the priorities identified in the strategic plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-464**

A RESOLUTION ADOPTING UPDATED PLANNING FEES, LAND DEVELOPMENT ENGINEERING FEES, THE CAPITAL FACILITIES FEES, AND ADOPTING MODIFIED CAPITAL FACILITIES FEES POLICIES AND PROCEDURES, AND AMENDING RESOLUTION 2013-177

WHEREAS, the City Council of the City of Modesto previously adopted Planning Fees and Land Development Engineering Fees applicable to certain approvals, permits and services provided by the City;

WHEREAS, the City of Modesto Capital Facilities Fees (“CFF”) Program was established in 1989 to mitigate the impacts of new development, and the City Council previously established CFF rates based on comprehensive nexus studies; and

WHEREAS, on March 22, 2011, the City Council, by Resolution No. 2011-105, established the nexus for fees imposed by each land use, said nexus and fees were later amended by Resolution No. 2013-177 on May 7, 2013; and

WHEREAS, the City Council desires to update currently established fees to cover inflation and City costs; and

WHEREAS, the City Council, by Resolution No. 2016-277, approved the reconvening of the Comprehensive Fees Task Force (the “Task Force”) and directed the Task Force be of eleven (11) citizen representatives and nine (9) City staff representatives to review all development related fees in the City of Modesto;

WHEREAS, the Task Force met once per month in order to review and make recommendations for all of the development fees in the City of Modesto and reviewed information regarding the fees of each divisions; and

WHEREAS, the Task Force made recommendations regarding changes to certain fees, including increases to ensure cost recovery by the City, and decreases of certain fees to include a subsidy by the City; and

WHEREAS, the Economic Development Committee reviewed the recommendations compiled by Task Force and recommended the City Council adopted those proposed changes;

WHEREAS, the proposed changes to the Planning Fees are included in **Attachment A**, and the proposed changes to the Land Development Engineering Fees are included in **Attachment B**; and

WHEREAS, the fees included in **Attachment A** and **Attachment B** do not exceed the reasonable costs to the City of providing the services provided therein; and

WHEREAS, the City incurs significant costs to obtain and maintain the software and technology necessary to provide the services of the Building Division, such as plan review services;

WHEREAS, the Task Force recommended the City adopt a five percent (5%) technology surcharge on all fees for services of Building Division ; and

WHEREAS, the five percent technology surcharge is less than or equal to a reasonable estimate of the cost of providing the technology used by the Building Division to provide the services for which the fee is charged and not otherwise recouped elsewhere;

WHEREAS, the Capital Facilities Fees Program imposed fees to mitigate the impacts of new development in the following categories: Streets, Police, Fire, General Government, Parks, Air Quality and Administration; and

WHEREAS, the following fees were established by Resolution No. 2013-177:

- The Streets CFF fund was established to accrue funds for arterial roadways, intersections, expressways, freeway interchanges and associated landscaping, and The Transit CFF fund was established to accrue funds for the expansion of the City's transit system including additional buses and their associated facilities.
- The Air Quality Mitigation 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.
- 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.
- The Fire CFF Fund was established to accrue funds for the construction of additional fire stations, fire vehicles, and a new training station.
- The Parks and Recreation CFF Fund was established to accrue funds for the development of additional regional parks, community centers, and neighborhood parks, and the expansion of the McClure museum.
- The General Government CFF Fund was established to accrue funds for the expansion of City Hall, expansion of the City's corporation yards, and technology expansions, and

WHEREAS, the Capital Facilities Fees Policies and Procedures were adopted on May 7, 2013 by Resolution No. 2013-117 to guide administration of the program; and

WHEREAS, the calculation of fees in the CFF Program currently assumes a level of 1.85 officers per 1,000 residents, but the Task Force recommend reducing this level to 1.2 officers per 1,000 residents to reflect historic staffing levels;

WHEREAS, the proposed revisions to the CFF Program includes an increase of 3.49%, which is equal to the percentage change in 2018-2019 in the San Francisco Bay Area Engineering News Record (ENR) Construction Cost Index through the proceeding December, which is a reasonable estimate of increased costs to carry out the work for which the CFF are imposed since the CFF Program fees were last updated; and

WHEREAS, the proposed Capital Facilities Fees are included in **attachment 3**;
and

WHEREAS, the City Council finds that there is a reasonable relationship between the updated Capital Facilities Fees use, as well as the need for the facilities and services funded by the Capital Facilities Fee, and the type of development project on which the fees are imposed;

WHEREAS, the City Council explicitly adopts and incorporates the findings regarding the CFF included in Resolution Nos. 2011-105 and Resolution No. 2013-177 on May 7, 2013 as if set forth herein in their entirety and applicable to the updated CFF established by this Resolution; and

WHEREAS, this Resolution is intended to amend resolution No. 2013-177; and

WHEREAS, the CFF Policies and Procedures create exemptions for certain qualifying affordable housing projects, and allow certain other projects to defer payment

of the CFF that would otherwise be due at the time a building permit is issued for the project; and

WHEREAS, the City Council wishes to amend the Capital Facilities Fees Policies and Procedures to eliminate certain administrative burdens, as shown in **Attachment 4**; and

WHEREAS, the City Council desires to authorize individual projects to request modified CFFs if it is determined, based on an appropriate trip generation study, that the project will generate a lower number of trips than the trip generation rates that were used as the basis for the current fee schedule; and

WHEREAS, the City Council also desires to authorize the City Manager to approve exemptions and deferrals that comply with the modified Capital Facilities Fees Policies and Procedures, and require further City Council approval only if an application for a deferral or exemption does not meet all requirements or is requesting a waiver of interest; and

WHEREAS, a public hearing has been noticed and held in accordance with Government Code Sections 6062a, 66016, 66017 and 66018.

WHEREAS, the City Council held a duly noticed public hearing pursuant to Government Code Sections 6062a, 66016, 66017 and 66018 on the proposed fees on October 8, 2019 at which time all interested parties had the opportunity to be heard;

WHEREAS, the City Council desires to adopt the proposed fees in order to serve the public interest and promote the health, safety and welfare of the residents of Modesto pursuant to Article XI, Section 7 of the California Constitution.

NOW, THEREFORE, the City Council of the City of Modesto does ordain as follows:

SECTION 1. RECITALS. The above recitals are true and correct, and are incorporated herein.

SECTION 2. ADOPTION OF FEES.

The City Council adopts the following fees:

- a. Updated Planning Fees, **attached** hereto as **Attachment A** and incorporated herein.
- b. Updated Land Development Engineering Fees, **attached** hereto as **Attachment B** and incorporated herein.
- c. A five percent (5%) technology surcharge on all fees charged for the services of the Building Division, as previously adopted by the City Council.
- c. Updated Capital Facilities Fees, **attached** hereto as **Attachment C** and incorporated herein.

SECTION 3. ADOPTION OF CFF POLICIES AND PROCEDURES.

The updated Capital Facilities Fees Policies and Procedures, **attached** hereto as **Attachment D** and incorporated herein, are adopted.

SECTION 4. AMENDMENT OF RESOLUTION 2013-177.

This Resolution is intended to amend Resolution 2013-177. The City Council readopts and incorporates the findings regarding the CFF included in Resolution No. 2013-177 as if set forth herein in their entirety and applicable to the updated CFF established by this Resolution.

SECTION 5. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. This City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Resolution be enforced.

SECTION 6. EFFECTIVE DATE. This Resolution shall go into effect and be in full force and operation from and after January 1, 2020.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

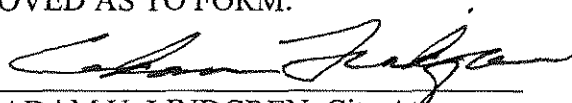
NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Draft Planning Fee Schedule

Application Type	Existing Fee	Proposed Fee	Difference	% Change
Zoning Actions				
P-D Zone	\$5,231	\$6,202	\$971	19%
P-D Amendment (Planning Commission approval)	\$4,394	\$4,999	\$605	14%
P-D Amendment (City Council approval)	\$5,231	\$6,202	\$971	19%
Rezone	\$3,550	\$3,577	\$27	1%
Prezone	\$3,550	\$3,577	\$27	1%
Development Agreement	T&M, \$5,000 deposit	T&M, \$5,000 deposit	n/a	
Development Agreement Amendment	\$4,108	\$4,091	-\$17	0%
Precise Plan/Precise Plan Amendment	\$5,231	\$6,202	\$971	19%
Area Plan	\$4,394	\$4,999	\$605	14%
Annexation	\$5,084	\$6,586	\$1,502	30%
Operating Agreement	n/a	T&M, \$10,000 deposit	n/a	
Minor Zoning Actions				
CUP with development	\$4,394	\$4,999	\$605	14%
CUP without development	\$1,990	\$2,381	\$391	20%
CUP, signs and cell facilities	\$1,620	\$1,750	\$130	8%
CUP in single-family dwelling ⁴	\$846	\$1,310	\$464	55%
Variance	\$2,155	\$2,381	\$226	10%
Variance for single-family dwelling ⁴	\$846	\$1,310	\$464	55%
Exception	\$2,155	\$2,381	\$226	10%
Development Plan Review ¹	\$2,899	\$3,252	\$353	12%
Development Plan Review, minor alteration ²	\$412	\$480	\$68	17%
Development Plan Review, minor residential ³	\$541	\$655	\$114	21%
Final Development Plan (Planning Commission approval)	\$4,394	\$4,999	\$605	14%
Final Development Plan, (Administrative approval)	\$2,899	\$3,252	\$353	12%
Minor Plan Revisions	\$412	\$480	\$68	17%
Land Division				
Tentative Subdivision Map	\$4,394	\$4,999	\$605	14%
Tentative Parcel Map	\$2,622	\$2,451	-\$171	-7%
General Plan/Specific Plan				
General Plan Amendment	\$5,231	\$6,202	\$971	19%
Specific Plan review	T&M, \$10,000 deposit	T&M, \$10,000 deposit	n/a	
Specific Plan Amendment (City Council approval)	\$5,231	\$6,202	\$971	19%
Specific Plan Amendment (administrative approval)	\$2,899	\$3,252	\$353	12%
General Plan Maintenance Recovery Fee	.26 / \$1,000 valuation	.55 / 1000 valuation	\$0.29	
Environmental Review				
Environmental Impact Report	T&M, \$10,000 deposit	T&M, \$10,000 deposit	n/a	
Mitigated Negative Declaration	T&M, \$5,000 deposit	T&M, \$5,000 deposit	n/a	
Negative Declaration	None	\$1,198	n/a	
Initial Study	\$325	\$487	\$162	50%
Landmark Preservation				
Mills Act	None	\$1,946	n/a	
Demolish or Designate Landmark	None	\$1,952	n/a	
Alter or Renovate Landmark	None	\$1,480	n/a	
Miscellaneous				
Street/Alley Abandonment	\$5,231	\$6,202	\$971	19%
Street/Alley Closure	None	\$6,202	n/a	
Time Extension (Planning Commission/BZA approval)	\$1,277	\$1,435	\$158	12%
Time Extension (Administrative approval)	\$105	\$134	\$29	28%
Director Determination (Administrative approval)	\$105	\$134	\$29	28%
Williamson Act Cancellation	\$1,962	\$2,912	\$950	48%
Appeals of Administrative Decisions ⁴	\$368	\$715	\$347	94%
Referral of Plans to Planning Commission/BZA	\$1,073	\$1,834	\$761	71%
Building Plan Check	\$75	\$97	\$22	29%
Address Change	\$112	\$164	\$52	46%
Parking Exception	None	\$2,381	n/a	
Zoning Verification Letter	\$57	\$38	-\$19	-33%

Fees in red indicate a new fee

1 Prior to adoption of Development Plan Review, projects would have required P-D zoning or CUP

2 Minor site plan or façade modifications, cellular facilities

3 Second-story review, large family daycare

4 Fee subsidized - reduced to cover costs of noticing, holding hearing, and City Attorney Fee

CITY OF MODESTO
Community and Economic Development Department
Land Development Engineering Division Fee Schedule
(209) 571-5569

Description	Effective	Effective	Per	Due at
	July 1, 2016 through June 30, 2017	July 1, 2017 through June 30, 2018		
Engineering Development				
Reversion to Average Check	\$947.00	\$947.00	Each	Time of Application
Final Parcel Map Check ³	\$1,704.00	\$1,704.00	Each	Time of Application
Final Subdivision Map Check ³				
First 10 Lots	\$2,735.00	\$2,735.00	Each	Time of Application
Each Additional Lot	\$23.00	\$23.00	Each	Time of Application
Improvement Plan Check**				
Cost Estimate - up to \$25,000	\$2,000.00	\$2,000.00	Deposit	Time of Application
Cost Estimate - \$25,001 - \$100,000	\$4,000.00	\$4,000.00	Deposit	Time of Application
Cost Estimate - \$100,001 - \$250,000	\$8,750.00	\$8,750.00	Deposit	Time of Application
Cost Estimate - \$250,001 - \$500,000	\$13,330.00	\$11,350.00	Deposit	Time of Application
Cost Estimate - \$500,001 - \$1,000,000	\$20,550.00	\$20,550.00	Deposit	Time of Application
Cost Estimate - over \$1,000,000 ¹⁴	\$20,550.00	\$20,550.00	Deposit	Time of Application
Plumbing - Residential Alterations¹⁵				
Cost Estimate - up to \$100,000	\$4,000.00	\$4,000.00	Deposit	Time of Application
Cost Estimate - \$100,001 - \$100,000	\$4,000.00	\$4,000.00	Deposit	Time of Application
Cost Estimate - \$100,001 - \$250,000	\$6,000.00	\$6,750.00	Deposit	Time of Application
Cost Estimate - \$250,001 - \$500,000	\$14,000.00	\$14,000.00	Deposit	Time of Application
Cost Estimate - \$500,001 - \$1,000,000	\$20,550.00	\$20,550.00	Deposit	Time of Application
Cost Estimate - over \$1,000,000 ¹⁴	\$20,550.00	\$20,550.00	Deposit	Time of Application
Drainage - Storm Drain Alterations¹⁶				
Cost Estimate - up to \$100,000	\$4,000.00	\$4,000.00	Deposit	Time of Application
Cost Estimate - \$100,001 - \$100,000	\$4,000.00	\$4,000.00	Deposit	Time of Application
Cost Estimate - \$100,001 - \$250,000	\$6,000.00	\$6,750.00	Deposit	Time of Application
Cost Estimate - \$250,001 - \$500,000	\$14,000.00	\$14,000.00	Deposit	Time of Application
Cost Estimate - \$500,001 - \$1,000,000	\$20,550.00	\$20,550.00	Deposit	Time of Application
Cost Estimate - over \$1,000,000 ¹⁴	\$20,550.00	\$20,550.00	Deposit	Time of Application
Property Owner's Association Document Check	\$369.00	\$369.00	Each	Time of Application
Certificate of Correction	\$316.00	\$316.00	Each	Time of Application
Easement/Summary Abandonment ¹	\$2,356.00	\$2,356.00	Each	Time of Application
Monument Deposit (refundable)	\$379.00	\$379.00	Monument	Permit Issuance
Management Reservations ²	\$273.00	\$273.00	Each	Permit Issuance
Legal Description Check ⁴	\$273.00	\$273.00	Each	Permit Issuance
Reciprocal Access Agreement Preparation	\$830.00	\$830.00	Each	Permit Issuance
Water Availability Analysis**	\$1,000.00	\$1,000.00	Deposit	Time of Application
Water and Wastewater Capacity Analysis**	\$1,000.00	\$1,000.00	Deposit	Time of Application
Reimbursement Agreements	\$1,946.00	\$1,946.00	Each	Permit Issuance
Will-Serve Letter ⁷	\$484.00	\$484.00	Each	Time of Application
Outside Service Agreement				
Cost Estimate - up to \$100,000	\$4,000.00	\$4,000.00	Deposit	Time of Application
Cost Estimate - \$100,001 - \$100,000	\$4,000.00	\$4,000.00	Deposit	Time of Application
Cost Estimate - \$100,001 - \$250,000	\$6,000.00	\$6,750.00	Deposit	Time of Application
Cost Estimate - \$250,001 - \$500,000	\$14,000.00	\$14,000.00	Deposit	Time of Application
Cost Estimate - \$500,001 - \$1,000,000	\$20,550.00	\$20,550.00	Deposit	Time of Application
Cost Estimate - over \$1,000,000 ¹⁴	\$20,550.00	\$20,550.00	Deposit	Time of Application
GIS Subdivision Mapping Fee	\$305.00	\$305.00	Each	Time of Application
As-Built Process Fee	\$178.00	\$178.00	Each	Time of Application
PUE and PE Decision ³	\$484.00	\$484.00	Each	Time of Application
Lot Line Adjustment	\$680.00	\$680.00	Application	Time of Application
Encroachment Permit^{4,5,6}				
Curb and Curb Cuts - Drive Approach (100 lf. max.) ⁵	\$231.00	\$231.00	lf.	Permit Issuance
Curb and Curb Cuts - Drive Approach (100 lf.) - Staking ⁶	\$5.00	\$5.00	lf.	Permit Issuance
Curb and Curb Cuts - Drive Approach (100 lf.) - Paving ^{6,7}	\$7.00	\$7.00	lf.	Permit Issuance

CITY OF MODESTO
Community and Economic Development Department
Land Development Engineering Division Fee Schedule
 (209) 571-5569

Description	Effective	Effective	Per	Date at
	July 1, 2016 through June 30, 2017	July 1, 2017 through June 30, 2018		
Sidewalk (< 100 L.F.) ¹	\$231.00	\$231.00	Lot	Permit Issuance
Sewer Service from Lot to Main ^{10,16}	\$84.00	\$84.00	Each	Permit Issuance
Sewer Main (50 L.F.) ^{10,11}	\$84.00	\$84.00	Each	Permit Issuance
Sewer Main (50 L.F.) - Paving ^{6,7}	\$7.00	\$7.00	Lf.	Permit Issuance
Utilities - Major Construction ^{6,10,12}	\$84.00	\$84.00	Each	Permit Issuance
Utilities - Major Construction - Paving ^{6,7}	\$7.00	\$7.00	Lf.	Permit Issuance
Utilities - Service and Repair ¹²	\$273.00	\$273.00	Each	Permit Issuance
Utilities - Service and Repair - Paving ^{6,7}	\$7.00	\$7.00	Lf.	Permit Issuance
Utilities - MID, Service and Repair	\$189.00	\$189.00	Each	Permit Issuance
Temporary Street/Right-of-Way Closures	\$306.00	\$306.00	Day	Permit Issuance
Rockwells or Storm Drain Connectors ¹⁸	\$84.00	\$84.00	Each	Permit Issuance
Street Construction ¹⁹	\$84.00	\$84.00	Each	Permit Issuance
Miscellaneous Improvements ^{10,23}	\$84.00	\$84.00	Each	Permit Issuance
Trench Restoration				
PCI Between 100 and 70 ¹⁶ - Trench Depth over 4 feet				Permit Issuance
PCI Between 100 and 70 ¹⁷ - Trench Depth 4 feet or less				Permit Issuance
PCI Between 69 and 26 ¹⁷ - Trench Depth over 4 feet				Permit Issuance
PCI Between 69 and 26 ¹⁷ - Trench Depth 4 feet or less				Permit Issuance
PCI Between 25 and 0				Permit Issuance
Outdoor Dining Permits				
Application Fee (Downtown Area Exempt)	\$200.00	\$200.00	Application	Time of Application
Barrier Removal Deposit (Fixed barrier only)	\$250.00	\$250.00	Application	Time of Application
Annual Renewal Fee	\$100.00	\$100.00	Permit	July 1st
Investigations and Site ¹⁴	\$100.00	\$100.00	Each	Permit Issuance
Street Work Area Closure ¹⁵	\$100.00	\$100.00	Each	Permit Issuance

Permits are required for all work done in all public right-of-way, including public utility easements.

Division Endnotes

- ¹ Time and Materials based fee.
- ² Land Surveyor portion of charge will be on a Time and Materials basis because this effort varies significantly.
- ³ Significant additional connection fees apply.
- ⁴ Does not include Land Surveyor review cost. Land Surveyor time will be charged on a Time and Materials basis.
- ⁵ Additional Fees charged if City employees perform staking or staking services.
- ⁶ For lots greater than 100' frontage, each 100' or part thereof is considered to be one "lot" (distance to be measured to nearest 100 feet).
- ⁷ Where no fee is shown, the work is to be performed by others as needed.
- ⁸ Chargeable only when paving is done by City. Developer/Owner shall remove all trenches, unless otherwise approved by the City Engineer.
- ⁹ Costs shall be paid for emergency or other work performed by City for public health and safety in addition to the following minimum charges:
 - a. Cleanup or dust control \$370.00 per street
 - b. Temporary Paving \$233.00 per street
 - c. Temporary Barricades \$142.00 each
- ¹⁰ A trench restoration fee of \$1.50/sf is charged in addition.
- ¹¹ Inspection to be charged on a Time and Materials basis.
- ¹² Applicant shall pay an additional \$3.75/ft for small laterals designed and drawn by the City.
- ¹³ Utility relocation required for City projects is not subject to a charge.
- ¹⁴ Improvements not otherwise listed such as water line extensions, irrigation lines, irrigation line replacements, storm drain lines, etc.
- ¹⁵ Unpermitted Street Work will be assessed a "double fee" penalty.
- ¹⁶ To be calculated by the Public Works Director and other pertinent staff in each instance, based on the actual cost of doing the work, including overhead.
- ¹⁷ \$2.50 per sf of Trench Influence Area
- ¹⁸ \$1.25 per sf of Trench Influence Area
- ¹⁹ Cost estimates over \$1,000,000 will be required to place a deposit and replenish funds as they are exhausted.

NOTE: The following companies have executed Payment Performance Agreements with the City of Modesto and are NOT subject to the Trench Restoration Fee:

- AR&T
- MVO
- PG&E

Table 1
Current Modesto Capital Facilities Fees

Description		Streets	Public Transportation	Police	Fire	Parks	Air Quality	General Gov.	Admin.	Total
Residential										
Single-Family	<i>Dwelling Unit</i>	\$6,592	\$96	\$896	\$382	\$5,461	\$576	\$504	\$286	\$14,793
Multi-Family	<i>Dwelling Unit</i>	\$4,566	\$67	\$540	\$176	\$3,395	\$759	\$309	\$154	\$9,966
Senior Housing	<i>Dwelling Unit</i>	\$3,978	\$36	\$526	\$172	\$3,311	\$741	\$303	\$109	\$9,176
Non-Residential										
Hotel/Motel	<i>Room</i>	\$3,427	\$60	\$204	\$67	-	-	\$117	\$86	\$3,962
Retail										
<50,000 square feet	<i>1,000 sf</i>	\$9,910	\$197	\$243	\$80	-	-	\$140	\$268	\$10,838
50,000 – 100,000 square	<i>1,000 sf</i>	\$8,227	\$162	\$243	\$79	-	-	\$139	\$223	\$9,073
100,000 – 300,000 square	<i>1,000 sf</i>	\$6,944	\$137	\$244	\$80	-	-	\$140	\$189	\$7,734
>300,000 square feet	<i>1,000 sf</i>	\$6,478	\$126	\$243	\$79	-	-	\$140	\$177	\$7,243
Medical Office	<i>1,000 sf</i>	\$12,518	\$250	\$406	\$133	-	-	\$232	\$345	\$13,885
General Office	<i>1,000 sf</i>	\$6,058	\$107	\$406	\$133	-	-	\$233	\$156	\$7,093
Hospital	<i>1,000 sf</i>	\$8,779	\$155	\$405	\$133	-	-	\$233	\$218	\$9,922
Daycare	<i>1,000 sf</i>	\$4,847	\$85	\$406	\$133	-	-	\$233	\$126	\$5,831
Church	<i>1,000 sf</i>	\$1,033	\$18	\$411	\$134	-	-	\$237	\$36	\$1,868
Nursing Home	<i>1,000 sf</i>	\$1,512	\$26	\$409	\$134	-	-	\$236	\$47	\$2,364
Industrial										
Manufacturing	<i>1,000 sf</i>	\$2,348	\$41	\$174	\$57	-	-	\$100	\$60	\$2,780
Warehousing	<i>1,000 sf</i>	\$1,647	\$29	\$175	\$57	-	-	\$100	\$44	\$2,052

Table 2
Updated Modesto Capital Facilities Fees ¹

Description		Streets	Public Transportation	Police	Fire	Parks & Air Quality	NA	General Gov.	Admin.	Total
Residential										
Single-Family	<i>Dwelling Unit</i>	\$6,822	\$99	\$634	\$395	\$6,248	-	\$522	\$296	\$15,016
Multi-Family	<i>Dwelling Unit</i>	\$4,725	\$69	\$382	\$182	\$4,299	-	\$320	\$159	\$10,137
Senior Housing	<i>Dwelling Unit</i>	\$4,117	\$37	\$372	\$178	\$4,193	-	\$314	\$113	\$9,324
Non-Residential										
Hotel/Motel	<i>Room</i>	\$3,547	\$62	\$144	\$69	-	-	\$121	\$89	\$4,033
Retail										
<50,000 square feet	<i>1,000 sf</i>	\$10,256	\$204	\$172	\$83	-	-	\$145	\$277	\$11,137
50,000 – 100,000 square	<i>1,000 sf</i>	\$8,514	\$168	\$172	\$82	-	-	\$144	\$231	\$9,310
100,000 – 300,000 square	<i>1,000 sf</i>	\$7,186	\$142	\$173	\$83	-	-	\$145	\$196	\$7,924
>300,000 square feet	<i>1,000 sf</i>	\$6,704	\$130	\$172	\$82	-	-	\$145	\$183	\$7,416
Medical Office	<i>1,000 sf</i>	\$12,955	\$259	\$287	\$138	-	-	\$240	\$357	\$14,236
General Office	<i>1,000 sf</i>	\$6,269	\$111	\$287	\$138	-	-	\$241	\$161	\$7,208
Hospital	<i>1,000 sf</i>	\$9,085	\$160	\$287	\$138	-	-	\$241	\$226	\$10,137
Daycare	<i>1,000 sf</i>	\$5,016	\$88	\$287	\$138	-	-	\$241	\$130	\$5,901
Church	<i>1,000 sf</i>	\$1,069	\$19	\$291	\$139	-	-	\$245	\$37	\$1,800
Nursing Home	<i>1,000 sf</i>	\$1,565	\$27	\$290	\$139	-	-	\$244	\$49	\$2,313
Industrial										
Manufacturing	<i>1,000 sf</i>	\$2,430	\$42	\$123	\$59	-	-	\$103	\$62	\$2,820
Warehousing	<i>1,000 sf</i>	\$1,704	\$30	\$124	\$59	-	-	\$103	\$46	\$2,066

1. Updates to the current City fees include:

- Combining the Parks and Air Quality fees into one fee
- Reducing the Police Fee by 32% due to the reduction in the police level of service from 1.85 to 1.2 sworn officers per 1,000 residents
- Applying an inflation factor of 3.49% to all fees

City of Modesto Capital Facilities Fees Policies and Procedures

Amended Policies and Procedures Adopted on _____
City Council Resolution _____



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INTENT

In 1987, the City of Modesto established a Capital Facilities Fee (CFF) Program to mitigate the impacts of new development as outlined in §6600 of the California Government Code. The CFF collected may be used for the purchase, construction, expansion, rehabilitation or acquisition of public facilities. New development projects that are assessed a CFF include, but are not limited to, new building and construction projects, commercial building additions and changes of use to more intensive land use categories.

The following policies and procedures (Policies and Procedures) shall guide in the administration of the City of Modesto CFF Program. This administrative manual elaborates upon the administrative directions contained in the Modesto's Municipal Code, California State Code and City Council Resolutions.

ADMINISTRATIVE ORGANIZATION & RESPONSIBILITY

CFF Administrator

The Administrator of Infrastructure Financing Programs shall serve as the CFF Administrator and is charged with the overall administration and oversight of the CFF Program. The CFF Administrator has the responsibility of ensuring all issues relating to the CFF Program are managed in accordance with applicable rules and regulations.

ADMINISTRATIVE REQUIREMENTS

Factors Considered

The City Council has determined that the CFF adopted by the City of Modesto shall be based on the following two factors: (i) reflect full cost allocation to each category of new development of capital facilities necessary to serve growth; and (ii) be reviewed annually to consider an escalation to account for inflation.

Annual Report

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 year and be made available within 180 days after the last day of each fiscal year:

- Description of the type of impact fee in the account or fund.

- Identification of the amount of the impact fee.
- The beginning and ending balance of the account or fund.
- The amount of impact fees collected and interest earned.
- Identification of 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.
- Identification of an approximate date by which the construction of the public improvements 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.
- Description of each interfund transfer or loan made from the account or fund, including the public improvements on which the transferred or loaned impact fees were 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.
- 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.

In addition to the requirements above, the City Council has determined that the annual report should also contain the following information:

- The cumulative inventory of exempt residential units and the percent of anticipated total exempt units at build-out.
- A comparison of cumulative exempt units to total units built since 1989. During recessions and other times of low production of market-rate housing, it is acknowledged that the cumulative, exempt units may exceed two percent (2%) of the total units built.

Five-Year Report

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 it is 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.

Annual Inflationary Adjustments

In an effort to ensure that all fees collected are adequate, an annual inflationary adjustment is applied each year to the CFF Program. The annual inflationary adjustments are:

- Administratively adjusted annually by the CFF Administrator or his/her designee for all land use categories to account for inflation or deflation.
- Based on the annual change in the San Francisco Bay Area Engineering News Record Construction Cost Index through the month of December the year preceding each inflationary adjustment.
- Becomes effective on or about July 1st of each year.

The City will provide at least one (1) meeting with stakeholders and other interested parties at least sixty (60) days in advance of the effective date of the adjustment. While the annual adjustment is an administrative function, the item should be submitted to the City Council for their information.

CFF Program Updates

The imposition of development impact fees requires identification of the facilities to be provided and the fee amounts imposed must not exceed the cost of the necessary facilities. To fulfill this requirement, the City shall undertake periodic studies to identify the facilities needed and their costs.

Land Value Updates

In an effort to keep pace with market conditions affecting the City's ability to construct public facilities, the City shall annually update the land values of its CFF Program. The intent of the annual updates is to ensure that new development pays for its share of future infrastructure necessary to serve the needs of the City.

DETERMINATION OF CFF

CFF is based on specific land use categories. As a matter of policy, a broad range of uses have been generally categorized as being residential, commercial, office or industrial. Table 1 identifies the approved land use categories. Full definitions of approved land use categories can be found in Appendix A. Undefined uses, as outlined in Table 2, are charged at rates that are determined by the CFF Administrator using similar land use determinations.

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.

COLLECTION OF FEES

Calculation and Collection of CFF

As codified in the Modesto Municipal Code, the CFF is collected at the time of building permit issuance. For fee assessments, the Director of the Community and Economic Development Department has the final authority on the determination of land use.

Payments

CFF is collected by the Building Safety Division prior to issuance of a building permit. In the event the payment subsequently proves to be invalid due to insufficient funds, improper execution or for any other reason, the Finance Department shall notify the fee payer, the contractor, and the property owner and a hold shall be placed on the permit and subsequent inspections until the required CFF is paid.

Refunds

If a building permit expires, is revoked, voluntarily surrendered or voided, and no construction or improvement of land has commenced, then the fee payer is entitled to a refund, without interest and less a two and one-half percent (2.5%) administrative fee. Requests for refunds must be made in writing and addressed to the CFF Administrator. Refunds shall be issued within four (4) weeks of the written request.

Protests

In the event a fee payer agrees to pay CFF in protest at the time of building permit issuance, a notification of the protested payment must be made in writing to the CFF Administrator at the time the fees are paid. The protest shall be scheduled for review by the CFF Review Committee and a written response shall be sent to the fee payer.

Appeals

Any individual calculation of the CFF made may be appealed in accordance with the Modesto Municipal Codes 1-4.01 – 1.4.05. Appeals shall be limited to disputes regarding the calculation of CFF due.

EXEMPTIONS, DEFERRALS AND CREDITS

The City of Modesto supports economic development through the growth of Modesto businesses. It also encourages the construction Very Low and Low Income Housing development projects within the City. CFF deferral, credit and exemption programs benefit

economic growth and development by allowing the deferral, credit and/or waiver of impact fees.

Credits and Exemptions

In some situations, credits are provided to acknowledge that the expansion, replacement or reconstruction of a building will have no additional impact on facilities needed as a result of new development. Exemptions are also provided to foster the development of residential units affordable to Very Low Income households, as well as certain qualifying residential units affordable to Low Income households. CFF Credit and Exemption descriptions, qualifications and requirements are provided in Table 3. With respect to Very Low and Low Income Housing exemptions, the total number of housing exemptions granted are not to exceed two percent (2%) of the cumulative total CFF program housing units. However, it is acknowledged that during recessions and other times of low production of market-rate housing, the cumulative, exempt units may exceed two percent (2%) of the total units built. Exemptions that meet the requirements of these Policies and Procedures, including the attached Tables, may be approved by the City Manager. The City Manager, in his or her discretion, may refer any exemption application to the City Council for action. However, any exemptions granted above the two (2%) threshold described above require the approval of the City Council.

Deferrals

The CFF Program allows for two types of deferrals. The first allows non-residential developers to pay a portion of the CFF at the time of building permit issuance and defer payment of the balance over a five (5) year period with interest. The second deferral allows developers of Low Income Housing units to defer payment of CFF for a period of time, not to exceed twenty (20) years, with interest. Table 4 identifies the CFF deferral program guidelines for Low Income Housing and non-residential development projects. All deferrals require an agreement with the City, along with a promissory note and deed of trust recorded on the property to secure payment of the CFF, prior to building permit issuance. CFF Deferrals that meet the requirements of these Policies and Procedures, including the attached Tables, may be approved by the City Manager. The City Manager, in his or her discretion, may refer any exemption application to the City Council for action.

DEVELOPMENT DEDICATIONS

Residential Streets

The collector and local streets required by new development shall be dedicated and improved by the abutting developer in accordance with City Standard Specifications.

Expressways

Expressway improvements shall be constructed as required by the conditions of approval.

- The developer shall be reimbursed the cost of said improvements and right-of-way dedication pending the availability of CFF funds and provided funding for said improvements are included in the CFF Program.
- All reimbursements shall be detailed in a CFF Reimbursement Agreement in advance of construction or dedication in accordance with the municipal code.
- When *interim improvements* are required to facilitate current development prior to future expressway improvements, the interim improvements shall be funded and provided by the abutting developer.
- When *extra facilities* are required specifically for a particular development at hand (i.e.: deceleration/acceleration lanes, slip ramps, etc.), the extra facilities shall be funded and provided by the abutting developer without reimbursement.

Arterial & Major Collector Streets

Arterial and major collector streets shall be constructed per City Standard Specifications. A standard width of forty (40) feet shall be dedicated and improved to City Standard Specifications. ***In all cases described in this section, the forty (40) foot width shall be measured from the new property line on each side of the street towards the street centerline.*** This dedication is a requirement of development and not subject to reimbursement.

- When a developer is required to dedicate and improve more than the required forty (40) feet, the cost of right-of-way and improvements in excess of forty (40) feet shall be reimbursed to the developer pending the availability of CFF funds and provided funding for said improvements are included in the CFF Program.
- All reimbursements shall be detailed in a CFF Reimbursement Agreement in advance of construction or dedication in accordance with the municipal code.
- When there is an *existing street*, where the forty (40) feet dedication and improvements have been previously made, any additional dedication and improvements shall be subject to appropriate reimbursement to the developer.
- When there is an *existing street* and if the streets have not been previously improved to City Standard Specifications, only the dedication or improvements in excess of forty (40) feet will be subject to the appropriate reimbursement.
- When *extra facilities* are required specifically for a particular development at hand (i.e.: deceleration/acceleration lanes, slip ramps, etc.), the extra facilities shall be funded and provided by the abutting developer without reimbursement.

The City's Standard Specifications can be found online at www.modestogov.com. Appendix B details the City's Street Exaction Policy.

REIMBURSEMENT & OTHER RELATED AGREEMENTS

The planning contained in the City's Capital Improvement Program (CIP) and the CFF Program shall guide the amount and the schedule of reimbursements to be paid from CFF funds for reimbursement. Prior to commencement of any work that is eligible for

reimbursement, a Reimbursement Agreement between the developer and the City must be approved per Modesto Municipal Code §8-3.102. A Reimbursement Agreement will be required where the development occurs fronting a planned CFF fund project, or which required CFF funded work off-site. All such work shall be done by developer advances and will be subject to reimbursement pursuant to the terms of the Reimbursement Agreement.

Initial Request for Reimbursement

It is the obligation of the developer, landowner and/or the developer's engineer to submit a request to the CFF Administrator for reimbursement. Requests will not be granted if the dedication or improvements have already been made or started prior to execution of a Reimbursement Agreement. Each request shall include:

- An Engineer's Estimate of the work to be performed that is eligible for reimbursement.
- All exhibits relating to the improvements or right-of-way including the plat and, where applicable, closure calculations.
- Design costs incurred prior to the execution of the Reimbursement Agreement for completed and accepted City-funded facilities as determined and approved by the CFF Administrator.

Reimbursement Agreement

Prior to the issuance of a construction permit and recording of a final map for dedication, the developer will be required to enter into all necessary agreements in a form provided by the City and consistent with these Policies and Procedures. All agreements will be reviewed and approved as to form by the CFF Administrator, City Attorney and others as the City deems appropriate. City Council approval shall be required for all reimbursements over \$49,999.

Timing

The planning contained in the CFF Program and the City's annual adopted Capital Improvement Program shall guide the amount and the schedule of reimbursements to be paid from CFF funds. Furthermore, the CFF Administrator shall determine the fiscal year(s) in which funds will become available and appropriate for reimbursement.

Notice to Proceed

Once the appropriate agreement(s) are executed, a Notice to Proceed shall be issued by the CFF Administrator to the developer to commence construction of reimbursable improvements.

Reimbursement Payments

Upon completion, verification of invoices and acceptance of improvements, reimbursements shall be issued from the applicable CFF fund in the manner set forth in the Reimbursement Agreement.

CONSTRUCTION CONTRACTOR REQUIREMENTS

In retaining construction contractors for work which is reimbursable by the City of Modesto and where a Reimbursement Agreement (or other similar agreement) with the City is less than \$300,000.00, the developer shall abide by the following bid process:

Three Competitive Bids

The developer shall provide three (3) competitive bids. If the developer desires to award to a contractor other than the low bidder, a written request must be submitted to the City. The City may allow this if the developer can provide adequate justification.

Licensing

The developer shall make sure that all contractors and subcontractors are licensed in accordance with §7000 through §7145 inclusive, of the California Business and Professions Code and maintain adequate insurance for any work or services performed. Developer, its contractors and subcontractors shall have and maintain a City business license during the term of any agreement.

Payment of Prevailing Wages

In accordance with California Labor Code §1770, developer shall require the payment of prevailing wages based on the rates determined by the California Director of Industrial Relations. Unless otherwise directed by the City, developer's construction schedule shall provide adequate time for completion of the work such that no holiday or overtime labor shall be required. The City shall not reimburse developer for any labor costs which exceed the normal and customary straight time rates as described in the City of Modesto General Provisions, §4.19, for the work performed unless the City authorizes the use of overtime or legal holiday time, in advance and in writing.

The developer shall maintain certified payroll records for all labor costs incurred on all City reimbursable work for a minimum period of four (4) years from the issuance of the Notice of Completion. Said payroll records shall be made available to the City or any state regulatory agency for review, audit and inspection or copying upon request.

Indemnification

Developer shall indemnify and hold the City harmless for ensuring that the project is bid and constructed in accordance with City standards, and in compliance with all applicable local, state and federal laws. Developer shall also indemnify and hold the City harmless for any damages, claims or actions arising out of said construction activities in a form approved by the City Attorney and the Risk Manager.

Overtime & Change Orders

The City shall retain the right to be in attendance to inspect all bids and change orders. Any extra work or charges during construction for which reimbursement is sought shall be

justified and documented. Except in the case of an emergency, any such charges shall be approved by the City in advance and in writing. In the case of an emergency, any such charges may be authorized by the City if the developer provides adequate justification that an emergency existed and that the extra work or charges incurred were reasonable. Said justification shall be provided within a reasonable time after the emergency ends and prior to reimbursement for any such charges.

TABLE 1 - CFF LAND USE CATEGORIES

CATEGORY	DESCRIPTION
RESIDENTIAL	
Single-Family	Single-family detached homes on individual lots. Density of development is typically ten (10) dwellings per acre or less.
Multi-Family	Multiple-family dwelling units and multi-family residential planned unit developments greater than a density of ten (10) units per acre.
	<ul style="list-style-type: none"> ▪ Duplexes ▪ Triplexes ▪ Mobile Homes ▪ High & Low Rise Apartments ▪ High & Low Rise Condominiums ▪ Medium-Density Developments
Senior Housing	Retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.
Hotel	Hotel and motel rooms
COMMERCIAL	
Retail	<p><u>Retail, including, but not limited to:</u></p> <ul style="list-style-type: none"> ▪ Convenience Markets ▪ Supermarkets ▪ Drug Stores ▪ Department Stores ▪ New & Used Car Sales ▪ Nursery Sales/Displays ▪ General Merchandise ▪ Building Materials ▪ Lumber Stores ▪ Specialty Retail Stores ▪ Racquetball Courts ▪ Discount Stores ▪ Paint Stores ▪ Hardware Stores ▪ Video Arcades ▪ Health Club Locker Rooms and Showers <p><u>Restaurants, including, but not limited to:</u></p> <ul style="list-style-type: none"> ▪ Fast Food ▪ Sit Down Restaurants ▪ Bars ▪ Cocktail Lounges ▪ Drinking Establishments ▪ Covered and Enclosed Patio Dining <p><u>Banks:</u></p> <ul style="list-style-type: none"> ▪ Banks ▪ Savings & Loans ▪ Credit Unions <p><u>Other:</u></p> <ul style="list-style-type: none"> ▪ Storage facilities, also known as "mini" storage facilities for personal items and not associated with industrial use.
COMMERCIAL - OTHER	
Church	Structures primarily designed as a place for worship. Also includes church multi-purpose rooms.
Daycare & School	An educational, vocational, daycare facility or gyms for private schools.
Hospital	Structures designed for healing services, both in-patient and out-patient, that includes surgical care of the sick, injured, or physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, out-patient departments, training facilities, central service facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered "professional offices" if located off-site, unless a multi-site campus is covered by a P-D zone or hospital uses. Separate sets of offices on the same site for physicians are considered "professional offices".

CATEGORY	DESCRIPTION
COMMERCIAL - OTHER	
Nursing Home	Structures designed for use as a convalescent hospital, retirement home, or a twenty-four (24) hour care center for seven (7) or more persons in addition to members of the family.
OFFICE	
Medical Office	Offices and clinics devoted to the practice of medical professions or providing medical services, including pseudo-medical services, but excluding hospitals and nursing homes which are treated separately.
General Office	All other types of general and professional offices.
INDUSTRIAL	
Manufacturing, Light Industrial, & Industrial Park	<p>Facilities in which the primary activity is the production of finished items through manufacture, fabrication, processing, packaging, or treatment of raw materials or parts, except heavy industrial uses. Uses which are considered include:</p> <ul style="list-style-type: none"> ▪ Electronics Assembly ▪ Paper Products ▪ Metal Fabricator ▪ Bottling Plant ▪ Cabinet Shop ▪ Machine Shop ▪ Sheet-Metal Shop ▪ Pulp/Paper Mill ▪ Welding Shop ▪ Wholesale Shop ▪ Recycling Facility ▪ Rock Crushing ▪ Stockyard ▪ Tannery ▪ Equipment Rental Yard ▪ Food Processor, Brewery, or Bakery ▪ Junk Handling, Processing, or Storage ▪ Septic Tank and Cesspool Storage ▪ Vehicle Salvaging and Wrecking ▪ Burning Operations for Wood and Lumber Products ▪ Landfill, Waste Product Disposal, and Transfer Stations ▪ Reduction, Processing, Storage of Offal, Dead Animals, Bones, or similar materials ▪ Manufacture, Fabrication, Processing, Treatment of Explosives, Great Products, Chemicals, Chemical Products, and Oil ▪ Material Testing, Labor Manufacturer <p><i>Note: When a development proposal contains more than an incidental mixture of mixed industrial uses, the general type of uses should be segregated and treated separately.</i></p>
	Warehousing, Distribution, & Heavy Industrial

TABLE 2 - CFF UNDEFINED LAND USES

BUILDING USE	DESCRIPTION
Shell Buildings	<p>Builders will often apply for a building permit to construct the "shell" of a building.</p> <ul style="list-style-type: none"> ▪ The shell use shall be determined at the time of building permit issuance. ▪ The first tenant improvements to the shell building shall be charged according to land use.
Roof Structures	<p>When an open area exists and a roof structure is added, 100% of the total CFF shall be charged if the structure is supported by the addition of one (1) or more side walls. 50% of the total CFF shall be charged if the structure has no side walls.</p>
Multiple Use Structures	<p>With the exception of commercial uses, if there is more than one (1) primary land use within a building, and the applicant can document that a secondary land use accounts for more than fifteen percent (15%) of the gross floor area of the structure, then the CFF shall be calculated separately for each use and the results summed.</p>
Canopy Construction	<p>When an open area exists and a canopy structure is added, 100% of the total CFF shall be charged if the canopy is enclosed on three (3) or more sides and 50% of the total CFF shall be charged if the canopy is enclosed on one (1) or two (2) sides. Canopied business or storefront entryways and freestanding membrane canopies with no sides are exempt.</p>
Mezzanines	<p>When a second floor open area or balcony exists, 100% of the total CFF shall be charged.</p>
Change of Use for Existing Buildings	<p>With the exception of shell buildings, any alteration or change of use to an existing building does not trigger the payment of CFF provided that no additional square footage is added. If additional square footage is added, the CFF shall be charged based on the additional square footage and land use. Should the change of use fall within a lower land use category, no refunds or credits for the previously paid CFF shall be made.</p>
Ancillary Recreation Buildings	<p>The CFF paid on the dwelling unit or room basis is deemed adequate for ancillary recreation buildings such as mobile home clubhouses, cabanas, weight rooms, lounges, or activity buildings which are primarily oriented to the residential development.</p>

TABLE 3 - CFF CREDITS AND EXEMPTIONS

		TYPE	DESCRIPTION & QUALIFICATIONS	REQUIREMENTS (Prior To Issuance of a Building Permit)
RESIDENTIAL		Single-Family Granny Flats	Second dwelling unit located adjacent or connected a single-family dwelling unit.	<ul style="list-style-type: none"> No Charge
		Very Low and Low Income Housing	<ul style="list-style-type: none"> Any Very Low and Low income housing units constructed or expanded by the Housing Authority of the County of Stanislaus or by any entity in which the Housing Authority is a major partner. 	<ul style="list-style-type: none"> Application City Manager Approval if project meets all requirements, otherwise CC approval.
		CHDO Housing	<ul style="list-style-type: none"> Housing constructed or expanded by a CHDO Organization that will be made affordable to households earning sixty (60%) or less of the Area Median Income. CDHO Organization must meet all CDHO Housing qualification for ten (10) year period and residential units must satisfy affordability requirements for 10 year period. If a resale or refinance occurs within the ten (10) year period, the new buyer will be allowed to assume the remainder of the exemption if the buyer meets the CHDO Housing criteria. Staff reports for exemption request shall indicate the cumulative inventory of exempt units and the percent of anticipated total exempt units at build out. The staff report shall also provide a comparison of units to total units built since 1989. If a resale or refinance occurs within the ten (10) year period and the new buyer does not qualify for the exemption, full payment of CFF, equal to the CFF in effect when building permits were issued, would become due, with no interest thereon. 	<ul style="list-style-type: none"> Application Agreement, Promissory Note, Deed of Trust CH & CDC Approval City Manager Approval if project meets all requirements, otherwise CC approval.
		Very Low Income Housing	<ul style="list-style-type: none"> Housing constructed or expanded that will be made affordable to households earning fifty (50%) or less of the Area Median Income. Residential units must be maintained as affordable to Very Low Income households for a period of 10 years. If a resale or refinance occurs within the ten (10) year period, the new buyer will be allowed to assume the remainder of the exemption if the buyer meets the Very Low Income criteria. Staff reports for exemption request shall indicate the cumulative inventory of exempt units and the percent of anticipated total exempt units at build out. The staff report shall also provide a comparison of units to total units built since 1989. If a resale or refinance occurs within the ten (10) year period and the new buyer does not qualify for the exemption, full payment of CFF would become due, with no interest thereon. 	<ul style="list-style-type: none"> Application Agreement, Promissory Note, Deed of Trust CH & CDC Approval City Manager Approval if project meets all requirements, otherwise CC approval.
		Shelters	<ul style="list-style-type: none"> Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for special populations of the homeless. (Examples include emergency shelters, transitional housing and Safe Havens) 	<ul style="list-style-type: none"> No Charge
		Recreational Buildings	<ul style="list-style-type: none"> For residential projects, the CFF on a dwelling unit or room basis are deemed adequate for ancillary recreation buildings that are oriented and primary to the residential development. Mobile home park club houses, cabanas, weight rooms, lounges, and activity buildings. 	<ul style="list-style-type: none"> No Charge
		Alterations & Additions	<ul style="list-style-type: none"> Any alteration or addition to a residential structure provided that no new dwelling units are created. 	<ul style="list-style-type: none"> No Charge
		Single-Family Replacement & Reconstruction	<ul style="list-style-type: none"> Any replacement or reconstruction of a residential structure that has been destroyed or demolished provided that no new dwelling units are created. Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous residential structure. Non-transferrable. The residential structure is located on the same property of the demolished or abandoned residential structure. 	<ul style="list-style-type: none"> No Charge
		Multi-Family Replacement & Reconstruction	<ul style="list-style-type: none"> Any replacement or reconstruction of a multi-family residential structure that has been destroyed or demolished provided that the square footage of the new structure is equal to or less than that of the previous structure and the number of units in the new structure is equal to or less than that of the previous structure. Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous multi-family residential structure. Non-transferrable. 	<ul style="list-style-type: none"> No Charge

- The new multi-family residential structure is located on the same property of the demolished or abandoned multi-family residential structure.

TABLE 3 - CFF CREDITS AND EXEMPTIONS (Con't.)

TYPE	DESCRIPTION & QUALIFICATIONS	REQUIREMENTS (Prior To Issuance of a Building Permit)
RESIDENTIAL	Replacement due to Eminent Domain <ul style="list-style-type: none"> ▪ Any replacement of an existing building that has been or shall be vacated due to eminent domain proceedings, or the threat of such proceedings. ▪ Building permit for replacement structure must be applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated. ▪ No additional dwelling units are created and no additional square footage is added. ▪ Use is not devoted to a higher-density capacity and/or does not result in the generation of additional peak hour trip ends. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous building and land use type. ▪ The new building is located on the same property of the demolished or abandoned building. ▪ Non-transferrable. ▪ <i>Exception: If the new building is CFF Land Use that is intensified from the CFF Land Use of the previous building, the incremental difference between the new building CFF Land Use and the previous building CFF Land Use shall be due at building permit issuance.</i> ▪ <i>Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.</i> 	<ul style="list-style-type: none"> ▪ No Charge ▪ Time Sensitive
	Sales & Construction Trailers <ul style="list-style-type: none"> ▪ Maximum term use of two (2) years. 	<ul style="list-style-type: none"> ▪ No Charge
	All Other Trailers <ul style="list-style-type: none"> ▪ All other types of temporary trailers are charged the full CFF. The CFF is refundable (less 2.5% administrative fee) if requested, in writing, within six (6) years of payment of the CFF. 	<ul style="list-style-type: none"> ▪ CFF Charged ▪ Refundable
	Truck Loading Bays <ul style="list-style-type: none"> ▪ Canopied and enclosed and not used as staging area for storage or protection or product. 	<ul style="list-style-type: none"> ▪ No Charge
	Parking Garages <ul style="list-style-type: none"> ▪ Public and private garages. 	<ul style="list-style-type: none"> ▪ No Charge
	Agricultural <ul style="list-style-type: none"> ▪ Shade structures, lath houses, and netted areas. 	<ul style="list-style-type: none"> ▪ No Charge
COMMERCIAL	Outdoor Dining Patio <ul style="list-style-type: none"> ▪ Uncovered and enclosed dining areas. 	<ul style="list-style-type: none"> ▪ No Charge
	Commercial Replacement & Reconstruction <ul style="list-style-type: none"> ▪ Any replacement or reconstruction of a non-residential structure that has been destroyed or demolished. ▪ New building is located on the same property as the destroyed or demolished building. ▪ Based on prior CFF Land Use and building square footage. ▪ Non-transferrable. ▪ Satisfactory documentation must be presented to the CFF Administrator of the existence of the previous building and land use type. ▪ The new building is located on the same property of the demolished or abandoned building. ▪ <i>Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.</i> 	<ul style="list-style-type: none"> ▪ No Charge
	Tenant Improvements (excluding Shell Buildings) and Changes of Use <ul style="list-style-type: none"> ▪ Any alteration or change of use to an existing building, if no new square footage is added. ▪ No refunds for diminished use capacities or reduced square footage. ▪ <i>Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.</i> 	<ul style="list-style-type: none"> ▪ No Charge

TABLE 3 - CFF CREDITS AND EXEMPTIONS (Con't.)

TYPE	DESCRIPTION & QUALIFICATIONS	REQUIREMENTS (Prior to Issuance of a Building Permit)
COMMERCIAL	<p>Tenant Improvements in Shell Buildings and Changes of Use</p> <ul style="list-style-type: none"> ▪ Tenant improvements within a shell building if the improved use is (1) devoted to the same CFF Land Use that the Shell Building paid or (2) is devoted to a CFF Land Use with a lower impact. ▪ No refunds for diminished use capacities or reduced square footage. ▪ <i>Exception: If tenant improvements are for a CFF Land Use that is intensified from what was paid for the Shell Building, the incremental difference between the Shell Building CFF Land Use and the Tenant Improvement CFF Land Use shall be due at building permit issuance.</i> ▪ <i>Exception: Additional square footage added shall be subject to payment of applicable CFF at building permit issuance.</i> 	<ul style="list-style-type: none"> ▪ No Charge
	<p>Replacement due to Eminent Domain</p> <ul style="list-style-type: none"> ▪ Any replacement of an existing building that has been or shall be vacated due to threat of/or eminent domain proceedings. ▪ Building permit for replacement structure must be applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated. ▪ No additional dwelling units are created and no additional square footage is added. ▪ The use is not devoted to a higher-density capacity and does not result in the generation of additional peak hour trip ends. 	<ul style="list-style-type: none"> ▪ No Charge ▪ Time Sensitive
	<p>Commercial/Industrial Relocation Credit</p> <ul style="list-style-type: none"> ▪ Transfer of CFF credit from existing building to a new building. ▪ Project involves commercial and/or industrial job retention of at least twenty-five (25) jobs or redevelopment of blighted area. ▪ Beneficiary of the relocation credit must be the owner of the existing building or the existing building was demolished and paid CFF when rebuilt. 	<ul style="list-style-type: none"> ▪ No Charge ▪ CC Approval

TABLE 4 - CFF DEFERRALS

TYPE	DESCRIPTION	QUALIFICATIONS	REQUIREMENTS (Prior to Issuance of a Building Permit)
Low Income Housing	<ul style="list-style-type: none"> ▪ Payment of CFF is deferred for twenty (20) years ("Deferral Period"). No payments are due during the first five (5) years. Annual payments of principal and simple interest begin in the sixth (6th) year. ▪ Interest will not accrue during the first five (5) years. ▪ In the sixth (6th) year, simple interest will be calculated at the rate of 5%. Interest may be waived with approval of the City Council. ▪ A lien is placed on the property. ▪ If the property is sold or refinanced within the Deferral Period, the new buyer will be allowed to assume the Deferral Payment Agreement if the buyer continues to satisfy the affordability requirements. ▪ If the property is sold or refinanced within the Deferral Period and the buyer does not qualify to assume the Deferral Payment Agreement, the full CFF deferral, including interest, would become due immediately. ▪ Interest penalties apply if fees are not paid within the Deferral Period. ▪ CFF fee and accrued interest become immediately due if housing unit no longer meets affordability requirements. 	<ul style="list-style-type: none"> ▪ Any housing unit that is affordable to Low Income Housing unit constructed by any person or entity. ▪ The housing unit must be purchased by, or rented to, a homebuyer earning between fifty-one and eighty percent (51 – 80%) of the Area Median Income who will use it as their principal place of residence for the duration of the deferral time period. The units must be sold or rented at an affordable price, such that tenant does not pay more than 30% of adjusted household income for housing costs. ▪ The affordability restrictions must be in place for 30 years. 	<ul style="list-style-type: none"> ▪ Application ▪ Deferred Payment Agreement and Notice of Lien ▪ Promissory Note ▪ City Deed of Trust ▪ CH&CDC Approval ▪ City Manager Approval if project meets all requirements, otherwise CC approval.
Commercial, Industrial and Multi-Family	<ul style="list-style-type: none"> ▪ Twenty percent (20%) of total CFF paid at building permit issuance. ▪ Remaining eighty percent (80%), plus interest, paid annually over five (5) years. ▪ Interest is equal to the five percent (5%) or the Wall Street Journal Prime Rate in effect at the time of Agreement execution, whichever is greater. Interest may be waived with approval of the City Council ▪ A lien is placed on the property. ▪ If the property is sold or transferred within the deferral period, payment of the full CFF deferral, including interest, would become due immediately. ▪ Interest penalties apply if fees are not paid within the deferral period. 	<ul style="list-style-type: none"> ▪ Any commercial, industrial or multi-family development project in which CFF is being assessed. ▪ For those projects where a mitigated negative declaration or an Environmental Impact Report (EIR) has been certified, no CFF deferral shall be allowed to the extent that one (1) or more of the mitigation measures consists of payment of CFF or construction or installation of a public improvement, the cost of which, subject to funding availability, may be eligible for reimbursement of CFF. 	<ul style="list-style-type: none"> ▪ Application ▪ Deferral of CFF, Water Connection and/or Wastewater Capacity Agreement and Notice of Lien ▪ Promissory Note ▪ Deed of Trust ▪ \$250 Administrative Fee ▪ \$500 Title Report Fee ▪ CH&CDC Approval ▪ City Manager Approval if project meets all requirements, otherwise CC approval.
Single Family Residential	<ul style="list-style-type: none"> ▪ Payment of CFF, as well as water connection and/or waste water capacity fees, may be deferred until final inspection. ▪ A lien is placed on the property. ▪ If the property is sold or transferred within the deferral period, payment 	<ul style="list-style-type: none"> ▪ Any single family residence may apply for deferral 	<ul style="list-style-type: none"> ▪ Application ▪ Deferral of CFF, Water Connection and/or Wastewater Capacity

	<p>of the full CFF deferral would become due immediately.</p> <ul style="list-style-type: none"> Interest penalties apply if fees are not paid within the deferral period. 		<p>Agreement and Notice of Lien</p> <ul style="list-style-type: none"> City Manager Approval if project meets all requirements, otherwise CC approval
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TABLE 5 - CFF FEE SCHEDULE

2011 CFF PROGRAM - Development within City Limits										
Fee Category	Unit Measure Per	Streets	Public Transp.	Air Quality	Police	Fire	Parks	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	\$ 6,268	\$ 91	\$ 548	\$ 852	\$ 363	\$ 5,193	\$ 479	\$ 272	\$ 14,066
Multi-Family Residential	Dwelling Unit	4,342	64	722	513	167	3,228	294	146	9,476
Senior Housing	Dwelling Unit	3,782	34	705	500	164	3,148	288	104	8,725
Hotel/Motel	Room	3,259	57		194	64		111	82	3,767
Retail <50,000 SF	1,000 SF	9,423	187		231	76		133	255	10,305
Retail 50,000-100,000 SF	1,000 SF	7,823	154		231	75		132	212	8,627
Retail 100,000-300,000 SF	1,000 SF	6,603	130		232	76		133	180	7,354
Retail >300,000 SF	1,000 SF	6,160	120		231	75		133	168	6,887
Medical Office	1,000 SF	11,903	238		386	126		221	328	13,202
General Office	1,000 SF	5,760	102		386	126		222	148	6,744
Hospital	1,000 SF	8,347	147		385	126		222	207	9,434
Daycare	1,000 SF	4,609	81		386	126		222	120	5,544
Church	1,000 SF	982	17		391	127		225	34	1,776
Nursing Home	1,000 SF	1,438	25		389	127		224	45	2,248
Industrial (Manufacturing)	1,000 SF	2,233	39		165	54		95	57	2,643
Industrial (Warehousing)	1,000 SF	1,566	28		166	54		95	42	1,951

2011 CFF PROGRAM - Development within City's Sphere of Influence

Fee Category	Unit Measure Per	Streets	Public Transp.	Air Quality	Police	Fire	Parks	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	\$ 6,815	\$ 72	\$ 1,382					\$ 176	\$ 8,445
Multi-Family Residential	Dwelling Unit	4,904	52	876					120	5,952
Senior Housing	Dwelling Unit	2,870	31	958					95	3,954
Hotel/Motel	Room	3,435	36						51	3,522
Retail <50,000 SF	1,000 SF	9,802	103						143	10,048
Retail 50,000-100,000 SF	1,000 SF	8,161	86						120	8,367
Retail 100,000-300,000 SF	1,000 SF	6,918	73						102	7,093
Retail >300,000 SF	1,000 SF	6,463	69						95	6,627
Medical Office	1,000 SF	12,463	132						183	12,778
General Office	1,000 SF	6,100	64						93	6,257
Hospital	1,000 SF	8,729	92						130	8,951
Daycare	1,000 SF	4,922	52						76	5,050
Church	1,000 SF	1,178	12						25	1,215
Nursing Home	1,000 SF	1,661	17						31	1,709
Industrial (Manufacturing)	1,000 SF	2,374	25						36	2,435
Industrial (Warehousing)	1,000 SF	1,694	18						27	1,739

APPENDIX A - DEFINITIONS

The intent and meaning of the terms that are used shall be as defined in these CFF Policies & Procedures except as specifically noted, revised or added.

Definitions – A

Applicant. The applicant for a building permit for which an impact fee is due pursuant to the provisions of these CFF Policies and Procedures.

Arterial. A moderate or high-volume street with four (4) to six (6) travel lanes which carries large volumes of traffic between areas in urban centers, with flow usually consisting of large, signaled intersections with other arterials and many collector roads.

Definitions – B

Banks. Full service banking institutions with or without drive up windows.
(CFF Rate = Retail)

Building Inspection. The Building Safety Division of the Community & Economic Development Department for the City of Modesto.

Building Safety Division. The Building Safety Division of the Community & Economic Development Department for the City of Modesto.

Definitions – C

Capital Facilities Fee. Impact fees established to mitigate the impacts of new development as outlined in §66000 of the California Government Code for the purchase, construction, expansion, rehabilitation, or acquisition of public facilities.

Certificate of Occupancy. Final sign off of a building permit.

CHDO Housing. Shall mean housing found to be affordable to households earning sixty percent (60%) or less of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development.

CHDO Organization. A specific type of nonprofit organization that has been certified by HOME Investment Partnership Program (HOME) as a Community Housing Development Organization.

CFF Administrator. The Administrator of the Infrastructure Financing Programs for the City of Modesto.

Church. Structures primarily designed or used as a place of public worship.
(CFF Rate = Church)

City. The City of Modesto.

City Attorney. The City Attorney, or his or her designee, of the City of Modesto.

City Council. The City Council of the City of Modesto (CC).

City Engineer. The City Engineer, or his or her designee, of the City of Modesto.

Collector. A low or moderate-capacity road, usually consisting of a mixture of signaled intersections with arterial roads and signals, circles or stop signs with other collector and local roads.

Commercial. Commercial and retail uses. *(CFF Rate = Retail)*

Community & Economic Development. The Community & Economic Development Department of the City of Modesto.

Convenience Markets. Convenience markets, with or without on-site pumps and open 24 hours or extended hours. *(CFF Rate = Retail)*

Definitions – D

Daycare/School. An educational, vocational or daycare facility.
(CFF Rate = Daycare)

Development Project. Any project undertaken for the purpose of development. Development projects include projects involving issuance of a permit for construction or reconstruction but not a permit to operate.

Developer. See Applicant.

Director. Director of Community and Economic Development.

Definitions – E

Expressway. A high-volume, access-controlled roadway with three classes consisting of four (4) to six (6) lanes where spacing between interchanges with arterial roadways is limited to one mile.

Definitions – F

Facilities. See Public Facilities

Fee. A monetary exaction other than a tax or special assessment whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad-hoc basis, that is charged by a local agency to the applicant in conjunction with approval of a development project for the

purposes of defraying all or a portion of the cost of public facilities related to the development project. This does not include fees specified in §66477, fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements adopted pursuant to Article 2.5 (commencing with §65864) of Chapter 4, or fees collected pursuant to agreements with redevelopment agencies which provide for their development of property in furtherance or for the benefit of a development project for which a redevelopment plan has been adopted pursuant to the Community Redevelopment Law (Part 1 (commencing with §33000) of Division 24 of the Health and Safety Code).

Fee Payer. See Applicant.

Finance. The Finance Department of the City of Modesto.

Definitions – G (Reserved)

Definitions – H

Hospital. A structure designed for health services, both inpatient and outpatient; that includes surgical care of the sick, injured or the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital are laboratories, outpatient departments, training facilities, central services facilities, and hospital staff offices on the same site. The preceding ancillary uses are considered “professional offices” if located off-site unless a multi-site campus is covered by a P-D Zone or hospital uses. A separate set of offices on the same site for physicians is considered “professional offices.” (*CFF Rate = Hospital*)

Definitions – I

Improvements. See Public Facilities.

Industrial Land Use. (*CFF Rate = Industrial(Manufacturing)*)

Manufacturing, Light Industrial & Industrial Parks Uses:

- Electronic assembly, paper products
- Metal fabricator
- Bottling plant
- Cabinet shop
- Machine shop
- Sheet-metal shop
- Welding shop
- Wholesale shop
- Printing plant
- Mini-warehouse
- Materials testing labors manufacturer
- Food processor, brewery, bakery

- Recycling facility
- Burning operations for lumber and wood products
- Junk handling, processing and storage
- Landfill and waste products disposal or transfer station
- Manufacture, fabrication, processing, packaging and treatment of explosives, oil, great products, chemicals, and chemical products.
- Rock crushing
- Pulp and paper mill
- Reduction, processing, and storage of offal, dead animals, bones or similar materials
- Septic tank and cesspool services
- Stockyard
- Tannery
- Vehicle salvaging and wrecking

Mixed Industrial Uses

When a development project contains more than an incidental mixture of uses, the general types of uses should be segregated and treated separately for the purposes of calculating development fees.

Definitions – L

Low Income Housing. Housing found to be affordable to households earning fifty-one to eighty (51 - 80%) percent of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development.

Definitions – M

Medium Density Residential. Duplex or triplex buildings located on a single lot designated for occupancy by two (2) or three (3) families. (*CFF Rate = Multi-Family Residential*)

Multi-Family Residential. Multiple family dwelling units of several types, including high and low rise apartments, high and low rise condominiums, and multi-family residential planned unit developments greater than a density of ten (10) units per acre. The category also applies to mobile homes. (*CFF Rate = Multi-Family Residential*)

Definitions – N

Nursing Home. Structures designated for use as a convalescent hospital, retirement home, or a twenty-hour care center for seven (7) or more persons in addition to members of the family. (*CFF Rate = Nursing Home*)

Definitions – O

Office (General). General and professional offices excluding medical offices. *(CFF Rate = General Office)*

Office (Medical). Offices and clinics devoted to the practice of medical and dental professions or providing medical or dental services, including pseudo-medical services, but excluding hospitals and nursing homes which are treated separately. *(CFF Rate = Medical Office)*

Definitions – P

Parks, Recreation & Neighborhoods. The Parks, Recreation & Neighborhoods Department of the City of Modesto.

Public Facilities. Public buildings include the following:

- Public buildings including park, recreation, police, fire and administration buildings.
- Facilities for storage, treatment, and distribution of nonagricultural water.
- Facilities for the collection, treatment, reclamation and disposal of water.
- Facilities for the collection and disposal of storm waters and for flood control purposes.
- Facilities for the generation of electricity and the distribution of gas and electricity.
- Facilities for the distribution of information, including radio and communication like towers and satellite dishes.
- Transportation and transit facilities, including but not limited to streets and supporting improvements, roads, overpasses, bridges, harbors, ports, airports, parkways and related facilities.
- Parks and recreation facilities, including bike trails, public landscape areas and community centers.

Public Works. The Public Works Department of the City of Modesto.

Definitions – Q (Reserved)

Definitions – R

Recreational Buildings. Ancillary recreational buildings that are oriented primarily to a residential development.

Restaurants (Fast Food). Fast food restaurants with or without sit-down facilities and with or without drive up windows. Generally food is ordered and taken to be consumed outside the restaurant building, however some on-site seating is usually provided. *(CFF Rate = Retail)*

Restaurants (Sit-Down – high turnover). Sit-down restaurants where food is ordered and consumed in the restaurants and customers generally stay less than one (1) hour. Sit-down restaurants typically serve breakfast, lunch or dinner and also include drinking establishments such as bars and cocktail lounges.

(CFF Rate = Retail)

Restaurants (Sit-Down – low turnover). Sit-down restaurants which generally have turnover rates of one (1) hour or longer and typically do not serve breakfast, and may or may not serve lunch. *(CFF Rate = Retail)*

Retail. Includes a wide range of retail service uses, both freestanding and in shopping centers, including but not limited to supermarkets, drug stores, department stores, general merchandise, building materials or lumber stores, specialty retail stores, discount stores, hardware/paint stores, video arcades, and new and used car sales, auto repair shops, and car washes. *(CFF Rate = Retail)*

Definitions – S

Savings & Loans. Includes thrift and credit unions, with or without drive-up windows and which typically offer fewer financial services than banks and are smaller in gross floor area than banks. If a given Savings & Loan is 5,000 gross feet or more, or provides full banking services, it should be treated as a bank. *(CFF Rate = Retail)*

Senior Housing Residential. Retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses. *(CFF Rate = Senior Housing Residential)*

Shelter. Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for special populations of the homeless.

Single-Family Residential. Single-family detached homes on individual lots, such as in residential subdivisions, but could also be in planned developments. Density of development may vary, but is typically ten (10) dwellings per acre or less. *(CFF Rate = Single-Family Residential)*

Square Foot (sf). As used for the calculation of impact fees is the same as the square footage for determination of the issuance of building permits.

Definitions – T (Reserved)

Definitions – U

Utility Planning & Projects. The Utility Planning & Projects Department of the City of Modesto.

Definitions – V

Very Low Income Housing. Shall mean housing found to be affordable to households earning fifty percent (50%) or less of the Area Median Income as determined from time to time by the United States Department of Housing and Urban Development.

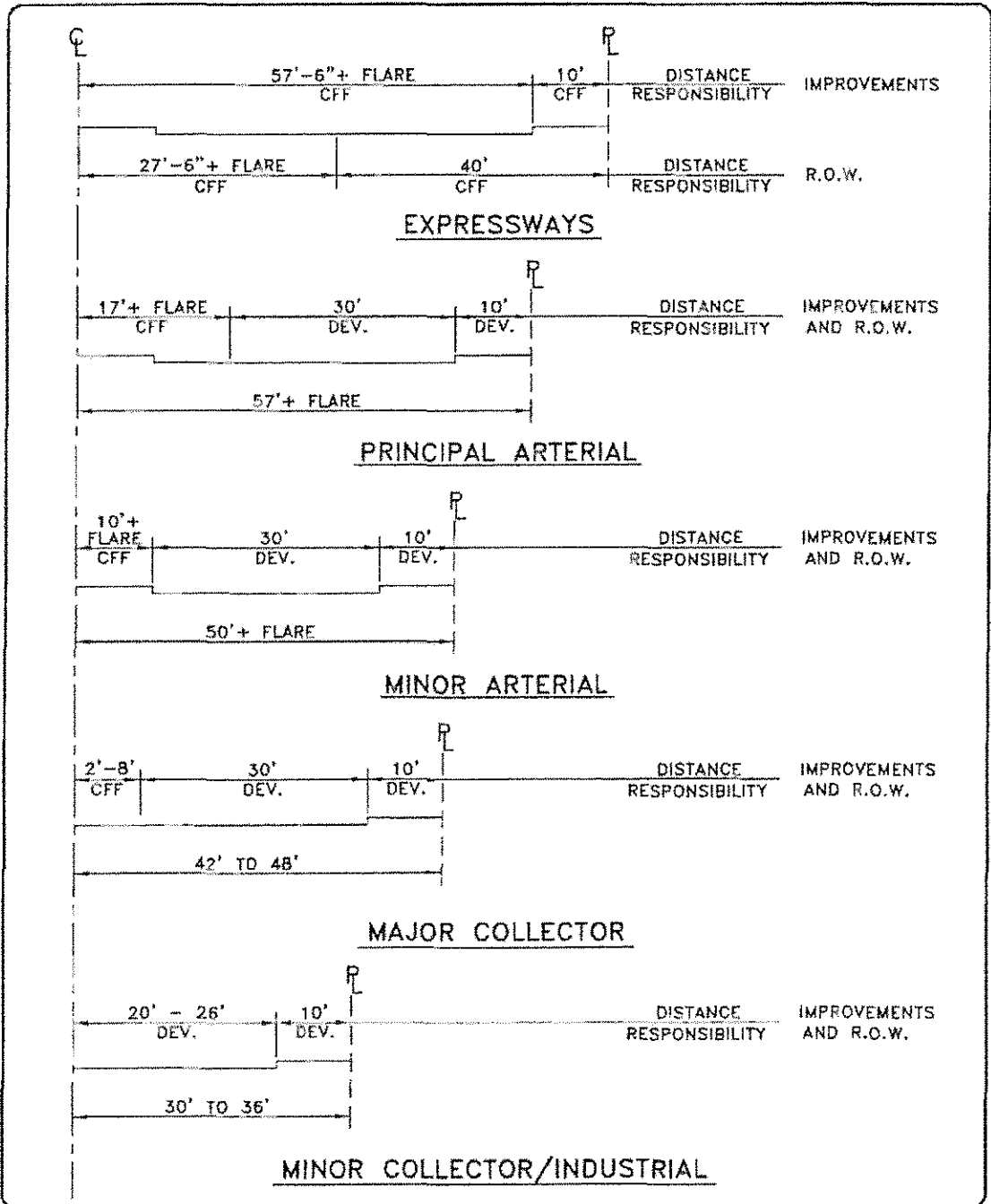
Definitions – W



Warehouse Distribution & Heavy Land Use. Facilities in which the primary activity is the storage of materials or in which the primary activity is receiving and shipping of materials. Uses which are considered to be in this category include freight, warehousing, corporation yard, freight yard, equipment rental yard, moving and storage services, bulk feed storage and lumberyard.

(CFF Rate = Industrial (Warehousing))

Definitions X,Y, & Z (Reserved)

APPENDIX B - STREET EXACTIONS POLICY



APPROVED BY CITY COUNCIL RESOLUTION NO. 2006-284	STREETS STREET EXACTIONS POLICY	 CITY of MODESTO
APPROVED BY THE CITY ENGINEER: 	PUBLIC WORKS DEPARTMENT	DETAIL NO. 323

3351190.1

Recording Requested By:

CITY OF MODESTO

After recordation mail to:

CITY OF MODESTO
Community & Economic Development Department
c/o Infrastructure Financing Program
P.O. Box 642
Modesto, California 95333

**DEFERRAL OF CAPITAL FACILITIES FEES, WATER CONNECTION AND
WASTEWATER CAPACITY FEES
UNTIL CERTIFICATE OF OCCUPANCY AGREEMENT AND NOTICE OF LIEN**

This Deferral of Capital Facilities Fees, Water Connection and Wastewater Capacity Fees until Certificate of Occupancy Agreement and Notice of Lien (“Agreement”) is made, entered into and is effective on the ____ day of _____, 20____, by and between the City of Modesto, a municipal corporation (the "City"), and

(the "Property Owner”).

Recitals

WHEREAS, the Property Owner owns the following parcel (the “Property”)

- Physical Address: _____

- APN: _____; and

WHEREAS, the Property Owner desires to obtain a building permit for a single family residence on the Property; and

WHEREAS, the Property Owner desires to defer payment of:

- Capital Facilities Fees
- Water Connection Fees
- Wastewater Capacity Fees

due on the Property ("Deferred Fees") in the amount of \$ _____ until a final inspection for the issuance of a Certificate of Occupancy is scheduled; and

WHEREAS, in view of the fact that the Deferred Fees would otherwise have been required at building permit issuance, the Property Owner agrees to be separately responsible for payment of the Deferred Fees as set forth herein.

NOW, THEREFORE, the City and the Property Owner agree as follows:

Agreement

The above recitals are correct.

1. Property Owner agrees to pay an administration fee of TWO HUNDRED FIFTY DOLLARS and 00/100 (\$250.00) to process this Agreement, and agrees that the City has no duty to proceed with issuance of a building permit until the administration fee is paid.
2. Property Owner agrees to pay a recording fee of TWELVE DOLLARS and 00/100 (12.00) to remove the lien.
3. Property Owner agrees to pay a title report fee of FIVE HUNDRED DOLLARS and 00/100 (\$500.00) to obtain a current title report to verify ownership of the Property.
4. Property Owner and each successive owner shall notify City of any sale or

pending escrow closing to ensure timely payment of the Deferred Fees.

5. Property Owner agrees to pay the Deferred Fees in the following amounts:

- Capital Facilities Fees: \$ _____
- Water Connection Fees: \$ _____
- Wastewater Capacity Fees: \$ _____

prior to the scheduling of a final inspection for the issuance of a certificate of occupancy.

6. Property Owner will pay the Deferred Fees prior to close of escrow on the Property or prior to the scheduling of a final inspection, whichever first occurs.

7. In the event the Deferred Fees are not paid within eighteen (18) months from the date a building permit is issued, the City shall be entitled to make an immediate written demand to Property Owner for payment of the amount of the delinquent Deferred Fees plus a 10% penalty, and the Property Owner agrees immediately to pay the amount of the demand to the City as payment of the Deferred Fees. If the amount of the demand is not paid within seven (7) days following mailing of the demand or within five (5) days following delivery thereof to the Property Owner, the City shall be entitled to have judgment entered against the Property Owner for the unpaid amount of the delinquent Deferred Fees plus a ten percent (10%) penalty plus interest at one and one-half percent (1.5%) per month accruing the first of each month which is more than 30 days from the expiration of the seven (7) or five (5) day period, plus costs and expenses of suit, including reasonable attorneys' fees. In the event that any portion of the Deferred Fees is paid to the City from any other lawful source, the City may, in the proportion of the payment, assign its rights hereunder against the Property Owner to the payor.

8. In the event that the Property Owner fails in any respect to meet its obligations

under this Agreement to pay the delinquent Deferred Fees, the Chief Building Official shall have the right, irrespective of any other fact or facts, to deny or withhold the scheduling of a Final Inspection on the Property. Such remedy shall be in addition to and not in lieu of any other remedy in equity or law to which the City may be entitled or any cause of action which the City may bring in any state or federal court to enforce the provisions of this Agreement.

9. Property Owner agrees for it, and all subsequent owners of or parties who shall acquire any property interest in the Property (Property Owner assumes a duty to notify of this provision of this agreement) that City may cut off all City utilities to the Property to compel payment of the Deferred Fees after City provides 15 calendar days notice to Owner and to any parties known to City to have an interest in the Property, of breach of this Agreement, and 15 days for cure to be made to the City's sole satisfaction. City may require reasonable interest to be paid on all Deferred Fee amounts owed either in a lump sum with interest, if any, or arrange further payment terms in its sole discretion. Property Owner agrees to hold City harmless from and defend it from any proceeding, claim cost, loss or damage whatsoever arising out of or relating to City's exercise of its rights under this or any other provision of this agreement.

10. The Property Owner may assign its rights and obligations under this Agreement, with the prior written consent of the City, which consent shall not be unreasonably withheld and shall be limited to the City's review and analysis of the proposed assignee's financial ability to pay the Deferred Fees hereunder. No such assignment shall be made unless and until the party to which the assignment is to be made has entered into an agreement with the City expressly assuming the obligations set forth herein. The Property Owner shall not be relieved of any of its

obligations under this Agreement unless and until such an assumption agreement has been fully executed and has become effective.

11. The Property Owner will give notice of the terms of this Agreement to all purchasers of property in respect of which payment of the Deferred Fees has not been accomplished by close of escrow on the transfer from Property Owner and shall especially draw such purchasers' attention to the fact that if the Deferred Fees are not paid at close of escrow, the Deferred Fees shall be immediately delinquent.

12. In the event that any provision of this Agreement is held to be invalid, void or otherwise unenforceable by any court of competent jurisdiction, such provision(s) shall be deemed severable from the remainder of this Agreement and shall in no way affect, impair or invalidate any other provisions contained herein. Should any provision of this Agreement be held unenforceable, the Property Owner and the City shall take such steps as equity and good faith require providing for payment of the Deferred Fees.

13. The Property Owner agrees to defend, indemnify and save and hold harmless the City, its officers, agents and employees from any and all claims, damages, liability or actions arising out of or connected with this Agreement, expressly including any action challenging the validity of this Agreement.

14. In the event that legal action is necessary to enforce the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs.

15. Amendments or modifications to this Agreement shall be in writing and executed by both parties.

16. This Agreement and any attachments hereto and references herein constitute the

entire agreement and understanding between the City and the Property Owner concerning the subject matter contained herein.

17. All notices requested by this Agreement shall be in writing and delivered in person or sent by first-class mail, postage prepaid. Written notices or communications required by or concerning this Agreement shall be addressed as follows:

City: City of Modesto
c/o Infrastructure Financing Programs
P.O. Box 642
Modesto, California 95333

Property Owner:

Name _____
Address _____
City, State, Zip _____
Phone _____

Any party may change the address stated herein by giving notice in writing to the other party, and thereafter notices and correspondence shall be addressed and transmitted to the new address.

18. This Agreement is to be construed according to the laws of the State of California.

19. This Agreement may be executed in counterparts, each of which shall be treated as an original.

20. This Agreement will terminate and be of no further force, effect or benefit to Owner if Owner fails to obtain a building permit for the Project within one year from the effective date of this Agreement.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized

the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2009-047, adopted by the Council of the City of Modesto on the 13th day of January, 2009, and Resolution No. 2011-106, adopted by the Council of the City of Modesto on the 22nd day of March, 2011, adopted by the Council of the City of Modesto on the 8TH day of October, 2019, and Developer has caused this Agreement to be executed.

CITY OF MODESTO, a municipal corporation

By: _____
JOSEPH P. LOPEZ, City Manager

By: _____
(signature)

(print name)

ATTEST:

By: _____
STEPHANIE LOPEZ, City Clerk

By: _____
(signature)

*(print name)*3322875.1

APPROVED AS TO FORM:
ADAM LINDGREN, City Attorney

By: _____

OWNER

By: _____
(signature)

(print name)

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-465**

**RESOLUTION APPOINTING MICHAEL MORADIAN, PATRICIA GILLUM
AND RICHARD RODMAN TO THE CITY OF MODESTO MEASURE L
CITIZENS' TRANSPORTATION SALES TAX COMMISSION**

WHEREAS, in November of 2016, Stanislaus County voters approved a county-wide, 25-year, half-cent sales tax increase known as Measure L which went into effect on April 1, 2017, and

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, and

WHEREAS, the Commission will consist of eleven (11) members appointed by Council to represent the City's citizens, and

WHEREAS, there are currently three (3) vacancies on the Commission; and

WHEREAS, the purpose of the City's Citizens' Transportation Sales Tax Commission will be to:

- Ensure all transportation revenue collected by the City from Measure L is spent in accordance with the Measure L Ordinance and Expenditure Plan;
- Hold public meetings as necessary regarding the expenditure and status of funds generated by Measure L;
- Review independent audits of the expenditure of tax funds and implementation of the programs and projects in the Expenditure Plan; and
- Issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to Council, and

WHEREAS, the City received 11 applications that were presented to the Appointments Committee for consideration on September 25, 2019, and

WHEREAS, the Appointments Committee recommends appointing Michael Moradian, Patricia Gillum and Richard Rodman to the City's Citizens' Transportation Sales Tax Commission.

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

1. Michael Moradian, Patricia Gillum and Richard Rodman are hereby appointed to the City of Modesto Measure L Citizens' Transportation Sales Tax Commission effective October 22, 2019, and
2. The City Clerk is hereby directed to transmit a copy of this Resolution to the Secretary of the Commission, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-466**

**RESOLUTION APPROVING REMOVAL OF FRANCISCO (JAVIER)
JAUREGUI, AS A REGISTERED COUNTY VOTER RESIDING IN MODESTO,
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

WHEREAS, the Culture Commission is comprised of seven members representing County Registered Voters: five (5) who reside in the City of Modesto and two (2) who live outside of the City of Modesto, and

WHEREAS, Francisco (Javier) Jauregui was appointed to serve as a member of the Culture Commission on February 14, 2017, by Resolution No. 2017-44, and

WHEREAS, the Culture Commission by-laws Article V, Section 5.03 allows for Commissioners to be removed from office for three or more unexcused absences, and

WHEREAS, Mr. Jauregui has not responded to attempts to contact him regarding his absences, and

WHEREAS, the Culture Commission met on April 3, 2019, and recommended the removal of Francisco (Javier) Jauregui from the Culture Committee for excessive absences be forwarded to the Council for approval. .

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the removal of Francisco (Javier) Jauregui as a Commissioner of the Culture Commission representing a County Registered Voter residing within the City of Modesto.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the removed member of the Culture Commission, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2019, by Councilmember Grewal who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-467**

**RESOLUTION ACCEPTING THE RESIGNATION OF KARINA JAUREGUI,
AS A REGISTERED COUNTY VOTER RESIDING IN MODESTO, 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

WHEREAS, the Culture Commission is comprised of seven members representing County Registered Voters: five (5) who reside in the City of Modesto and two (2) who live outside of the City of Modesto, and

WHEREAS, Karina Jauregui was appointed to serve as a member of the Culture Commission on August 8, 2018 by Resolution No. 2018-300, and

WHEREAS, Ms. Jauregui has tendered her resignation from the Culture Commission on September 25, 2019, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts, with regret, the resignation of Karina Jauregui as a Commissioner of the Culture Commission representing a County Registered Voter residing within the City of Modesto.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the removed member of the Culture Commission, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-468**

**RESOLUTION ACCEPTING THE RESIGNATION OF ATHINODOROS
CHRONIS FROM THE MODESTO CONVENTION AND VISITORS BUREAU
BOARD OF DIRECTORS AND APPOINTING TIM FISHER TO FILL THE
VACANCY WITH A TERM EXPIRATION OF DECEMBER 31, 2021**

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, on May 7, 2019, by Resolution No. 2014-500, Council approved the appointment of Anthinodoros Chronis to the Modesto Convention and Visitors Bureau Board of Directors with a term expiration of December 31, 2021, and

WHEREAS, on May 23, 2019, Anthinodoros Chronis submitted his resignation from the Modesto Convention and Visitors Bureau Board of Directors, and

WHEREAS, on September 25, 2019, the Appointment Committee unanimously approved the appointment of Tim Fisher to fill the vacancy and forwarding to Council for approval, and

WHEREAS, the appointment will be for the remainder of the Anthinodoros Chronis' term through December 31, 2021, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Anthinodoros Chronis from the Modesto Convention and Visitors Bureau Board of Directors.

BE IT FURTHER RESOLVED by the Council that it hereby appoints Tim Fisher to the Modesto Convention and Visitors Bureau with a term expiration of December 31, 2021.

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 22nd day of October, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Madrigal, Ridenour, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal, Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-469**

**RESOLUTION APPROVING THE REAPPOINTMENT OF LAURIE SALVI,
REPRESENTING THE SONS IN RETIREMENT (SIRS) GOLF CLUB, TO THE
GOLF COURSES ADVISORY COMMITTEE WITH A TERM EXPIRATION OF
DECEMBER 31, 2022.**

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. 2014-500, Council approved the appointment of Laurie Salvi to the Golf Courses Advisory Committee, as a representative of the SIRS Golf Club, from January 1, 2015 through December 31, 2018, and

WHEREAS, reappointment to a second term would commence retroactively to January 1, 2019 through December 31, 2022,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reappoints Laurie Salvi to the Golf Courses Advisory Committee, as the member representing the Sons in Retirement (SIRS) Golf Club, with a term expiration of December 31, 2022.

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 Course 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 22nd day of October, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

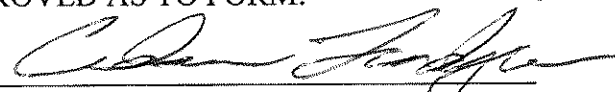
NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-470**

**RESOLUTION APPROVING THE APPOINTMENT OF ANTHONY WINSTEAD
TO THE MODESTO CITY-COUNTY AIRPORT ADVISORY COMMITTEE
(AAC) FOR A TWO YEAR TERM, WITH A TERM EXPIRATION OF
OCTOBER 22, 2021**

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, 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 Airport Advisory Committee (AAC) has one vacancy for the position of Small Aircraft Owner / General Aviation, and

WHEREAS, on August 15, 2019, the AAC reviewed six applications and a motion to recommend Anthony Winstead was voted on and unanimously recommended. No other applicants had airport knowledge or previous background in aviation, and

WHEREAS, Council has considered the experience and qualifications of the candidate, Anthony Winstead and find that he would be appropriate to fill the position of the Commercial/Service Provider member.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the appointment of Anthony Winstead to fill the position on the Modesto City-County Airport Advisory Committee, representing a Small Aircraft Owner / General Aviation to the Airport Advisory Committee for a term of two years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2019 471

RESOLUTION APPROVING THE 2020 CITY CALENDAR OF REGULARLY
SCHEDULED CITY COUNCIL AND COUNCIL STANDING COMMITTEE
MEETINGS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
2020 City Council Meeting Calendar, **attached** hereto as **Exhibit "A,"** and the 2020
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 22nd day of October, 2019, by Councilmember Grewal,
who moved its adoption, which motion being duly seconded by Councilmember Ah You,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

City Council Calendar 2020

January 2020

7th CANCELLED*
 14th Council Meeting (regular)
 21st NO MEETING
 28th Council Meeting (regular)

July 2020

7th Council Meeting (regular)
 14th Council Meeting (regular)
 21st NO MEETING
 28th NO MEETING

February 2020

4th Council Meeting (regular)
 11th Council Meeting (regular)
 18th NO MEETING
 25th Council Meeting (regular)

August 2020

5th Council Meeting (special)***
 11th Council Meeting (regular)
 18th NO MEETING
 25th NO MEETING

March 2020

3rd Council Meeting (regular)
 10th Council Meeting (regular)
 17th NO MEETING
 24th CANCELLED **
 31st NO MEETING – 5th Tuesday

September 2020

1st Council Meeting (regular)
 8th Council Meeting (regular)
 15th NO MEETING
 22nd Council Meeting (regular)
 29th NO MEETING – 5th Tuesday

April 2020

7th Council Meeting (regular)
 14th Council Meeting (regular)
 21st NO MEETING
 28th Council Meeting (regular)

October 2020

6th Council Meeting (regular)
 13th Council Meeting (regular)
 20th NO MEETING
 27th Council Meeting (regular)

May 2020

5th Council Meeting (regular)
 12th Council Meeting (regular)
 19th NO MEETING
 26th Council Meeting (regular)

November 2020

4th Council Meeting (special)****
 10th Council Meeting (regular)
 17th NO MEETING
 24th Council Meeting (regular)

June 2020

2nd Council Meeting (regular)
 9th Council Meeting (regular)
 16th NO MEETING
 23rd Council Meeting (regular)
 30th NO MEETING – 5th Tuesday

December 2020

1st Council Meeting (regular)
 8th Council Meeting (regular)
 15th CANCELLED per MMC 2-1.01
 22nd CANCELLED per MMC 2-1.01
 29th NO MEETING – 5th Tuesday

* January 7th due to Winter Break

** March 24th due to Spring Break

*** August 5th Wednesday Meeting due to National Night Out on August 4th

**** November 4th Wednesday Meeting due to Election Day on November 3rd

**City of Modesto Council and Standing Committees Calendar
2020 DRAFT**

JANUARY						
S	M	T	W	T	F	S
			H	2	3	4
5	6	7		9	10	11
12	13	14		16	17	18
19	H	21	22	23	24	25
26		28	29	30	31	

FEBRUARY						
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						1
2	3	4		6	7	8
9	10	11		13	14	15
16	H	18	19	20	21	22
23		25	26	27	28	29

MARCH						
S	M	T	W	T	F	S
1	2	3		5	6	7
8	9	10		12	13	14
15	16	17	18	19	20	21
22		24	25	26	27	28
29	30	31				

APRIL						
S	M	T	W	T	F	S
				2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26		28	29	30		

MAY						
S	M	T	W	T	F	S
					1	2
3	4	5		7	8	9
10	11	12	13	14	15	16
17		19	20	21	22	23
24/31	H	26	27	28	29	30

JUNE						
S	M	T	W	T	F	S
	1	2		4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21		23	24	25	26	27
28	29	30				

JULY						
S	M	T	W	T	F	S
			1	2	H	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	



AUGUST						
S	M	T	W	T	F	S
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23		25	26	27	28	29
30	31					



SEPTEMBER						
S	M	T	W	T	F	S
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6	H	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27		29	30			

OCTOBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6		8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25		27	28	29	30	31

NOVEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	H	12	13	14
15	16	17	18	19	20	21
22		24	25	H	H	28
29	30					

DECEMBER						
S	M	T	W	T	F	S
		1		3	4	5
6	7	8	9	10	11	12
13		15	16	17	18	19
20	21	22	23	24	H	26
27	28	29	30	31		

 Council
 Economic Development Committee
 Appointment & Audit Committees - As needed

 Safety & Communities Committee
 Finance Committee

**Meeting dates are subject to change at the request of Council
Calendar by the City Clerk's Office 10/22/2019*

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-472**

RESOLUTION APPROVING AN UPDATE TO THE RETURNED CHECK FEE TO ENCOMPASS ALL RETURNED ITEMS INCLUDING ELECTRONIC PAYMENTS IN THE FINANCE DEPARTMENT STARTING AT \$25.00 FOR THE FIRST RETURNED ITEM AND INCREASING TO \$35.00 FOR ALL SUBSEQUENT RETURNED ITEMS

WHEREAS, this fee has not been updated since initial Council approval in 2008 with Resolution 2008-322, and

WHEREAS, the current fee structure only allows for a returned fee to be added to a check and is not applied to other forms of payment that are returned without payment with no penalty for additional returned items within a twelve month period, and

WHEREAS, the Finance Department conducted a review of various miscellaneous fees to determine if the City was reasonably recovering associated costs, and

WHEREAS, based on the findings of this review the Finance Department is proposing an update to the returned check fee, and

WHEREAS, Government Code Section 6159 (g) allows the City to impose a reasonable charge for a payment that is returned without payment to recover the City's processing and collection costs as long as the charge does not exceed the actual costs incurred by the City, and

WHEREAS, the Finance Department conducted an analysis of the returned check fee indicating actual costs of \$36.74 per returned item, and

WHEREAS, the City currently charges \$25.00 for a returned check, and

WHEREAS, due to a decrease in physical checks and an increase in electronic payments the Finance Department has determined there is a need to recoup the costs of processing all types of returned payments , and

WHEREAS, implementation of this charge will include an update from a returned check fee to a general returned item fee, while allowing for the maximum charge of \$35.00 for subsequent returned items by the same customer within twelve months.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the approval of an update to the returned check fee to encompass all returned items including electronic payments in the Finance Department starting at \$25.00 for the first returned item and increasing to \$35.00 for all subsequent returned items.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-473**

RESOLUTION APPROVING A PROPOSED 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, 2019 TO JUNE 30, 2023; 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) expired on June 30, 2019, 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, 2019 to June 30, 2023.

Article 5. SALARY.

Amend to include 2.0% salary increase effective October 29, 2019, following ratification of this MOU by MPNSA and adoption by the City Council.

Effective June 23, 2020, employees will receive an additional 2.0% salary increase.

Effective June 22, 2021, employees will receive an additional 2.0% salary increase.

Effective June 21, 2022, employees will receive an additional 2.0% salary 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 19. Section C. SPECIAL ASSIGNMENTS.

Subsection 1. Additional language to include: 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.

New Subsection 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 percent (2.5%) in compensation for the duration of that special assignment and ending upon return to patrol duties.

New Subsection 6. Police Records Clerk Assignment Pay: Police Records Clerks serving in a special assignment as set forth in this subsection (C) shall receive an additional two and one half percent (2.5%) in compensation for the duration of that special assignment and ending upon return to traditional Records Division assignment.

Article 32. HEALTH, DENTAL, VISION INSURANCE.

Two percent (2%) increase to City monthly contributions (excluding opt-out) each year as follows:

	Current	2020	2021	2022	2023
Opt-out of City Medical Coverage	\$450.00	\$450.00	\$450.00	\$450.00	\$450.00
Employee only	\$622.00	\$634.00	\$648.00	\$660.00	\$673.00
Employee plus 1	\$1,112.00	\$1,134.00	\$1,157.00	\$1,180.00	\$1,204.00
Employee plus family	\$1,572.00	\$1,603.00	\$1,635.00	\$1,668.00	\$1,701.00

Article 23. UNIFORM ALLOWANCES.

Effective October 29, 2019, 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:

- a. Police Community Service Officers, Police Animal Control Officers and Police Identification Technicians shall receive an additional \$6 in uniform allowance for a total of 100.00 monthly
- b. Police Evidence and Property Technicians shall receive an additional \$4 in uniform allowance for a total of \$85.00 monthly
- c. Police Clerks shall receive an additional \$4 in uniform allowance for a total of \$72.00 monthly
- d. Police Cadets shall receive a uniform allowance of \$50.00 per month paid on the last paycheck of the month.
- e. Deputy Fire Marshal and Fire Prevention Technician I, II, and Senior Fire Prevention Technicians shall receive an additional \$5 in uniform allowance for a total of \$105 per month.

Article 40. DISCIPLINARY ACTIONS.

Language changes and additions, as per **attached** tentative agreement.

CONTINUATION OF REMAINING PROVISIONS.

Except as provided above, the remaining provisions of the July 1, 2016 through June 30, 2019 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.

WHEREAS, the Council considered this matter at its meeting of October 22, 2019, 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 between the City of Modesto and the Modesto Police and Fire Non-Sworn Association, which covers a term from July 1, 2019 through June 30, 2023, 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 22nd day of October, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

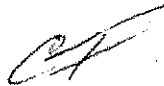
ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney



**Tentative Agreement Between City of Modesto and MPNSA
September 27, 2019**

- A. **Term:** 4 years, expiring on 6/30/2023
- B. **Salary:** 2.0% effective first full pay period following MPNSA ratification/Council adoption; 2.0% effective the pay period including July 1, 2020; 2.0% effective the pay period including July 1, 2021; 2.0% effective the pay period including July 1, 2022
- C. **Market Adjustments:**
 - a. Effective first full pay period following MPNSA ratification/Council adoption, one salary range adjustment for Police Community Services Officer series and Police Animal Control Officer series (approximately 2.5% increase)

Effective the pay period including July 1, 2020, one salary range adjustment for Police Community Services Officer series and Police Animal Control Officer series (approximately 2.5% increase)
 - b. Effective first full pay period following MPNSA ratification/Council adoption, one salary range adjustment for Police Clerk series and Police Evidence and Property Technician series (approximately 2.5% increase)

Effective the pay period including July 1, 2020, one salary range adjustment for Police Clerk series and Police Evidence and Property Technician series (approximately 2.5% increase)

Effective the pay period including July 1, 2021, one salary range adjustment for Police Clerk series and Police Evidence and Property Technician series (approximately 2.5% increase)
- D. **Uniform Allowance:** City counterproposes as set forth below.
- E. **Specialty Pays:** City conceptually agrees to MPNSA's proposal of May 13, 2019. Response to MPNSA language proposal of August 5, 2019 included below.
- F. **Schedule Change:** City maintains its proposal regarding modification to Police Department employees' schedules to move to 4/10 structure.
- G. **Disciplinary Actions:** City makes modified proposal as set forth below.
- H. **Health Care:** In addition to the items previously tentatively agreed upon, the City proposes the following City bi-weekly contribution rates (based on 24 pay periods) to take effect 1/1/2023

Employee Only	\$336.50
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BS

Tentative Agreement Between City of Modesto and MPNSA
September 27, 2019

W

Employee + 1	\$602.00
Employee + Family	\$850.50

In addition to the above-listed items, all other previously agreed upon tentative agreements will be incorporated into the successor MOU.

Tentative Agreement Between City of Modesto and MPNSA
September 27, 2019

ARTICLE 5. SALARY RATES AND STEP ADVANCEMENTS

- (A) Salary Rates and Ranges: ~~The base salary ranges shown in Exhibit 1 (Classifications and Salary Ranges) shall be applicable on the dates indicated for classifications in this Unit for the period commencing March 24, 2016, as provided in Exhibit 2 (Schedule of Salary Ranges and Rates). The salary range for each position shown in Exhibit 1 of those positions shall increase by two percent (2.0%) effective the first pay period following ratification of this agreement by MPNSA and adoption by the City Council, as provided in Exhibit 23. The salary range for each of those positions shall increase by two percent (2.0%) effective the pay period including July 1, 2020~~ June 27, 2017, as provided in Exhibit 34. The salary range for each of those position shall increase by two percent (2.0%) effective the pay period including July 1, 2021 June 26, 2018 as provided in Exhibit 45. The salary range for each of those position shall increase by two percent (2.0%) effective the pay period including July 1, 2022 as provided in Exhibit 5.
- (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, along with any related classes, shall increase in accordance with the schedule set forth in Exhibit 6.

City proposes providing the following labor market salary adjustments:

<u>Classification</u>	<u>Market Adjustment Effective as of first full pay period following ratification by MPNSA/adoption by City Council</u>	<u>Market Adjustment Effective as of pay period including July 1, 2020</u>	<u>Market Adjustment Effective as of pay period including July 1, 2021</u>
<u>Police Clerk Flex</u>	<u>One salary range</u>	<u>One salary range</u>	<u>One salary range</u>
<u>Police Clerk II</u>	<u>One salary range</u>	<u>One salary range</u>	<u>One salary range</u>
<u>Police Evidence & Property Technician Flex</u>	<u>One salary range</u>	<u>One salary range</u>	<u>One salary range</u>
<u>Police Evidence & Property Technician II</u>	<u>One salary range</u>	<u>One salary range</u>	<u>One salary range</u>
<u>Police Community Services Officer Flex</u>	<u>One salary range</u>	<u>One salary range</u>	<u>No additional adjustment</u>
<u>Police Community Services Officer II</u>	<u>One salary range</u>	<u>One salary range</u>	<u>No additional adjustment</u>
<u>Police Animal Control Officer Flex</u>	<u>One salary range</u>	<u>One salary range</u>	<u>No additional adjustment</u>
<u>Police Animal Control Officer II</u>	<u>One salary range</u>	<u>One salary range</u>	<u>No additional adjustment</u>

Tentative Agreement Between City of Modesto and MPNSA
September 27, 2019

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 Exhibit 1. 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. 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.

Tentative Agreement Between City of Modesto and MPNSA
September 27, 2019

ARTICLE 23. UNIFORM ALLOWANCES

(A) Police: 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:

- (1) Police Community Service Officers, Police Animal Control Officers and Police Identification Technicians shall receive a uniform allowance of ~~ninety-four~~ one hundred dollars (~~\$94100.00~~) per month paid on the last paycheck of the month.
- (2) Police Evidence and Property Technicians shall receive a uniform allowance of ~~eighty-one~~ five dollars (~~\$8185.00~~) per month paid on the last paycheck of the month.
- (3) Police Clerks shall receive a uniform allowance of ~~sixty-eight~~ seventy-two dollars (~~\$6872.00~~) per month paid on the last paycheck of the month.
- (4) Police Cadets shall receive a uniform allowance of fifty dollars (\$50.00) 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:

Deputy Fire Marshal and Fire Prevention Technician I, II, and Senior Fire Prevention Technicians shall receive a uniform allowance of one hundred and five dollars (~~\$100~~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.

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.

Tentative Agreement Between City of Modesto and MPNSA
September 27, 2019

ARTICLE 40. DISCIPLINARY ACTIONS

(A) The following shall constitute just cause for disciplinary action. Disciplinary action will be proportionate to the offense and shall follow the progressive discipline procedures described below, including dismissal, demotion, suspension and disciplinary probation.

- 1) Violation of the City Charter
- 2) Violation of the Modesto Municipal Code
- 3) Violation of the Personnel Rules or Personnel Administrative Orders, excluding Personnel Administrative Order No. 13.8-03-2 (Unauthorized Absence)
- 4) Fraud in securing employment
- 5) Incompetency
- 6) Inefficiency
- ~~6)7)~~ Failure to meet job performance expectations, including but not limited to maintaining all required licenses and certifications
- ~~7)8)~~ Inexcusable neglect of duty
- ~~8)9)~~ Insubordination
- ~~9)10)~~ Dishonesty
- ~~10)11)~~ Being under the influence of alcohol or controlled substances while on duty
- ~~11)12)~~ Inexcusable absence without leave, except as described in Personnel Administrative Order No. 13.8-03-2 (Unauthorized Absence)
- ~~12)13)~~ Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section
- ~~13)14)~~ Discourteous treatment of the public or other employees, including, but not limited to violations of the Anti-Bullying Policy
- ~~14)15)~~ Misuse of City property and resources
- ~~15)16)~~ Violation of any established departmental rule, regulation, policy and/or manual
- ~~16)17)~~ Other failure of good behavior either during or outside of duty hours, which is of such a nature that it causes discredit to the City
- ~~17)18)~~ Unlawful discrimination and, including harassment, on the basis of race, color, national origin, ancestry, sex, marital status, religion, age, medical condition (cancer-related), physical disability (including AIDS) or sexual orientation as provided under federal, state and local law.
- ~~18)19)~~ Substantial or credible threats of violence against any person including, but not limited to intimidation, harassment and/or coercion made in the course of employment

(B) The City may demote an employee whose ability to perform required duties falls below an acceptable standard, or for disciplinary purposes. Upon request of

Tentative Agreement Between City of Modesto and MPNSA
September 27, 2019

an employee, and approval by the City, demotion may be made to a vacant position as a substitution for layoff.

- (C) The City may suspend an employee without pay at any time for just cause. Suspension without pay shall not exceed ninety (90) calendar days in any fiscal year.
- (D) The City may dismiss an employee at any time. A regular employee in the classified service shall be entitled to a written statement of the just cause for dismissal.
- (E) The City may place an employee on disciplinary probation for a specified period, not to exceed one (1) year. Disciplinary probation returns a non-probationary employee to probationary status. Employees placed on disciplinary probation may be dismissed at any time during the probationary period for failure to meet any requirement established as a condition of the probation. Disciplinary probation may only be imposed by delivery of written notice to the employee, pursuant to the Modesto Municipal Code, stating that the employee has been placed on disciplinary probation and stating the reasons for such action.
- (F) The Department head may authorize an employee for overtime, standby or call-back during the time when he/she is on disciplinary probation but not while the employee is serving a disciplinary suspension without pay.
- (G) An employee shall be given reasonable notice when he/she is scheduled to be interviewed as the subject in an investigation in accordance with the provisions of law. This will include information as to the nature of the allegation, Articles of this Memorandum or other policies and procedures that are believed to have been violated, and the date(s) of the alleged events, if known.
- (H) An employee may request an Association member or MPNSA legal representative if the employee believes an investigatory interview could result in discipline as defined in subsection (A).

While written reprimands are not considered discipline, per se, an employee shall have the right to request a review of the Memorandum and the facts included therein first by the supervisor's supervisor and up the chain of command, ending with the Department Director.

Tentative Agreement Between City of Modesto and MPNSA
September 27, 2019

Specialty Pays: Propose the following revision to Article 19 (C)

(C) Special Assignments - Maintain current language and except as set forth below:

(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 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) through (4) – No Change

(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 percent (2.5%) in compensation for the duration of that special assignment and ending upon return to patrol duties.

(6) Police Records Clerk Assignment Pay: Police Records Clerks serving in a special assignment as set forth in this subsection (C) shall receive an additional two and one half percent (2.5%) in compensation for the duration of that special assignment and ending upon return to traditional Records Division assignment.



Tentative Agreement Between City of Modesto and MPNSA
September 27, 2019

ARTICLE 32. HEALTH, DENTAL, VISION INSURANCE

No proposed changes to preamble or subsections (A) through (E) from prior tentative agreement, adopted by the City Council on 6/25/19.

NEW SUBSECTION (F):

- (F) Effective 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.

<u>Coverage Level</u>	<u>Maximum City Contribution</u>
<u>Opt-out</u>	<u>\$225.00</u>
<u>Employee Only</u>	<u>\$336.50</u>
<u>Employee + One</u>	<u>\$602.00</u>
<u>Employee Plus Family</u>	<u>\$850.50</u>

NOTE: Following paragraphs will need to be renumbered.

TENTATIVE AGREEMENT

City Rep. *[Signature]*

Union Rep. *[Signature]*

Date: 9-27-19

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 19/20
EFFECTIVE: OCTOBER 29, 2019**

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1101	14.24	14.96	15.70	16.49	17.31	1,139.20	1,196.80	1,256.00	1,319.20	1,384.80	2,476.62	2,601.84	2,730.54	2,867.94	3,010.56
1102	14.60	15.33	16.10	16.90	17.75	1,168.00	1,226.40	1,288.00	1,352.00	1,420.00	2,539.23	2,666.19	2,800.11	2,939.25	3,087.00
1103	14.97	15.71	16.50	17.32	18.19	1,197.60	1,256.80	1,320.00	1,385.60	1,455.20	2,603.58	2,732.28	2,869.68	3,012.29	3,163.60
1104	15.34	16.11	16.91	17.76	18.64	1,227.20	1,288.80	1,352.80	1,420.80	1,491.20	2,667.93	2,801.85	2,940.99	3,088.82	3,241.87
1105	15.72	16.51	17.33	18.20	19.11	1,257.60	1,320.80	1,386.40	1,456.00	1,528.80	2,734.02	2,871.42	3,014.03	3,165.34	3,323.61
1106	16.12	16.92	17.77	18.66	19.59	1,289.60	1,353.60	1,421.60	1,492.80	1,567.20	2,803.59	2,942.73	3,090.56	3,245.35	3,407.09
1107	16.52	17.34	18.21	19.12	20.08	1,321.60	1,387.20	1,456.80	1,529.60	1,606.40	2,873.16	3,015.77	3,167.08	3,325.35	3,492.31
1108	16.93	17.78	18.67	19.60	20.58	1,354.40	1,422.40	1,493.60	1,568.00	1,646.40	2,944.47	3,092.30	3,247.09	3,408.83	3,579.27
1109	17.36	18.22	19.13	20.09	21.09	1,388.80	1,457.60	1,530.40	1,607.20	1,687.20	3,019.25	3,168.82	3,327.09	3,494.05	3,667.97
1110	17.79	18.68	19.61	20.59	21.62	1,423.20	1,494.40	1,568.80	1,647.20	1,729.60	3,094.04	3,248.83	3,410.57	3,581.01	3,760.15
1111	18.23	19.14	20.10	21.11	22.16	1,458.40	1,531.20	1,608.00	1,688.80	1,772.80	3,170.56	3,328.83	3,495.79	3,671.45	3,854.07
1112	18.69	19.62	20.60	21.63	22.72	1,495.20	1,569.60	1,648.00	1,730.40	1,817.60	3,250.56	3,412.31	3,582.75	3,761.89	3,951.46
1113	19.16	20.11	21.12	22.17	23.28	1,532.80	1,608.80	1,689.60	1,773.60	1,862.40	3,332.31	3,497.53	3,673.19	3,855.81	4,048.86
1114	19.63	20.62	21.65	22.73	23.87	1,570.40	1,649.60	1,732.00	1,818.40	1,909.60	3,414.05	3,586.23	3,765.37	3,953.20	4,151.47
1115	20.13	21.13	22.19	23.30	24.46	1,610.40	1,690.40	1,775.20	1,864.00	1,956.80	3,501.01	3,674.93	3,859.28	4,052.34	4,254.08
1116	20.63	21.66	22.74	23.88	25.07	1,650.40	1,732.80	1,819.20	1,910.40	2,005.60	3,587.97	3,767.11	3,954.94	4,153.21	4,360.17
1117	21.14	22.20	23.31	24.48	25.70	1,691.20	1,776.00	1,864.80	1,958.40	2,056.00	3,676.67	3,861.02	4,054.08	4,257.56	4,469.74
1118	21.67	22.76	23.89	25.09	26.34	1,733.60	1,820.80	1,911.20	2,007.20	2,107.20	3,768.85	3,958.42	4,154.95	4,363.65	4,581.05
1119	22.21	23.33	24.49	25.72	27.00	1,776.80	1,866.40	1,959.20	2,057.60	2,160.00	3,862.76	4,057.55	4,259.30	4,473.22	4,695.84
1120	22.77	23.91	25.10	26.36	27.68	1,821.60	1,912.80	2,008.00	2,108.80	2,214.40	3,960.16	4,158.43	4,365.39	4,584.53	4,814.11
1121	23.34	24.51	25.73	27.02	28.37	1,867.20	1,960.80	2,058.40	2,161.60	2,269.60	4,059.29	4,262.78	4,474.96	4,699.32	4,934.11
1122	23.92	25.12	26.37	27.69	29.08	1,913.60	2,009.60	2,109.60	2,215.20	2,326.40	4,160.17	4,368.87	4,586.27	4,815.84	5,057.59
1123	24.52	25.75	27.03	28.38	29.80	1,961.60	2,060.00	2,162.40	2,270.40	2,384.00	4,264.52	4,478.44	4,701.06	4,935.85	5,182.82
1124	25.13	26.39	27.71	29.09	30.55	2,010.40	2,111.20	2,216.80	2,327.20	2,444.00	4,370.61	4,589.75	4,819.32	5,059.33	5,313.26
1125	25.76	27.05	28.40	29.82	31.31	2,060.80	2,164.00	2,272.00	2,385.60	2,504.80	4,480.18	4,704.54	4,939.33	5,186.29	5,445.44
1126	26.41	27.73	29.11	30.57	32.09	2,112.80	2,218.40	2,328.80	2,445.60	2,567.20	4,593.23	4,822.80	5,062.81	5,316.73	5,581.09
1127	27.07	28.42	29.84	31.33	32.90	2,165.60	2,273.60	2,387.20	2,506.40	2,632.00	4,708.01	4,942.81	5,189.77	5,448.91	5,721.97
1128	27.74	29.13	30.58	32.11	33.72	2,219.20	2,330.40	2,446.40	2,568.80	2,697.60	4,824.54	5,066.29	5,318.47	5,584.57	5,864.58
1129	28.44	29.86	31.35	32.92	34.56	2,275.20	2,388.80	2,508.00	2,633.60	2,764.80	4,946.28	5,193.25	5,452.39	5,725.45	6,010.68
1130	29.15	30.60	32.13	33.74	35.43	2,332.00	2,448.00	2,570.40	2,699.20	2,834.40	5,069.77	5,321.95	5,588.05	5,868.06	6,161.99
1131	29.87	31.37	32.94	34.58	36.31	2,389.60	2,509.60	2,635.20	2,766.40	2,904.80	5,194.99	5,455.87	5,728.92	6,014.15	6,315.04
1132	30.62	32.15	33.76	35.45	37.22	2,449.60	2,572.00	2,700.80	2,836.00	2,977.60	5,325.43	5,591.53	5,871.54	6,165.46	6,473.30
1133	31.39	32.96	34.60	36.33	38.15	2,511.20	2,636.80	2,768.00	2,906.40	3,052.00	5,459.35	5,732.40	6,017.63	6,318.51	6,635.05
1134	32.17	33.78	35.47	37.24	39.10	2,573.60	2,702.40	2,837.60	2,979.20	3,128.00	5,595.01	5,875.02	6,168.94	6,476.78	6,800.27
1135	32.98	34.62	36.35	38.17	40.08	2,638.40	2,769.60	2,908.00	3,053.60	3,206.40	5,735.88	6,021.11	6,321.99	6,638.53	6,970.71
1136	33.80	35.49	37.26	39.13	41.08	2,704.00	2,839.20	2,980.80	3,130.40	3,286.40	5,878.50	6,172.42	6,480.26	6,805.49	7,144.63

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 19/20
EFFECTIVE: OCTOBER 29, 2019

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1137	34.64	36.38	38.19	40.10	42.11	2,771.20	2,910.40	3,055.20	3,208.00	3,368.80	6,024.59	6,327.21	6,642.00	6,974.19	7,323.77
1138	35.51	37.29	39.15	41.11	43.16	2,840.80	2,983.20	3,132.00	3,288.80	3,452.80	6,175.90	6,485.48	6,808.97	7,149.85	7,506.39
1139	36.40	38.22	40.13	42.13	44.24	2,912.00	3,057.60	3,210.40	3,370.40	3,539.20	6,330.69	6,647.22	6,979.41	7,327.25	7,694.22
1140	37.31	39.17	41.13	43.19	45.35	2,984.80	3,133.60	3,290.40	3,455.20	3,628.00	6,488.96	6,812.45	7,153.33	7,511.60	7,887.27
1141	38.24	40.15	42.16	44.27	46.48	3,059.20	3,212.00	3,372.80	3,541.60	3,718.40	6,650.70	6,982.89	7,332.47	7,699.44	8,083.80
1142	39.20	41.16	43.21	45.37	47.64	3,136.00	3,292.80	3,456.80	3,629.60	3,811.20	6,817.66	7,158.55	7,515.08	7,890.75	8,285.55
1143	40.18	42.18	44.29	46.51	48.83	3,214.40	3,374.40	3,543.20	3,720.80	3,906.40	6,988.11	7,335.95	7,702.92	8,089.02	8,492.51
1144	41.18	43.24	45.40	47.67	50.05	3,294.40	3,459.20	3,632.00	3,813.60	4,004.00	7,162.03	7,520.30	7,895.97	8,290.77	8,704.70
1145	42.21	44.32	46.54	48.86	51.30	3,376.80	3,545.60	3,723.20	3,908.80	4,104.00	7,341.16	7,708.13	8,094.24	8,497.73	8,922.10
1146	43.26	45.43	47.70	50.08	52.59	3,460.80	3,634.40	3,816.00	4,006.40	4,207.20	7,523.78	7,901.19	8,295.98	8,709.91	9,146.45
1147	44.35	46.56	48.89	51.34	53.90	3,548.00	3,724.80	3,911.20	4,107.20	4,312.00	7,713.35	8,097.72	8,502.95	8,929.05	9,374.29
1148	45.45	47.73	50.11	52.62	55.25	3,636.00	3,818.40	4,008.80	4,209.60	4,420.00	7,904.66	8,301.20	8,715.13	9,151.67	9,609.08
1149	46.59	48.92	51.37	53.93	56.63	3,727.20	3,913.60	4,109.60	4,314.40	4,530.40	8,102.93	8,508.17	8,934.27	9,379.51	9,849.09
1150	47.76	50.14	52.65	55.28	58.05	3,820.80	4,011.20	4,212.00	4,422.40	4,644.00	8,306.42	8,720.35	9,156.89	9,614.30	10,096.06

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 20/21
EFFECTIVE: JUNE, 23 2020

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1101	14.53	15.26	16.02	16.83	17.67	1,162.40	1,220.80	1,281.60	1,346.40	1,413.60	2,527.06	2,654.02	2,786.20	2,927.07	3,073.17
1102	14.90	15.64	16.42	17.25	18.11	1,192.00	1,251.20	1,313.60	1,380.00	1,448.80	2,591.41	2,720.11	2,855.77	3,000.12	3,149.65
1103	15.27	16.03	16.84	17.68	18.56	1,221.60	1,282.40	1,347.20	1,414.40	1,484.80	2,655.76	2,787.94	2,928.81	3,074.91	3,227.96
1104	15.65	16.43	17.26	18.12	19.02	1,252.00	1,314.40	1,380.80	1,449.60	1,521.60	2,721.85	2,857.51	3,001.86	3,151.43	3,307.96
1105	16.04	16.85	17.69	18.57	19.50	1,283.20	1,348.00	1,415.20	1,485.60	1,560.00	2,789.68	2,930.55	3,076.64	3,229.69	3,391.44
1106	16.44	17.27	18.13	19.04	19.99	1,315.20	1,381.60	1,450.40	1,523.20	1,599.20	2,859.24	3,003.60	3,153.17	3,311.44	3,476.66
1107	16.86	17.70	18.58	19.51	20.49	1,348.80	1,416.00	1,486.40	1,560.80	1,639.20	2,932.29	3,078.38	3,231.43	3,393.18	3,563.62
1108	17.28	18.14	19.05	20.00	21.00	1,382.40	1,451.20	1,524.00	1,600.00	1,680.00	3,005.34	3,154.91	3,313.18	3,478.40	3,652.32
1109	17.71	18.59	19.52	20.50	21.52	1,416.80	1,487.20	1,561.60	1,640.00	1,721.60	3,080.12	3,233.17	3,394.92	3,565.36	3,742.76
1110	18.15	19.06	20.01	21.01	22.06	1,452.00	1,524.80	1,600.80	1,680.80	1,764.80	3,156.65	3,314.92	3,480.14	3,654.06	3,836.68
1111	18.60	19.53	20.51	21.54	22.61	1,488.00	1,562.40	1,640.80	1,723.20	1,808.80	3,234.91	3,396.66	3,567.10	3,746.24	3,932.33
1112	19.07	20.02	21.02	22.07	23.18	1,525.60	1,601.60	1,681.60	1,765.60	1,854.40	3,316.65	3,481.88	3,655.80	3,838.41	4,031.47
1113	19.55	20.52	21.55	22.63	23.76	1,564.00	1,641.60	1,724.00	1,810.40	1,900.80	3,400.14	3,568.84	3,747.98	3,935.81	4,132.34
1114	20.03	21.04	22.09	23.19	24.35	1,602.40	1,683.20	1,767.20	1,855.20	1,948.00	3,483.62	3,659.28	3,841.89	4,033.20	4,234.95
1115	20.54	21.56	22.64	23.77	24.96	1,643.20	1,724.80	1,811.20	1,901.60	1,996.80	3,572.32	3,749.72	3,937.55	4,134.08	4,341.04
1116	21.05	22.10	23.21	24.37	25.58	1,684.00	1,768.00	1,856.80	1,949.60	2,046.40	3,661.02	3,843.63	4,036.68	4,238.43	4,448.87
1117	21.57	22.65	23.79	24.97	26.22	1,725.60	1,812.00	1,903.20	1,997.60	2,097.60	3,751.45	3,939.29	4,137.56	4,342.78	4,560.18
1118	22.11	23.22	24.38	25.60	26.88	1,768.80	1,857.60	1,950.40	2,048.00	2,150.40	3,845.37	4,038.42	4,240.17	4,452.35	4,674.97
1119	22.67	23.80	24.99	26.24	27.55	1,813.60	1,904.00	1,999.20	2,099.20	2,204.00	3,942.77	4,139.30	4,346.26	4,563.66	4,791.50
1120	23.23	24.39	25.61	26.89	28.24	1,858.40	1,951.20	2,048.80	2,151.20	2,259.20	4,040.16	4,241.91	4,454.09	4,676.71	4,911.50
1121	23.81	25.00	26.25	27.57	28.95	1,904.80	2,000.00	2,100.00	2,205.60	2,316.00	4,141.04	4,348.00	4,565.40	4,794.97	5,034.98
1122	24.41	25.63	26.91	28.26	29.67	1,952.80	2,050.40	2,152.80	2,260.80	2,373.60	4,245.39	4,457.57	4,680.19	4,914.98	5,160.21
1123	25.02	26.27	27.58	28.96	30.41	2,001.60	2,101.60	2,206.40	2,316.80	2,432.80	4,351.48	4,568.88	4,796.71	5,036.72	5,288.91
1124	25.64	26.93	28.27	29.69	31.17	2,051.20	2,154.40	2,261.60	2,375.20	2,493.60	4,459.31	4,683.67	4,916.72	5,163.68	5,421.09
1125	26.29	27.60	28.98	30.43	31.95	2,103.20	2,208.00	2,318.40	2,434.40	2,556.00	4,572.36	4,800.19	5,040.20	5,292.39	5,556.74
1126	26.94	28.29	29.70	31.19	32.75	2,155.20	2,263.20	2,376.00	2,495.20	2,620.00	4,685.40	4,920.20	5,165.42	5,424.56	5,695.88
1127	27.62	29.00	30.45	31.97	33.57	2,209.60	2,320.00	2,436.00	2,557.60	2,685.60	4,803.67	5,043.68	5,295.86	5,560.22	5,838.49
1128	28.31	29.72	31.21	32.77	34.41	2,264.80	2,377.60	2,496.80	2,621.60	2,752.80	4,923.68	5,168.90	5,428.04	5,699.36	5,984.59
1129	29.01	30.46	31.99	33.59	35.27	2,320.80	2,436.80	2,559.20	2,687.20	2,821.60	5,045.42	5,297.60	5,563.70	5,841.97	6,134.16
1130	29.74	31.23	32.79	34.43	36.15	2,379.20	2,498.40	2,623.20	2,754.40	2,892.00	5,172.38	5,431.52	5,702.84	5,988.07	6,287.21
1131	30.48	32.01	33.61	35.29	37.05	2,438.40	2,560.80	2,688.80	2,823.20	2,964.00	5,301.08	5,567.18	5,845.45	6,137.64	6,443.74
1132	31.24	32.81	34.45	36.17	37.98	2,499.20	2,624.80	2,756.00	2,893.60	3,038.40	5,433.26	5,706.32	5,991.54	6,290.69	6,605.48
1133	32.03	33.63	35.31	37.07	38.93	2,562.40	2,690.40	2,824.80	2,965.60	3,114.40	5,570.66	5,848.93	6,141.12	6,447.21	6,770.71
1134	32.83	34.47	36.19	38.00	39.90	2,626.40	2,757.60	2,895.20	3,040.00	3,192.00	5,709.79	5,995.02	6,294.16	6,608.96	6,939.41
1135	33.65	35.33	37.09	38.95	40.90	2,692.00	2,826.40	2,967.20	3,116.00	3,272.00	5,852.41	6,144.59	6,450.69	6,774.18	7,113.33
1136	34.49	36.21	38.02	39.92	41.92	2,759.20	2,896.80	3,041.60	3,193.60	3,353.60	5,998.50	6,297.64	6,612.44	6,942.89	7,290.73

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 20/21
EFFECTIVE: JUNE, 23 2020**

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1137	35.35	37.12	38.97	40.92	42.97	2,828.00	2,969.60	3,117.60	3,273.60	3,437.60	6,148.07	6,455.91	6,777.66	7,116.81	7,473.34
1138	36.23	38.04	39.95	41.94	44.04	2,898.40	3,043.20	3,196.00	3,355.20	3,523.20	6,301.12	6,615.92	6,948.10	7,294.20	7,659.44
1139	37.14	39.00	40.95	42.99	45.14	2,971.20	3,120.00	3,276.00	3,439.20	3,611.20	6,459.39	6,782.88	7,122.02	7,476.82	7,850.75
1140	38.07	39.97	41.97	44.07	46.27	3,045.60	3,197.60	3,357.60	3,525.60	3,701.60	6,621.13	6,951.58	7,299.42	7,664.65	8,047.28
1141	39.02	40.97	43.02	45.17	47.43	3,121.60	3,277.60	3,441.60	3,613.60	3,794.40	6,786.36	7,125.50	7,482.04	7,855.97	8,249.03
1142	39.99	41.99	44.09	46.30	48.61	3,199.20	3,359.20	3,527.20	3,704.00	3,888.80	6,955.06	7,302.90	7,668.13	8,052.50	8,454.25
1143	40.99	43.04	45.20	47.45	49.83	3,279.20	3,443.20	3,616.00	3,796.00	3,986.40	7,128.98	7,485.52	7,861.18	8,252.50	8,666.43
1144	42.02	44.12	46.33	48.64	51.07	3,361.60	3,529.60	3,706.40	3,891.20	4,085.60	7,308.12	7,673.35	8,057.71	8,459.47	8,882.09
1145	43.07	45.22	47.48	49.86	52.35	3,445.60	3,617.60	3,798.40	3,988.80	4,188.00	7,490.73	7,864.66	8,257.72	8,671.65	9,104.71
1146	44.15	46.35	48.67	51.10	53.66	3,532.00	3,708.00	3,893.60	4,088.00	4,292.80	7,678.57	8,061.19	8,464.69	8,887.31	9,332.55
1147	45.25	47.51	49.89	52.38	55.00	3,620.00	3,800.80	3,991.20	4,190.40	4,400.00	7,869.88	8,262.94	8,676.87	9,109.93	9,565.60
1148	46.38	48.70	51.13	53.69	56.37	3,710.40	3,896.00	4,090.40	4,295.20	4,509.60	8,066.41	8,469.90	8,892.53	9,337.76	9,803.87
1149	47.54	49.92	52.41	55.03	57.78	3,803.20	3,993.60	4,192.80	4,402.40	4,622.40	8,268.16	8,682.09	9,115.15	9,570.82	10,049.10
1150	48.73	51.16	53.72	56.41	59.23	3,898.40	4,092.80	4,297.60	4,512.80	4,738.40	8,475.12	8,897.75	9,342.98	9,810.83	10,301.28

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 21/22
EFFECTIVE: JUNE, 22 2021

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1101	14.83	15.58	16.36	17.17	18.03	1,186.40	1,246.40	1,308.80	1,373.60	1,442.40	2,579.23	2,709.67	2,845.33	2,986.21	3,135.78
1102	15.21	15.97	16.76	17.60	18.48	1,216.80	1,277.60	1,340.80	1,408.00	1,478.40	2,645.32	2,777.50	2,914.90	3,060.99	3,214.04
1103	15.59	16.36	17.18	18.04	18.94	1,247.20	1,308.80	1,374.40	1,443.20	1,515.20	2,711.41	2,845.33	2,987.95	3,137.52	3,294.04
1104	15.98	16.77	17.61	18.49	19.42	1,278.40	1,341.60	1,408.80	1,479.20	1,553.60	2,779.24	2,916.64	3,062.73	3,215.78	3,377.53
1105	16.37	17.19	18.05	18.95	19.90	1,309.60	1,375.20	1,444.00	1,516.00	1,592.00	2,847.07	2,989.68	3,139.26	3,295.78	3,461.01
1106	16.78	17.62	18.50	19.43	20.40	1,342.40	1,409.60	1,480.00	1,554.40	1,632.00	2,918.38	3,064.47	3,217.52	3,379.27	3,547.97
1107	17.20	18.06	18.97	19.91	20.91	1,376.00	1,444.80	1,517.60	1,592.80	1,672.80	2,991.42	3,141.00	3,299.26	3,462.75	3,636.67
1108	17.63	18.51	19.44	20.41	21.43	1,410.40	1,480.80	1,555.20	1,632.80	1,714.40	3,066.21	3,219.26	3,381.00	3,549.71	3,727.11
1109	18.07	18.98	19.93	20.92	21.97	1,445.60	1,518.40	1,594.40	1,673.60	1,757.60	3,142.73	3,301.00	3,466.23	3,638.41	3,821.02
1110	18.53	19.45	20.42	21.44	22.52	1,482.40	1,556.00	1,633.60	1,715.20	1,801.60	3,222.74	3,382.74	3,551.45	3,728.84	3,916.68
1111	18.99	19.94	20.93	21.98	23.08	1,519.20	1,595.20	1,674.40	1,758.40	1,846.40	3,302.74	3,467.96	3,640.15	3,822.76	4,014.07
1112	19.46	20.44	21.46	22.53	23.66	1,556.80	1,635.20	1,716.80	1,802.40	1,892.80	3,384.48	3,554.92	3,732.32	3,918.42	4,114.95
1113	19.95	20.95	21.99	23.09	24.25	1,596.00	1,676.00	1,759.20	1,847.20	1,940.00	3,469.70	3,643.62	3,824.50	4,015.81	4,217.56
1114	20.45	21.47	22.54	23.67	24.85	1,636.00	1,717.60	1,803.20	1,893.60	1,988.00	3,556.66	3,734.06	3,920.16	4,116.69	4,321.91
1115	20.96	22.01	23.11	24.26	25.48	1,676.80	1,760.80	1,848.80	1,940.80	2,038.40	3,645.36	3,827.98	4,019.29	4,219.30	4,431.48
1116	21.48	22.56	23.68	24.87	26.11	1,718.40	1,804.80	1,894.40	1,989.60	2,088.80	3,735.80	3,923.64	4,118.43	4,325.39	4,541.05
1117	22.02	23.12	24.28	25.49	26.76	1,761.60	1,849.60	1,942.40	2,039.20	2,140.80	3,829.72	4,021.03	4,222.78	4,433.22	4,654.10
1118	22.57	23.70	24.88	26.13	27.43	1,805.60	1,896.00	1,990.40	2,090.40	2,194.40	3,925.37	4,121.90	4,327.13	4,544.53	4,770.63
1119	23.13	24.29	25.51	26.78	28.12	1,850.40	1,943.20	2,040.80	2,142.40	2,249.60	4,022.77	4,224.52	4,436.70	4,657.58	4,890.63
1120	23.71	24.90	26.14	27.45	28.82	1,896.80	1,992.00	2,091.20	2,196.00	2,305.60	4,123.64	4,330.61	4,546.27	4,774.10	5,012.37
1121	24.31	25.52	26.80	28.14	29.54	1,944.80	2,041.60	2,144.00	2,251.20	2,363.20	4,228.00	4,438.44	4,661.06	4,894.11	5,137.60
1122	24.91	26.16	27.47	28.84	30.28	1,992.80	2,092.80	2,197.60	2,307.20	2,422.40	4,332.35	4,549.75	4,777.58	5,015.85	5,266.30
1123	25.54	26.81	28.15	29.56	31.04	2,043.20	2,144.80	2,252.00	2,364.80	2,483.20	4,441.92	4,662.80	4,895.85	5,141.08	5,398.48
1124	26.17	27.48	28.86	30.30	31.81	2,093.60	2,198.40	2,308.80	2,424.00	2,544.80	4,551.49	4,779.32	5,019.33	5,269.78	5,532.40
1125	26.83	28.17	29.58	31.06	32.61	2,146.40	2,253.60	2,366.40	2,484.80	2,608.80	4,666.27	4,899.33	5,144.55	5,401.96	5,671.53
1126	27.50	28.87	30.32	31.83	33.42	2,200.00	2,309.60	2,425.60	2,546.40	2,673.60	4,782.80	5,021.07	5,273.25	5,535.87	5,812.41
1127	28.19	29.60	31.07	32.63	34.26	2,255.20	2,368.00	2,485.60	2,610.40	2,740.80	4,902.80	5,148.03	5,403.69	5,675.01	5,958.50
1128	28.89	30.34	31.85	33.44	35.12	2,311.20	2,427.20	2,548.00	2,675.20	2,809.60	5,024.55	5,276.73	5,539.35	5,815.88	6,108.07
1129	29.61	31.09	32.65	34.28	35.99	2,368.80	2,487.20	2,612.00	2,742.40	2,879.20	5,149.77	5,407.17	5,678.49	5,961.98	6,259.38
1130	30.35	31.87	33.46	35.14	36.89	2,428.00	2,549.60	2,676.80	2,811.20	2,951.20	5,278.47	5,542.83	5,819.36	6,111.55	6,415.91
1131	31.11	32.67	34.30	36.02	37.82	2,488.80	2,613.60	2,744.00	2,881.60	3,025.60	5,410.65	5,681.97	5,965.46	6,264.60	6,577.65
1132	31.89	33.48	35.16	36.92	38.76	2,551.20	2,678.40	2,812.80	2,953.60	3,100.80	5,546.31	5,822.84	6,115.03	6,421.13	6,741.14
1133	32.69	34.32	36.04	37.84	39.73	2,615.20	2,745.60	2,883.20	3,027.20	3,178.40	5,685.44	5,968.93	6,268.08	6,581.13	6,909.84
1134	33.50	35.18	36.94	38.78	40.72	2,680.00	2,814.40	2,955.20	3,102.40	3,257.60	5,826.32	6,118.51	6,424.60	6,744.62	7,082.02
1135	34.34	36.06	37.86	39.75	41.74	2,747.20	2,884.80	3,028.80	3,180.00	3,339.20	5,972.41	6,271.56	6,584.61	6,913.32	7,259.42
1136	35.20	36.96	38.81	40.75	42.78	2,816.00	2,956.80	3,104.80	3,260.00	3,422.40	6,121.98	6,428.08	6,749.84	7,087.24	7,440.30

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 21/22
EFFECTIVE: JUNE, 22 2021

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1137	36.08	37.88	39.78	41.77	43.85	2,886.40	3,030.40	3,182.40	3,341.60	3,508.00	6,275.03	6,588.09	6,918.54	7,264.64	7,626.39
1138	36.98	38.83	40.77	42.81	44.95	2,958.40	3,106.40	3,261.60	3,424.80	3,596.00	6,431.56	6,753.31	7,090.72	7,445.52	7,817.70
1139	37.91	39.80	41.79	43.88	46.07	3,032.80	3,184.00	3,343.20	3,510.40	3,685.60	6,593.31	6,922.02	7,268.12	7,631.61	8,012.49
1140	38.85	40.80	42.84	44.98	47.23	3,108.00	3,264.00	3,427.20	3,598.40	3,778.40	6,756.79	7,095.94	7,450.73	7,822.92	8,214.24
1141	39.82	41.82	43.91	46.10	48.41	3,185.60	3,345.60	3,512.80	3,688.00	3,872.80	6,925.49	7,273.33	7,636.83	8,017.71	8,419.47
1142	40.82	42.86	45.00	47.25	49.62	3,265.60	3,428.80	3,600.00	3,780.00	3,969.60	7,099.41	7,454.21	7,826.40	8,217.72	8,629.91
1143	41.84	43.93	46.13	48.43	50.86	3,347.20	3,514.40	3,690.40	3,874.40	4,068.80	7,276.81	7,640.31	8,022.93	8,422.95	8,845.57
1144	42.89	45.03	47.28	49.65	52.13	3,431.20	3,602.40	3,782.40	3,972.00	4,170.40	7,459.43	7,831.62	8,222.94	8,635.13	9,066.45
1145	43.96	46.16	48.46	50.89	53.43	3,516.80	3,692.80	3,876.80	4,071.20	4,274.40	7,645.52	8,028.15	8,428.16	8,850.79	9,292.55
1146	45.06	47.31	49.67	52.16	54.77	3,604.80	3,784.80	3,973.60	4,172.80	4,381.60	7,836.84	8,228.16	8,638.61	9,071.67	9,525.60
1147	46.18	48.49	50.92	53.46	56.14	3,694.40	3,879.20	4,073.60	4,276.80	4,491.20	8,031.63	8,433.38	8,856.01	9,297.76	9,763.87
1148	47.34	49.70	52.19	54.80	57.54	3,787.20	3,976.00	4,175.20	4,384.00	4,603.20	8,233.37	8,643.82	9,076.88	9,530.82	10,007.36
1149	48.52	50.95	53.49	56.17	58.98	3,881.60	4,076.00	4,279.20	4,493.60	4,718.40	8,438.60	8,861.22	9,302.98	9,769.09	10,257.80
1150	49.73	52.22	54.83	57.57	60.45	3,978.40	4,177.60	4,386.40	4,605.60	4,836.00	8,649.04	9,082.10	9,536.03	10,012.57	10,513.46

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 22/23
EFFECTIVE: JUNE, 21 2022**

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1101	15.13	15.89	16.69	17.52	18.40	1,210.40	1,271.20	1,335.20	1,401.60	1,472.00	2,631.41	2,763.59	2,902.72	3,047.08	3,200.13
1102	15.51	16.29	17.10	17.96	18.86	1,240.80	1,303.20	1,368.00	1,436.80	1,508.80	2,697.50	2,833.16	2,974.03	3,123.60	3,280.13
1103	15.90	16.70	17.53	18.41	19.33	1,272.00	1,336.00	1,402.40	1,472.80	1,546.40	2,765.33	2,904.46	3,048.82	3,201.87	3,361.87
1104	16.30	17.11	17.97	18.87	19.81	1,304.00	1,368.80	1,437.60	1,509.60	1,584.80	2,834.90	2,975.77	3,125.34	3,281.87	3,445.36
1105	16.71	17.54	18.42	19.34	20.30	1,336.80	1,403.20	1,473.60	1,547.20	1,624.00	2,906.20	3,050.56	3,203.61	3,363.61	3,530.58
1106	17.12	17.98	18.88	19.82	20.81	1,369.60	1,438.40	1,510.40	1,585.60	1,664.80	2,977.51	3,127.08	3,283.61	3,447.09	3,619.28
1107	17.55	18.43	19.35	20.32	21.33	1,404.00	1,474.40	1,548.00	1,625.60	1,706.40	3,052.30	3,205.35	3,365.35	3,534.05	3,709.71
1108	17.99	18.89	19.83	20.82	21.87	1,439.20	1,511.20	1,586.40	1,665.60	1,749.60	3,128.82	3,285.35	3,448.83	3,621.01	3,803.63
1109	18.44	19.36	20.33	21.35	22.41	1,475.20	1,548.80	1,626.40	1,708.00	1,792.80	3,207.08	3,367.09	3,535.79	3,713.19	3,897.55
1110	18.90	19.85	20.84	21.88	22.97	1,512.00	1,588.00	1,667.20	1,750.40	1,837.60	3,287.09	3,452.31	3,624.49	3,805.37	3,994.94
1111	19.37	20.34	21.36	22.43	23.55	1,549.60	1,627.20	1,708.80	1,794.40	1,884.00	3,368.83	3,537.53	3,714.93	3,901.03	4,095.82
1112	19.86	20.85	21.89	22.99	24.14	1,588.80	1,668.00	1,751.20	1,839.20	1,931.20	3,454.05	3,626.23	3,807.11	3,998.42	4,198.43
1113	20.35	21.37	22.44	23.56	24.74	1,628.00	1,709.60	1,795.20	1,884.80	1,979.20	3,539.27	3,716.67	3,902.76	4,097.56	4,302.78
1114	20.86	21.90	23.00	24.15	25.36	1,668.80	1,752.00	1,840.00	1,932.00	2,028.80	3,627.97	3,808.85	4,000.16	4,200.17	4,410.61
1115	21.38	22.45	23.57	24.75	25.99	1,710.40	1,796.00	1,885.60	1,980.00	2,079.20	3,718.41	3,904.50	4,099.29	4,304.52	4,520.18
1116	21.92	23.01	24.16	25.37	26.64	1,753.60	1,840.80	1,932.80	2,029.60	2,131.20	3,812.33	4,001.90	4,201.91	4,412.35	4,633.23
1117	22.47	23.59	24.77	26.01	27.31	1,797.60	1,887.20	1,981.60	2,080.80	2,184.80	3,907.98	4,102.77	4,308.00	4,523.66	4,749.76
1118	23.03	24.18	25.39	26.66	27.99	1,842.40	1,934.40	2,031.20	2,132.80	2,239.20	4,005.38	4,205.39	4,415.83	4,636.71	4,868.02
1119	23.60	24.78	26.02	27.32	28.69	1,888.00	1,982.40	2,081.60	2,185.60	2,295.20	4,104.51	4,309.74	4,525.40	4,751.49	4,989.76
1120	24.19	25.40	26.67	28.01	29.41	1,935.20	2,032.00	2,133.60	2,240.80	2,352.80	4,207.12	4,417.57	4,638.45	4,871.50	5,114.99
1121	24.80	26.04	27.34	28.71	30.14	1,984.00	2,083.20	2,187.20	2,296.80	2,411.20	4,313.22	4,528.88	4,754.97	4,993.24	5,241.95
1122	25.42	26.69	28.02	29.42	30.89	2,033.60	2,135.20	2,241.60	2,353.60	2,471.20	4,421.05	4,641.92	4,873.24	5,116.73	5,372.39
1123	26.05	27.35	28.72	30.16	31.67	2,084.00	2,188.00	2,297.60	2,412.80	2,533.60	4,530.62	4,756.71	4,994.98	5,245.43	5,508.05
1124	26.70	28.04	29.44	30.91	32.46	2,136.00	2,243.20	2,355.20	2,472.80	2,596.80	4,643.66	4,876.72	5,120.20	5,375.87	5,645.44
1125	27.37	28.74	30.18	31.68	33.27	2,189.60	2,299.20	2,414.40	2,534.40	2,661.60	4,760.19	4,998.46	5,248.91	5,509.79	5,786.32
1126	28.06	29.46	30.93	32.48	34.10	2,244.80	2,356.80	2,474.40	2,598.40	2,728.00	4,880.20	5,123.68	5,379.35	5,648.92	5,930.67
1127	28.76	30.19	31.70	33.29	34.95	2,300.80	2,415.20	2,536.00	2,663.20	2,796.00	5,001.94	5,250.64	5,513.26	5,789.80	6,078.50
1128	29.48	30.95	32.50	34.12	35.83	2,358.40	2,476.00	2,600.00	2,729.60	2,866.40	5,127.16	5,382.82	5,652.40	5,934.15	6,231.55
1129	30.21	31.72	33.31	34.97	36.72	2,416.80	2,537.60	2,664.80	2,797.60	2,937.60	5,254.12	5,516.74	5,793.28	6,081.98	6,386.34
1130	30.97	32.52	34.14	35.85	37.64	2,477.60	2,601.60	2,731.20	2,868.00	3,011.20	5,386.30	5,655.88	5,937.63	6,235.03	6,546.35
1131	31.74	33.33	34.99	36.74	38.58	2,539.20	2,666.40	2,799.20	2,939.20	3,086.40	5,520.22	5,796.75	6,085.46	6,389.82	6,709.83
1132	32.53	34.16	35.87	37.66	39.54	2,602.40	2,732.80	2,869.60	3,012.80	3,163.20	5,657.62	5,941.11	6,238.51	6,549.83	6,876.80
1133	33.35	35.01	36.77	38.60	40.53	2,668.00	2,800.80	2,941.60	3,088.00	3,242.40	5,800.23	6,088.94	6,395.04	6,713.31	7,048.98
1134	34.18	35.89	37.68	39.57	41.55	2,734.40	2,871.20	3,014.40	3,165.60	3,324.00	5,944.59	6,241.99	6,553.31	6,882.01	7,226.38
1135	35.04	36.79	38.63	40.56	42.59	2,803.20	2,943.20	3,090.40	3,244.80	3,407.20	6,094.16	6,398.52	6,718.53	7,054.20	7,407.25
1136	35.91	37.71	39.59	41.57	43.65	2,872.80	3,016.80	3,167.20	3,325.60	3,492.00	6,245.47	6,558.52	6,885.49	7,229.85	7,591.61

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 22/23
EFFECTIVE: JUNE, 21 2022

MPNSA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1137	36.81	38.65	40.58	42.61	44.74	2,944.80	3,092.00	3,246.40	3,408.80	3,579.20	6,402.00	6,722.01	7,057.67	7,410.73	7,781.18
1138	37.73	39.62	41.60	43.68	45.86	3,018.40	3,169.60	3,328.00	3,494.40	3,668.80	6,562.00	6,890.71	7,235.07	7,596.83	7,975.97
1139	38.67	40.61	42.64	44.77	47.01	3,093.60	3,248.80	3,411.20	3,581.60	3,760.80	6,725.49	7,062.89	7,415.95	7,786.40	8,175.98
1140	39.64	41.62	43.70	45.89	48.18	3,171.20	3,329.60	3,496.00	3,671.20	3,854.40	6,894.19	7,238.55	7,600.30	7,981.19	8,379.47
1141	40.63	42.66	44.79	47.03	49.38	3,250.40	3,412.80	3,583.20	3,762.40	3,950.40	7,066.37	7,419.43	7,789.88	8,179.46	8,588.17
1142	41.65	43.73	45.91	48.21	50.62	3,332.00	3,498.40	3,672.80	3,856.80	4,049.60	7,243.77	7,605.52	7,984.67	8,384.68	8,803.83
1143	42.69	44.82	47.06	49.41	51.88	3,415.20	3,585.60	3,764.80	3,952.80	4,150.40	7,424.64	7,795.09	8,184.68	8,593.39	9,022.97
1144	43.75	45.94	48.24	50.65	53.18	3,500.00	3,675.20	3,859.20	4,052.00	4,254.40	7,609.00	7,989.88	8,389.90	8,809.05	9,249.07
1145	44.85	47.09	49.44	51.92	54.51	3,588.00	3,767.20	3,955.20	4,153.60	4,360.80	7,800.31	8,189.89	8,598.60	9,029.93	9,480.38
1146	45.97	48.27	50.68	53.21	55.87	3,677.60	3,861.60	4,054.40	4,256.80	4,469.60	7,995.10	8,395.12	8,814.27	9,254.28	9,716.91
1147	47.12	49.47	51.95	54.54	57.27	3,769.60	3,957.60	4,156.00	4,363.20	4,581.60	8,195.11	8,603.82	9,035.14	9,485.60	9,960.40
1148	48.30	50.71	53.25	55.91	58.70	3,864.00	4,056.80	4,260.00	4,472.80	4,696.00	8,400.34	8,819.48	9,261.24	9,723.87	10,209.10
1149	49.50	51.98	54.58	57.30	60.17	3,960.00	4,158.40	4,366.40	4,584.00	4,813.60	8,609.04	9,040.36	9,492.55	9,965.62	10,464.77
1150	50.74	53.28	55.94	58.74	61.67	4,059.20	4,262.40	4,475.20	4,699.20	4,933.60	8,824.70	9,266.46	9,729.08	10,216.06	10,725.65

Exhibit "X"

Classification	<u>Market Adjustment Effective as of first full pay period following ratification by MPNSA/adoption by City Council</u>	<u>Market Adjustment Effective as of pay period including July 1, 2020</u>	<u>Market Adjustment Effective as of pay period including July 1, 2021</u>
<u>Police Clerk Flex</u>	<u>One salary range</u>	<u>One salary range</u>	<u>One salary range</u>
<u>Police Clerk II</u>	<u>One salary range</u>	<u>One salary range</u>	<u>One salary range</u>
<u>Police Evidence & Property Technician Flex</u>	<u>One salary range</u>	<u>One salary range</u>	<u>One salary range</u>
<u>Police Evidence & Property Technician II</u>	<u>One salary range</u>	<u>One salary range</u>	<u>One salary range</u>
<u>Police Community Services Officer Flex</u>	<u>One salary range</u>	<u>One salary range</u>	<u>No additional adjustment</u>
<u>Police Community Services Officer II</u>	<u>One salary range</u>	<u>One salary range</u>	<u>No additional adjustment</u>
<u>Police Animal Control Officer Flex</u>	<u>One salary range</u>	<u>One salary range</u>	<u>No additional adjustment</u>
<u>Police Animal Control Officer II</u>	<u>One salary range</u>	<u>One salary range</u>	<u>No additional adjustment</u>

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-474**

RESOLUTION APPROVING A SOLE SOURCE AGREEMENT WITH HYLAND INC., OF WESTLAKE, OH, FOR THE ONBASE AGENDA MANAGEMENT AND ELECTRONIC CONTENT MANAGEMENT (ECM) SOFTWARE FOR A TERM OF THREE-YEARS FOR AN ESTIMATED COST OF \$240,352 WHICH INCLUDES ALL LICENSING, SOFTWARE, INSTALLATION AND CONFIGURATION; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, The City of Modesto currently uses SIRE Agenda Management and Document Management system to conduct City business, and

WHEREAS, the SIRE Agenda Management system has been in service since 2007 and in 2012, SIRE was acquired by Hyland Software, Inc., and

WHEREAS, Hyland currently supports the system, however; they do not provide any additional enhancements or updates to the software/application version used by the City, and

WHEREAS, to continue to receive updates and enhancements, the City needs to upgrade to the newest version – Hyland OnBase Agenda Management and ECM, and

WHEREAS, the SIRE Agenda Management and Document Management system are at end of their lifespans, because they will not work with newer and required Microsoft platforms, 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 8-3.204(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, Hyland Software, Inc. has offered current SIRE Agenda Plus and ECM users a promotional upgrade pricing incentive, to include the transfer of all currently owned licensing from SIRE to Hyland's OnBase platform for no cost, and

WHEREAS, the OnBase Agenda Management Software, licensing, installation and configuration of this agreement to Hyland should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(b) since Hyland is the sole provider of this software.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it adopts this Resolution approving a sole source agreement with Hyland Inc., of Westlake, OH, for the OnBase Agenda Management and Electronic Content Management (ECM) Software for a term of three-years for an estimated cost of \$240,352 which includes all licensing, software, installation and configuration, and

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 October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-475**

**RESOLUTION APPROVING A SOLE SOURCE AGREEMENT WITH
DOCUSIGN, OF SAN FRANCISCO, CA, FOR ELECTRONIC SIGNATURE
SOFTWARE FOR A TERM OF TWO YEARS FOR AN ESTIMATED TOTAL
COST OF \$40,649; AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the addition of DocuSign electronic signatures will digitize the signature collection process and eliminate the need for paper documents and ink signatures, and

WHEREAS, additional efficiency and tracking of contract documents will be achieved through using Hyland's integration with DocuSign, and

WHEREAS, document tracking will significantly reduce time and labor spent by City Clerk staff tracking where in the process a contract document resides, and

WHEREAS, additionally, electronic signatures will provide cost savings by reducing the use of paper and printer supplies because fewer documents will need to be printed, 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 8-3.204(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, DocuSign is the only electronic signature that integrates directly into OnBase, and

WHEREAS DocuSign is installed during the initial setup and configuration of the Hyland OnBase Agenda Management and Electronic Content Management software, and

WHEREAS, DocuSign should be exempt from the formal bidding procedures in accordance with Modesto Municipal Code 8-3.204(b), as DocuSign is part of a sole process upgrade to the Hyland OnBase Agenda and Document Management system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it adopts this Resolution approving a sole source agreement with DocuSign, of San Francisco, CA, for Electronic Signature Software for a term of two years for an estimated total cost of \$40,649, and

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 October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-476**

RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 OPERATING AND MULTI-YEAR PROJECT BUDGET TO ESTABLISH A NON-CAPITAL PROJECT EXPENDITURE APPROPRIATIONS AS WELL AS TRANSFERS FROM THE DEPARTMENTS INTO THE PROJECT IN THE AMOUNT OF \$197,197 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO MAKE THE APPROPRIATE ADJUSTMENTS

WHEREAS, The City of Modesto currently uses SIRE Agenda Management and Document Management system to conduct City business, and

WHEREAS, the SIRE Agenda Management system has been in service since 2007 and in 2012, SIRE was acquired by Hyland Software, Inc., and

WHEREAS, Hyland currently supports the system, however; they do not provide any additional enhancements or updates to the software/application version used by the City, and

WHEREAS, to continue to receive updates and enhancements, the City needs to upgrade to the newest version – Hyland OnBase Agenda Management and ECM, and

WHEREAS, the SIRE Agenda Management and Document Management system are at end of their lifespans, because they will not work with newer and required Microsoft platforms, and

WHEREAS, the approval of the agreements with Hyland Inc., and DocuSign will initially be funded out of the Information Technology (IT) Fund , and

WHEREAS, the first year will be housed in a capital multi-year project (101220) within the IT Fund but will be funded with transfers from the departments based on the **attached** allocation (**Exhibit A**) which is based on the last 6 months of SIRE items, and

WHEREAS, for the second and third years, these will be budgeted in the an operating cost center within the IT Fund as a part of the annual budget development process and reimbursed two years in arrears as a part of the IT Internal Service Fund allocation, and

WHEREAS, the Fiscal Year 2019-2020 operating and multi-year project budget will be amended to establish a non-capital project expenditure appropriations as well as allow for transfers from the departments into the project in the amount of \$197,197.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it authorized the project budget adjustment (101220) IT in the amount of \$197,197, and

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 October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

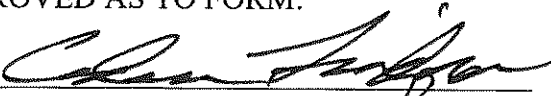
By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

Amount Needed for Project	\$ 197,197
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Eligible Funds for Payback				
Fund Number	Fund Name	Count	Percent of Total Count	Apportioned Amount
1700	Surface Transportation Fund	10	7.58%	\$ 14,940.00
3200	Village One CFD Fund	1	0.76%	\$ 1,494.00
3410	Streets Capital Facility Fee Fund	9	6.82%	\$ 13,446.00
3430	Air Quality Capital Facility Fee Fund	4	3.03%	\$ 5,976.00
3480	Capital Facility Fees Administration Fund	4	3.03%	\$ 5,976.00
4000	Parking Fund	1	0.76%	\$ 1,494.00
4100	Water Fund	17	12.88%	\$ 25,397.00
4210	Sewer Operations Fund	16	12.12%	\$ 23,903.00
4310	Airport Operating Fund	2	1.52%	\$ 2,988.00
4510	Bus Fixed Route Fund	13	9.85%	\$ 19,421.00
4600	Golf Fund	1	0.76%	\$ 1,494.00
4700	Community Center Operations Fund	3	2.27%	\$ 4,482.00
4890	Compost Fund	1	0.76%	\$ 1,494.00
4891	Solid Waste Fund	1	0.76%	\$ 1,494.00
4910	Abatement and Public Nuisance Fund	1	0.76%	\$ 1,494.00
5320	Insurance - Workers Compensation Fund	1	0.76%	\$ 1,494.00
5330	Insurance - Liability Insurance Fund	1	0.76%	\$ 1,494.00
5400	Fleet Management Fund	9	6.82%	\$ 13,446.00
5510	Employee Benefits Management Fund	1	0.76%	\$ 1,494.00
5800	P/R Building Services Fund	2	1.52%	\$ 2,988.00
6700	JPA - Tuolumne River Regional Park (TRRP)	3	2.27%	\$ 4,482.00
0100	General Fund	31	23.48%	\$ 46,312.00
Totals		132	100%	\$ 197,203.00

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-477**

**RESOLUTION APPROVING BI-ANNUAL COMPOST “GIVE BACK TO THE
COMMUNITY DAYS” EACH OCTOBER AND APRIL TO BECOME
EFFECTIVE OCTOBER 2019**

WHEREAS, the City of Modesto Compost Facility began operation in January 1997 due to the City’s waste being comprised of a high level of compostable materials and the City being designated as a City of Trees, and the Compost Facility would provide a way for the City to handle its own green waste and forestry materials, and

WHEREAS, the City also rolled out a two-can residential garbage and recycling collection program which provided a green can for all residential waste, and

WHEREAS, over time that green can functionality has expanded to include all yard waste, paper waste and food waste, and

WHEREAS, the Compost Facility’s primary and stated mandated purpose is to process the City’s diverted yard waste, paper waste, and food waste materials into a reusable soil amendment, this keeping materials from the landfill and lowering our disposal rate, and

WHEREAS, compost is also donated to community gardens and landscape projects, parks, schools, churches, and for use in our own City projects, and

WHEREAS, annually the Facility receives approximately 65,000 tons of raw compostable waste materials and processes it into about 35,000 tons of compost, and

WHEREAS, in 2017-2018 SCS Engineers, Inc. was hired to conduct a comprehensive review of the City’s solid waste system, including the compost facility and its operations, and

WHEREAS, one of the findings discussed the changes in state law that made

organic recycling and composting mandatory, and the demands that would have on the facility operationally and financially, but there was no discussion on what the impacts of the new influx of materials would be, or what would happened to the quality of the compost or the market conditions, and

WHEREAS, AB1826 and SB1383 mandate organics recycling resulting in a 75% diversion of organics materials out of landfills and into composting facilities, yet there are no laws mandating the public or private sectors purchase the finished product back, and

WHEREAS, the new supply of material is estimated to be over 20 million tons annually which creates an overabundance of product inventory statewide and the competition makes pricing and materials quality key factors for moving the project, and

WHEREAS, the new supply of incoming organics material is heavily contaminated with glass, plastics, and trash, and

WHEREAS, an increase in public education and enforcement will help over time, but expensive machinery and labor intensive efforts are needed long term to separate out the contamination, and

WHEREAS, due to the contamination levels, compost sales have dropped by 50% and created an oversupply of product at the facility, which is exceeding our permitted site capacity, and

WHEREAS, this product needs to be moved in order to continue processing incoming material, and while some of the product can be spread on City land, due to the glass it is not feasible to use it in City parks or sports fields, and nut farmers have even diminished their use of the product, and

WHEREAS, on April 2, 2019 by Resolution No., 2019-140, Council approved a

flexible pricing pilot program for one year to help with the oversupply of product, and

WHEREAS, even with these changes there is still an overproduction of material, and the site is impacted for space and at risk for a permit violation, and

WHEREAS, since only 40,000 tons of stockpiled compost is allowed in any phase, staff is requesting to now hold bi-annual "Give Back to the Community Days" every October and April in which current customers/Modesto residents can come and for that day only, pick up compost free for their yards, gardens, community projects, etc.,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves Bi-Annual Compost Give Back to the Community Days" each October and April to become effective October 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-478**

**RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO
SEEK GRANT FUNDING FOR THE CALIFORNIA DEPARTMENT OF
RESOURCES RECYCLING AND RECOVERY'S (CALRECYCLE) ORGANICS
GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO SIGN THE GRANT APPLICATION**

WHEREAS, the purpose of the California Department of Resources Recycling and Recovery (CalRecycle's) Competitive Organics Grant Program is to further the purposes of the California Global Warming Solutions Act (AB 32) and lower the overall greenhouse gas emissions by expanding existing capacity or establishing new facilities in California to reduce the amount of California-generated green materials, food materials, or alternative daily cover being sent to landfills, and

WHEREAS, the Organic Grants Program is part of California Climate Investments, a statewide program that puts billions of cap-and-trade dollars to work reducing greenhouse gas emissions, strengthening the economy and improving public health and the environment, and

WHEREAS, the Cap-and-Trade program also creates a financial incentive for industries to invest in clean technologies and develop innovative ways to reduce pollution, and

WHEREAS, this grant will offer up to \$17,000,000 in competitive grant funding specifically for construction, renovation, or expansion of facilities to increase in-state infrastructure for the compost or digestion of organics into compost, soil amendments, fertilizers, biofuels, or bioenergy, and

WHEREAS, the City of Modesto Compost Facility began operation in January 1997 and its primary and stated mandated purpose is to process the City's diverted yard

waste, paper waste and food waste materials into a reusable soil amendment product (compost), thus keeping these materials from entering the landfill and lowering the disposal rate, and

WHEREAS, a secondary purpose of the Facility is to then market and sell the finished compost to farmers, landscapers, and backyard gardeners, which in turn helps keep the Facility sustainable, and

WHEREAS, annually the Facility receives approximately 65,000 tons of raw compostable waste materials and processes it into about 35,000 tons of compost, and

WHEREAS, fairly recent changes in state law have made organic recycling and composting mandatory for all jurisdictions in California and this has started to place higher demands on the facility operationally, financially and from a regulatory standpoint, and

WHEREAS, the influx of higher quantities of this new material is and will continue to affect the quality of our compost and our marketability conditions impacting the demand for our compost, and

WHEREAS, first and foremost in applying for this grant, staff will be applying for up to \$4,000,000 focusing on the upgrade to our infrastructure to add an electrical substation that can power electrical equipment that will be required by the San Joaquin Valley Air Pollution Control District for all future stationary pieces of processing equipment and as this is at minimum a million dollar cost, it must be done at some point in the very near future, and

WHEREAS, additionally staff will be applying for specialized equipment that will assist with the processing of the new waste coming in and cleaning it to a high level to rid

the material of glass, plastics, rocks, and packaging which will make it more marketable.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the submittal of a grant application to seek grant funding for CalRecycle's Organics Grant Program, and authorizing the City Manager, or his designee, to sign the grant application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-479**

**RESOLUTION APPROVING SUBMITTAL OF GRANT APPLICATIONS TO
SEEK GRANT FUNDING FOR CONGESTION MITIGATION AND AIR
QUALITY GRANTS**

WHEREAS, the purpose of the Congestion Mitigation and Air Quality (CMAQ) program is to fund transportation projects or programs that will contribute to attainment or maintenance of the National Ambient Air Quality Standards for ozone, carbon monoxide, and particulate matter, and

WHEREAS, the program is administered by the Federal Highway Administration (FHWA), and

WHEREAS, the Fixing America's Surface Transportation (FAST) Act provides approximately \$455 million of CMAQ funds annually to California, with a regional apportionment based on population, and

WHEREAS, projects submitted will be evaluated competitively based on cost effectiveness and requires a minimum of 20% of the Region's CMAQ funds to be directed to projects that meet the San Joaquin Valley region's cost-effectiveness threshold for emission reductions, and

WHEREAS, major emphasis is placed upon projects that support alternative modes of transportation, provide congestion relief measures, provide low-polluting transit vehicles and equipment, and provide new technologies/improvements geared toward providing a more efficient and safer transportation system, and

WHEREAS, CMAQ funding has been distributed in a 2-year cycle, with the next call for projects anticipated this upcoming fall, and

WHEREAS, the StanCOG Policy Board approves the methodology and how the CMAQ funds are distributed, and

WHEREAS, the last call of projects for FY 18/19 and 19/20, each competitive project was capped at \$1.2 million, and

WHEREAS, any future call for projects may have a new cap depending on the Policy Board's approval for that cycle, and

WHEREAS, staff is seeking authority to apply for CMAQ funding any time a call for projects becomes available.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submittal of grant applications to seek grant funding for Congestion Mitigation and Air Quality Grants.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-480**

RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION ON BEHALF OF THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION GROUNDWATER SUSTAINABILITY AGENCY TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES TO OBTAIN A GRANT UNDER THE 2019 SUSTAINABLE GROUNDWATER MANAGEMENT (SGM) GRANT PROGRAM PLANNING GRANT PURSUANT TO THE WATER QUALITY, SUPPLY, AND INFRASTRUCTURE IMPROVEMENT ACT OF 2014 (PROPOSITION 1) (WATER CODE 79700 ET SEQ.) AND/OR THE CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION, AND OUTDOOR ACCESS FOR ALL ACT OF 2018 (PROPOSITION 68), AND TO ENTER INTO AN AGREEMENT TO RECEIVE A GRANT FOR THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION GROUNDWATER SUSTAINABILITY AGENCY GROUNDWATER MONITORING WELLS PROJECT, AND AUTHORIZE THE CITY MANAGER OF THE CITY OF MODESTO, OR DESIGNEE TO EXECUTE ALL GRANT-RELATED DOCUMENTS, PREPARE THE NECESSARY DATA, CONDUCT INVESTIGATIONS, FILE SUCH APPLICATION, AND EXECUTE A GRANT AGREEMENT WITH CALIFORNIA DEPARTMENT OF WATER RESOURCES TO RECEIVE GRANT FUNDS, IF AWARDED, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO BE THE SIGNATORY OF GRANT INVOICE FORMS DURING REQUESTS FOR REIMBURSEMENTS, AND RESCINDING RESOLUTION NO. 2019-435.

WHEREAS, in September of 2014, Governor Edmund G. Brown signed into law, the Sustainable Groundwater Management Act of 2014 , which changed the method for groundwater management, and

WHEREAS, Sustainable Groundwater Management Act is a comprehensive three-bill package that sets the framework for statewide sustainable groundwater management by local agencies, and

WHEREAS, Sustainable Groundwater Management Act requires that a Groundwater Sustainability Agency be formed for all groundwater basins designated by the Department of Water Resources as high-priority basins, which includes the Modesto

Subbasin. SGMA also requires that a Groundwater Sustainability Plan (GSP) be prepared for high priority basins, and

WHEREAS, the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) member agencies include the cities of Oakdale, Riverbank, Modesto, and Waterford; Stanislaus County; Oakdale Irrigation District; and Modesto Irrigation District, and

WHEREAS, on January 24, 2017, by Resolution No. 2017-030, Council authorized a Groundwater Sustainability Agency Memorandum of Understanding with the STRGBA member agencies and approved the formation of the GSA for the Basin, and

WHEREAS, per the MOU (Section 4.3.4), the STRGBA can designate a party that will enter into contracts, and approve all amendments thereto, for and on behalf of the STRGBA GSA, necessary to carry out the powers and duties of the STRGBA GSA, and

WHEREAS, at the August 14, 2019, STRBGA GSA meeting, the City was appointed to be the lead applicant on behalf of the GSA, and

WHEREAS, the lead applicant, the City is required to enter into Grant Agreements with the DWR, if the applications score high enough for an award and the STRGBA GSA chooses to accept the grants, and

WHEREAS, The Grant will provide funds to install monitoring wells within the various City of Modesto water service areas and key locations to monitor water quality and static water levels to better manage groundwater sustainability throughout the Modesto Subbasin, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authorizing the submittal of an application on behalf of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency, that application be made to the California Department of Water Resources to obtain a grant under the 2019 Sustainable Groundwater Management (SGM) Grant Program Planning Grant Pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) (Water Code 79700 et seq.) and/or the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Proposition 68), and to enter into an agreement to receive a grant for the: Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency Groundwater Monitoring Wells Project, and authorize the City Manager of the City of Modesto, or designee to execute all grant-related documents, prepare the necessary data, conduct investigations, file such application, and execute a grant agreement with California Department of Water Resources to receive grant funds, if awarded, and authorizing the City Manager, or his designee, to be the signatory of grant invoice forms during requests for reimbursements.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2019-435 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold



NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
for ADAM U. LINDGREN, City Attorney


**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-481**

**RESOLUTION APPROVING THE ANNUAL SEWER RATE REVIEW AND
MAINTAINING THE PREVIOUSLY ADOPTED 6% SEWER RATE INCREASES
TO BE EFFECTIVE JANUARY 1, 2020, FOR FISCAL YEAR 2019-20**

WHEREAS, the City of Modesto provides wastewater (sewer) service to over 60,000 accounts consisting of residential, multi-family, commercial, and industrial customers located within the City of Modesto as well as the City of Ceres and the Empire Sanitary District and portions of unincorporated Stanislaus County; and

WHEREAS, the City's sewer utility is a self-supporting utility enterprise funded by customer revenues; and

WHEREAS, the California Constitution (Article XIID, "Proposition 218") establishes a process that public agencies must follow when imposing new or increasing "property related fees" (Cal. Const.); and

WHEREAS, sewer service fees are property-related fees and thus subject to Proposition 218's procedural and substantive requirements; and

WHEREAS, the City engaged Bartle Wells Associates ("BWA") in 2015 to conduct a comprehensive review of the City's sewer rates and charges in accordance with Proposition 218; and

WHEREAS, BWA prepared a report dated January 2016 entitled "City of Modesto Sewer Rate and Fee Study" ("Report"), containing analyses and recommendations for adjusting the City's sewer rates and charges; and

WHEREAS, the Report concluded that the revenues generated under previous sewer rates were insufficient to meet sewer utility's revenue requirements for fiscal year 2016-17 and subsequent years, given changes and new developments in the City's sewer

system, including new capital improvement projects identified in the soon to be completed Wastewater Master Plan Update; and

WHEREAS, the Report recommended increasing the City's previous sewer rates and charges, and made certain recommendations for the City's sewer services rates for the five-year period beginning fiscal year 2016-17; and

WHEREAS, the Report demonstrated that the recommended rates do not exceed the reasonable cost of providing such service or regulatory activity and, as such, the proposed rates are not levied for general revenue purposes; and

WHEREAS, the Report also demonstrated that the recommended rates result in charges to property owners or ratepayers that do not exceed the proportionate cost of providing sewer services attributable to the parcel or persons; and

WHEREAS, the City mailed a notice of the public hearing, and notice of oral and written protest procedures against the proposed rate increases to all affected property owners and ratepayers in compliance with California Constitution Article XIII D, Section 6; at least forty-five days in advance of the public hearing at which this Resolution was considered; and

WHEREAS, on April 26, 2016, the City Council duly held the public hearing , and at its conclusion the City Clerk tabulated the number of written and oral protests received, and reported that there was not a majority protest of the proposed rates by owners or authorized representatives of identified property owners or ratepayers receiving wastewater services; and

WHEREAS, the City Council subsequently approved a new sewer rate structure in accordance with Proposition 218 by Resolution No. 2016-181 and adopted a five-year

schedule of new maximum sewer service rates beginning in Fiscal Year 2016-17 and increasing those rates by up to 6% annually through Fiscal Year 2020-21; and

WHEREAS, City staff has recently conducted an annual review of the sewer rates as required by Resolution 2016-181 to ensure that the approved 6% increase for Fiscal Year 2019-20 meets the enterprise's revenue needs based on anticipated expenses and the City's policies; and

WHEREAS, upon review of the FY19-20 proposed Wastewater Fund proforma, the City's Budget Division agrees that maintaining a 6% increase in annual rate would allow the fund to maintain a minimum 1.5 debt service coverage ratio required by Council policy, and strive toward obtaining a 2.0 debt coverage ratio in future years as recommended in the recent Fitch Rating review; and

WHEREAS, the Budget Division also recommends maintaining a 6% increase in sewer rates for FY19-20 based upon the anticipated revenues and proposed operating and capital expenses for the upcoming fiscal years; and

WHEREAS, pursuant to Resolution 2016-118, the approved increase in sewer rates for Fiscal Year FY19-20 will become effective 60 days after completion of the annual review, unless the City Council directs otherwise, and Staff recommends the FY19-20 rate increase become effective on January 1, 2020.

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

SECTION 1. DEFINITIONS. For the purposes of this Resolution the definitions set forth in Section 5-6.103 of Chapter 6 of Title 5 of the Modesto Municipal

Code entitled “Definitions” shall apply, except as provided herein or as context requires a different meaning.

(A) Director: The City officers(s) or designee(s) in charge of utilities.

(B) Monthly Account Charge: A monthly fee charged to every sewer account to pay the actual fixed sewer system costs not allocable to sewer flow and strength components.

(C) Person: Any individual, partnership, corporation or other legal entity whatsoever apply for or receiving City sewer service.

(D) Cannery Segregation Line (CanSeg Line): The line used by City’s cannery customers during caning season. The CanSeg Line collects and conveys the canneries’ process flow directly to the Rancho for land application. The cannery process flow does not receive treatment during the cannery season.

(E) Apartment: One (1) dwelling unit located within in a building or portion thereof containing five (5) or more dwelling units; one (1) mobile home space in a mobile home park.

(F) Secondary Scalping: Secondary treatment to be provided to City’s cannery customers’ process water.

(G) Single Family Residential: One (1) dwelling unit or a suite of one (1) or more rooms which is occupied by or intended to be occupied by one (1) family; one (1) mobile home on any area or tract of land.

(H) Multiple Family: One (1) dwelling unit located within a building or portion thereof containing two (2) to four (4) dwelling units; one (1) additional dwelling unit or mobile home on any area or tract of land.

SECTION 2. SEWER SERVICE CHARGE FOR RESIDENTIAL SEWER

SERVICE. Each person receiving residential sewer service shall pay a sewer service charge to the City . Resolution 2016-181 established the maximum monthly sewer service charges for dwelling units, mobile homes, and mobile home spaces in mobile home parks, including the monthly account charge, for Fiscal Year FY16-17 through the end of Fiscal Year 2020-21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved residential rates for Fiscal Year FY19-20, to be effective January 1, 2020.

Residential Sewer Rates					
Category	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Monthly Account Charge (\$/Account)	\$4.40	\$4.42	\$4.46	\$4.50	\$4.54
Residential Rates (\$/Dwelling Unit)					
Single Family Residential, Mobile Home on a lot	\$29.36	\$31.36	\$33.39	\$35.67	\$37.91
Multiple Family (2-4 Dwelling Units), one additional Dwelling Unit or Mobile Home on a lot	\$22.59	\$24.03	\$25.57	\$27.50	\$30.85
Apartments (5 or more Dwelling Units), Mobile Home Space in a Mobile Home Park	\$20.33	\$21.50	\$22.73	\$24.36	\$26.45

SECTION 3. SEWER SERVICE CHARGE FOR COMMERCIAL

SERVICE. Each person receiving commercial sewer service shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum monthly sewer service charges for commercial customers, including the monthly account charge, for Fiscal Year 2016-17 through the end of Fiscal Year 2020-21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved commercial rates for Fiscal Year 2019-20.

Commercial Sewer Rates					
Category	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Commercial Quantity Charge (\$/100 cubic feet)					
Group 1-BOD + TSS is 400 mg/l or less	\$2.76	\$3.01	\$3.29	\$3.55	\$3.88
Group 2-BOD + TSS is 401 mg/l to 900 mg/l	\$3.78	\$4.07	\$4.40	\$4.70	\$5.07
Group 2-BOD + TSS is 901 mg/l to 1,400 mg/l	\$4.80	\$5.13	\$5.50	\$5.85	\$6.27
Group 4-BOD + TSS is 1,401 mg/l or more	\$6.03	\$6.40	\$6.83	\$7.23	\$7.71

(A) Commercial users shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as BOD) and Total Suspended Solids (hereinafter referred to as TSS) strength characteristics and shall pay sewer service charges based on the quantity of water used, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Director shall determine the waste strength characteristics of commercial users and assign them to one of the commercial users groups set forth in the table above.

(B) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users receiving any water from a private source shall allow the City to furnish, install and maintain a water meter with the user paying for the cost of the meter and installation. The user shall pay the sewer service

charge which would be made were such water from the City's water system.

Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Director.

(C) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Director, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (b) above.

(D) Churches, assembly halls and similar facilities shall be considered Group 1.

(E) Schools Districts will have their wastewater flow computed by either of the following methods at their discretion:

(1) School Districts may elect to be billed on water consumption as a Group 1 Commercial discharger.

(i) A one-time inspection by the City's Water Division staff to confirm there is no indoor water use on the outdoor use meter will be done at no charge to the District.

(ii) An annual audit and site inspection will be conducted by the City and paid for by the District.

(a) Inspection fee will be based on time and materials.

(2) School Districts that have not separated all of their outdoor water systems may elect to continue to be billed based on estimates of the average volume per pupil/staff times the average daily attendance (ADA) of pupils plus staff.

(i) School District will be required to enter into an agreement with the City consenting to be billed on an ADA basis.

(ii) The Director is authorized to enter into these agreements with the School Districts on behalf of the City.

(iii) Should the School District fail or refuse to enter into the above noted agreement, District will be billed based on water consumption until an agreement is executed.

(3) For School Districts planning to separate their outdoor water systems in the future, the City will provide the option to be billed on water consumption on an annual basis.

SECTION 4. SEWER SERVICE CHARGE FOR INDUSTRIAL SERVICE.

Each person receiving industrial sewer service shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum monthly sewer service charges for industrial customers, including the monthly account charge, for Fiscal Year 2016-17 through the end of Fiscal Year 2020-21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved industrial rates for Fiscal Year 2019-20, to be effective January 1, 2020.

Industrial Charges (these three components are additive)					
Category	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Flow Charge	\$2,604	\$2,888	\$3,212	\$3,516	\$3,901

(\$/Million gallons)					
BOD Charge (\$/1,000 lbs)	\$213	\$226	\$238	\$246	\$263
TSS Charge (\$/1,000 lbs)	\$441	\$454	\$471	\$491	\$504

(A) The charges for industrial wastewater services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based upon the amount of each component listed in the table above.

(B) The monthly sewer service charges for industrial users shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If an industrial customer has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If an industrial customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for industrial and sanitary discharges shall be based on the measured or estimated BOD and TSS for each type of flow.

SECTION 5. FLOW ESTIMATES. The Director will estimate flow where he/she determines metered flow measurements are unreliable.

SECTION 6. SEPTAGE CHARGE FOR DUMPING SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT. The City accepts septic waste at its sewage treatment plant. Each person dumping septic waste at the sewage treatment plant shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum septage charge for Fiscal Year 2016-17 through the end of Fiscal Year 2020-21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved septage charges for Fiscal Year 2019-20, to be effective January 1, 2020.

Septage Quantity Charge					
Category	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Flow charge per 1,000 gallons	\$61	\$63	\$66	\$69	\$71

SECTION 7. SEWER SERVICE CHARGE FOR CANSEG LINE SEWER

SERVICE. Each person using CanSeg Line sewer service shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum monthly sewer service charges for CanSeg customers, including the monthly account charge, for Fiscal Year 2016-17 through the end of Fiscal Year 2020-21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved CanSeg Line rates for Fiscal Year 2019-20, to be effective January 1, 2020.

CanSeg Line Sewer Rates					
Category	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Monthly Account Charge (\$/Account)	\$4.40	\$4.42	\$4.46	\$4.50	\$4.54
CanSeg Line Charges (these three components are additive)					
Flow Charge (\$/Million gallons)	\$2,680	\$2,841	\$3,012	\$3,191	\$3,384
BOD Charge (\$/1,000 lbs)	\$1.39	\$1.48	\$1.57	\$1.66	\$1.76
TSS Charge (\$/1,000 lbs)	\$4.04	\$4.29	\$4.54	\$4.81	\$5.11

(A) The charges for CanSeg Line services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based upon the amount of each component listed in the table above.

(B) The monthly sewer service charges for CanSeg Line users shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If a CanSeg Line user has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If a CanSeg Line customer has an unmetered connection for disposal of

sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for CanSeg Line discharges shall be based on the measured or estimated BOD and TSS for each type of flow.

SECTION 8. SEWER SERVICE CHARGE FOR SECONDARY

SCALPING. Secondary scalping service is anticipated to come online in Fiscal Year 2020/21. Each person receiving secondary scalping sewer service shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum monthly sewer service charges for secondary scalping customers, including the monthly account charges when that service becomes available, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved secondary scalping rates for that service when it becomes available.

Secondary Scalping Rates	
Category	Rate or Charge
Secondary Scalping Rates (these components are additive)	
Flow Charge (\$/Million gallons)	\$891.84
BOD Charge (\$/1,000 lbs)	\$98.25
TSS Charge (\$/1,000 lbs)	\$305.65
Annual Secondary Scalping Secondary Can Seg Capacity Charge (these components are additive)	
Flow (\$/Million gallons per day, maximum day capacity)	\$117,837.54
BOD (\$/lbs per day, maximum day capacity)	\$11.43
TSS (\$/lbs per, maximum day capacity)	\$27.29

(A) The usage-based charges for secondary scalping sewer services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based upon the amount of each component listed in the table above. In addition, customers who opt to have their wastewater processed through the secondary scalping system will be charged an annual fee labeled a “capacity fee” in the Study, in the amounts set forth in the table above.

(B) The monthly usage-based sewer service charges for secondary scalping sewer services shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If a secondary scalping customer has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If an secondary scalping customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for secondary scalping sewer services shall be based on the measured or estimated BOD and TSS for each type of flow.

SECTION 8. SEWAGE TREATMENT FOR OUTSIDE PUBLIC AGENCIES. Pursuant to agreements approved by the City Council , the City of

Modesto will accept and treat sewage collected from sewer systems external to the City and the City's Sewer District No. 1. The City's charges for treatment of sewage collected from outside of the City and the City's Sewer District No. 1 are negotiated by the parties to and established in the agreements.

SECTION 9. INFLATOR INDEX AND REASSESSMENT OF COST OF SERVICE. The cost of service set forth above shall be re-examined not less than every four (4) years by professionals competent in the field. Such professionals shall provide a report to the City updating both the fixed and volume based costs as appropriate and as recommended to the Council by the Director and Director of Finance. Beginning on July 1, 2017 and annually thereafter, the Director of Finance with the concurrence of the Director, shall have the authority to adjust the above rates by an amount not to exceed the not-seasonally-adjusted annual percentage increase in the April Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers for the San Francisco CMSA that is currently prepared by the Department of Finance.

SECTION 10. EFFECTIVE DATE. This Resolution shall go into effect and be in full force and operation immediately. The previously approved schedule of rates for Fiscal Year 2019-20, as set forth above, shall go into effect on January 1, 2020.

SECTION 11. ANNUAL REVIEW OF ADOPTED RATE INCREASES. As set forth in Resolution No. 2016-181, the City Council shall conduct an annual review of each adopted sewer rate increase prior to its implementation for fiscal years beginning after June 30, 2017. Said review shall be completed by the City Council at least sixty (60) days in advance of the new sewer rate becoming effective. The rates shown in

Resolution 2016-181 shall be implemented on the dates shown unless City Council takes action otherwise.

SECTION 12. SEVERABILITY. The rates, charges, and all portions of this Resolution are severable. Should any of the rates or any portion of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, the remaining rates, charges and/or portions of the resolution shall be and continue in full force and effect, except as to those rates, charges and/or portions of this Resolution that have been adjudged invalid. This City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of this Resolution be enforced.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

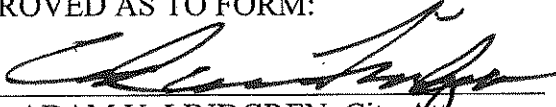
NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-482**

**RESOLUTION APPROVING THE ANNUAL RATE REVIEW AND ADOPTING
WATER RATE INCREASES, REDUCED FROM THE PREVIOUSLY ADOPTED
RATE INCREASE OF 9% TO 6%, TO BE EFFECTIVE APRIL 1, 2020 FOR
FISCAL YEAR 2019-20**

WHEREAS, the City of Modesto provides water service to over 73,000 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 Ceres, Turlock and unincorporated Stanislaus County, and

WHEREAS, the City of Modesto's water sources are groundwater and treated surface water purchased from the Modesto Irrigation District; and

WHEREAS, the City's water utility is a self-supporting utility enterprise funded by customer revenues; and

WHEREAS, Modesto Municipal Code Section 11-6.05 authorizes Council, by resolution, to establish charges for metered water services, and Section 11-6.06 authorizes the Council, by resolution, to establish charges for unmetered water services; and

WHEREAS, Proposition 218 amended the California Constitution to establish a process that public agencies must follow when imposing new or increasing "property related fees" (Cal. Const. Article XIID); and

WHEREAS, water service fees are property-related fees and thus subject to Proposition 218's procedural and substantive requirements; and

WHEREAS, the City engaged Bartle Wells Associates (“BWA”) in July 2015 to conduct a comprehensive review of the City’s water rates and charges in accordance with Proposition 218; and

WHEREAS, BWA prepared a report dated May 2016 entitled “City of Modesto Water Rate and Fee Study” (“Report”), containing analyses and recommendations for adjusting the City’s water rates and charges; and

WHEREAS, the Report analyzes the number of water customers, projections for customer growth, water revenues, water capital improvement programs, operations and maintenance needs, customer services costs, and volumetric use; and

WHEREAS, the Report concludes that the revenues generated under existing water rates are insufficient to meet water utility’s revenue requirements for fiscal year 2016-17 and subsequent years, given changes and new developments in the City’s water system, including new capital improvement projects identified in the soon to be completed Water Master Plan; and

WHEREAS, the Report recommends increasing the City’s existing water rates and charges, and makes certain recommendations for the City’s water services rates for the period beginning fiscal year 2016-17; and

WHEREAS, the Report demonstrates that the recommended rates do not exceed the reasonable cost of providing such service or regulatory activity and, as such, the proposed rates are not levied for general revenue purposes; and

WHEREAS, the Report also demonstrates that the recommended rates result in charges to property owners or ratepayers that do not exceed the proportionate cost of providing water services attributable to the parcel or persons; and

WHEREAS, the City mailed a notice of the public hearing, and notice of oral and written protest procedures against the proposed rate increases to all affected property owners and ratepayers in compliance with California Constitution Article XIII D, Section 6; at least forty-five days in advance of the public hearing at which this Resolution was considered; and

WHEREAS, on August 9, 2016, the City Council duly held the public hearing, and at its conclusion the City Clerk tabulated the number of written and oral protests received, if any, and reported that there was not a majority protest of the proposed rates by owners or authorized representatives of identified property owners or ratepayers receiving water services; and

WHEREAS, the City Council subsequently approved a new water rate structure in accordance with Proposition 218 by Resolution No. 2016-343 and adopted a five-year schedule of new maximum water service rates beginning in Fiscal Year 2016-17 and increasing those rates by up to 25.04% in Fiscal Year 2016-17; 11.08% in Fiscal Year 2017-18; 9.00% in Fiscal Years 2018-19 through 2020-21; and

WHEREAS, on December 12, 2017, by Resolution 2017-522, Council approved the annual review of water rates as required by Resolution 2016-343, which lowered the maximum water service rates for Fiscal Year 2017-18 from 11.08% to 9.00%, effective April 1, 2018; and

WHEREAS, on September 25, 2018, per Resolution No. 2018-419, staff conducted a review of the rates for FY 2018-19 adopted as part of the five-year schedule. The FY 2018-19 adopted rate increase became effective January 1, 2018, and

WHEREAS, City staff has recently conducted an annual review of the water rates as required by Resolution 2016-343 to evaluate whether the approved 9.00% increase for Fiscal Year 2019-20 meets the enterprise's revenue needs based on anticipated expenses and the City's policies; and

WHEREAS, upon review of the FY 2019-20 proposed Water Fund proforma, the City's Budget Division agrees that the proposed rate schedule increase of 6.00% in annual rate would allow the fund to maintain a minimum 1.5 debt service coverage ratio required by Council policy, and maintain a 2.0 debt coverage ratio in future years as recommended in the recent Fitch Rating review; and

WHEREAS, the Budget Division also recommends a 6.00% increase in water rates for FY 2019-20 based on the anticipated revenues and proposed operating and capital expenses for the upcoming fiscal years; and

WHEREAS, pursuant to amended Resolution 2004-627, the approved increase in water rates for Fiscal Year 2019-20 will become effective 90 days after completion of the annual review, unless the City Council directs otherwise, and Staff recommends the FY 2019-20 rate increase become effective on April 1, 2020.

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

SECTION 1. WATER RATE SCHEDULE- METERED WATER RATES.

Metered ratepayers shall pay a water (volume) rate for water as follows, and the drought water rates shall be imposed when the State Water Resources Control Board imposes a mandatory conservation target that exceeds the City's self-imposed conservation target.

Meter Size	Current	FY2019/20	FY2020/21
Fixed Meter Charges (\$/month)			

5/8 inch	\$23.34	\$24.94	\$26.57
3/4 inch	\$23.34	\$24.94	\$26.57
1 inch	\$33.48	\$36.11	\$38.78
1.5 inch	\$58.83	\$64.04	\$69.31
2 inch	\$89.25	\$97.55	\$105.96
3 inch	\$185.59	\$203.66	\$221.99
4 inch	\$327.55	\$360.04	\$392.98
6 inch	\$667.24	\$734.22	\$802.14
8 inch	\$1,224.95	\$1,348.56	\$1,473.89
10 inch	\$1,934.76	\$2,130.44	\$2,328.85
12 inch	\$2,543.16	\$2,800.62	\$3,061.67

Water Rate (\$/ccf)

Drought	\$2.07	\$2.10	\$2.14
Non-drought	\$1.93	\$1.98	\$2.04

SECTION 2. WATER RATE SCHEDULE- UNMETERED WATER

RATES. The following contains the maximum water (volume) rate service charges for unmetered ratepayers. The drought water (volume) rate shall be imposed when the State Water Resources Control Board imposes a mandatory conservation target that exceeds the City's self-imposed conservation target.

DROUGHT Unmetered Fixed Charge (\$/month)			
Rate Code	Current	FY2019/20	FY2020/21
PRO1 - 0 to 5,000 sq ft	\$54.39	\$58.82	\$63.65
PRO2 - 5,001 to 7,000 sq ft	\$62.87	\$67.71	\$72.95
PRO3 - 7001 to 11,000 sq ft	\$79.64	\$85.29	\$91.34
PRO4 - 11,001 to 17,000 sq ft	\$104.69	\$111.55	\$118.81
PRO5 - Over 17,000 sq ft	\$117.32	\$124.79	\$132.66
NON-DROUGHT Unmetered Fixed Charge (\$/month)			
Rate Code	Current	FY2019/20	FY2020/21
PRO1 - 0 to 5,000 sq ft	\$52.97	\$56.11	\$59.38
PRO2 - 5,001 to 7,000 sq ft	\$60.89	\$64.23	\$67.75
PRO3 - 7001 to 11,000 sq ft	\$76.52	\$80.26	\$84.27
PRO4 - 11,001 to 17,000 sq ft	\$99.87	\$104.22	\$108.96
PRO5 - Over 17,000 sq ft	\$111.65	\$116.30	\$121.40
TUR - Turlock Fire Charge	\$4.19	\$4.19	\$4.19

SECTION 3. EFFECTIVE DATE. This Resolution shall go into effect and be in full force and operation on or after April 1, 2019.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-483**

**RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE
NORTH TRUNK SEWER PROJECT, ACCEPTING THE BID, AND
APPROVING A CONSTRUCTION CONTRACT WITH ROLFE
CONSTRUCTION COMPANY, ATWATER, CA, IN THE AMOUNT OF
\$1,797,053 PLUS \$179,705 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL
AMOUNT OF \$1,976,758 AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, specifications have been prepared for the North Trunk Sewer Project, and

WHEREAS, on September 24, 2019 staff received bids from four companies that were responsible and responsive, including a bid from Rolfe Construction Company, and

WHEREAS, MMC 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, and the award of bid for the North Trunk Sewer 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 \$1,797,053 received from Rolfe Construction Company, be accepted as the lowest responsible and responsive bid and the contract be awarded to Rolfe Construction Company.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the North Trunk Sewer Project and accepts the bid of \$1,797,053 plus \$179,705 for contingency (if needed) for a total amount of \$1,976,758 and Awards Rolfe Construction Company, of Atwater, CA, the contract for the North Trunk Sewer 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 October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-484**

**RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S
AUTHORITY TO ISSUE CHANGE ORDERS FOR THE NORTH TRUNK
SEWER PROJECT FROM 8% (\$143,764) TO 10% (\$179,705) OF THE
CONSTRUCTION CONTRACT PRICE OF \$1,797,053 WITH ROLFE
CONSTRUCTION, ATWATER, CA**

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

WHEREAS, staff is requesting authorization to increase the contract change order budget to 10% (\$179,705) due to the construction on bangs Avenue, which presents unknown challenges.

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 the North Trunk Sewer Project from 8 percent (\$143,764) to 10 percent (\$179,705) of the construction contract price of \$1,797,053 with Rolfe Construction, of Atwater, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-485**

RESOLUTION AMENDING THE FISCAL YEAR 2019-20 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$123,081 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE NORTH TRUNK SEWER PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of \$123,081, in order to fund to fully fund the construction, contingency, construction administration and design support during construction for the North Trunk Sewer Project, and

WHEREAS, the Fiscal Year 2019-2020 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 2019-2020 Capital Improvement Program Budget in the amount of \$123,081 to be transferred into the project from Wastewater Reserves.

BE IT FURTHER RESOLVED that the Acting 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 October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-486**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
APPROVING THE ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA
MUNICIPAL FINANCE AUTHORITY IN AN AGGREGATE PRINCIPAL
AMOUNT NOT TO EXCEED \$17,000,000 FOR THE PURPOSE OF FINANCING
THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING
OF FACILITIES FOR GOLDEN VALLEY HEALTH CENTERS AND CERTAIN
OTHER MATTERS RELATING THERETO**

WHEREAS, Golden Valley Health Centers, a California nonprofit public benefit corporation and an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (the "Corporation"), has requested that the California Municipal Finance Authority (the "Authority") participate in the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$17,000,000 (the "Bonds"), of which approximately \$10,450,000 will be allocable to projects in the City and the remaining amount will be allocable to a project in another city. The projects in the City are the following:

a) Improvements to an approximately 28,000 square foot, single story leased facility at 2401 East Orangeburg Avenue in Modesto California. The improvements will include 9 exam rooms, 3 restorative therapy rooms, 8 adult day health center rooms, 14 admin rooms, 13 bathrooms, and 16 other rooms including the kitchen. It will employ 1 transportation coordinator, 2 registered nurses, 1 registered dietitian, 1 social worker, 2 therapists, 1 medical provider and 1 nurse practitioner. Some services offered are primary care, PT, OT, ST, recreational activities, transportation, meals, adult day health care, social work. The lease for the facility is from December 20, 2018 through December 20, 2029, with an option for the Corporation to extend the term for two additional periods of 5 years each,

b) Improvements to an approximately 11,000 square foot, leased floor of a 5-story facility at 1524 McHenry Avenue in Modesto California. The improvements will include 18 exam rooms, 2 procedure rooms, 2 pre-test and 2 test rooms (optometry). It will employ 2 medical providers, 3 physician assistants/nurse practitioners, 1 optometrist, 1 podiatrist, and 1 licensed clinical social worker. Some services offered will be prompt care, optometry, podiatry, behavioral health, and medication assistant treatment. The lease for the facility is from March 1, 2019 thru June 30, 2031, with an option for the Corporation to extend the term for two additional 5 year periods, and

c) Building improvements to, and acquire capital equipment for, the Corporation's owned facility, the Modesto Women's Health Center, at 1500 Florida Avenue, Modesto, CA 95350. The funds will be used for building improvements and new equipment to provide colposcopy services, (collectively, the "Project") all leased, owned or to be owned and operated by the Corporation in connection with the Corporation's provision of medical services;

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 "applicable elected representatives" required to approve the issuance of the Bonds under Section 147(f) of the Code;

WHEREAS, the facilities to be financed and described above are located within the territorial limits of the City;

WHEREAS, the Council is the elected legislative body of the City and is one of the "applicable elected representatives" authorized to approve the issuance of the Bonds under Section 147(f) of the Code;

WHEREAS, the Authority has requested that the Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement"), among certain local agencies, including the City;

WHEREAS, on October 14, 2019, the City caused a notice to appear in the Modesto Bee, which is a newspaper of general circulation in the City, stating that a public hearing with respect to the issuance of the Bonds would be held by the Council on October 22, 2019;

WHEREAS, Council held the public hearing described above on October 22, 2019, and an opportunity was provided for persons to comment on the issuance and sale of the Bonds in one or more series and the plan of financing of the Project; and

WHEREAS, pursuant to section 147(f) of the Code, the Council now desires to approve the issuance of the Bonds by the Authority as provided in this resolution;

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

Section 1. The foregoing recitals are true and correct.

Section 2. The Council hereby approves, solely for the purposes stated in this resolution, the issuance of the Bonds by the Authority. It is the purpose and intent of the Council that this resolution constitutes approval of the issuance of the Bonds by the Authority, for the purposes of (a) section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said section 147(f) and (b) Section 4 of the Agreement.

Section 3. The adoption of this resolution shall not obligate the City or any department or officer thereof to: (i) provide any financing to acquire or construct 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, construction, rehabilitation, installation, or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Corporation, the Authority, or to any holders of the Bonds; (iv) take any further action with respect to the Authority or its membership therein; or (v) make any investigations, representations, or disclosures in connection with the Bonds.

Section 4. The officers of the City, including by way of example and not as a limitation, the City Manager, the Finance Director, and the City Clerk 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 5. 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 22nd day of October, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

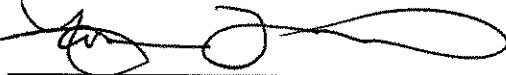

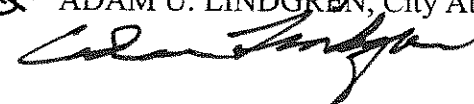
NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
 ADAM U. LINDGREN, City Attorney


**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-487**

A RESOLUTION APPOINTING THE SEVEN INDIVIDUALS RECOMMENDED BY THE CITY COUNCIL TO SERVE AS MEMBERS OF THE CHARTER REVIEW COMMITTEE WITH THE MAYOR'S APPOINTEE SERVING AS THE CHAIR AND THE VICE-MAYOR'S APPOINTEE SERVING AS THE VICE CHAIR OF THE CHARTER REVIEW COMMITTEE, AUTHORIZING THE SEVEN COMMITTEE MEMBERS TO APPOINT FOUR ADDITIONAL COMMITTEE MEMBERS FROM THE COMMUNITY, APPOINTING COUNCILMEMBER AH YOU AS THE CITY COUNCIL AD HOC REPRESENTATIVE, AND APPOINTING TWO REGIONAL REPRESENTATIVES

WHEREAS, on November 6, 1962, the qualified voters of the City of Modesto at a Special Charter Election consolidated with the State of California General Election ratified the Charter of the City of Modesto; and

WHEREAS, this Charter became effective on January 14, 1962; and

WHEREAS, Section 1604 of the Charter provides that the City Council shall cause the Charter to be reviewed at least every ten (10) years commencing with the year of 1908; and

WHEREAS, the Charter was amended in 1990, 1999, and 2008; and

WHEREAS, in the Fall of 2019, the City Council discussed the possible review and amendment of the City of Modesto Charter; and

WHEREAS, it was determined to initiate the review in 2019 for possible consideration at the November 2020 Election;

WHEREAS, at the September 10, 2019 Council meeting, the Council approved the recommendation to consider and take action once the recommendations were received no later than October 2, 2019:

- (i) Each Councilmember to nominate one person to serve as members of the Charter Review Committee with the Mayor's appointee serving as the Chair and the Vice Mayor's appointee serving as the Vice Chair of the Committee;
- (ii) The initial seven (7) Committee members are authorized to nominate up to four (4) additional members to the Committee from the community and forward them to Council for ratification;
- (iii) City staff is authorized to post and publicize information requests, volunteer applicants for the City of Modesto; and
- (iv) Mayor Brandvold will appoint one (1) Councilmember to serve as an ad hoc, non-voting member of the Charter Review Committee. Mayor Brandvold may nominate and forward to Council for approval up to two (2) other ad hoc, non-voting members of the Committee that are not registered voters in the City of Modesto, but are registered voters in Stanislaus County to provide input on regional issues addressed by the Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto hereby approves the appointments of Chris Tyler, Aaron Anguiano, Janice Keating, Michael Moradian, Sam Pierstorff, Wendy Byrd and Cecil Russell to serve as voting members of the Charter Review Committee with Cecil Russell serving as the Chair and Sam Pierstorff serving as the Vice Chair of the Committee.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby authorizes the seven Council-appointed committee members to select and appoint four additional members from the community to serve on the Charter Review Committee.

BE IT FURTHER RESOLVED that Mayor Brandvold hereby appoints Councilmember Ah You to serve as an ad hoc, non-voting member of the Charter Review Committee.

BE IT FURTHER RESOLVED that Mayor Brandvold hereby nominates, and the Council of the City of Modesto hereby approves, as regional ad hoc, non-voting members: (i) John Walker, President, Modesto City School Board of Trustees and (ii) George Petrulakis, Past Chairmen of the Charter Review Committee; such approval of the President of the School Board is made notwithstanding the previous direction that these ad hoc, non-voting members would not be voters 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 22nd day of October, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Madrigal, Ridenour,
Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Kenoyer, Zoslocki

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-488**

RESOLUTION APPROVING A CATERING AND CONCESSIONAIRE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO HOSPITALITY, LLC, TO PROVIDE CATERING AND CONCESSIONAIRE SERVICES TO THE MODESTO CENTRE PLAZA, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT

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, by a letter agreement with Modesto Hospitality, LLC, the hotel's current owner/operator, the agreement's expiration date was extended from May 5, 2019 to December 31, 2019, and

WHEREAS, it is the desire of the City and DoubleTree to continue providing the catering and concessionaire services for the Modesto Centre Plaza, and

WHEREAS, the new agreement would commence on January 1, 2020 to December 31, 2023, with two five-year options to extend upon mutual consent of both parties, and

WHEREAS, on October 2, 2019, this matter was considered by the Economic Development Committee which unanimously recommended it be forward to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Catering and Concessionaire Agreement between the City of Modesto Hospitality, LLC, to provide catering and concessionaire service to the Modesto

Centre Plaza commencing on January 1, 2020 and ending on December 31, 2023, with the option to extend the agreement for a total of two five-year extensions upon mutual agreement of both parties.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the agreement 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 5th day of November, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember

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

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-489**

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE RELINQUISHMENT IN ITS CURRENT ENVIRONMENTAL CONDITION AND SETTING AS REFERENCED IN THE HAZARDOUS WASTE INITIAL SITE ASSESSMENT FOR THE STATE ROUTE 99 AT PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT, DATED AUGUST 20, 2019, INCLUDING, BUT NOT LIMITED TO, THE PRESENCE OF HAZARDOUS MATERIALS AS DESCRIBED IN THE RELINQUISHMENT OF PARCEL ALONG SR99 – PM 21.0 - 22.4 (CT PARCEL 17140-4 & 17140-5) AND WAIVING THE 90-DAY NOTICE OF “INTENTION TO RELINQUISH” REQUIREMENT AND RESCINDING AND REPLACING RESOLUTION 2019-400

WHEREAS, on April 25, 2017, by Resolution number 2017-154, Council accepted the State Route 99/Pelandale Avenue Interchange Reconstruction Project improvements as complete, and

WHEREAS, a Record of Survey must be submitted to the State for final closeout of the project to be completed, and

WHEREAS, for the Record of Survey to be submitted, Council must first approve the relinquishment of land to both County and State, and

WHEREAS, on January 23, 2018, by Resolution number 2018-42, Council approved the transfer of real property, APNs 135-029-038 and 135-029-039 to Stanislaus County and State of California, and APNs 135-029-040 and 135-029-041 to the State of California for the SR-99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, now that Caltrans received both City and County approval of relinquishment, approval is then needed by the California Transportation Commission (CTC) for the State’s property to be relinquished to the City and County, and

WHEREAS, Caltrans requested an approved resolution from the City authorizing the acceptance of State right of way for CTC to approve the relinquishment of State property, and

WHEREAS, on September 10, 2019, by Resolution 2019-400, Council authorized the acceptance of the relinquishment of those portions of State right-of-way along Highway 99 between post mile 21.0 and post mile 22.1 from the State of California to the City of Modesto for the SR-99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, Caltrans requested the resolution also needs to include language to accept the relinquishment in its current environmental condition/setting and also waive the 90-day notice of “Intention to Relinquish” requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the acceptance of the relinquishment in its current environmental condition and setting, including, but not limited to, the presence of hazardous materials as described in the relinquishment of parcel along SR99 – PM 21.0 - 22.4 (CT Parcel 17140-4 & 17140-5), waiving the 90-day notice of “Intention to Relinquish” requirement, and rescinding and replacing Resolution 2019-400.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-490**

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF 17 MODESTO AREA DIAL-A-RIDE PARATRANSIT VANS TO CREATIVE BUS SALES, INC., CHINO, CA, FOR A TOTAL AMOUNT NOT TO EXCEED \$1,517,551; AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER.

WHEREAS, Modesto Area Dial-A-Ride (MADAR) is the City of Modesto's shared ride public transportation service for qualified persons with disabilities and senior citizens of age 65 and older, and is the City's paratransit program, and

WHEREAS, on July 9, 2019, by Resolution 2019-339, Council directed the implementation of changes to the Modesto Area Dial-A-Ride system allowing the maintenance and operation to be performed at the bus maintenance facility, and

WHEREAS, Request for Bids (RFB) 1920-05 was released on August 6, 2019, and

WHEREAS, on Tuesday, September 10, 2019, three sealed bids for this purchase were opened, pursuant to Modesto Municipal Code Section 8-3.403, and

WHEREAS, the vehicle supplied will be the Allstar series Starcraft bus mounted on a Ford E450 chassis, which is a well-known paratransit vehicle in the industry.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid and authorizes the purchase of 17 Modesto Area Dial-A-Ride paratransit vans to Creative Bus Sales, Inc., Chino, CA, for a total amount not to exceed \$1,517,551.

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 5th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-491**

**RESOLUTION AMENDING FISCAL YEAR 2019-20 CAPITAL
IMPROVEMENT PROGRAM BUDGET IN FUND 4560 IN THE AMOUNT OF
\$317,551 TO FULLY FUND THE PURCHASE OF 17 MODESTO AREA DIAL-A-
RIDE VANS**

WHEREAS, certain budgetary transactions are necessary in the amount of \$317,551 in order to fund the purchase of 17 Modesto Area Dial-A-Ride (MADAR) vans, and

WHEREAS, the total cost for 17 vans is estimated at \$1,517,551 and,

WHEREAS, Local Transportation funds (LTF) in the amount of \$1,200,000 was budgeted in fund 4560 – Bus Fixed Route – Bus Purchases, cost center 53430 – PW. Transit Bus Purchases as part of the Fiscal Year 2019-2020 budget adoption, and

WHEREAS, on June 12, 2018, by Resolution 2018-229, Council approved the award from the California Governor’s Office of Emergency Services (CALOES) under Proposition 1B for the California Transit Security Grant Program – California Transit Assistance Fund for a project total of \$435,985 for a new on board video surveillance system, and

WHEREAS, a remaining available grant balance in the amount of \$83,265 is available to fund the video surveillance system in the MADAR vans, and

WHEREAS, an additional amount of \$234,286 is needed to fully fund the purchase of the 17 vans, which comes from leftover LTF funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2019-2020 Capital Improvement Program Budget as shown in **Exhibit A, attached** hereto.

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 November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

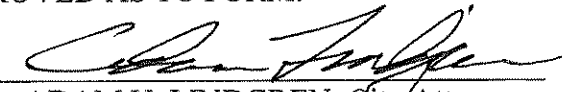
By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

		Budget Adjustment
Fund 4560 - Bus Fixed Route - Bus Purchases		
Revenues		
Intergov - State- CalEMA/CalOES	increase	83,265
Intertov- State - LTF	increase	234,286
Expenditures		
Vehicles > \$5,000	increase	317,551

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-492**

**RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 SOLID WASTE
FLEET REPLACEMENT FUND (4899) OPERATING BUDGET IN THE
AMOUNT OF \$254,268 FOR THE PURCHASE OF A JOHN DEERE 644K
LOADER WITH SPECIFIC CONFIGURATIONS FROM PAPE MACHINERY**

WHEREAS, the John Deere 644K loader will be used by the Public Works Department, Solid Waste Division, at the Compost site on Jennings Road in Modesto, CA for moving compost material, loading customer trucks, and general yard maintenance, and

WHEREAS, the purchase will replace an existing John Deere 644J loader that is currently assigned to the Compost Facility, and

WHEREAS, the Solid Waste Replacement Fund (4899) has funding in reserves available to cover the purchase of this loader from replacement funds collected from other solid waste equipment, and

WHEREAS, the replacement fund will be paid back as part of monthly payments to the division in the amount of \$4,238 over the next 10 years, and

WHEREAS, currently, the Compost facility is renting a loader for \$7,075 per month, \$84,900 annually to fill the void until this loader is purchased, and

WHEREAS, in order to purchase the loader, a budget adjustment is necessary to establish the budget in the amount of \$254,268 within the Solid Waste Fleet Replacement Fund for the purchase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes and amends the Fiscal Year 2019-2020 Solid Waste Fleet Replacement Fund (4899) operating budget in the amount of \$254,268 for the purchase of a John Deere 644K Loader with specific configurations from Pape Machinery.

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 5th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-493**

**RESOLUTION APPROVING THE PURCHASE OF A JOHN DEERE 644K
LOADER WITH SPECIFIC CONFIGURATIONS FROM PAPE MACHINERY,
FRENCH CAMP, CA, FOR A TOTAL AMOUNT NOT TO EXCEED \$254,268,
AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE,
TO ISSUE THE PURCHASE ORDER**

WHEREAS, the John Deere 644K Loader will be used by the Compost operations site, and

WHEREAS, replacement units are essential in maintaining current operations, facilities and/or services assigned to various departments, and

WHEREAS, on August 30, 2019, Sourcewell Quote ID 20375495 was solicited from Pape Machinery, French Camp, CA, and

WHEREAS, 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, based on the bid submission, staff recommends the awarding of the purchase of one John Deere 644K Loader to Pape Machinery, French Camp, CA, and

WHEREAS, sufficient funds for one John Deere 644K Loader have been encumbered in the Fleet Replacement Fund 5409.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of one John Deere 644K loader to Pape Machinery, French Camp, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is authorized to issue a purchase order for \$254,268.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

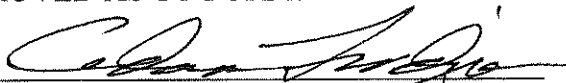
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-494**

RESOLUTION ACCEPTING THE MODESTO POLICE DEPARTMENT'S HEATING, VENTING AND AIR CONDITIONING RENOVATION PROJECT FOR THE DEPARTMENT'S OPERATIONS BUILDING AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$822,133 TO AMERICAN CHILLER SERVICE, INC., OF RANCHO CORDOVA, CA,

WHEREAS, the existing HVAC systems for the two MPD building facilities had continued to experience maintenance issues and even experienced failure during the summer of 2017 resulting in extreme working conditions for MPD staff, and

WHEREAS, the existing air conditioning chiller units were no longer functioning reliably or efficiently, which has resulted in costly maintenance, and

WHEREAS, additionally the boiler unit was insufficient and the control systems and Motor Control Center (MCC) electrical panel were out of date and inefficient, and

WHEREAS, the renovation replaced the two chiller units, the boiler unit, the control systems and the MCC electrical panel, and

WHEREAS, bids were advertised on May 2, 2018, and

WHEREAS, one bid was publicly opened on May 29, 2018, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and American Chiller Service, Inc., Rancho Cordova, CA was the apparent low bidder, and

WHEREAS, on June 26, 2018, by Resolution No. 2018-261, Council awarded a contract to American Chiller Service, Inc., Rancho Cordova, CA for the construction of the Modesto Police Department's Heating, Venting and Air Conditioning Renovation Project for the Department's Administration Building in the amount of \$770,288, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of July 10, 2018 and all contract work was completed by June 1, 2019, and

WHEREAS, the total project costs were \$850,605 which included all construction, design, and construction administration costs. The total project amount originally budgeted was \$959,346 which included \$847,317 for the construction contract and contingency with American Chiller Service, Inc., and

WHEREAS, there were 2 change orders resulting in an overall increase of \$51,845 for change order work, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto Police Department's Heating, Venting and Air Conditioning Renovation Project for the Department's Operations Building is hereby accepted as complete from contractor American Chiller Service, Inc., of Rancho Cordova, California, 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 \$822,133, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

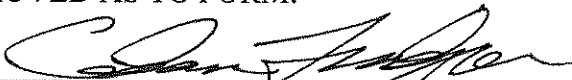
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-495**

RESOLUTION ACCEPTING THE MODESTO POLICE DEPARTMENT'S HEATING, VENTING AND AIR CONDITIONING RENOVATION PROJECT FOR THE DEPARTMENT'S ADMINISTRATION BUILDING AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, AND RELEASING PAYMENTS TOTALING \$848,226 TO AMERICAN CHILLER SERVICE, INC., OF RANCHO CORDOVA, CA,

WHEREAS, the existing HVAC systems for the two MPD building facilities had continued to experience maintenance issues and even experienced failure during the summer of 2017 resulting in extreme working conditions for MPD staff, and

WHEREAS, the existing air conditioning units were no longer functioning reliably or efficiently which resulted in costly maintenance, and

WHEREAS, renovation replaced the five roof HVAC units and exhaust fans and replaced the internal duct valves and control systems, and

WHEREAS, bids were advertised on December 18, 2017, and

WHEREAS, three bids were publicly opened on January 23, 2018, pursuant to Modesto Municipal Code section 8-3.403 and Charter Section 1307, and American Chiller Service, Inc., Rancho Cordova, CA was the apparent low bidder, and

WHEREAS, on February 27, 2018, by Resolution No. 2018-91, Council awarded a contract to American Chiller Service, Inc., Rancho Cordova, CA for the construction of the Modesto Police Department's Heating, Venting and Air Conditioning Renovation Project for the Department's Administration Building in the amount of \$779,700, and

WHEREAS, the contractor received the Notice to Proceed with a first working day of May 12, 2018 and all contract work was completed by June 1, 2019, and

WHEREAS, the total project costs were \$900,087 which included all construction, design, and construction administration costs. The total project amount originally budgeted was \$922,868 which included \$857,747 for the construction contract and contingency with American Chiller Service, Inc., and

WHEREAS, there were 5 change orders resulting in an overall increase of \$68,526 for change order work, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto Police Department's Heating, Venting and Air Conditioning Renovation Project for the Department's Administration Building is hereby accepted as complete from contractor American Chiller Service, Inc., of Rancho Cordova, California, 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 \$848,226, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-496**

RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE 2017-2018 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH ROLFE CONSTRUCTION COMPANY, ATWATER, CA, IN THE AMOUNT OF \$691,296 PLUS \$103,694 FOR CONTINGENCY (IF NEEDED) FOR A TOTAL AMOUNT OF \$794,990 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, specifications have been prepared for the 2017-2018 Sanitary Sewer Collection System Replacement Project, and

WHEREAS, on October 22, 2019 staff received bids from four companies that were responsible and responsive, including a bid from Rolfe Construction Company, and

WHEREAS, MMC 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, and the award of bid for the 2017-2018 Sanitary Sewer Collection System Replacement 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 \$691,296 received from Rolfe Construction Company, be accepted as the lowest responsible and responsive bid and the contract be awarded to Rolfe Construction Company.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the 2017-2018 Sanitary Sewer Collection System Replacement Project and accepts the bid of \$691,296 plus \$103,694 for contingency (if needed) for a total amount of \$794,990 and Awards Rolfe

Construction Company, of Atwater, CA, the contract for the 2017-2018 Sanitary Sewer Collection System Replacement 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.

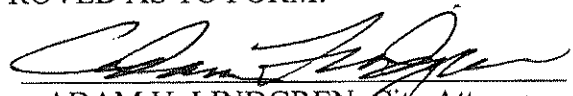
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-497**

**RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S
AUTHORITY TO ISSUE CHANGE ORDERS FOR THE 2017-2018 SANITARY
SEWER COLLECTION SYSTEM REPLACEMENT PROJECT FROM 10%
(\$69,130) TO 15% (\$103,694) OF THE CONSTRUCTION CONTRACT PRICE OF
\$691,296 WITH ROLFE CONSTRUCTION, ATWATER, CA**

WHEREAS, the City's "Change Order Approval Policy", enacted by Council Resolution No. 94-443 on July 19, 1994, established a contract change order budget of 10% for projects with construction contract amounts up to \$1 Million, and

WHEREAS, staff is requesting authorization to increase the contract change order budget to 15% (\$103,694) due to the unknown challenges associated with the construction of the sewer main within a former alley way as well as installation of sewer clean-outs at various locations.

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 the 2017-2018 Sanitary Sewer Collection System Replacement Project from 10 percent (\$69,130) to 15 percent (\$103,694) of the construction contract price of \$691,296 with Rolfe Construction, of Atwater, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-498**

RESOLUTION APPROVING THE REVISED MASTER PLAN FOR MANCINI PARK.

WHEREAS, Proposition 68 (2018 Bond Act) originated as SB5, also known as The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 and authorizing \$4 billion in in general obligation bonds for state and local parks, environmental protection and restoration projects, water infrastructure projects, and flood protection projects, and

WHEREAS, on July 9, 2019, the City Council, by resolutions 2019-335, authorized staff to move forward with the submission of a grant applications for the Mancini Park, and

WHEREAS, applicants were required to submit a conceptual park design for the development of each park along with the grant application, and

WHEREAS, Staff developed the conceptual design with the input of the neighboring communities through a series of five (5) publicly advertised community meetings, where attendees identified the most desirable park additions, were receptive to the renovation concepts recommend by staff, and actively participated in laying out park designs and features on maps of the parks, and

WHEREAS, the final design was submitted to the state for consideration with the Prop 68 grant application, however if the grant application is unsuccessful, the Master Plan would remain on file as the approved design for each of these parks for future use.

WHEREAS, this item was reviewed and approved by the Safety and Communities Committee on October 14, 2019 and was forwarded for the consideration of the full Council, and

WHEREAS, prior to adopting the Master Plan, the City of Modesto has considered the potential environmental impacts of the proposed project, prepared a Statement of Categorical Exemption No. EA/PRN 2019-04 for Mancini Park Renovation and the project is exempt from CEQA because per Section 15302 of the CEQA Guidelines, reconstruction of existing or similar facilities within the same area and for the same purpose with minimal expansion of use compared to the existing park.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the revised Master Plan for Mancini Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

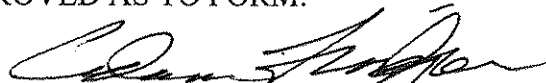
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-499**

**RESOLUTION APPROVING THE REVISED MASTER PLAN FOR MELLIS
PARK**

WHEREAS, Proposition 68 (2018 Bond Act) originated as SB5, also known as The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 and authorizing \$4 billion in in general obligation bonds for state and local parks, environmental protection and restoration projects, water infrastructure projects, and flood protection projects, and

WHEREAS, on July 9, 2019, the City Council, by resolutions 2019-334, authorized staff to move forward with the submission of a grant applications for the Mellis Park, and

WHEREAS, applicants were required to submit a conceptual park design for the development of each park along with the grant application, and

WHEREAS, Staff developed the conceptual design with the input of the neighboring communities through a series of five (5) publicly advertised community meetings, where attendees identified the most desirable park additions, were receptive to the renovation concepts recommend by staff, and actively participated in laying out park designs and features on maps of the parks, and

WHEREAS, the final design was submitted to the state for consideration with the Prop 68 grant application, however if the grant application is unsuccessful, the Master Plan would remain on file as the approved design for each of these parks for future use.

WHEREAS, this item was reviewed and approved by the Safety and Communities Committee on October 14, 2019 and was forwarded for the consideration of the full Council, and

WHEREAS, prior to adopting the Master Plan, the City of Modesto has considered the potential environmental impacts of the proposed project, prepared a Statement of Categorical Exemption No. EA/PRN 2019-03 for Mellis Park Renovation and the project is exempt from CEQA because per Section 15302 of the CEQA Guidelines, reconstruction of existing or similar facilities within the same area and for the same purpose with minimal expansion of use compared to the existing park.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the revised Master Plan for Mellis Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-500**

RESOLUTION APPROVING THE REVISED MASTER PLAN FOR CÉSAR E. CHAVEZ PARK

WHEREAS, Proposition 68 (2018 Bond Act) originated as SB5, also known as The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 and authorizing \$4 billion in in general obligation bonds for state and local parks, environmental protection and restoration projects, water infrastructure projects, and flood protection projects, and

WHEREAS, on July 9, 2019, the City Council, by resolutions 2019-333, authorized staff to move forward with the submission of a grant applications for the César E. Chavez Park, and

WHEREAS, applicants were required to submit a conceptual park design for the development of each park along with the grant application, and

WHEREAS, Staff developed the conceptual design with the input of the neighboring communities through a series of five (5) publicly advertised community meetings, where attendees identified the most desirable park additions, were receptive to the renovation concepts recommend by staff, and actively participated in laying out park designs and features on maps of the parks, and

WHEREAS, the final designs were submitted to the state for consideration with the Prop 68 grant application, however if the grant application is unsuccessful, the Master Plans would remain on file as the approved design for each of these parks for future use, and

WHEREAS, this item was reviewed and approved by the Safety and Communities Committee on October 14, 2019 and was forwarded for the consideration of the full Council, and

WHEREAS, on November 5, 2019, concurrent with this resolution, the Modesto City Council adopted Resolution No. 2019-501, finding that the César E. Chavez Park Master Plan is in conformance with the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2014042081).

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the revised Master Plan for César E. Chavez Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-501**

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): CÉSAR E. CHAVEZ PARK IMPROVEMENTS

WHEREAS, on March 5, 2019, by Resolution No. 2019-108 the 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, on July 9, 2019, the City Council, by resolutions 2019-333, authorized staff to move forward with the submission of a Prop 68 grant application for the renovation César E. Chavez Park, 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 2019-02 (“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 October 15, 2019, 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 November 5, 2019, 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 César E. Chavez Park improvements, 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 PublicResources 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.
6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Parks, Recreation and Neighborhoods Department Director, or their designee, 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 5th day of November, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

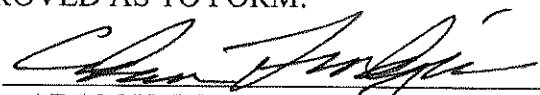
By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/PRN No 2019-06

City of Modesto

**Finding of Conformance with the
Urban Area General Plan Master EIR
(SCH No. 2014042081)**

**Initial Study Environmental Checklist
PRN No. 2019-06**

For the proposed:

César E. Chavez Park Improvements

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

September 30, 2019

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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 project is "within the scope" of the City's General Plan 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. analyses demonstrate that 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: César E. Chavez Park Improvements
- B. Address or Location: César E. Chavez Park, 615 Sierra Drive, Modesto CA (APN 103-018-001)
- C. Applicant: City of Modesto
- D. City Contact / Project Manager: Nathan Houx, Parks Planning and Development Manager
Department: Parks, Recreation and Neighborhoods Department
Phone Number: (209) 571-5526
E-mail address: nhoux@modestogov.com
- E. Current General Plan Designation: D (Downtown)
- F. Current Zoning Classification: TND (Traditional Neighborhood Downtown)
- G. Surrounding Land Uses: The César E. Chavez Park site is surrounded on all sides by single-family residential neighborhoods.

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR;

The proposed César E. Chavez Park improvements (Parks Facilities Plans project type) consist of the following components:

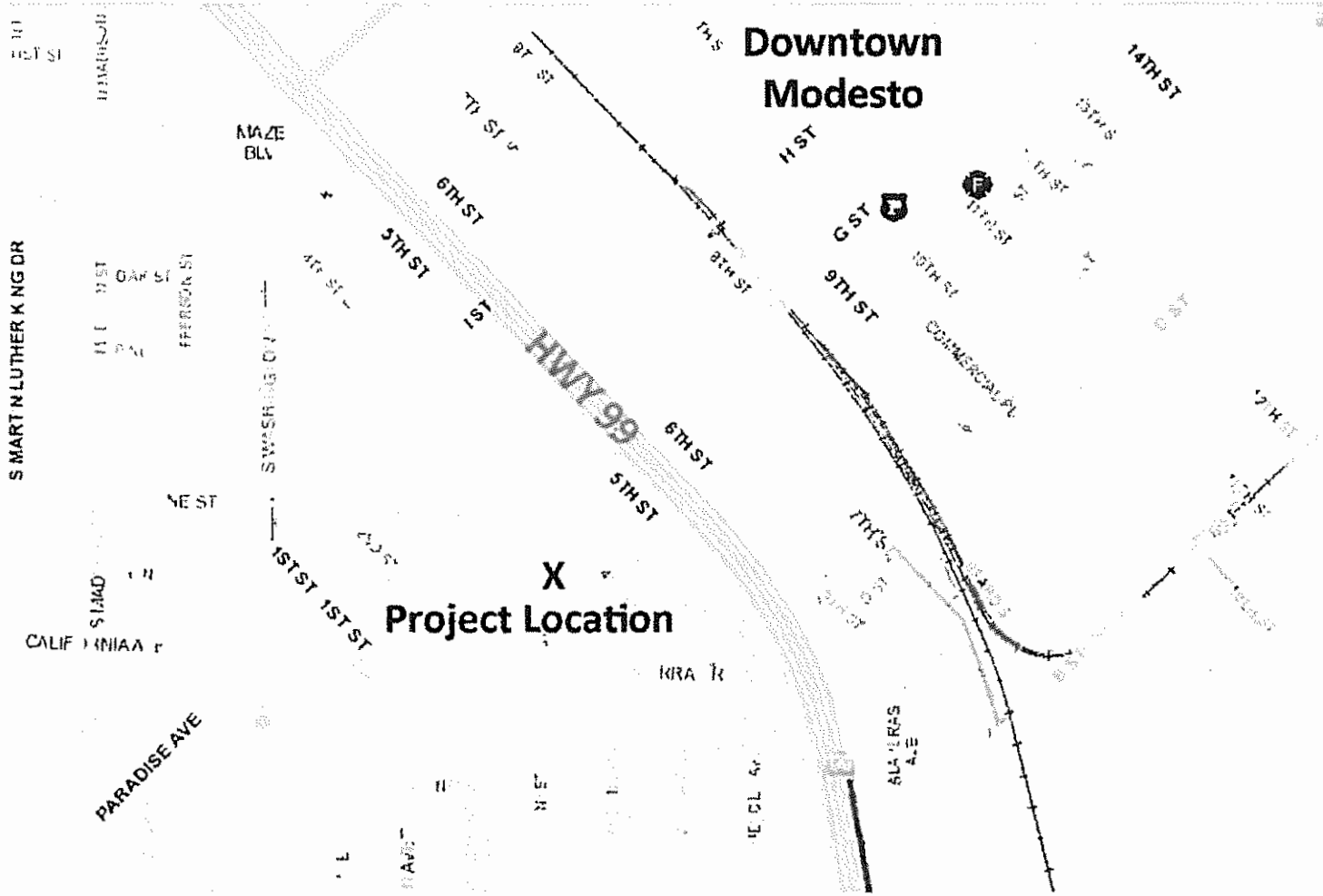
- New approximately 46,000 SF lighted splash park / aquatic center;
- New approximately 1,750 SF multi-purpose rooms suitable for exercise and aerobic classes;
- New approximately 30' x 30' lighted picnic pavilion;
- New full-size lighted basketball court;
- New approximately 10,000 SF lighted skate plaza;
- New approximately 2,500 linear feet of exercise walking paths;
- Three new outdoor fitness stations;
- New youth soccer / sports field;
- New stage area for community events;
- New two-stall restroom building;
- New street-side bioswales and rain garden;
- Fifteen new area park lights;
- Convert approximately 22,500 SF of turf area to planter area; and,
- Remove a total of approximately 126,800 SF of irrigated turf.

The attached concept development plan graphically reflects these proposed park improvements.

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; and,



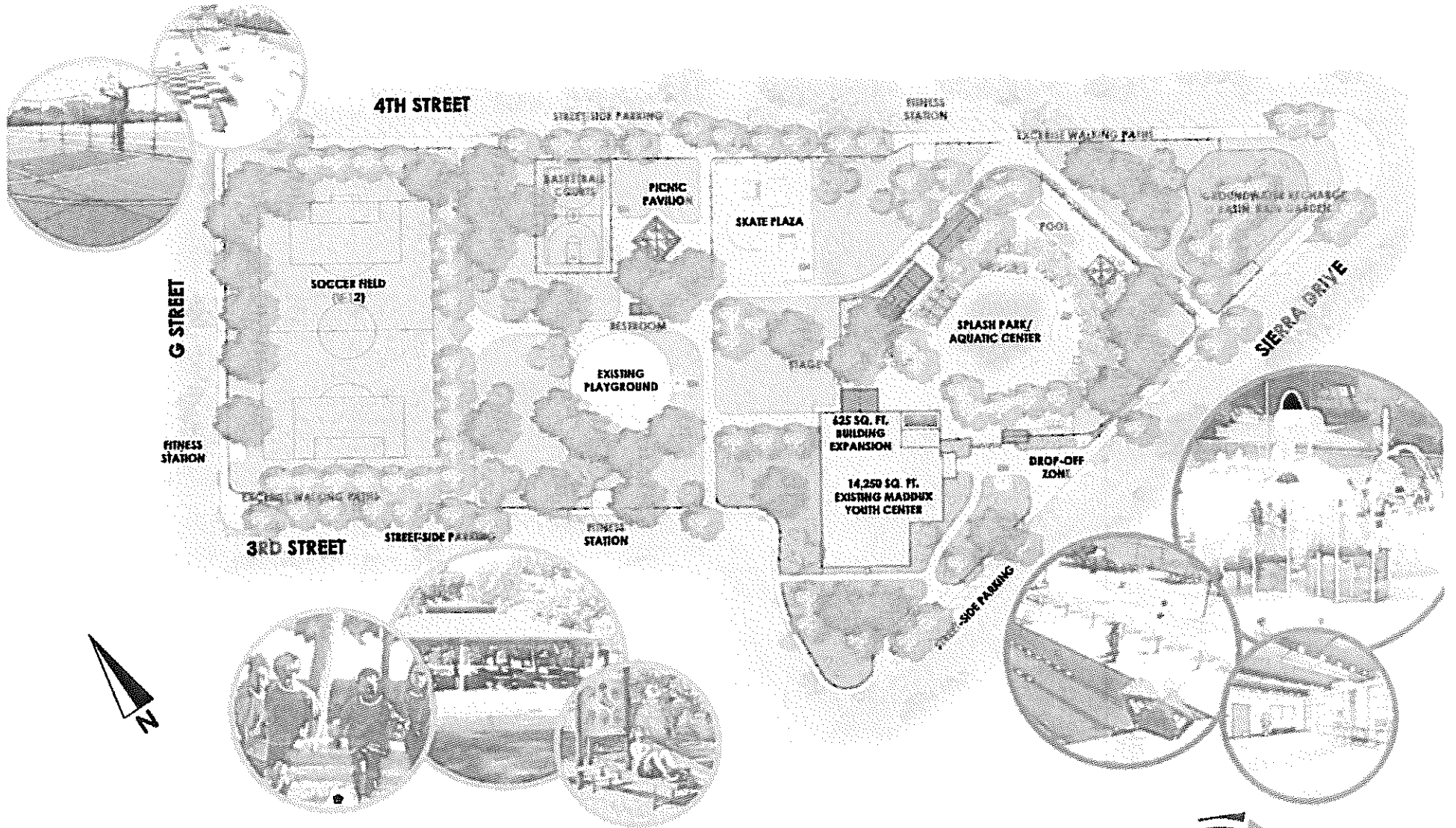
CESAR E. CHAVEZ PARK RENOVATION PROJECT - LOCATION MAP

PROPOSITION 68 GRANT APPLICATION

Parks Planning and Development Division
July 2019



L1



CÉSAR E. CHAVEZ PARK, CONCEPT MASTER PLAN

PROPOSITION 68 GRANT APPLICATION

Parks Planning and Development Division
July 2019



MP

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

Parks Planning and Development Manager
Title

9/30/19
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 analyses 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.	X	<input type="checkbox"/>
(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.	X	<input type="checkbox"/>
(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).	X	<input type="checkbox"/>
(4)	No specific information concerning the known or potential presence of significant resources is identified in subsequent reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	X	<input type="checkbox"/>
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	X	<input type="checkbox"/>
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	X	<input type="checkbox"/>

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.	X	<input type="checkbox"/>
(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:	X	<input type="checkbox"/>
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	X	<input type="checkbox"/>
(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,	X	<input type="checkbox"/>
(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.	X	<input type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-6) The proposed park improvements would result in no change to the surrounding streets / circulation system. There would be no conflict(s) with any existing plan, ordinance or congestion management program. There would be no effect relative to air traffic, and no conflict(s) associated with transit or non-motorized transportation.

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 (PM₁₀) 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, PM₁₀, 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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-8) The proposed park improvements would be constructed at an existing park site. The proposed project would not be inconsistent with the General Plan, and it would not result in pollution, emissions or odors beyond what has been assumed and analyzed in the Master EIR.

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 those listed in Section V, below, 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would result in a permanent increase of 3 dBA where any 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 compared to a no-project scenario.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) For a project within the vicinity of a private airstrip, the proposed project would expose people in the project area to excessive noise levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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 Lmax inside bedrooms or 55 dBA Lmax inside other occupied areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-7) The proposed park improvements would not result in any noise or vibration beyond that analyzed in the Master EIR. However, short-term noise impacts could occur during construction. Applicable General Plan policies would ensure that any such short-term impacts would be less than significant.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-6) The proposed project site is within the City of Modesto's downtown, in an area that is long-developed with residential neighborhoods. No impacts to agricultural resources could occur as a result of the project.

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 Urban Area General Plan policies relating to water supply.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-4) The proposed park improvements would not result in any water use, and no demand for long-term water supply, beyond what is anticipated and analyzed in the 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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-3) The proposed park improvements would not result in any demand for sanitary sewer capacity beyond that anticipated in the 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 plant 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

(1-7) The proposed project site is in downtown Modesto, and has been in use as a park for decades. No significant impacts related to biological resources could occur.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would involve the removal of known significant resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion:

- (1-6) The proposed project site is in downtown Modesto, and has been in use as a park for decades. There are no known archaeological or historical resources in the vicinity. No significant impacts related to archaeological or historical resources could occur.

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				
1) The proposed project is Inconsistent with the Urban Area General Plan storm drainage policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

(1-3) The proposed park improvements would not result in any demand for storm drainage beyond that anticipated in the 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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would place housing within a 100-year flood hazard area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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(1-8) The proposed park improvements would not result in any flooding or water quality impacts beyond those described and analyzed in the 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:

	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 General Plan parks and open space policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

(1-3) The proposed park improvements would occur within an existing park site. The new park facilities would result in an enhanced and improved park site and system.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

(1-2) The proposed park improvements would not result in demand for schools or related facilities.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

(1-2) The proposed park improvements would not result in increased demand for police services beyond what was identified and analyzed in the Master EIR.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

(1-2) The proposed park improvements would not result in demand for fire services beyond what was assumed and analyzed in the Master EIR.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or it would result in non-compliance with any applicable federal, state or local statutes or regulations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

- (1-2) The proposed park improvements would not result in generation of solid waste beyond what was assumed and analyzed in the 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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	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.	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

(1-8) The proposed park improvements would not result in any significant impacts related to hazardous waste or hazardous materials. Liquid chlorine, muriatic acid, and other chemicals that are routinely used for swimming pools and aquatic parks will be stored within a new ventilated building. Handling of these materials will only be done by a Certified Pool Operator.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

(1-2) The proposed park improvements would not result in any impacts related to geology, soils and mineral resources.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

- (1-2) The proposed park improvements would not result in any impacts related to energy beyond those anticipated and analyzed in the 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:

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
6) The proposed project would substantially degrade views from riverside areas and parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

(1-7) The proposed park improvements would not result in any impacts to visual resources, as the project site is an existing downtown park that would be visually enhanced. No scenic resources or vistas can be seen from the project site or the surrounding area.

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 with the Urban Area General Plan land use and planning policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

(1-4) The proposed park improvements would not result in any impact(s) to land use and planning.

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).

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)

Noise-11. Limit trucking during construction to specific routes, times, and speeds that avoid or minimize adverse effects on sensitive receptors. (Policy VII-G.3.i)

Noise-16. For construction activities involving high-powered vibratory tools or pile driving within 200 feet of an existing structure, demonstrate that project construction would not exceed the Caltrans construction vibration thresholds to ensure that no damage to structures would occur. (Policy VII-G.3.n)

Disturbance of Archaeological / Historic Sites:

AH-16. Allow reasonable time for a qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of exposed cultural resources, if any. 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. (Policy VII.F.2[m])

AH-17. If any find is determined to be significant by a 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. (Policy VII.F.2[n])

AH-19. Any project subject to CEQA that involves substantial earth-disturbing activities should require consultation by the applicant for the purposes of determining the potential for archaeological and cultural resources impacts and creating appropriate mitigation to address any such impacts. (Policy VII.F.3[a])

AH-21. Any project that involves earth-disturbing activities within previously undisturbed soils in an area determined to be archaeologically or culturally sensitive by the City of Modesto through consultation with Native American tribes or bands and a qualified archaeologist should be required to carry out the following mitigation measures, at a minimum:

- (1) If prehistoric archaeological remains are discovered during project construction (inadvertent discoveries), all work in the area of the find shall cease, and a qualified archaeologist should be retained by the project sponsor to investigate the find, and make recommendations as to treatment and mitigation. In the event of the discovery of a burial, human bone, or suspected human bone all excavation or grading in the vicinity of the find should halt immediately and

the area of the find should be protected and the project applicant immediately should notify the 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, the project sponsor should also retain a Native American monitor;

- (2) A qualified archaeological monitor should be present and should 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;
- (3) Native American monitors from the appropriate Native American Tribes, as determined by the NAHC should be allowed to monitor all groundbreaking activities, including all archaeological testing and data recovery excavations that are likely to affect Native American resources, as determined by a qualified archaeologist. The project proponent should be responsible for compensating Native American monitors. If human remains are discovered, the NAHC should assign a Most Likely Descendent (MLD);
- (4) The landowner agrees to relinquish ownership of all Native American human remains and associated burial artifacts that are found within the project area, to the appropriate Native American MLD, as assigned by the NAHC, 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; and,
- (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 and 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. (Policy VII.F.3[c])

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-502**

**RESOLUTION ACCEPTING A TRANSPORTATION PLAN FOR FISCAL
YEARS 2019-20 THROUGH 2023-24**

WHEREAS, the City of Modesto receives transportation related funding from various levels of government to build, operate and maintain a safe, efficient and reliable transportation system across all modes of transportation, and

WHEREAS, funding sources for transportation include, but are not limited to, Measure L, SB-1, Gas Tax Fund, Capital Facilities Fees, Community Facilities District, Regional Surface Transportation Program, Highway Safety Improvement Program, Active Transportation Program, Congestion Mitigation and Air Quality Improvement Program, State funds, Developer Fees/Participation, Transportation Development Act, Federal Transit Administration, California Office of Emergency Services, Low Carbon Transit Operations Program, fares and advertising, and the General Fund, and

WHEREAS, transportation dollars are used and managed across various divisions and departments within the City, and

WHEREAS, current needs have been identified that greatly exceed available funding, thus a comprehensive plan is needed to provide a look ahead to maximize use of available transportation funding, and

WHEREAS, a five year transportation plan was prepared to identify, evaluate and prioritize the City's transportation-related programs and projects for Fiscal Years 2019-20 through 2023-24, and

WHEREAS, programs, projects and priorities for each fiscal year will continue to be reviewed by staff, the Commission and Council on an annual basis,


NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Transportation Plan for Fiscal Years 2019-20 through 2023-24.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-503**

**RESOLUTION ACCEPTING A 5-YEAR MEASURE L PLAN FOR FISCAL
YEAR 2019-20 TO FISCAL YEAR 2023-24**

WHEREAS, in November, 2016, Stanislaus County voters approved a county-wide, 25-year, half-cent sales tax increase for transportation and pavement rehabilitation projects known as Measure L, and

WHEREAS, the City of Modesto's estimated share of Measure L funds is approximately \$8.9 Million, and

WHEREAS, on May 24, 2016, by Resolution No. 2016-220, the City Council approved a list of proposed projects to be funded upon the successful passage of Measure L within the first 5 years, and

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"). The Commission will consist of eleven members appointed by the City Council, and

WHEREAS, on July 5, 2017, by Resolution No. 2017-269, Council approved a list of projects to be funded with Measure L tax proceeds for Fiscal Year 2017-18, and

WHEREAS, on December 12, 2017, by Resolution No. 2017-505, Council approved a Measure L Master Funding Agreement between Stanislaus Council of Governments and the City of Modesto, and

WHEREAS, the City's estimated share of Measure L local funds is approximately \$6.87 Million annually for the Local Streets and Roads category which is to be used exclusively for repair and maintenance of our City streets, and

WHEREAS, the City anticipates receiving \$1.37 Million annually for the Traffic Management category which is to be used to upgrade intersections, widen roads, signalize intersections, install traffic calming devices, etc., and

WHEREAS, the City anticipates receiving \$687,000 annually for the Bike and Pedestrian Improvement category which is to be used for local connectivity between communities, local schools, trails and recreation facilities, and

WHEREAS, on March 13, 2018, by Resolution No. 2018-124, Council approved additional projects for FY 2018-19, and

WHEREAS, on September 4, 2018, by Resolution No. 2018-380, Council approved a list of projects for FY 2018-19, and

WHEREAS, starting in FY 2019-20, the Measure L funding projects for each category were presented to the Commission and subsequently brought forth to Council with the annual Capital Improvement Plan budget review, and

WHEREAS, a 5-Year Measure L Plan was prepared to identify, evaluate and prioritize the City's Measure L local funded projects for FY 2019-20 through 2023-24, and

WHEREAS, projects and priorities for each fiscal year will continue to be reviewed by staff, the Commission and Council on an annual basis,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 5-Year Measure L Plan for FY 2019-20 through FY 2023-24.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-504**

**RESOLUTION APPROVING AN AGREEMENT INCLUDING LANGUAGE
CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY
EMPLOYEES ASSOCIATION (MCEA) FOR A TERM OF MARCH 9, 2019 TO
JUNE 30, 2023; 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) expired on march 9, 2019, 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 March 9, 2019 to June 30, 2023.

Article 5. SALARY. Amend to include 2.0% salary increase effective November 12, 2019, following ratification of this MOU by MCEA and adoption by the City Council. Effective June 23, 2020, employees will receive an additional 2.0% salary increase. Effective June 22, 2021, employees will receive an additional 2.0% salary increase. Effective June 21, 2022, employees will receive an additional 2.0% salary 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 **attached** Class Range Tables set forth in **Exhibits A through C attached** hereto.

Article 7. PAY PERIOD DEFINED.

Subsection B. Direct Deposit: Employees have the option to elect to be paid via direct deposit or a debit card.

Article 12. OVERTIME.

Subsection 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.

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.

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.

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.

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.

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.

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, will be compensated twelve dollars and fifty cents (\$12.50) 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 dollars and fifty cent (\$12.50) payment will 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 13. STANDBY.

Subsection B. Eligibility. Section 5. Any employee in the Water Division must have a Grade II certification in Water Distribution from the State of California in order to be eligible for standby. Notwithstanding the foregoing, if the Department Head or their designee determines there is an operational need, electricians in the Water Division may be eligible for standby.

Subsection 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.

Article 14. FATIGUED EMPLOYEES.

Subsection 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.

Subsection B. Hours Worked. 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.

Subsection C. Rest Period. If the eight (8)-hour rest period discussed in (B) 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 paid work time.

Subsection D. 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.

Article 18. LICENSES, CERTIFICATES, AND ENDORSEMENTS.

Subsection B. 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 permit

(as required by their job specification or this contract) within ninety (90) days of appointment and a valid Class A or B driver's license 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 (as required by their job specification for this contract within one hundred and twenty (120) days of the time of appointment).

Subsection K. 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.

Article 19. SHIFT AND PAY DIFFERENTIALS.

Subsection A. Shift Differential Pay. 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.

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.

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.

Subsection C. Miscellaneous Differentials.

Pesticide Applicator. Employees in the Public Works and Parks, Recreation and Neighborhoods Departments that have certification as a Pesticide Applicator from the State of California to mix and apply pesticides will receive a six dollar (\$6.00) 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.

Article 20. ACTING AND OUT OF CLASS PAY

Subsection C. Duration of Assignment. Initially, (i) an Acting Assignment resulting from an incumbent's extended leave of absence or (ii) an Out-of-Class Assignment shall be limited to a term of twelve (12) consecutive months for any one (1) employee. Requests to extend the assignment beyond twelve (12) months will require review and approval by the Department Director and the Human Resources Director. If approved, the extension of the assignment shall be for a maximum of six (6) additional months. One (1) additional extension of six (6) months, beyond the first six (6) month extension, may be authorized with the approval of the City Manager or Deputy City

Manager. Consistent with CalPERS regulations, all other Acting Assignments shall be limited to a term of no more than 960 working hours in any fiscal year.

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 dollars (\$200) during the first pay period of July.

Subsection 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.

Subsection 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 provide a tool allowance of four hundred and fifty dollars (\$450) per year, paid quarterly to offset the cost of such employee-provided tools. 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 24. VACATION.

Subsection E. Emergency Leave - Employees may use up to three (3) days of their accrued vacation in any one (1) fiscal year for protected emergency leave provided that they notify the department prior to the start of the working day that the employee would be absent or as soon as possible. An emergency is defined as an unforeseen urgent matter or situation out of the employee's control that requires immediate leave or could result in serious negative consequences if not attended to. The application of three (3) days is three (3) occurrences.

Example #1: Employee calls in prior to the beginning of the shift, stating the pipes just burst in their home, requiring immediate attention and requesting one (1) of emergency leave day. This day is considered protected and one (1) occurrence.

Example #2: Same scenario, employee calls in prior to the beginning of the shift, stating the pipes just burst in their home, requiring immediate attention and requesting two (2) days off (1 occurrence). The employee will use one (1) day of emergency leave, and the second day will be vacation day. This time off is considered protected.

Article 25. HOLIDAYS.

Subsection B. Floating Holiday. Section 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.

Article 32. HEALTH, DENTAL, VISION INSURANCE. Two percent (2%) increase to City monthly contributions (excluding opt out) each year as follows:

	Current	2020	2021	2022	2023
Opt-out of City Medical Coverage	\$450.00	\$450.00	\$450.00	\$450.00	\$450.00
Employee only	\$622.00	\$634.00	\$648.00	\$660.00	\$673.00
Employee plus 1	\$1,112.00	\$1,134.00	\$1,157.00	\$1,180.00	\$1,204.00
Employee plus family	\$1,572.00	\$1,603.00	\$1,635.00	\$1,668.00	\$1,701.00

Article 36. PROBATION. All original and promotional appointments to positions in the classified service shall be tentative and subject to a probationary period of one (1) year from the date of appointment to the position. The purpose of the 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 be considered as part of any probationary period, and such time will be added to the probationary period.

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.

The City may extend an employee's probationary period up to six (6) additional months by mutual agreement with MCEA.

During the probationary period, an employee may be released at any time without right of appeal. Written notice of release shall be furnished the probationer.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the March 8, 2016 through March 9, 2019 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 between the City of Modesto and the Modesto City Employees Association, which covers a term from March 9, 2019 through June 30, 2023, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
 CLASS RANGE TABLE
 GENERAL NON-SWORN CLASSES
 Effective November 12, 2019

RANGE	TITLE
103	
104	Custodian I
106	Engineering Intern
107	Administrative Office Assistant I
108	Custodian II
110	Account Clerk I
111	Administrative Office Assistant II Custodian Crewleader Customer Services Account Clerk I Exhibits Coordinator
112	
113	Account Clerk II Customer Services Account Clerk II
114	Equipment Service Technician Storeskeeper
115	Administrative Office Assistant III
116	Maintenance Worker I
117	Electrician Assistant I Senior Customer Services Account Clerk
118	Electrical and Instrumentation Technician Trainee Senior Storeskeeper
119	Fleet Procurement Technician Groundskeeper Plant Mechanic Trainee Production Technician Senior Administrative Office Assistant
120	Assistant Buyer Code Enforcement Officer I -Neighborhood Preservation Unit Maintenance Worker II

RANGE	TITLE
	Utilities Services Worker I
121	Electrician Assistant II Laboratory Analyst I Tree Trimmer Water Resource Specialist
122	Accountant I Administrative Services Technician I Customer Services Account Technician Environmental Compliance Technician Utilities Plant Operator Trainee
123	Development Services Technician I Engineering Assistant Trainee Parking Services Crewleader
124	Account Technician Airport Maintenance Worker Code Enforcement Officer II -Neighborhood Preservation Unit Community Development Program Specialist I Electrician Assistant III Equipment Operator Recreation Coordinator Solid Waste Enforcement Officer Utilities Services Worker II Water Conservation Specialist
125	Laboratory Analyst II Parks Maintenance Crewleader Parks Maintenance Mechanic Tree Trimmer Crewleader
126	Administrative Services Technician II Building Maintenance Technician Equipment Mechanic Development Services Technician II Fire Equipment Mechanic Housing Financial Specialist Housing Rehabilitation Specialist I Multimedia Designer Utilities Plant Operator I

RANGE	TITLE
127	Engineering Assistant I Environmental Compliance Inspector I Head Groundskeeper Heavy Equipment Mechanic Traffic Operations Technician Welder/Fabricator
128	Building Inspector I Community Development Program Specialist II Cross Connection Specialist Plant Mechanic I Senior Equipment Operator Utilities Services Worker III Water Meter Technician
129	Senior Fire Equipment Mechanic Utilities Plant Operator II
130	Equipment Mechanic Crewleader Housing Rehabilitation Specialist II Plant mechanic II
131	Airport Maintenance Crewleader Building Maintenance Specialist Electrical and Instrumentation Technician Electrician - Traffic and Buildings Engineering Assistant II Environmental Compliance Inspector II Heavy Equipment Mechanic Crewleader Laboratory Analyst III Traffic Striping Crewleader
132	Building Inspector II Construction Inspector Operations Crewleader Senior Utilities Services Worker
133	Maintenance Planning Technician Senior Utilities Plant Operator
134	Environmental Review Specialist Plans Examiner Senior Environmental Compliance Inspector

RANGE	TITLE
	Senior Plant Mechanic
135	Electrician Crewleader Engineering Project Coordinator Survey Party Chief
136	Senior Building Inspector Senior Construction Inspector

CITY OF MODESTO
 CLASS RANGE TABLE
 GENERAL NON-SWORN CLASSES
Effective June 23, 2020

RANGE	TITLE
103	
104	Custodian I
106	Engineering Intern
107	Administrative Office Assistant I
108	Custodian II
110	Account Clerk I
111	Administrative Office Assistant II Custodian Crewleader Exhibits Coordinator
112	Customer Services Account Clerk I
113	
114	Account Clerk II Customer Services Account Clerk II Equipment Service Technician Storeskeeper
115	Administrative Office Assistant III
116	Maintenance Worker I
117	Electrician Assistant I
118	Electrical and Instrumentation Technician Trainee Senior Customer Services Account Clerk Senior Storeskeeper
119	Fleet Procurement Technician Plant Mechanic Trainee Production Technician Senior Administrative Office Assistant
120	Assistant Buyer Groundskeeper Maintenance Worker II Utilities Services Worker I

RANGE	TITLE
121	Code Enforcement Officer I -Neighborhood Preservation Unit Electrician Assistant II Water Resource Specialist
122	Accountant I Administrative Services Technician I Environmental Compliance Technician Laboratory Analyst I Tree Trimmer
123	Customer Services Account Technician Development Services Technician I Engineering Assistant Trainee Utilities Plant Operator Trainee
124	Account Technician Community Development Program Specialist I Electrician Assistant III Equipment Operator Parking Services Crewleader Recreation Coordinator Solid Waste Enforcement Officer Utilities Services Worker II Water Conservation Specialist
125	Airport Maintenance Worker Code Enforcement Officer II -Neighborhood Preservation Unit Parks Maintenance Crewleader Parks Maintenance Mechanic
126	Administrative Services Technician II Building Maintenance Technician Development Services Technician II Fire Equipment Mechanic Housing Financial Specialist Housing Rehabilitation Specialist I Laboratory Analyst II Multimedia Designer Tree Trimmer Crewleader
127	Engineering Assistant I

RANGE	TITLE
	Environmental Compliance Inspector I Equipment Mechanic Heavy Equipment Mechanic Traffic Operations Technician Utilities Plant Operator I Welder/Fabricator
128	Building Inspector I Community Development Program Specialist II Cross Connection Specialist Head Groundskeeper Plant Mechanic I Senior Equipment Operator Utilities Services Worker III Water Meter Technician
129	Senior Fire Equipment Mechanic
130	Housing Rehabilitation Specialist II Utilities Plant Operator II
131	Airport Maintenance Crewleader Electrical and Instrumentation Technician Electrician - Traffic and Buildings Engineering Assistant II Environmental Compliance Inspector II Equipment Mechanic Crewleader Heavy Equipment Mechanic Crewleader Laboratory Analyst III Plant Mechanic II Traffic Striping Crewleader
132	Building Inspector II Building Maintenance Specialist Construction Inspector Operations Crewleader Senior Utilities Services Worker
133	
134	Environmental Review Specialist Maintenance Planning Technician Plans Examiner

RANGE	TITLE
	Senior Environmental Compliance Inspector Senior Utilities Plant Operator
135	Electrician Crewleader Engineering Project Coordinator Senior Plant Mechanic
136	Senior Building Inspector Senior Construction Inspector Survey Party Chief

CITY OF MODESTO
 CLASS RANGE TABLE
 GENERAL NON-SWORN CLASSES
Effective June 22, 2021

RANGE	TITLE
103	
104	Custodian I
106	Engineering Intern
107	Administrative Office Assistant I
108	Custodian II
110	Account Clerk I
111	Administrative Office Assistant II Custodian Crewleader Exhibits Coordinator
112	Customer Services Account Clerk I
113	
114	Account Clerk II Customer Services Account Clerk II Equipment Service Technician Storeskeeper
115	Administrative Office Assistant III
116	Maintenance Worker I
117	Electrician Assistant I
118	Electrical and Instrumentation Technician Trainee Senior Customer Services Account Clerk Senior Storeskeeper
119	Fleet Procurement Technician Plant Mechanic Trainee Production Technician Senior Administrative Office Assistant
120	Assistant Buyer Maintenance Worker II Utilities Services Worker I

RANGE	TITLE
121	Code Enforcement Officer I -Neighborhood Preservation Unit Electrician Assistant II Groundskeeper Water Resource Specialist
122	Accountant I Administrative Services Technician I Environmental Compliance Technician Tree Trimmer
123	Development Services Technician I Engineering Assistant Trainee Laboratory Analyst I Utilities Plant Operator Trainee
124	Account Technician Community Development Program Specialist I Customer Services Account Technician Electrician Assistant III Equipment Operator Parking Services Crewleader Recreation Coordinator Solid Waste Enforcement Officer Utilities Services Worker II Water Conservation Specialist
125	Code Enforcement Officer II -Neighborhood Preservation Unit Parks Maintenance Crewleader Parks Maintenance Mechanic
126	Administrative Services Technician II Airport Maintenance Worker Building Maintenance Technician Development Services Technician II Fire Equipment Mechanic Housing Financial Specialist Housing Rehabilitation Specialist I Multimedia Designer Tree Trimmer Crewleader
127	Engineering Assistant I Environmental Compliance Inspector I Equipment Mechanic Heavy Equipment Mechanic

RANGE	TITLE
	Laboratory Analyst II Traffic Operations Technician Utilities Plant Operator I Welder/Fabricator
128	Building Inspector I Community Development Program Specialist II Cross Connection Specialist Plant Mechanic I Senior Equipment Operator Utilities Services Worker III Water Meter Technician
129	Head Groundskeeper Senior Fire Equipment Mechanic
130	Housing Rehabilitation Specialist II
131	Airport Maintenance Crewleader Electrical and Instrumentation Technician Electrician - Traffic and Buildings Engineering Assistant II Environmental Compliance Inspector II Equipment Mechanic Crewleader Heavy Equipment Mechanic Crewleader Laboratory Analyst III Traffic Striping Crewleader Utilities Plant Operator II
132	Building Inspector II Building Maintenance Specialist Construction Inspector Operations Crewleader Plant Mechanic II Senior Utilities Services Worker
133	
134	Environmental Review Specialist Maintenance Planning Technician Plans Examiner Senior Environmental Compliance Inspector
135	Electrician Crewleader

RANGE	TITLE
136	Engineering Project Coordinator Senior Utilities Plant Operator Senior Building Inspector Senior Construction Inspector Survey Party Chief Senior Plant Mechanic

Exhibit "X"

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment	Year 3 Adjustment
Account Clerk II	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Accounting Technician	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Administrative Office Assistant I	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Administrative Office Assistant II	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Administrative Office Assistant III	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Administrative Services Technician I	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Administrative Services Technician II	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Airport Maintenance Worker	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range
Building Maintenance Specialist	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Building Maintenance Technician	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Code Enforcement Officer NPU I	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Code Enforcement Officer NPU II	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Construction Inspector	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Custodian I	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Custodian II	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Customer Services Account Clerk I	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Customer Services Account Clerk II	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Customer Services Account Technician	Four salary ranges (approximately 10%)	Two salary ranges	One salary range	One salary range
Development Services Technician II	One salary range	One salary range	No further adjustment	No further adjustment

Exhibit "X"

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment	Year 3 Adjustment
	(approximately 2.5%)			
Electrical and Instrumentation Technician	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Electrician Assistant I	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Electrician Assistant II	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Electrician Crewleader	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Electrician Traffic & Building	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Environmental Compliance Inspector I	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Environmental Compliance Inspector II	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Equipment Mechanic	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Equipment Mechanic Crewleader	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Equipment Operator	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Exhibits Coordinator	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Fleet Procurement Technician	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Groundskeeper	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range
Head Groundskeeper	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range
Heavy Equipment Mechanic	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Heavy Equipment Mechanic Crewleader	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Lab Analyst I	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range
Lab Analyst II	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range

Exhibit "X"

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment	Year 3 Adjustment
Lab Analyst III	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Maintenance Planning Technician	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Maintenance Worker I	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Maintenance Worker II	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Multimedia Designer	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Operations Crewleader	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Parking Services Crewleader	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Parks Maintenance Crewleader	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Plant Mechanic I	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Plant Mechanic II	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range
Production Technician	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Senior Administrative Office Assistant	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Senior Construction Inspector	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Senior Customer Services Account Clerk	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Senior Equipment Operator	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Senior Plant Mechanic	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range
Senior Utilities Plant Operator	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range
Solid Waste Enforcement Officer	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Survey Party Chief	Two salary ranges	One salary range	One salary range	No further adjustment

Exhibit "X"

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment	Year 3 Adjustment
	(approximately 5.0%)			
Tree Trimmer	Three salary ranges (approximately 7.5%)	Two salary ranges	One salary range	No further adjustment
Tree Trimmer Crewleader	Three salary ranges (approximately 7.5%)	Two salary ranges	One salary range	No further adjustment
Utilities Plant Operator I	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Utilities Plant Operator II	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range
Utilities Plant Operator Trainee	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Welder/Fabricator	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-505**

**RESOLUTION AMENDING FISCAL YEAR 2019-20 ANNUAL OPERATING
AND CAPITAL IMPROVEMENT PROGRAM FUND BUDGETS**

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 2019-20.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2019-20 Annual Operating and Capital Improvement Program fund budgets 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 November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2019-20

COMMUNITY & ECONOMIC DEVELOPMENT

- A budget adjustment is necessary to recognize unbudgeted revenue in the amount of \$1,734,493 for Capital Improvement Project #100966 – Pelandale from Sisk to Dale Road within Fund 3160, Capital Grants-Streets CIP Projects as funding was recently awarded by the Department of Transportation (Caltrans). The additional funding needs to be allocated to the discretionary accounts within the project expense budget.
- A budget adjustment is necessary to recognize unbudgeted revenue in the amount of \$850,000 for Capital Improvement Project #100632 – Right Turn Lane Southbound McHenry Avenue to Westbound Briggsmore within Fund 3410, Streets Capital Facility Fee Fund as funding was recently awarded by the Department of Transportation (Caltrans). The additional funding needs to be allocated to the discretionary accounts within the project expense budget.

COMMUNITY & ECONOMIC DEVELOPMENT – MEASURE L

- A budget adjustment in the amount of \$330,000 is necessary to establish the transfer out from Fund 1410 – Measure L Local Streets & Roads category to Project #101214 – Granger Neighborhood Pavement Rehabilitation Project, Fund 3300 – Measure L – Capital Projects and allocate the amount to the projects discretionary expense budget. There is additional revenue available from the Measure L Local Streets & Roads category that will be used on this project to begin the engineering and design plans.

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 19-20 for the July 2019 – September 2019 period. 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
1309	Capital Improvement Support – Fleet Replacement	\$85,466
1709	Surface Transportation Fleet Replacement	\$65,633
4109	Water Fleet Replacement Fund	\$250,994
4219	Wastewater Fleet Replacement Fund	\$62,976
4489	Storm Drainage Fleet Replacement Fund	\$195,035
5410	GF Equipment Replacement	\$268,557
	Total Transfer Outs	\$928,661

5409	Transfer In – Fleet Management Fleet Replacement	\$928,661
	Total Transfer Ins	\$928,661

A budget adjustment is necessary to establish a transfer in the amount of \$85,466 from Capital Improvement Support - Fleet Replacement Fund 1309 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Sedan Mid-Size and (2) Trucks ½ Ton PU Ext. Cab.

A budget adjustment is necessary to establish a transfer in the amount of \$65,633 from Surface Transportation Fleet Replacement Fund 1709 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Forklift 6000 pounds and (1) Truck ½ Ton PU Ext. Cab.

A budget adjustment is necessary to establish a transfer in the amount of \$250,994 from Water Fleet Replacement Fund 4109 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Tractor Loader with Backhoe, (1) Truck ½ Ton PU Crew Cab, (1) Truck ¾ Ton Ext. Cab, (2) Truck ½ Ton Mid-Size PU Crew, and (1) Truck ¾ Ton 4x4 Ext. Cab.

A budget adjustment is necessary to establish a transfer in the amount of \$62,976 from Wastewater Fleet Replacement Fund 4219 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Truck ½ Ton PU and (1) Truck ½ Ton PU Ext. Cab.

A budget adjustment is necessary to establish a transfer in the amount of \$195,035 from Storm Drainage Fleet Replacement Fund 4489 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Tractor Loader with Backhoe, (1) Truck ½ Ton PU 4x4, (1) Truck ½ Ton PU Reg. Cab and (1) Truck ½ Ton PU Ext. Cab.

A budget adjustment is necessary to establish a transfer in the amount of \$268,557 from General Fund Equipment Fleet Replacement Fund 5410 to Fleet Replacement Fund 5409 for purchases made in FY 19/20: (1) Sedan Investigation, (6) Truck ½ Ton Ext Cab PU, (1) Truck ½ Ton Reg Cab, and (1) Truck ½ Ton Responder.

UTILITIES

- A budget adjustment in the amount of \$1,799,406 is needed in the Water CIP Fund (4180) to increase the capital improvement program (CIP) expense budget of the Del Rio Water Tank project (100473). . The previous budget amendment requested on 4/23/19 was based on evaluating the anticipated construction expenditures with the total project budget and did not account for previous expenditures which resulted in a shortfall for the amount being requested. This budget adjustment request accounts for all project costs anticipated compared to the total project budget; thereby providing the amount truly needed to cover all project costs.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-506**

**RESOLUTION REJECTING ALL BIDS RECEIVED FOR RFB NO. 1718-50RB
FOR SPOILS SCREENING AND ROCK CRUSHING SERVICES; AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO REISSUE
THE RFB AT A FUTURE DATE**

WHEREAS, the Utilities, Water and Wastewater Services Divisions, and Public Works Department, Streets Division, require a contractor to provide spoils screening and rock crushing services on an “as needed” basis, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Request for Bids (RFB) for Spoils Screening and Rock Crushing Services, and

WHEREAS, on August 15, 2018, the Purchasing Division issued RFB No. 1718-50 for Spoils Screening and Rock Crushing Services, and posted the RFB on the City’s website and formally advertised as required by law, and

WHEREAS, on December 11, 2018, by Resolution 2018-559 bids were rejected due to the significant price variances between the 2 bidders, and

WHEREAS, a revised scope of work was completed for the RFB, and

WHEREAS, on January 7, 2019, the Purchasing Division issued the rebid for services, via RFB No. 1718-50RB for Spoils Screening and Rock Crushing Services, and posted the RFB on the City’s website and formally advertised as required by law, and

WHEREAS, on February 26, 2019 bids were formally opened in the City Clerk’s office, and

WHEREAS, six companies chose to respond, none of which were local vendors, and

WHEREAS, on July 3, 2019, the City received a bid protest from K&D Enterprises. and

WHEREAS, on September 24, 2019 by Resolution 2019-443, City Council denied the appeal of K&D Enterprises to RFB 1718-50RB, and

WHEREAS, staff felt it was in the best interest of the City to review and amend the RFB, and

WHEREAS, staff intends to reissue the amended RFB at a later date, and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby rejects all bids received for RFB No. 1718-50RB for Spoils Screening and Rock Crushing Services.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to reissue the RFB at a future date, with an amended Scope of Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

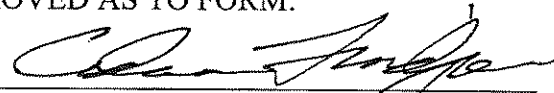
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-507**

RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH GOVERNMENTJOBS.COM, INC., EL SEGUNDO, CA, DOING BUSINESS AS NEOGOV, TO ADD A MODULE FOR A PERFORMANCE MANAGEMENT PLATFORM INCREASING THE AMOUNT BY \$103,794 FROM \$135,313 TO A NEW TOTAL OF \$239,107, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT.

WHEREAS, the City currently uses Neogov Insight Enterprise Edition (IN Subscription), an electronic platform with an annual subscription for all recruitment and onboarding processes,

WHEREAS, the performance management process within the Human Resources Administration division was electronic with Cornerstone,

WHEREAS, the City of Modesto conducted research to recommend NeoGov to transition the City's performance management from the current provider, and

WHEREAS, the Director of Human Resources, in conjunction with the Human Resources Manager, has recommended that NeoGov be accepted as the most viable option for the City's continued performance management.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an the first amendment to the agreement between GovernmentJobs.com, Inc., El Segundo, CA, doing business as NEOGOV, to add a module for performance management, increasing the amount by \$103,794 from \$135,313 to a new total of \$239,107.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager, or 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 November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

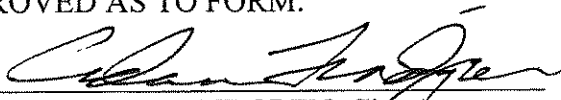
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-508**

RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF EIGHT AUTOMATED LICENSE PLATE READERS FROM STROMMEL INC., DBA LEHR AUTO ELECTRIC OF SACRAMENTO, CA TO EXPAND THE MODESTO POLICE DEPARTMENT'S AUTOMATED LICENSE PLATE READER PROGRAM FOR A TOTAL AMOUNT NOT TO EXCEED \$87,900, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO EXECUTE THE PURCHASE ORDER.

WHEREAS, the Modesto Police Department has sought to reduce the number of vehicle thefts by implementing an effective auto theft program with modern crime fighting technology; and

WHEREAS, in 2014, the Modesto Police Department made its first purchase of Automated License Plate Readers (ALPR) and the associated software; and

WHEREAS, after use for three years, the department issued a Request for Proposals to ensure the department was best utilizing ALPR technology as part of its commitment to intelligence-led policing; and

WHEREAS, On October 20, 2017, RFP# 1718-23 was issued to solicit proposals for new ALPR software, cameras, and required equipment; and

WHEREAS, in June 2018, based on responsive and responsible bids received, staff recommended and Council subsequently approved Strommel Inc., DBA Lehr Auto Electric to be awarded the contract to install Vigilant ALPR software, equipment and maintenance; and

WHEREAS, the Modesto Police Department desires to expand the use of the ALPR program and purchase an additional eight (8) license plate reader cameras for fixed use in a high-traffic and high auto-theft intersection in the City; 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, MMC 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 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, Strommel Inc., DBA Lehr Auto Electric, Sacramento, CA, should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(b) since the Modesto Police Department has already procured 13 mobile ALPR cameras and software system to integrate additional cameras would be seamless; and

WHEREAS, Lehr Auto Electric should be exempt from the formal bidding procedure in accordance with Modesto Municipal Code 8-3.204(d) as it is the only local vendor that is able to provide the Original Equipment Manufacturer (OEM) equipment and configurations needed for this expansion; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase and installation of eight Automated License Plate Readers from Strommel Inc., DBA Lehr Auto Electric of Sacramento, CA to expand the Modesto Police Department's Automated License Plate Reader program for a total amount not to exceed \$87,900 and authorizes the Purchasing Manager, or her designee, 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 12th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-509**

**RESOLUTION REJECTING ALL BIDS FOR REQUEST FOR BID NO. 1718-57
FOR WIRELESS NETWORK EQUIPMENT AND INSTALLATION SERVICES**

WHEREAS, the City of Modesto, Utilities Department, Wastewater Division requested the procurement of Cisco wireless network communications equipment and installation services for the Sutter and Jennings Wastewater Treatment Plants, and

WHEREAS, City Manager authorized the Purchasing Division to issue formal Request for Bids (RFB) for the procurement and installation of Wireless Network Equipment and Installation, and

WHEREAS, on January 2, 2019, the Purchasing Division issued RFB No. 1718-57 for Purchase of Wi-Fi Network Equipment and Installation Services, and

WHEREAS, prospective bidders were notified online, and via email of the bid opportunity and twenty-three companies chose to download the RFB document,

WHEREAS, on January 23, 2019, a mandatory Bidders Conference was held with four vendors in attendance, and

WHEREAS, on March 5, 2019, bids were formally opened in the City Clerk's office with one company choosing to respond, and no local vendors responding, and

WHEREAS, the single bidder provided a responsive and responsible bid, and

WHEREAS, staff conferred with the Wastewater Division and the IT department and it was determined the project was neither feasible nor cost effective to proceed with the installation and expansion of the wireless network, 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. The rejection of all bids for the Cisco wireless network communications equipment and installation services conforms to Modesto Municipal Code 8-3.204, subsection (e), and

WHEREAS, the award of 1718-57 for Purchase of Wi-Fi Network Equipment and Installation Services conforms to the Modesto Municipal Code based on providing a responsive and responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bids received for Request for Bid No. 1718-57 for Wireless Network Equipment and Installation Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-510**

RESOLUTION APPROVING THE GRANT OF A TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT ACCESS AND UTILITY EASEMENT FROM THE EMPIRE PRESERVATION TRUST WITHIN A PORTION OF APN: 009-019-023 FOR THE EMPIRE SANITARY SEWER TRUNK PROJECT, CONSENTING TO THE RECORDATION THEREOF, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CERTIFICATES OF ACCEPTANCE.

WHEREAS, the City of Modesto provides sewer service to the community of Empire, and

WHEREAS, the Empire Trunk is known as a secondary trunk and conveys all flow from the Empire sewer system to the River Trunk, and

WHEREAS, On April 02, 2019 by Resolution number 2019-141, Council awarded the Empire Sanitary Sewer Trunk Project, and

WHEREAS, the City requested from the Empire Preservation Trust a Temporary Construction Easement (TCE) to facilitate construction and placement of a sewer main extension and manhole for future commercial occupants along Linley Avenue, on the Empire Preservation Trusts property to be put into service at a later date by the Empire Preservation Trust and a Permanent Access and Utility Easement (AUE) to provide access and permanent placement of new sewer apparatus and to cover the existing water line that had not previously been eased, and

WHEREAS, the Empire Preservation Trust has agreed to grant both easements to the City at no financial cost.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts both the temporary construction easement and the permanent access and utility easement granted to the City of Modesto by the Empire Preservation Trust.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-511**

RESOLUTION APPROVING THE DESIGNATION OF THE PUBLIC HEALTH OFFICER (HEALTH OFFICER) FOR THE COUNTY OF STANISLAUS TO ALSO SERVE AS THE PUBLIC HEALTH OFFICER FOR THE CITY OF MODESTO

WHEREAS, California Health & Safety Code Section 101460 requires a city to appoint a health officer except when the City Council has made arrangements for the county to exercise the same powers and duties within the city as are conferred upon city health officers by law, and

WHEREAS, the California Health & Safety Code Section states that a county health officer may enforce all health laws within an incorporated city with the consent of the City Council, and

WHEREAS, the City of Modesto has previously had an agreement with the County of Stanislaus for Public Health Officer services, and

WHEREAS, the City identified inconsistencies in the authority that the City assigned to the Health Officer, and

WHEREAS, the City intends to clarify the responsibilities of the Health Officer for the County of Stanislaus to also serve for the City of Modesto to offer services and support pursuant to the California Health and Safety Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the designation of the Public Health Officer for the County of Stanislaus to also serve as the Public Health Officer 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 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-512**

RESOLUTION APPROVING THE DELEGATED MAINTENANCE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 10 (CALTRANS) FOR LITTER ABATEMENT SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, a Delegated Maintenance Agreement refers to the delegation of maintenance responsibility for certain duties such as street sweeping, tree maintenance and litter abatement, and

WHEREAS, CalTrans is delegating these duties on State right of ways to the City and reimburses the City for fulfilling the responsibility, and

WHEREAS, the City of Modesto currently has two existing Delegated Maintenance Agreements for tree maintenance and electrical services with CalTrans, and

WHEREAS, the City intends to supplement the litter abatement services on City right of ways, and

WHEREAS, the fiscal impact includes an authorized reimbursable amount of up to \$100,000 for State right of ways and an additional \$50,000 for City right of ways, and

WHEREAS, the City released a Request for Proposals (RFP) to procure a contractor to perform the litter abatement services on behalf of the City, and

WHEREAS, the City received two proposals and is currently evaluating both of them and will bring an additional item forward to Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Delegated Maintenance Agreement for litter abatement services with the California Department of Transportation, District 10 (CalTrans) for

litter abatement services, 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 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-513**

**RESOLUTION AMENDING SECTION 6 OF THE HOUSING AND URBAN
DEVELOPMENT POLICIES & PROCEDURES MANUAL**

WHEREAS, in order to align with current program guidelines and replace older program policies, Section 6 (Homeowner Rehabilitation Program) needs to be updated. The updated Homeowner Rehabilitation Program Policies & Procedures are included as **Attachment 1**, and

WHEREAS, policy updates: Section 6 – Homeowner Rehabilitation Program Policies. In addition to minor technical language improvements to the policies the following sections have been updated, and

WHEREAS, section 2.0 – Edits made to align with CDBG regulations, and

WHEREAS, section 4.0 – Reverse mortgage allowances added, if enough equity is still in their property. Updated income eligibility to conform with 24 CFR Part 5, and

WHEREAS, section 8.0 – Update affordability term for grants when combined with a loan for single family home rehabilitation to a consistent term of 10 years. Add updated interest rate terms for loans, and

WHEREAS, section 20.0 – Contractor Disqualification/Removal from Contractor List: Section has been added to address any potential issues with contractors as outlined in Section 20 of the Homeowner Rehabilitation Program Policies and Procedures, and

WHEREAS, section 24.0 – Monitoring: Section has been updated to conform to funding requirements, and

WHEREAS, on October 10, 2019, the Citizen’s Housing and Community Development Committee reviewed, approved and forwarded the revised Section 6 –

Homeowner Rehabilitation Program Policies and Procedures to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends Section 6 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 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

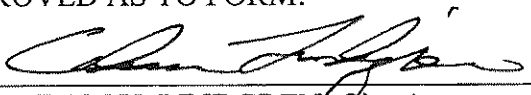
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Section 6

Homeowner Rehabilitation Program

Policies & Procedures



housing@modestogov.com

Citizens Housing and Community Development Committee (CH&CDC) Approved October 10, 2019
City of Modesto City Council Approved by Resolution 2019-04 on January 22, 2019

*These policies supersede any previously adopted policies and are subject to review and revision by the City of Modesto Housing Rehabilitation Loan Committee.



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Homeowner Rehabilitation Program Policies & Procedures

1.0 APPLICABLE LAWS AND REGULATIONS

- 1.1 All Housing Rehabilitation Program activities shall be conducted in accordance with all applicable federal, state, and local program funding standards, building codes, and zoning ordinance requirements.
- 1.2 All work conducted in accordance with an approved Housing Rehabilitation Program activity shall be consistent with program funding requirements and any locally approved repair and replacement standards including, but not limited to: site improvements, windows and doors, roofing, ventilation, electrical, plumbing systems, HVAC, accessibility, and abatement of hazardous materials (i.e. mold, lead based paint, etc.).
- 1.3 All terms used within these policies shall be as defined by applicable funding source(s) or other locally approved Housing Rehabilitation Program policies and/or standards.
- 1.4 All program applications will be processed in accordance to the date of receipt of a complete application and are subject to available funding.

2.0 ELIGIBLE REPAIRS (in order of priority)

- 2.1 Health and Safety repairs as determined by utilization of the City of Modesto HUD Housing Quality Standards (HQS) inspection analysis.
- 2.2 Spot Rehabilitation Eligible non-health and safety related repairs (e.g. - required by State or local Building Code).

Accessibility Repairs to make the home accessible for disabled household members.

- 2.3 Energy Efficiency Improvements may be conducted along with any of the eligible repairs listed above. Energy efficiency improvements may include, but are not limited to:
 - 2.3.1 Replacing single pane windows with double pane windows;
 - 2.3.2 Replacing antiquated water heater;
 - 2.3.3 Replacing antiquated HVAC system;
 - 2.3.4 Weatherization improvements.
- 2.4 Applicant is Encouraged to Explore Other Available Funding Sources in order to comply with program funding requirements. The applicant is encouraged to explore other viable program alternatives/resources that may provide assistance to address any of the above eligible repairs. The Housing Finance Specialist in coordination with the Housing Rehabilitation Specialist shall conduct a resource coordination analysis to ensure the applicant has taken advantage of any other resources that may be available prior to receiving assistance via the City of Modesto's Housing Rehabilitation Program.

3.0 PROPERTY ELIGIBILITY:

- 3.1 The assisted property shall be located within the city limits of the City of Modesto.

- 3.2 The assisted property shall contain a legal residential structure intended for continued residential occupancy and meet applicable rehabilitation standards and ordinances at the time of project completion.
- 3.3 A manufactured home (mobile home) in a mobile home park or on leased land that is not on a permanent foundation may only qualify for a grant as allowed under MANUFACTURED HOMES Section of these policies.
- 3.4 The assisted property shall be owner-occupied and shall be the principal place of residency of owner-occupants (hereafter "Borrowers") and hold legal title to the property.

4.0 HOMEOWNER ELIGIBILITY:

- 4.1 All Borrower households shall have incomes at or below 80 percent (80%) of the Stanislaus County Area Median Income (AMI), adjusted for household size, as published annually by the California State Department of Housing and Community Development (HCD) or United States Department of Housing and Urban Development (HUD). The applicable AMI shall be as required by available funding source(s).
- 4.2 Borrowers without a mortgage shall demonstrate a debt-to-income ratio sufficient to allow for the on-going annual payments of property tax and any insurance required as a result of the Housing Rehabilitation Program assistance.
- 4.3 Borrowers with Reverse Mortgages will be considered on a case by case basis. Borrower must comply with program loan to value requirements.
- 4.4 Borrowers with a mortgage shall show that all mortgage, property tax, and insurance payments are current, and meet both of the following debt-to-income ratios:
 - 4.4.1 Front end (housing) debt-to-income ratio shall not exceed 35 percent (35%) and is the percentage of a Borrower's gross monthly income (before deductions) that would cover the cost of the loan principal and interest payment, property taxes, property insurance, mortgage insurance, and HOA dues, if any.
 - 4.4.2 Back-end (total debt obligation) debt-to-income ratio shall not exceed 45 percent (45%), and is the percentage of the borrower's gross monthly income that includes the cost of housing as described in the Front End ratio above, plus any other monthly debt payments such as car loans, personal loans, credit card debt, or child support and alimony payments.

4.5 Credit Report and Liabilities

- 4.5.1 The Housing Financial Specialist (HFS) must obtain a signed "Authorization to Verify Information" and/or "Eligibility Release Form" from the applicant authorizing the City to pull a credit report and verify any information with a third party.
- 4.5.2 The HFS shall pull the applicant(s) credit report within three business days of determining income eligibility. The HFS shall order a credit report through the City of Modesto's secure account held with a major credit bureau (e.g. Equifax, Experian, or Transunion). A credit report shall be pulled for all program applicants.
- 4.5.3 If the applicant is eligible for a loan, the credit report should be reviewed to determine if any public liens will be in prior position to the City loan, or to compare the applicant's

actual credit liabilities with the liabilities listed on the application. The credit report should be used for verification of information. The credit score is not relevant for a deferred payment loan. Debt-to-income guidelines should be used to demonstrate the household's ability to continue to live in the home.

- 4.5.4 If the applicant is eligible for an amortized loan, the credit report should be analyzed for a credit score, verification of debts, and ability and willingness to repay the loan. The HFS shall use debt-to-income ratios allowable under this policy as a guideline for payment affordability.
- 4.5.5 Special Note: Household income must be collected on all qualifying adult household members per HUD guidelines. However, only the credit liabilities of the applicant will be used in the credit liability calculation. Adult members of the household who are not on title are not a party to the loan transaction.
- 4.6 Borrowers shall meet the following credit worthiness criteria:
 - 4.6.1 No outstanding judgments or liens at the time of loan approval or loan execution. As part of application for assistance, Borrower shall disclose any personal liens that may attach to the property. Failure to disclose any pertinent information that may affect eligibility may be grounds for denial of assistance and application withdrawal. To identify any personal liens, a Judgment and Tax Lien Guarantee search of Borrowers and Preliminary Title Report search on the property shall be conducted after Housing Rehabilitation Loan Committee (HRLC) approval.
 - 4.6.2 Outstanding collections must be paid prior to HRLC approval, unless the HRLC determines, on a case by case basis, that the circumstances that led to collection were outside of the applicant's control, and the payment of the outstanding collection(s) will not impact the applicant's ability to financially retain ownership.
 - 4.6.3 Late payments due to extenuating circumstances will be considered as part of the approval process. Factors leading to late payments will be reviewed and considered on a case by case basis.
 - 4.6.4 Borrower shall not have filed bankruptcy, or received a bankruptcy discharge, in the last three (3) years prior to date of application.
 - 4.6.5 Homeowner Eligibility – the Housing Rehabilitation Loan Committee (HRLC) will consider applications on a case by case basis. The HRLC will have the discretion to consider any extenuating circumstances for a homeowner who may not meet the Homeowner Eligibility Guidelines and may decide to approve the application based on such extenuating circumstances.
 - 4.6.5.1 Applicants with Debt to Income ratios outside the limits established within these policies may be considered for assistance if the Debt to Income ratio is within 10% of the current Homeowner Rehabilitation Program Policies & Procedures guidelines.
 - 4.6.5.2 Applicants who have defaulted on their property taxes may be considered for assistance if a payment plan has been established with the Stanislaus County Treasurer/Tax Collector's Department and applicant is current on those payments.
- 4.7 If at any time the Borrowers filed bankruptcy that resulted in a discharge of any debt owed to City of Modesto, or the former City of Modesto Redevelopment Agency, for housing rehabilitation or down payment assistance, the HRLC shall evaluate the circumstances of the bankruptcy in order to determine if further assistance may be provided without further risk to funding investment.

- 4.8 Borrowers shall not be a person, or the immediate family of any person, who is in a decision-making position relative to the Housing Rehabilitation Program.
- 4.9 Process:
 - 4.9.1 Housing Finance Specialist determines general program eligibility, including income limits and lending loan-to-value ratios along with a process to determine all other funding opportunities have been explored (technical assistance);
 - 4.9.2 Housing Rehabilitation Specialist determines properties needs via Housing Quality Standards (HQS) inspection (pre-1978 visual Lead Based Paint Inspection conducted);
 - 4.9.3 Housing Rehabilitation Specialist scope of work and budget to Housing Rehabilitation Supervisor ;
 - 4.9.4 HRLC reviews for consideration and approval of the overall project proposal;
 - 4.9.5 Housing Rehabilitation Specialist processes approved projects through the bid process;
 - 4.9.6 Application inquiry through program completion within approximately 90-days, unless there are extenuating circumstances beyond staff control (e.g. – rain delays);
 - 4.9.7 Quarterly program updates provided to HRLC.

5.0 MAXIMUM AMOUNT OF PROGRAM ASSISTANCE (24 CFR 570.208 (a)(3);(b), and 24 CFR 570.202):

- 5.1 Single Family Residence: An eligible Borrower may qualify for the full cost of rehabilitation/reconstruction work needed to address any Eligible Repairs outlined in ELIGIBLE REPAIRS Section, and/or comply with state and local codes and ordinances; however, the maximum assistance shall not exceed any maximum subsidy established by the funding source(s) utilized to fund the project.
 - 5.1.1 Reconstruction shall only be authorized when the cost of rehabilitation will exceed 75 percent of the current estimated value of the property, as determined by the Housing Financial Specialist;
 - 5.1.2 Loan amount is determined by the repairs/modifications that are required or eligible, as requested and approved by the owner, Community Development Manager or his/her designee.
 - 5.1.3 Maximum amounts are as follows:
 - 5.1.3.1 Grants up to \$10,000 require HRLC acknowledgement in order for staff to proceed;
 - 5.1.3.2 Loans up to \$49,999 require HRLC approval in order for staff to proceed;
 - 5.1.3.3 Loans of \$50,000 or more require HRLC approval and subsequent City Council approval in order for staff to proceed.
 - 5.1.4 Additional loans may be granted within applicants overall loan-to-value ratios;
 - 5.1.5 Emergency repairs of up to \$5,000 may be authorized by the Director of Community and Economic Development if it poses an "extreme health and safety related emergency (e.g. – plumbing or electrical hazards).

6.0 MAXIMUM AFTER REHABILITATION VALUE

The after rehabilitation value of a home assisted under this program shall not exceed 100% of the current median sales price of a single family home listed for the City of Modesto. This information may be obtained by collecting comparable sales data from sources including but not limited to Zillow, Trulia, Data Quick, Realty Trac, Real Quest, Epraisal.com, or FHA 203(b) loan limits. If necessary, the after rehabilitation value may be determined by ordering a professional appraisal. An After Rehabilitation Value Limit Worksheet must be completed and certified by the housing rehabilitation specialist and placed in the project file.

7.0 MAXIMUM COMBINED LOAN TO VALUE RATIO:

- 7.1 For CDBG funded loans, the total indebtedness against the assisted property shall not exceed 100% of the estimated after-rehabilitation value of the property as determined by "Estimates of Value" conducted by program staff using a Comparable Sales Approach, or an appraisal by a licensed appraiser if required by funding source.
- 7.2 As part of application for assistance, Borrower shall disclose any personal liens that may attach to the property (failure to disclose any pertinent information that may affect eligibility may be grounds for denial of assistance and application withdrawal). To determine the total indebtedness assigned against the property, a title search of the property and Borrowers (for the purpose of verifying any personal liens that may attach to the property) shall be conducted after HRLC project approval.
- 7.3 An "Estimates of Value" using a Comparable Sales Approach shall be based on the sale prices of at least three (3) comparable properties, sold within the last twelve months and located within a one mile radius of the subject property. Any alternative methodology for determining estimated value must be approved by the HRLC.
- 7.4 In the case of a reconstruction, as allowed under Section MAXIUM AMOUNT OF PROGRAM ASSISTANCE Section, the HRLC may consider approval of projects that exceed the CLTV limit. Provided all other criteria for assistance is met and the City of Modesto will be in first lien position.

8.0 RATES AND TERMS OF PROGRAM ASSISTANCE:

- 8.1 Eligible homeowners may receive a deferred payment loan evidenced by a Promissory Note and secured by a Deed of Trust, with no payback required for 20 years unless the borrower sells or transfers title or discontinues residence in the dwelling.
 - 8.1.1 Term of Grant Agreement: The following grant agreement term will apply to those projects with a grant and loan combination, 10 years. During the Grant Agreement term, the homeowner must comply with all Grant Agreement requirements;
 - 8.1.1.1 Grant assistance will be 20% of total project cost or \$10,000 whichever is less.
- 8.2 The homeowner will be able to choose one of the following interest terms prior to contract and loan signing:
 - 8.2.1 Loans will be due at a 20 year maturity date;
 - 8.2.1.1 0% interest for borrowers making consistent monthly payments,
 - 8.2.1.1.1 If in the case monthly payments are not made timely late fees will be incurred per agreement specifications.
 - 8.2.1.2 3% interest for borrowers not making monthly payments.
- 8.3 City of Modesto may accept voluntary payments on deferred loans. Loan payments will be credited to the principal first and then to interest. The borrower may repay the loan balance at any time with no pre-payment penalty. If it is determined by the City of Modesto that repayment of the loan at the maturity date causes a hardship to the homeowner, the City of Modesto may opt, with HRLC approval, the following:

- 8.3.1 Amend the Promissory Note and Deed of Trust to defer repayment of the amount due at maturity, that is the balance of the original principal plus the accrued interest, for up to an additional 20 years (at 0 percent additional interest). This may be offered one time; or,
- 8.3.2 Convert the debt to loan maturity; that is the balance of the original principal plus any accrued interest, to an amortized loan, repayable in 20 years at 0 percent additional interest.
- 8.4 Assistance to households with AMI levels between 81% and 120% may only be available if funding source allowing said limits is available. The following terms shall apply to loans made to households with AMI levels between 81% and 120%:
 - 8.4.1 20 year Loan with monthly payments
 - 8.4.2 3% simple interest
 - 8.4.3 Must meet Debt to Income Ratio limits specified in HOMEOWNER ELIGIBILITY SECTION.
- 8.5 In the event that a homeowner sells, transfers title, or discontinues residence in the rehabilitated property for any reason, the loan shall become due and payable.
- 8.6 Any other transfer of interest, due to homeowner death or other circumstances shall be subject to the requirements of the funding source(s) and shall be defined within the Promissory Note and/or Deed of Trust.
- 8.7 The HRLC may approve a request to subordinate a loan, in order for the owner to refinance the property. Refer to City of Modesto Subordination Policy for subordination approval criteria.

9.0 MANUFACTURED HOMES:

- 9.1 Assistance to manufactured homes on a non-permanent foundation will be provided as follows:
 - 9.1.1 The total assistance provided to a manufactured home shall not exceed \$20,000 (combined total of all grants, if multiples).
 - 9.1.2 Assistance to manufactured homes will be a one-time grant.
 - 9.1.3 Replacement shall only be considered when the cost of rehabilitation will exceed 75 percent of the current estimated value of the property, as determined by the Housing Financial Specialist.
- 9.2 Assistance to manufactured homes will be reflected via the execution of a Grant Agreement.
- 9.3 Length of Grant Agreement: The grant agreement will be in effect for five (5) years from the date of execution.
- 9.4 During the Grant Agreement term, the mobile homeowner must comply with all Grant Agreement requirements;

10.0 BID SOLICITATION:

- 10.1 A detailed scope of work and project independent cost estimate developed by the Housing Rehabilitation Specialist (HRS) based on eligible repairs as listed in ELIGIBLE REPAIRS Section 2.0 shall be prepared prior to consideration for HRLC and bid submittal. The Scope of Work shall be approved by the Housing Rehabilitation Supervisor and Borrower.
 - 10.1.1 The independent cost estimate shall be established utilizing local market data and published construction cost guidelines.

- 10.1.2 The Housing Rehabilitation Supervisor will review the independent cost estimate prepared by the HRS to ensure the cost estimate is reasonable based on local market data. See COST REASONABLENESS Section for further details on Cost Reasonableness.
- 10.2 To comply with HUD requirements, a minimum of three bids by California Licensed Contractors shall be obtained prior to bid approval consideration. The City of Modesto will make every attempt to obtain the highest number of bids possible for every project.
- 10.3 Bids in excess of 15% of the HRLC approved amount must be brought back to HRLC for approval consideration.
 - 10.3.1 If determined appropriate by Housing Rehabilitation Specialist, bids solicitations may be requested from multiple contractors with different disciplines (i.e. general, electrical, roofing, and plumbing, etc.). This approach may be considered as a cost savings measure, if approved by the Housing Rehabilitation Supervisor.

11.0 PROCUREMENT

- 11.1 Procurement projects under this program will occur after Housing Rehabilitation Loan Committee project approval. The HRLC will approve each project based on Housing Rehabilitation Cost Estimates. Upon project approval, project procurement will occur in alignment with the 15% cost reasonableness rule identified in COST REASONABLENESS Section.
- 11.2 Projects procured under the Homeowner Rehabilitation Program will be conducted in a manner that promotes full and open competition and avoid arbitrary action in the procurement process. The following procurement process will be followed by the City:
 - 11.2.1 Procurement of contractors or other services related to the development of housing through either new construction or rehabilitation must be made on the basis of soliciting competitive bids. Advertisements for bids must include the following language: "This is a HUD funded project; Section 3 businesses and/or business that employ Section 3 residents are encouraged to respond."
 - 11.2.2 The projects will be publicly advertised through the City's PlanetBid system, when timing permits. All contractors registered on the City's PlanetBid system will receive notification of project availability.
 - 11.2.2.1 The Community Development Division will notify prospective bidders, when feasible, to encourage as wide a response as possible.
 - 11.2.3 The bid solicitation will include a scope of work, project address, date of mandatory walkthrough, and date bids are due.
 - 11.2.4 Contracts will be awarded to responsible contractors who possess the ability to perform successfully under the terms and conditions of the proposed procurement. Non-responsible contractors will not be allowed to bid on City projects under this program for the duration of the program year.
 - 11.2.5 Rehabilitation projects below \$50,000:

- 11.2.5.1 Contracts under \$50,000 are considered a "Small Purchase" under the City's purchasing policies and HUD's procurement guidelines.
 - 11.2.5.2 The policy aligns with OMB Guidance Section 200.319 and 200.320
 - 11.2.5.3 Projects under \$50,000 shall be purchased with three quotes, with public advertising through PlanetBid, if time permitted.
 - 11.2.5.4 The mandatory walkthrough will take place eight (8) business days from the date of bid posting. Contractors will have the opportunity to view project items to be repaired and ask any questions for clarification of bid specifications.
 - 11.2.5.5 Depending on the nature of questions addressed and clarification provided at the mandatory walkthrough, the Housing Rehab Specialist (HRS) may need to amend the project's Scope of Work. If this occurs, the HRS will issue an amended Scope of Work and release to all contractors who attended the mandatory walkthrough.
 - 11.2.5.6 Bid proposals from contractors will be due 8 calendar days from the mandatory walkthrough.
 - 11.2.5.7 All bids from contractors must be sent via email to housing@modestogov.com, or dropped off in person to 1010 10th Street, Suite 3100, Modesto CA 95354
 - 11.2.5.8 All bids will be reviewed by a program supervisor (e.g. Housing Rehabilitation Supervisor or Senior Community Development Program Specialist) and recorded by a program specialist (e.g. Housing Financial Specialist or Housing Rehab Specialist).
 - 11.2.5.9 The HRS will summarize the lowest responsible bid results on the "Work Specification" document
 - 11.2.5.10 If less than three written quotes are obtained, an exception may be granted with justification documented and approved by the Purchasing Manager.
- 11.2.6 The applicant will be required to accept the lowest responsible bid with certain exceptions. Rejection of the low bidder without cause will result in cancellation of the project.
- 11.2.6.1 If on the basis of references, or the inability to start work within a reasonable timeframe, the property owner request to reject the low bidder, he/she must do so in writing. Upon confirmation of the reason for rejection by City staff, the low bidder will be rejected, and the next lowest bidder will be considered.
- 11.2.7 Upon selection of lowest responsible bidder, the HRS will prepare the respective documents for contractor, homeowner signatures, and City signatures (e.g. Housing Rehabilitation Contract and Grant/Loan Documents).
- 11.2.8 Once contracts are executed, City Staff will record loan documents with the Stanislaus County Recorder's Office.

11.2.9 Upon receipt of recorded documents, the Housing Rehabilitation Supervisor will:

- 11.2.9.1 Issue a Notice to Proceed to the contractor. The contractor will have seven (7) calendar days to begin work from the date of issuance.
- 11.2.9.2 Route contracts for encumbrance the City's financial system.

11.3 Rehabilitation Projects over \$50,000:

11.3.1 In alignment with the City's Procurement policy, all projects in excess of \$50,000 will require HRLC approval and subsequent City Council approval, and must follow the City's Formal Bids/Proposals policy process as follows

- 11.3.1.1 Projects over \$50,000 shall be purchased with through the sealed bid process with obtaining three quotes, with public advertising through PlanetBid
- 11.3.1.2 Procurement of contractors or other services related to the development of housing through either new construction or rehabilitation must be made on the basis of soliciting competitive sealed bids. Advertisements for bid must include the following language: "This is a HUD funded project; Section 3 businesses and/or business that employ Section 3 residents are encouraged to respond."
- 11.3.1.3 The projects will be publicly advertised through the City's PlanetBid system. All contractors registered on the City's PlanetBid system will receive notification of project availability.
 - 11.3.1.3.1 The Community Development Division will notify prospective bidders, when feasible, to encourage as wide a response as possible.
 - 11.3.1.3.2
- 11.3.1.4 The mandatory walkthrough will take place eight (8) business days from the date of bid posting. Contractors will have the opportunity to view project items to be repaired and ask any questions for clarification of bid specifications.
- 11.3.1.5 Depending on the nature of questions addressed and clarification provided at the mandatory walkthrough, the Housing Rehab Specialist (HRS) may need to amend the project's Scope of Work. If this occurs, the HRS will issue an amended Scope of Work and release to all contractors who attended the mandatory walkthrough.
- 11.3.1.6 Sealed bids from contractors will be due sixteen (16) calendar days from the mandatory walkthrough at the following location: 1010 10th Street, Suite 3100, Modesto CA 95354
- 11.3.1.7 The bid opening will be held in a public forum at a City location announced in the Bid solicitation.
- 11.3.1.8 All bids will be opened by a program supervisor (e.g. Housing Rehabilitation Supervisor or Senior Community Development Program Specialist) and recorded by a program specialist (e.g. Housing Financial Specialist or Housing Rehab Specialist).

- 11.3.1.9 The HRS will summarize the lowest responsible bid results on the "Work Specification" document provided to the homeowner.
- 11.3.2 The applicant will be required to accept the lowest responsible bid with certain exceptions. Rejection of the low bidder without cause will result in cancellation of the project.
 - 11.3.2.1 If on the basis of references, or the inability to start work within a reasonable timeframe, the property owner request to reject the low bidder, he/she must do so in writing. Upon confirmation of the reason for rejection by City staff, the low bidder will be rejected, and the next lowest bidder will be considered.
- 11.3.3 Upon selection of lowest responsible bidder, the HRS will prepare the respective documents for contractor, homeowner signatures, and City signatures (e.g. Housing Rehabilitation Contract and Grant/Loan Documents).
- 11.3.4 Once contracts are executed, City Staff will record loan documents with the Stanislaus County Recorder's Office.
- 11.3.5 Upon receipt of recorded documents, the HFS will:
 - 11.3.5.1 Issue a Notice to Proceed to the contractor. The contractor will have seven (7) calendar days to begin work from the date of issuance.
 - 11.3.5.2 Route contracts for encumbrance the City's financial system.

12.0 EMERGENCY REPAIRS PROCEDURE

- 12.1.1 Per MAXIMUM AMOUNT OF PROGRAM ASSISTANCE Section, emergency repairs of up to \$5,000 may be authorized by the Director of Community and Economic Development if it poses an "extreme health and safety related emergency in line with Modesto Municipal Code 8-3.301.
- 12.1.2 From time to time, City of Modesto residents will contact the city with repair requests that constitute an immediate threat to their health and safety. Such cases will be treated as Emergency repairs; e.g. broken sewer line, broken water line, leaking roof (during rainy season), broken HVAC system (during summer/winter), and unsafe electrical and or plumbing conditions.
- 12.1.3 These cases will be given priority over other non-emergency projects.
- 12.1.4 Upon homeowner contact with the City's Housing Division, the HFS will conduct a pre-screening of the prospect applicant and collect pertinent emergency case facts.
- 12.1.5 After pre-screening, the HFS will collect the application and eligibility documentation from the homeowner; the HFS will inform the Housing Rehab Specialist immediately after collecting the pertinent facts.
- 12.1.6 The HFS shall determine program eligibility within three (3) business days of collecting a completed application packet.

- 12.1.7 Upon determining eligibility, the Housing Rehab Specialist shall communicate with the homeowner and will schedule and conduct a property inspection and determine/prepare a detailed scope of work and independent cost estimate within three (3) business days of eligibility determination, depending on the severity of the emergency.
- 12.1.8 Upon completion of the Emergency Repair Scope of Work, the HRS will submit an "Emergency Repair Request" packet which includes the Scope of Work and related case facts to the Housing Rehabilitation Supervisor for review and approval to proceed with procurement for the Emergency Project.
- 12.1.9 Upon approval by the Housing Rehabilitation Supervisor, HRS shall obtain a minimum of three (3) informal bids and shall be awarded to the lowest responsible bidder.
 - 12.1.9.1 Bid documentation will be kept in the file record.
- 12.1.10 Upon contractor selection, the HRS shall prepare the Advanced Payment Agreement and all required loan documentation for homeowner, contractor, and Director of Community and Economic Development execution within three (3) business days of contractor selection. The Notice to Proceed will be issued upon contract execution by all parties. The rehabilitation contract shall specify the number of days for project completion.
 - 12.1.10.1 A homeowner cannot enter into an Advanced Payment Agreement, unless the homeowner meets the homeowner eligibility guidelines as described in Section 4.0 – Homeowner Eligibility.
- 12.1.11 Routine Progress inspections shall be conducted as specified in PROGRESS INSPECTIONS Section; frequency of progress inspections may be increased as needed for emergency repairs.
- 12.1.12 All emergency rehabilitation projects will be presented to the Housing Rehabilitation Loan Committee (HRLC) at the next available HRLC meeting for formal approval.

13.0 CONTRACTOR ELIGIBILITY

- 13.1 All prospective Contractors must submit or must have submitted, within the past 3 years, a *Contractor Application* to the City which will allow the City to collect all pertinent information to determine contractor eligibility (i.e. DUNS number, Tax ID, etc.).
 - 13.1.1 Contractor failure to submit a Contractor Application may result in a "non-responsive" bid and disqualify the contractor from consideration.
- 13.2 Upon Receipt of bids from prospective contractors, the Housing Rehabilitation Specialist shall determine contractor eligibility by conducting the following:
 - 13.2.1 Verify that the City has a *Contractor Application* on file for each prospective contractor;
 - 13.2.2 If the City does not have a *Contractor Application* on file for the prospective contractor, the Housing Financial Specialist will make arrangements to ensure the prospective Contractor completes and submits a *Contractor Application* in a timely manner.
- 13.3 Upon confirmation that the City has a complete *Contractor Application* on file, the Housing Rehabilitation Specialist shall conduct the following searches for each prospective contractor:

13.3.1 Debarred/Suspended Search

- 13.3.1.1 It is the City of Modesto's policy not to conduct business with contractors who are excluded/debarred from conducting business with any federal agency.
- 13.3.1.2 The Housing Rehabilitation Specialist shall ensure that the prospective Contractor is not excluded/debarred from conducting business with any federal agency by conducting a search on the federal System for Award Management website at www.sam.gov.
- 13.3.1.3 To comply with this requirement, Contractors must provide their DUNS number on the *Contractor Application*.
- 13.3.1.4 Prospective contractors who do not have a DUNS number at time of bid submittal, must request one by accessing the following website: <http://fedgov.dnb.com/webform/displayHomePage.do>
- 13.3.1.5 Upon conducting the Sam.gov search, the Housing Rehabilitation Specialist shall print the search results and place a copy in the project file.

13.3.2 California State License Board (CSLB) Search:

- 13.3.2.1 It is the City of Modesto's policy not to conduct business with Contractors who do not hold an active CSLB license.
- 13.3.2.2 The Housing Rehabilitation Specialist shall verify a prospective Contractor holds an active CSLB license by conducting a search on the CSLB website at <https://www2.cslb.ca.gov/OnlineServices/CheckLicense/checklicense.aspx>.
- 13.3.2.3 The CSLB license must be appropriate for the type of rehabilitation work to be conducted (i.e. General Contractor, Electrical, Carpenter, etc.)
- 13.3.2.4 Upon conducting the CSLB search, the Housing Financial Specialist shall print the search results and place a copy in the project file.

13.3.3 Better Business Bureau (BBB) Search

- 13.3.3.1 It is the City of Modesto's policy not to conduct business with contractors who have negative letter rating score (D+ through F) with the BBB.
- 13.3.3.2 The Housing Financial Specialist shall verify a prospective Contractor has a positive letter rating score (A+ through C-) with the BBB.
- 13.3.3.3 Upon conducting the BBB search, the Housing Financial Specialist shall print the search results and place a copy in the project file.

14.0 COST REASONABLENESS AND SCOPE OF WORK:

14.1 As a CDBG recipient, the City of Modesto is held accountable for all funds, property and assets of the CDBG program. The City of Modesto must maintain a financial accounting system for grants that meets the CDBG regulations, 24 CFR Part 84 and OMB Circulars A-87 and A-133. This includes requirements pertaining to financial management systems and records, allowable costs and audits.

14.1.1 The City of Modesto is required to ensure that CDBG funds are spent only on reasonable and necessary costs associated with approved grant activities and must have a procedure for determining the reasonableness, allowability and allocability of costs.

- 14.1.1.1 For all assisted projects, the procedure for determining reasonableness will include the preparation of a detailed scope of work and an independent cost estimate.

- 14.1.1.1.1 A detailed Scope of Work will identify project milestones, reports, deliverables, and end products that are expected to be provided by the performing party. The Scope of Work will also include a timeline for all deliverables.
 - 14.1.1.1.2 An independent cost estimate will be established utilizing local market data and published cost guidelines.
 - 14.1.1.1.3 The project manager and supervisor will work with the appropriate parties to develop the independent cost estimate to ensure the cost estimate is reasonable based on local market data.
- 14.2 To comply with cost reasonableness requirements, the City of Modesto will review all requests for payments to ensure that costs are allowable under regulations, approved in the CDBG grant application, allocated to the correct program activity and are reasonable.
 - 14.3 A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.
 - 14.3.1 In determining reasonableness of a given cost, consideration shall be given to whether the cost is of a type generally recognized as ordinary and necessary to address the housing condition being considered for repair.
 - 14.3.2 A cost analysis of the scope of work items shall be made and documented in the project file. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability, and allowability.
 - 14.3.3 Cost analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts.
 - 14.3.4 All change orders will be subject to a cost reasonableness evaluation by the project manager and approval by the HUD Supervisor.
 - 14.4 Cost reasonableness shall be determined by comparing the bids received with the cost estimate prepared by the Housing Rehabilitation Specialist.
 - 14.5 Bids received must be within 15% of the Housing Rehabilitation Specialist's cost estimate.
 - 14.6 An explanation must be provided to the HRLC for any bid selected that exceeds 15% of the estimate.
 - 14.7 Comparable estimates may also be considered, when optimal, for utilization of subcontractors instead of general contractors for work to be performed.
 - 14.8 The Housing Rehabilitation Specialist will work to manage rehabilitation costs through the most efficient and economically feasible project contracting model.
- 15.0 ENVIRONMENTAL REVIEW:**
- 15.1 All assisted properties shall be subject to environmental review as required by the funding source(s). No funds shall be committed and/or released until all environmental reviews have been conducted to the satisfaction of City of Modesto. Refer to HUD Policies and Procedures Manual, Section 14 – Environmental Review Plan – for environmental review process.
- 16.0 HOUSING REHABILITATION LOAN COMMITTEE (HRLC) APPROVAL:**

- 16.1 All Housing Rehabilitation Program activities shall be subject to majority vote approval by the City of Modesto Housing Rehabilitation Loan Committee (HRLC). The HRLC shall be comprised of the following voting members (all terms are four (4) years in length):
 - 16.1.1 One Councilmember (appointed by the Mayor)
 - 16.1.2 One financial institution representative.
 - 16.1.3 One service provider representative.
 - 16.1.4 One general contractor (active or retired).
 - 16.1.5 One Housing Authority of the County of Stanislaus (HACS) representative.
 - 16.1.6 One Citizen-at-Large.
 - 16.1.7 One Citizen's Housing and Community Development Committee Representative.
- 16.2 The City of Modesto Community Development Manager may appoint a substitute voting member using alternative criteria if existing circumstances do not allow for a Committee make-up as specified above and time constraints warrant a substitution.
- 16.3 All actions of the HRLC shall be reflected in meeting minutes to be prepared by staff of the City of Modesto Community Development Division.

17.0 WRITTEN AGREEMENTS:

- 17.1 A written agreement must be entered into between the City and all homeowners receiving assistance under this program. The written agreement forms the basis for the contractual obligation between the parties to fund and implement the activity or program. The written agreement will identify responsibilities attributable to each party, and shall outline in exact measure the scope of services to be provided, methods of accountability, and a schedule for payment.

18.0 PROJECT CONTINGENCIES

- 18.1 All rehabilitation activities approved by the HRLC shall be contingent on meeting the following requirements:
 - 18.1.1 Execution of a construction contract and Notice to Proceed;
 - 18.1.2 Construction Schedule mutually agreed to by the Homeowner, Contractor, and Housing Rehabilitation Specialist;
 - 18.1.3 On-site monitoring and inspections by the Housing Rehabilitation Specialist to verify scope of work, materials, and construction schedule conform to contract requirements;
 - 18.1.4 Written final inspection and approval documentation by the Housing Rehabilitation Specialist;
 - 18.1.5 Recorded Notice of Completion, signed by the homeowner, following final inspection and approval by the Housing Rehabilitation Specialist;
- 18.2 Written change orders, subject to the criteria listed below, shall be required for any changes in the work write-up, such as eliminating an item completely, eliminating one item and substituting another, or adding items:
 - 18.2.1 Contractor must notify Housing Rehabilitation Specialist and homeowner if Contractor deems a change order for work is necessary; Contractor's Change Order request shall be submitted in writing and list the change order items with dollar value for each change;

- 18.2.2 Housing Rehabilitation Specialist shall review and determine if Change Order requests and costs are reasonable and work with Contractor to modify Change Order items if necessary;
 - 18.2.3 Upon reviewing and approving Change Order requests, Housing Rehabilitation Specialist must prepare a City of Modesto Change Order Request Approval form and submit to Housing Rehabilitation Supervisor for final approval signature;
 - 18.2.4 Upon final approval by the Housing Rehabilitation Supervisor, Change Order shall be signed by Homeowner and Contractor;
 - 18.2.5 The combined total of all approved Change Orders shall not exceed the approved financing and contingences;
 - 18.2.6 Homeowners cannot request (non-health and safety) change orders in excess of the approved financing (not including contingency), unless HRLC approves the use of additional funds (Attachment A).
- 18.3 The homeowner shall maintain Homeowner's insurance on the property for the duration of the program loan(s). This insurance must be adequate to cover all encumbrances on the property. The insurer must identify City of Modesto as Additional Insured for the amount of the program loans. A copy of the homeowner's insurance policy shall be provided to City of Modesto annually.
- 18.4 Homes located within a 100-year flood zone will be considered on a case-by-case basis. If approved for assistance, the Borrower is required to maintain flood insurance during the term of the assistance and in an amount adequate to secure the program loan and all other encumbrances. The insurer must identify City of Modesto as Loss Payee for the amount of the program loans. A copy of the homeowner's flood insurance policy shall be provided to City of Modesto annually.

19.0 CONTRACTOR LIST

- 19.1 The Housing Rehabilitation Specialist shall maintain a *Contractor List* that includes contractors that have participated in the Homeowner Rehabilitation Program. These contractors must have been vetted through the City's Contractor Eligibility Process as outlined in CONTRACOR ELIGIBILITY SECTION. The list shall contain the names, addresses, license numbers, CSLB license expiration dates, DUNS Number, insurance information, and business license numbers, expiration dates, insurance information, and business license information for contractors who have been formally approved for participation in the housing rehabilitation programs.
- 19.1.1 Information on the *Contractors List* will be updated on an annual basis, or more frequently, if deemed necessary.
 - 19.1.2 The *Contractors List* will be available to the public, upon request. If the public requests a copy of the *Contractors List*, a disclaimer must appear on the top of the list as referenced in the desk manual.
- 19.2 Any person, partnership, or corporation with a current California General Contractor's License is eligible to have bids considered on a housing rehabilitation project.
- 19.2.1 In accordance with 24 CFR 85.36(c)(4) the City shall encourage qualified contractor participation to ensure that enough bids are received for a successful and adequate solicitation. Staff shall engage in continuous contractor outreach and engagement in order to provide for the maximum open and free competition that will not preclude other potential bidders from qualifying during the bid solicitation period.

20.0 CONTRACTOR DISQUALIFICATION/REMOVAL FROM CONTRACTOR LIST

20.1 Contractor failure to comply with program requirements and/or local, state, and federal laws may be grounds for disqualification from participation in this program.

20.1.1.1 Breach of the terms of a program contract by a willful or material failure to perform in accordance with the terms thereof.

20.1.1.2 Substandard performance on any public contract, including, without limitation:

20.1.1.2.1 A material breach thereof;

20.1.1.2.1.1 A failure to complete work required thereunder in a timely manner or within the contract price when such failure is attributable to the negligent or wrongful actions or inactions of such contractor or such contractor's subcontractors or suppliers;

20.1.1.2.2 Substandard quality of work; or

20.1.1.2.2.1 Any negligent or wrongful failure to cooperate with the contracting agency during performance of the public contract.

20.1.2 Any other grounds that the Community Development Manager determines would impair the ability of the Contractor to perform a public contract or any part thereof.

20.1.3 In any case, the Community Development Manager may have the discretion to consider the facts and circumstances of a violation, and may impose a different disqualification period and/or condition(s) to satisfy the cure of the violation and allow participation in future bid processes.

20.2 Written Complaint Procedure:

20.2.1 In the case a written complaint is submitted to staff regarding a contractor who is on the contractor list; the contractor will be notified in writing of the complaint.

20.2.2 Housing Rehabilitation Supervisor and staff will make reasonable efforts to resolve the complaint;

20.2.3 Written complaint will be kept on file for the duration of the time the contractor remains on the contractor list and will be available as part of public record.

20.3 Scope of Disqualification: Disqualification of a contractor under this Section constitutes disqualification of that Contractor from submitting bids or proposals to the City for the purpose of entering into or in any manner participating in any City contract, or any part thereof, and shall apply to all individuals, divisions, subsidiaries, affiliates and parent corporations of that Contractor unless the decision to qualify is limited by its terms to one or more specifically identified individuals, divisions, subsidiaries, affiliates, parents or other organizational elements.

20.4 Disqualification Procedures: The following procedures will be taken by the City when disqualifying a Contractor from program participation:

20.4.1 City will send a written notice to the Contractor informing him/her that a disqualification is being considered;

20.4.2 The written notice will include the grounds for the proposed disqualification including the specific conduct or action(s) upon which the proposed disqualification is based;

20.4.3 The written notice will include the intended period of disqualification.

20.5 Hearing Request:

20.5.1 A Hearing Officer will be appointed by the Director of Community & Economic Development

20.5.2 Within fifteen (15) calendar days after mailing of the notice of the proposed disqualification, the Contractor may submit a written request for a hearing on the proposed disqualification.

- 20.5.2.1 Such written request shall specify the name and address of the person to which all subsequent notices and communications should be mailed.
- 20.5.2.2 Failure of the Contractor to submit a written request for a hearing within the time provided by this subsection, or failure of Contractor to appear at the requested hearing, shall be deemed to be a waiver by Contractor of Contractor's right to request a hearing on the proposed disqualification and the Hearing Officer's decision shall be final.
- 20.5.3 The hearing will be held within thirty 30 days of the request and the Hearing Officer's decision shall be final.

21.0 PROGRESS INSPECTIONS

- 21.1 The Housing Rehabilitation Specialist shall conduct routine progress inspections on all housing rehabilitation projects to verify the Contractor is adhering to the agreed upon Contract Schedule.
 - 21.1.1 Routine progress inspections shall mean onsite inspections once weekly, unless project timelines call for more frequent inspections.
- 21.2 The Housing Rehabilitation Specialist shall track each progress inspection by completing a *Progress Inspection Report*, documenting the results and date of the inspection, and place the completed *Progress Inspection Report* in the project file.
- 21.3 If applicable, the Housing Rehabilitation Specialist shall include the reasons for any project delays within the *Progress Inspection Report* and describe a revised project schedule agreed upon by the Contractor, Homeowner, and Housing Rehabilitation Specialist.
- 21.4 Revised project schedules shall be signed by the Contractor, Homeowner and Housing Rehabilitation Specialist.
- 21.5 Further unjustified project delays by the Contractor resulting in non-compliance with the agreed upon project schedule shall result in a credit to the Homeowner until the project has been substantially completed or terminated as defined within the section entitled "Time is of the Essence in the Performance of this Agreement" in the Rehabilitation Program Contract.
- 21.6 Contractor progress payment requests shall reflect the percentage of the project completed through the time period for which payment is requested. The project completion percentage shall be indicated on the internal payment request form.

22.0 CONTRACTOR COMPENSATION

- 22.1 Contractor progress payments shall be subject to Housing Rehabilitation Specialist verification, acknowledgement and certification that the work being invoiced for is reflective of the work verified through the Housing Rehabilitation Specialist's progress inspection(s) and through the time period indicated on the payment request.
 - 22.1.1 All contractor progress payments must be accompanied by the "Invoice Checklist" including all required items listed on the invoice checklist for an invoice to be processed by the City's Finance Department.
 - 22.1.2 Progress payment to contractors and reimbursement from HUD will occur only after the Housing Rehab Specialist has verified that the work for which reimbursement is being issued, has been completed.

22.1.2.1 Verification of work completion will take place by conducting onsite progress inspections and including an inspection report reflecting a "pass".

22.2 Contractor payment requests will only be processed if signed by the Contractor, Homeowner, Housing Rehabilitation Specialist, and Housing Rehabilitation Specialist Supervisor. Invoices must be detailed enough to determine payment eligibility, along with accompanying documentation. All efforts will be made to reimburse qualified invoices within a 30-day time frame.

22.3 If the Homeowner is not satisfied with the completed work, or the Contractor has not completed the work in accordance with the Rehabilitation Program Contract, Community Development Division staff will meet with the Homeowner and Contractor to resolve the dispute.

22.4 If such informal resolution is unsuccessful, the Homeowner and the Contractor must follow the arbitration steps and tribunal procedures as outlined in the Rehabilitation Program Contract.

23.0 NON-PROFIT SPONSORED HOUSING ACQUISITION AND/OR REHABILITATION ACTIVITIES

23.1 City of Modesto Housing Program funds, as allowed by the individual funding source(s), may be provided directly to a non-profit entity for the purpose of acquiring and/or rehabilitating housing units that will ultimately benefit an owner-occupant provided that the activity complies with all criteria as set forth in the Sections above and with the following criteria:

23.1.1 Funds provided to a non-profit Developer shall not be used for the administration of the activity.

23.1.2 "Developer's fees" shall not be allowed as part of funds provided to a non-profit. However, Non-profit Developers may be compensated at a rate of up to twelve percent (12%) of the total rehabilitation/construction cost for each project.

23.1.3 Non-profits seeking funding shall submit for Community Development Division review and HRLC approval consideration on a project plan detailing:

23.1.3.1 How the criteria of the Housing Rehabilitation Program will be met;

23.1.3.2 Scope of work including total estimated project cost;

23.1.3.3 Timeline for project completion;

23.1.3.4 Project proforma including all secured funding sources, amounts, and detailed uses to be utilized in fulfillment of the project. "Pledged" or pending sources will not be considered as leverage funding.

23.1.3.5 Financing summary of all loans being transferred to homebuyer.

23.1.4 Following HRLC approval and prior to release of funds, the non-profit must submit to City of Modesto items including, but not limited to a resolution by the non-profit's Board accepting the terms of the request and commitment of repayment, insurance and endorsements, and other items outlined within the Community Development Division contract completion checklist.

23.1.5 The Maximum Sales Price of a City/non-profit sponsored project to be sold to eligible buyers must not exceed 100% of the appraised value, with a 50/50 share of net proceeds between the Developer and the City of Modesto from the sales price of a single family home listed for City of Modesto.

23.1.6 City/Non-profit sponsored projects must comply with Maximum after Rehabilitation Value and Maximum Loan to Value requirements as outlined in MAXIMUM AFTER REHABILITATION VALUE AND MAXIMUM COMBINED LOAN TO VALUE Sections respectively.

23.1.6.1 Additional information may be required by the HRLC in consideration of the request.

23.1.7 All HRLC approved funding shall be provided as a reimbursement subject to review and approval of a Reimbursement Request submitted from Developer to the City of Modesto Community Development Division. All RFF's shall be in a form determined satisfactory to the Department.

24.0 MONITORING

24.1 The Housing Rehabilitation Staff will mail out annual self-re-certification forms throughout the duration of the affordability term to verify the units remain owner occupied.

24.1.1 Participants will be sent two requests to return re-certification documentation prior to triggering repayment of grant/loan;

24.1.1.1 A pay-off demand will be sent out for any non-compliance.

25.0 LEAD BASED PAINT OPERATING PROCEDURES FOR UNITS BUILT PRIOR TO 1978

25.1 All program applicants shall receive notification of Lead-Based Painting hazards as follows:

25.1.1 The City will provide a Lead Hazard Information Pamphlet "Protect Your Family From Lead in Your Home" to all program applicants.

25.2 Homeowner Rehabilitation Federal Assistance Up to \$5,000:

25.2.1 Lead Based Paint Presumption: Paint testing will not be conducted for housing rehabilitation projects not exceeding \$5,000. The City will presume the presence of lead based paint for all housing projects assisted with an amount not exceeding \$5,000. If the rehabilitation project will disturb painted surfaces all lead based paint mitigation activities, other than the actual testing, will be implemented as prescribed by HUD.

25.2.2 If the housing unit is built prior to 1978, the homeowner will be provided a "Notice that Lead-Based Paint or Lead Based Paint Hazards Are Presumed to be Present" to occupants within 5 business days of making such presumption.

25.2.3 Visual Inspection: A visual inspection shall be made by the Rehabilitation Specialist or other staff assigned to make the inspection, to determine if the project will disturb any painted areas. If the project *will not* disturb any painted areas, the case file shall be so documented and the property owner or tenant advised in writing. No additional compliance steps with lead based paint regulations are required.

25.2.4 Repair Work: If the project *will* disturb paint, then the City will require the rehabilitation contractor to be certified as a lead based paint abatement supervisor or as a certified lead safe worker; or the rehabilitation contractor will secure a certified lead base paint abatement supervisor to monitor safe work practices in those areas where painted surfaces will be disturbed by the rehabilitation work. Safety precautions for occupant protection ((§35.1345), work site preparation and cleanup activities and

prohibited methods of removal (§35.140) of lead base paint materials must be followed.

25.2.5 De Minimis Levels: Safe work practices are not required for projects which are determined to disturb surfaces below *de minimis* levels (§35.1350). The case file shall be documented and a Notice of Completion and Notice of Clearance is not required.

25.2.6 Notice of Completion and Notice of Clearance: A clearance examination of the work site (the area in which the rehabilitation construction was performed) is the responsibility of the rehabilitation contractor and must be performed by a certified lead based paint inspector/assessor. Once work is completed, the City will provide the owner a report entitled "Summary Notice of Completion Lead Base Paint Hazard Reduction Activity" within fifteen (15) days of the completion date (the date on which clearance is achieved). A copy shall be placed in the project file as documentation.

25.3 Homeowner Rehabilitation Federal Assistance \$5,001-\$25,000

25.3.1 Information Pamphlet: The City shall provide the pamphlet "Protect Your Family From Lead In Your Home" to the applicant.

25.3.2 De Minimis Levels: Safe work practices are not required for projects which are determined to disturb surfaces below *de minimis* levels (§35.1350). The case file shall be documented and a Notice of Completion and Notice of Clearance is not required.

25.3.3 Paint Testing or Presumption: For projects of this funding level (\$5,001-\$25,000), presumption of the presence of lead base paint **shall not** be made. Instead, paint will be tested in all areas that will be disturbed by the proposed repair work by a certified lead base paint inspector/assessor.

25.3.4 Noticing: The City shall provide the occupants with a "Summary Notice of Lead Based Paint Inspection" after such inspection is made by a certified lead base paint inspector/assessor in accordance with §35.1320(a).

25.3.5 Risk Assessment: The City shall order test samples of those painted surfaces to be disturbed by the rehabilitation construction or, upon visual inspection by the rehabilitation specialist, on any painted surfaces that are deteriorated. If lead is found in the test samples, a risk assessment shall be ordered by the City and conducted by a certified lead inspector/assessor in accordance with §35.1320(b) before rehabilitation construction begins. The lead base paint inspector/assessor will provide a copy of the results to the City who will notify the owners of the property with the "Summary Notice of Lead-Based Risk Assessment."

25.3.6 Interim Controls: If the risk assessment indicates the presence of lead base paint then lead hazard mitigation activities, including paint standards, interim controls and paint stabilization must be performed on all identified lead paint hazards in accordance with §35.1330. Safety precautions for occupant protection (§35.1345), work site preparation and cleanup activities and prohibited methods of removal (§35.140) of lead base paint materials must be followed.

25.3.6.1 A person performing paint standards, interim controls or stabilization must be trained in accordance with 29 CFR 1926.59 and be a certified lead base paint safe worker or certified lead base paint abatement supervisor.

25.3.7 Relocation: As stated in section §35.1345, temporary relocation is required unless: (1) the work will not disturb lead based paint or lead based paint hazards; (2) only exterior work is being conducted and openings to the interior are closed during the work and lead-hazard-free entry to the dwelling is provided; (3) the interior work will be completed in 8 hours, the work sites are contained to prevent dust release into other areas, and no other health or safety hazards are created; or (4) interior work will be completed in 5 consecutive days, work sites are contained, no other health or safety hazards are created, work sites and areas 10 feet from the containment are cleaned at the end of each work day, and occupants have safe access to sleeping, kitchen and bathroom facilities.

25.3.7.1 Safe access to sleeping, kitchen and bathroom facilities can be provided in another convenient location outside of the work site, thereby avoiding unnecessary relocation of residents.

25.3.8 Clearance: Clearance shall be the responsibility of the rehabilitation contractor who will order the clearance inspection from a certified lead base paint inspector/assessor and in accordance with §35.1340(b).

25.3.9 Notice of Completion and Notice of Clearance: Once work is completed and after a clearance examination of the work site is performed by a certified lead paint inspector/assessor, a copy shall be placed in the project file as documentation. The City will provide a "Summary Notice of Completion of Lead Based Paint Hazard Reduction Activity" to the owner within 5 business days from project completion date. The lead base paint inspector/assessor will provide a "Lead Hazard Evaluation Report" (Form DHS 8552) to the City, the owner and to the Department of Health Services.

25.4 Homeowner Rehabilitation Federal Assistance greater than \$25,000 (Identify and Eliminate lead hazards)

25.4.1 Information Pamphlet: The City shall provide the pamphlet "Protect Your Family From Lead In Your Home" to the applicant.

25.4.2 If the amount of assistance is more than \$25,000, the following is required:

25.4.2.1 Paint testing as outlined in Paint testing or Presumption sub-section above;

25.4.2.2 Abatement of all lead based paint hazards identified or produced;

25.4.2.3 Use of interim controls on exterior surfaces not disrupted by rehabilitation; and all applicable lead based paint notices.

25.4.3 All paint tests that result in a negative finding of lead-based paint are exempt from any and all additional requirements. If defective paint surfaces are found, they will be properly treated or abated. A certified Inspector/Assessor shall perform all paint testing, risk assessments, and clearances. A trained supervisor may oversee interim controls; however, a certified supervisor and workers will perform all abatement.

26.0 LOAN MODIFICATIONS

26.1 Loan Modification requests may be considered by the City of Modesto only under the following circumstances:

- 26.1.1 For projects claiming contractor work to be substandard, project completion must have been within the past 5 years;
- 26.1.2 If making payments on City Loan and Borrower is facing a financial hardship, modification may be considered to prevent borrower from defaulting on primary or City loan which may trigger foreclosure
- 26.2 The following information will be collected from the borrower to consider a modification:
 - 26.2.1 Housing Quality Standards Inspection
 - 26.2.2 Financial hardship documentation, if applicable
 - 26.2.3 Borrower must meet current program requirements
 - 26.2.3.1 Income eligibility guidelines (income must not exceed 80% of the Area Median Income);
 - 26.2.3.2 Front and Back End debt to income requirements
 - 26.2.4 Record of any payments made toward the loan
 - 26.2.5 Letter from the borrower which outlines concerns and reason for modification
- 26.3 If Staff determines the borrower meets the requirements for a loan modification, the request will be presented to the Homeowner Rehabilitation Loan Committee for consideration.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-514**

**RESOLUTION ACCEPTING AN ACTUARIAL VALUATION REPORT OF
OTHER POST-EMPLOYMENT BENEFITS (OPEB) AS OF JUNE 30, 2018
PURSUANT TO UPDATED FINANCIAL REPORTING AND ACCOUNTING
REQUIREMENTS FROM THE GOVERNMENTAL ACCOUNTING
STANDARDS BOARD (GASB) STATEMENTS 74 AND 75.**

WHEREAS, the purpose of this report is to update the City Council on the Other Post-Employment Benefits (OPEB) liability valuation as of June 30, 2018, and

WHEREAS, this valuation follows the Governmental Accounting Standards Board (GASB) Standard 75 which determine the City's financial reporting requirements. Included in this report is the funding status of the City's liability which represents the City's current obligation to provide retiree medical benefits, and

WHEREAS, on March 4, 2019, the City solicited informal proposals to perform the actuarial analysis and report on the OPEB liability; Based on the responses received, the City selected Bartel associates based on their level of experience, references and their presentation of their actuarial report, and

WHEREAS, on May 20, 2019, the City entered into an agreement with Bartel Associates, LLC to prepare an actuarial analysis and report on OPEB in accordance to the requirements outlined under GASB 75, and

WHEREAS, based upon the 2018 valuation report, the City's total OPEB (unfunded) liability was reported in the amount of \$26.9 million, in comparison to the City's June 30, 2017 valuation report of \$29.4 million, and

WHEREAS, OPEB actuarial valuations are used by City staff for budget forecasting and funding policy development, and by the Finance Department for financial

reporting for the City's Comprehensive Annual Financial Report (CAFR); the City currently funds the OPEB retiree medical benefits on a pay-as-you-go basis.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the actuarial valuation report of other post-employment benefits (OPEB) as of June 30, 2018 prepared by Bartel Associates 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 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-515**

**RESOLUTION APPROVING THE PURCHASE OF A TELESCOPING
MATERIAL HANDLER WITH SPECIFIC CONFIGURATIONS TO BOBCAT
CENTRAL, INC., STOCKTON, CA FOR A TOTAL AMOUNT NOT TO
EXCEED \$112,209 AND AUTHORIZING THE PURCHASING MANAGER OR
HER DESIGNEE, TO ISSUE THE PURCHASE ORDER**

WHEREAS, the telescoping material handler will be used by the Utilities
Division; and

WHEREAS, the telescoping material handler is used daily for many projects; and

WHEREAS, replacement units are essential in maintaining current operations,
facilities and/or services assigned to various department; and

WHEREAS, on May 21, 2019 the Purchasing Division issued RFB 1819-63 for
the purchase of one telescoping material handler on the City's website; and

WHEREAS, on June 21, 2019 bids were formally opened in the City Clerk's
office; and

WHEREAS, fourteen downloaded the RFB, and one company chose to respond;
and

WHEREAS, based on the bid submission, staff recommends the awarding of the
purchase of one telescoping material handler to Bobcat Central, Inc., Stockton CA; and

WHEREAS, sufficient funds for one telescoping material handler have been
encumbered in the Fleet Replacement Fund 5409.

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 telescoping material handler
to Bobcat Central, Inc., Stockton, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue a purchase order for an amount not to exceed \$112,209.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-516**

**RESOLUTION APPROVING THE PURCHASE OF FOUR GAS POWERED
UTILITY VEHICLES WITH SPECIFIC CONFIGURATIONS TO BELKORP
AG, LLC, STOCKTON, CA FOR A TOTAL AMOUNT NOT TO EXCEED
\$75,817 AND AUTHORIZING THE PURCHASING MANAGER OR HER
DESIGNEE TO ISSUE THE PURCHASE ORDER**

WHEREAS, these gas powered utility vehicles will be used by the Utilities
Division; and

WHEREAS, replacement units and new additions are essential in maintaining
current operations, facilities and/or services assigned to various department; and

WHEREAS, on May 20, 2019 the Purchasing Division issued RFB 1819-34RB
for the purchase of four gas powered utility vehicles on the City's website; and

WHEREAS, on June 25, 2019 bids were formally opened in the City Clerk's
office; and

WHEREAS, fourteen downloaded the RFB, and two companies chose to respond;
and

WHEREAS, based on the lowest responsive and responsible bid submission staff
recommends the awarding of four gas powered utility vehicles to Belkorp Ag, LLC,
Stockton, CA; and

WHEREAS, sufficient funds for four gas powered utility vehicles have been
encumbered in the Fleet Replacement Fund 5409 and the utilities fund 4210.

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 four gas powered utility
vehicles to Belkorp Ag, LLC, Stockton, CA.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to issue a purchase order for a total amount not to exceed \$75,817.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-517**

RESOLUTION APPROVING THE PURCHASE OF A 33,000-POUND GVWR TRUCK WITH CHLORINE TANK WITH SPECIFIC CONFIGURATIONS TO DELTA TRUCK CENTER, FRENCH CAMP, CA, FOR A TOTAL AMOUNT NOT TO EXCEED \$177,352, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER

WHEREAS, the 33,000-pound GVWR (Gross Vehicle Weight Rating) Truck with Chlorine Tank new addition to the Fleet will be used by the Utilities Division; and

WHEREAS, the new addition to the fleet supports staffing and procedural changes within the Utilities Division; and

WHEREAS, on June 17, 2019 the Purchasing Division issued RFB 1819-60 for the purchase of a 33,000-pound GVWR Truck with Chlorine Tank with specific configurations on the City's website; and

WHEREAS, on July 9, 2019 bids were formally opened in the City Clerk's Office; and

WHEREAS, nine companies downloaded the RFB, two vendors responded; and

WHEREAS, Delta Truck Center, was the lowest responsive and responsible bidder; and

WHEREAS, based on lowest responsive and responsible bid staff recommends awarding the purchase of a 33,000-pound GVWR Truck with Chlorine Tank with specific configurations to Delta Truck Center, French Camp, CA; and

WHEREAS, sufficient funds for the 33,000-pound GVWR Truck with Chlorine Tank have been encumbered in the Utilities Division: 4100-45050-57003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the 33,000-pound GVWR Truck with Chlorine Tank to Delta Truck Center, French Camp.

BE IT FURTHER RESOLVED, that the Purchasing Manager, or her designee, is hereby authorized to execute the purchase order for a total amount of \$177,352.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-518**

RESOLUTION APPROVING A PURCHASING AGREEMENT WITH AMAZON BUSINESS THROUGH THE OMNIA PARTNERS PUBLIC SECTOR COOPERATIVE PURCHASING ORGANIZATION (FORMERLY KNOWN AS U.S. COMMUNITIES AND NATIONAL IPA) FOR AN ONLINE MARKETPLACE FOR PRODUCTS, FOR A TWO-YEAR AGREEMENT 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 AUTHORIZING THE PURCHASING MANAGER OR HER DESIGNEE TO ISSUE THE PURCHASE AGREEMENT

WHEREAS, City employees have utilized Amazon Business for the purchase of products based on the significant competitive pricing it affords since 2011; and

WHEREAS; the convenience of online ordering and fast shipping has made Amazon Business a popular marketplace for City employees; and

WHEREAS, staff has utilized their personal Amazon accounts to make purchases necessary to conduct business to avoid the City having to pay the annual Amazon Prime membership; and

WHEREAS, the City currently has 71 Amazon accounts set up using the modestogov.com domain; and

WHEREAS, with 6 different types of Amazon accounts resulting in over \$3,000 worth of membership dues; and

WHEREAS, lead agency Prince William County Public Schools issued RFP #R-TC-17006 through OMNIA Partner Public Sector; and

WHEREAS, on October 14, 2016 twelve proposals were formally opened; and

WHEREAS, the evaluation committee elected to award to Amazon Business for an online marketplace; and

WHEREAS, establishing a city-wide Amazon Business Prime account for an annual fee of \$3,499 will ensure proper purchasing control; and

WHEREAS, allowing all City departments access to the benefits of a Prime account; and

WHEREAS, the Purchasing Manager has determined, pursuant to Section 8-3.204(d) of the MMC, that the process other than the formal bid procedure set for in Section 8-3.201 will result in a 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 with 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 award of the purchasing agreement with Amazon Business through the OMNIA Partners Public Sector cooperative purchasing organization (formerly known as U.S. Communities and National IPA) for an online marketplace for products, for a two-year agreement with three one-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.

BE IT FURTHER RESOLVED, that the Purchasing manager, or her designee, is hereby authorized to issue the Purchase Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-519**

RESOLUTION APPROVING A CONSOLIDATION OF THE UTILITY BILLING WATER RATE ASSISTANCE PROGRAM (WRA) AND THE SENIOR/DISABLED LOW INCOME PROGRAM (SDLI) INTO A SINGLE UTILITY BILLING ASSISTANCE PROGRAM AVAILABLE FOR ALL ELIGIBLE CUSTOMERS

WHEREAS, there are currently two assistance programs available to City utility customers, the Senior/Disabled Low Income program (SDLI) adopted by Council Resolution 2007-441 and the Water Rate Assistance program (WRA), adopted by Council Resolution 2016-462, and

WHEREAS, the SDLI program offers a discount of 25% off of the utility bill for eligible applicants, and

WHEREAS, the WRA program offers a flat discount of \$15.00 off the base meter charge for water to eligible applicants, and

WHEREAS, in an effort to reach more customers who are in need of assistance with the rising costs of their utility bill, staff is recommending a consolidation of the two programs, and

WHEREAS, this consolidation will allow for one low-income program available to all customers regardless of age or a classification of permanent disability, with a flat monthly discount of \$35.00 for all eligible applicants, and

WHEREAS, all customers currently enrolled in the WRA or SDLI program will be automatically enrolled in the new single assistance program, and

WHEREAS, the source of funding for the programs is revenue collected by the Utility Billing and Collections Division from various delinquency charges, and

WHEREAS, staff recommends Council approve a consolidation of the Utility Billing Water Rate Assistance program (WRA) and the Senior/Disabled Low Income program (SDLI) into a single Utility Billing Assistance program available for all eligible customers.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a consolidation of the Utility Billing Water Rate Assistance Program (WRA) and the Senior/Disabled Low Income program (SDLI) into a single Utility Billing Assistance program available for all eligible customers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-520**

RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH T2 SYSTEMS, INC., INDIANAPOLIS, IN, FOR SOFTWARE MAINTENANCE AND SUPPORT OF THE T2 PARKING CITATION MANAGEMENT SYSTEM, TO INCLUDE A TEST ENVIRONMENT MODULE AND INCREASING THE AGREEMENT AMOUNT BY \$13,714 FROM \$103,038 TO A NEW TOTAL NOT TO EXCEED AMOUNT OF \$116,752 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on September 25, 2007, Council approved Resolution No. 2007-548, to execute an agreement with T2 Systems, Inc. for the purchase of a Parking Citation Management System (PCMS) for the Customer Services Division of the Finance Department, and

WHEREAS, this system is utilized by the Parking Citation Processing Division in coordination with the Modesto Police Department to manage ticket issuance, the informal and formal Administrative Hearing process, the Residential Parking Permit program, fines and revenue collections, and

WHEREAS, On November 1, 2016, the City Manager approved a one year agreement with a one year extension option with T2 Systems, Inc. for continued software maintenance in the amount of \$35,574.00, and

WHEREAS, on November 14, 2017, by Resolution No. 2017-442, Council approved as First Amendment to the agreement, for a five-year sole source agreement with T2 Systems, Inc. for continued software maintenance support of the Parking Citation Management System in the amount of \$103,038, and

WHEREAS, the Finance Department requires the regular use of its T2 Systems, Inc. module in order to meet its daily business needs including but not limited to the

issuance of parking citations, the collection of parking citation revenues, overseeing the administrative review and adjudication process for contested parking citations and to manage the City's Residential Parking Permit program, and

WHEREAS, this software system includes an online payment and appeals module managed through a cloud-based system providing a more efficient and convenient avenue for our citizens while also ensuring compliance with the Payment Card Industry Data Security Standards (PCI DSS), and

WHEREAS, with regular changes to State and Federal requirements demanding system and process integration as well as annual updates needed for existing programs such as Residential Parking Permit program, staff have found continuous need for a test environment in which to vet out system changes prior to implementation with the public, and

WHEREAS, in addition, a test environment will allow staff to review and test system upgrades prior to implementation in a production environment, and

WHEREAS, system updates can include processes with significant impacts to daily T2 Systems operation such as upload of the online payment file to the General Ledger and the manner in which customers are able to appeal their citations online, and

WHEREAS, this amendment to the existing agreement would include a test environment module for the duration of the agreement, increasing the overall amount of the agreement by \$13,714, 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, there are exceptions to the rule set forth in the Modesto

Municipal Code. One exception, MMC Section 8-3.204(d), allows for the Purchasing Manager, in his or her discretion, to determine if a process other than the usual 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, and

WHEREAS, the Purchasing Manager has invoked that exception for this purchase due to the cost savings of staff time, and the fact that T2 is the only vendor who could maintain the T2 software, and

WHEREAS, the sole source award of an amendment to the agreement with T2Systems, Inc. will conform to MMC Section 8-3.204(d), and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2019-20 General Fund - Parking Citations, and

WHEREAS, revenues generated from the issuance and collection of citations are utilized to fund the cost of this software.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the agreement with T2 Systems, Inc., Indianapolis, IN for software maintenance and support of the T2 Parking Citation Management System, to include a test environment module and increasing the agreement amount by \$13,714 from \$103,038 to a new total not to exceed amount of \$116,752.

BE IT FURTHER RESOLVED 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 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-521**

**RESOLUTION APPROVING THE 2019 CALIFORNIA FIRE CODE ADOPTION
MATRIX**

WHEREAS, the California Building Standards Commission (CBSC) adopted the California Fire Code in July 2019; and

WHEREAS, this code was designed and promulgated to be adopted by ordinance by local jurisdictions as an enforceable set of regulations for the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and from conditions hazardous to life or property in the occupancy of buildings and premises; and

WHEREAS, this code establishes the minimum fire and life safety requirements for the State of California and is automatically adopted by state law; and

WHEREAS, in addition, each local jurisdiction must adopt rules and requirements for administering this code; and

WHEREAS, in order to adopt the 2019 California Fire Code, in addition to the Findings set forth in the code, the City has to approve the **attached** 2019 California Fire Code Adoption Matrix; and

WHEREAS, the Matrix correlates the findings of each amendment to the specific Modesto Municipal Code amendments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the 2019 California Fire Code Adoption Matrix, **attached** hereto as **Exhibit A**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

2019 California Fire Code Adoption Matrix						
MMC Section Number	Section Title	Change from previous adoption	Added to CFC	Deleted from Ordinance	Amended from CFC	Justification (See below for key justification)
3-1.101	Findings for Adoption of the California Fire Code 2019 Edition	No	X			Administrative
3-1.102	Adoption by Reference of the California Fire Code 2019 Edition	Yes			X	Administrative
3-1.103	Repeal of Conflicting Ordinances	No	X			Administrative
3-1.201	Combustible Waste Material	No			X	A, B, C, D & E
3-1.202	Vehicle Impact Protection	No			X	A, C & E
3-1.203	Fire Protection and Water Supplies	No	X			A, B, C, D & E
3-1.204	Where Required	YES	X			A, B, & C
3-1.205	Fuel Fired Appliances	No			X	B, C, D & E
3-1.206	Incinerators	No	X			B, C, D & E
3-1.207	Automatic Sprinkler Systems – New Construction	No	X			A, B, C, D & E
3-1.208	Monitoring	No	X			B, C, D & E
3-1.209	Portable Fire Extinguishers	No	X			A, B, C, D & E
3-1.210	Fire Alarm And Detection Systems	Yes			X	B, C, D & E
3-1.211	False Fire Alarms	No			X	B, C, D & E
3-1.211 (delete)	Hot Works	Yes		X		N/A
3-1.212	Hazardous Materials Inventory Statement	No				B, C, D & E
3-1.213	Deposits of Hazardous Materials; Cleanup, Abatement, or Mitigation Required: Liability for Costs	No			X	A, B, C, D & E
3-1.214	Stationary Containers	No	X			A, B, C, D & E
3-1.215	Permits Required for Explosives	No			X	B, C, D & E
3-1.216	Possession, Manufacture, Sale, Use or Discharge of Dangerous Fireworks	No			X	A, B, C, D & E
3-1.217	Explosive Material Prohibited And Limited Acts	No			X	B, C, D & E
3-1.218	Manufacturing of Fireworks	No			X	B, C, D & E
3-1.219	Permits: Displays of Fireworks and Appeal Process	No			X	A, B, C, D & E

EXHIBIT A

3-1.220	Sales of Fireworks	No	X			A, B, C, D & E
3-1.221	Sales, Storage, Use, and Handling of Fireworks	No	X			A, B, C, D & E
3-1.222	Revocation of Permit and Seizure of Fireworks	No			X	A, B, C, D & E
3-1.223	Fireworks Displays Insurance Required	No			X	B, C, D & E
3-1.224	Storage of Flammable and Combustible Liquids in Tanks	No			X	A, B, C, D & E
3-1.225	Operation Heating, Lighting and Cooking Appliances Prohibited	No			X	B, C, D & E
3-1.226	Storage and Dispensing of Flammable and Combustible Liquids on Farms and Construction Sites	No			X	A, B, C, D & E
3-1.227	Storage of Flammable and Combustible Liquids	No			X	A, B, C, D & E
3-1.228	Bulk Plants Storage of Flammable and Combustible Liquids	No			X	A, B, C, D & E
3-1.229	Bulk Transfer and Process Transfer Operations	No			X	A, B, C, D & E
3-1.230	Permits for Liquefied Petroleum Gas	No			X	B, C, D & E
3-1.231	Use of Liquefied Petroleum Gas Containers in Buildings	No			X	B, C, D & E
3-1.232	Maximum Capacity of LPG Containers	No			X	B, C, D & E
3-1.233	Storage of Portable LP-Gas containers Awaiting Use, Resale, or Exchange	No			X	A, B, C, D & E
3-1.234	Administrative Provisions	No			X	Administrative
3-1.235	Permit Amounts for Compressed Gases	No			X	B, C, D & E
3-1.236	Permits Amounts for Cryogenes	No			X	B, C, D & E
3-1.301	Fees	No			X	Administrative
3-1.302	Appeals	No			X	Administrative
3-1.303	Administrative Penalties and Remedies	No			X	Administrative

Key to Justification for Amendments to Title 24 of the California Code of Regulations

- A. Summer weather conditions are very dry, hot and windy causing ordinary combustibles to be easily ignited and fires to be fast spreading;
- B. Very dense fog conditions occur in winter. Reduced visibility causes delays in fire response;
- C. Fire response is delayed by railroad tracks which:
 - (1) Divide the City from northeast between Tully Road and McHenry Avenue to the west side of Ninth Street;

EXHIBIT A

- (2) Modesto Irrigation Canal #3 restricts access to the neighborhoods and developments to the north and east of Briggsmore Avenue from Oakdale Road to Claus Road;
 - (3) Run parallel to Yosemite Boulevard restricting access to the airport, Tuolumne Regional Park, and adjacent areas; and
 - (4) Restrict access at intersections and streets in the areas of Ninth, Tenth, D, and E Streets.
- D. Modesto Irrigation Canal #3 restricts access to the neighborhoods and developments to the north and east of Briggsmore Avenue from Oakdale Road to Claus Road;
- E. Fire response is delayed by rivers and creeks which:
- (1) Divide the southwest area of the City and City contract areas and restrict access to these areas; and
 - (2) Divide the City from east to southwest along Scenic Drive.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-522**

RESOLUTION APPROVING A COST SHARING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR MANAGEMENT AND SERVICES OF THE EDUCATION AND GOVERNMENT (EG) CHANNEL FOR A 57 MONTH AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED \$145,000 AND A TOTAL AMOUNT NOT TO EXCEED \$960,000 OVER SEVEN YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, The Education and Government Channel provides a platform for live broadcasting and programming of City Council meetings, Board of Supervisor meetings, special events and other government meetings, and

WHEREAS, The Education and Government Channel operates twenty four hours a day making local government accessible to citizens, and

WHEREAS, The City has an ongoing need to maintain and support the Education and Government Channel, associated equipment, broadcast production services and programming for the purpose of airing content on the EG channel for the City and County, and

WHEREAS, by resolution 2003-121 a City-County cost sharing agreement was approved for the management and operation of the Education and Government Channel and broadcast production services.

WHEREAS, the previous City-County agreement expired October 1st 2019 and,

WHEREAS, this purchase of these services conforms to the Modesto Municipal Code, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it adopts this Resolution approving a cost sharing agreement between the City of

Modesto and Stanislaus County for management and services of the Education and Government (EG) Channel for a five-year term, with two one-year extension options, for an annual cost not to exceed \$145,000 and a total amount not to exceed \$960,000 over seven years; and

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 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-523**

RESOLUTION APPROVING A THIRD AMENDMENT TO AN AGREEMENT WITH BRIGHTVIEW GOLF COURSE MAINTENANCE, INC., IN PARTNERSHIP WITH KEMPERSPORTS MANAGEMENT, FOR GOLF COURSE MANAGEMENT AND MAINTENANCE SERVICES; TO EXTEND THE AGREEMENT TERM FOR ONE YEAR TO DECEMBER 31, 2020; TO INCREASE COMPENSATION BY \$54,000, IN AN AMOUNT NOT TO EXCEED \$2,662,304 FOR THE CURRENT TERM ENDING DECEMBER 31, 2019; TO INCREASE COMPENSATION BY \$65,877 IN AN AMOUNT NOT TO EXCEED \$2,728,181 FOR THE ONE YEAR EXTENSION; AND NOT TO EXCEED \$12,723,338 FOR THE FIVE YEAR TERM OF THIS AGREEMENT; AND TO AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE THIRD AMENDMENT

WHEREAS, the City owns, operates and manages the Municipal Golf Course (“Municipal Course”), Dryden Park Municipal Golf Course (“Dryden Course”), and Creekside Municipal Golf Course (“Creekside Course”), and

WHEREAS, in February 2015 the City issued a formal Request for Proposals (RFP) to provide golf course management and maintenance services, and

WHEREAS, ValleyCrest Golf Maintenance (“ValleyCrest”) ranked highest, and

WHEREAS, in July 2015, the Finance Committee opted to defer awarding the contract and directed staff to return with additional financial information, potential land use options, and possible closure scenarios for one or more courses, and

WHEREAS, in November 2015, the Finance Committee directed staff to continue pursuing options for repurposing a golf course and to proceed with agreement negotiations for a two-year contract with ValleyCrest, in partnership with KemperSports Management, Inc. (“KemperSports”), and

WHEREAS, on December 15, 2015, by Resolution No. 2015-486, the City Council approved a two year agreement with ValleyCrest, in partnership with

KemperSports, to provide golf course management and maintenance services, in an amount not to exceed \$2,401,705 per year, and

WHEREAS, ValleyCrest is now doing business as BrightView Golf Course Maintenance, Inc. (BrightView), and

WHEREAS, on December 12, 2017, by Resolution No. 2017-504, the City Council approved the First Amendment to the Agreement for a one year extension with BrightView, in partnership with KemperSports, to provide golf course management and maintenance services, in an amount not to exceed \$2,529,443 per year, and

WHEREAS, on December 4th, 2018, by Resolution No. 2018-535, the City Council approved the Second Amendment to the Agreement for a one year extension with BrightView, in partnership with KemperSports, to provide golf course management and maintenance services, in an amount not to exceed \$2,608,304 per year, and

WHEREAS, staff and Council continue to explore and exercise options to reduce the City's General Fund subsidy to the Golf Fund, and

WHEREAS, this included two public golf workshops, a presentation to Council by the Golf Courses Advisory Committee, Council approval, by Resolution No. 2018-377, of a \$2 per round increase in green fees, and retaining consultant services to conduct a full assessment of the golf courses, and

WHEREAS, the golf subsidy grew to \$981,616 at the end of Fiscal Year 2018-2019, and

WHEREAS, in order to maintain service to the City's courses, an extension is required, and

WHEREAS, staff provided three extension options to reduce the golf subsidy for the last year of the agreement to the Finance Committee, and

WHEREAS, on October 28, 2019, the Finance Committee reviewed the extension options and recommended extending the agreement for the final year be forwarded to Council for consideration, and

WHEREAS, BrightView and staff renegotiated the extension of the term and to amend compensation, and

WHEREAS, the proposed Third Amendment extends the term of the Agreement for one year through December 31, 2020; increases the minimum annual compensation by \$54,000, in an amount not to exceed \$2,662,304 for the current term ending December 31, 2019; and increases the minimum annual compensation by \$65,877, in an amount not to exceed \$2,728,181 for the additional year, and

WHEREAS, the increase to the contract covers the rising costs of wages, primarily due to increases in the minimum wage, as well as the cost of merchandise, food and beverages sold in the clubhouses, and

WHEREAS, the total increase is \$119,877, of which \$54,000 is for the current term ending in December 31, 2019, for a total annual cost of \$2,662,304; and \$65,877 for the extension ending December 31, 2020 for a total annual cost of \$2,728,181, and

WHEREAS, funding for the Third Amendment will be covered by the General Fund (0100) to cover the increase in compensation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Third Amendment to the Agreement with BrightView Golf Course Maintenance and:

- A) Extending the term of the Agreement for one year through December 31, 2020;
- B) Increasing the minimum annual compensation by \$54,000, in an amount not to exceed \$2,662,304 for the current term ending December 31, 2019; and
- C) Increasing the minimum annual compensation by \$65,877, in an amount not to exceed \$2,728,181 for the one year extension.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Third 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 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-524**

RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 OPERATING BUDGET IN THE AMOUNT OF \$50,430 TO FUND THE THIRD AMENDMENT TO AGREEMENT WITH BRIGHTVIEW GOLF MAINTENANCE INC., IN PARTNERSHIP WITH KEMPERSPORTS MANAGEMENT FOR GOLF COURSE MANAGEMENT AND MAINTENANCE SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City owns, operates and manages the Municipal Golf Course (“Municipal Course”), Dryden Park Municipal Golf Course (“Dryden Course”), and Creekside Municipal Golf Course (“Creekside Course”), and

WHEREAS, in February 2015 the City issued a formal Request for Proposals (RFP) to provide golf course management and maintenance services, and

WHEREAS, ValleyCrest Golf Maintenance (“ValleyCrest”) ranked highest, and

WHEREAS, in July 2015, the Finance Committee opted to defer awarding the contract and directed staff to return with additional financial information, potential land use options, and possible closure scenarios for one or more courses, and

WHEREAS, in November 2015, the Finance Committee directed staff to continue pursuing options for repurposing a golf course and to proceed with agreement negotiations for a two-year contract with ValleyCrest, in partnership with KemperSports Management, Inc. (“KemperSports”), and

WHEREAS, on December 15, 2015, by Resolution No. 2015-486, Council approved a two year agreement with ValleyCrest, in partnership with KemperSports, to provide golf course management and maintenance services, in an amount not to exceed \$2,401,705 per year, and

WHEREAS, ValleyCrest is now doing business as BrightView Golf Course Maintenance, Inc. (BrightView), and

WHEREAS, on December 12, 2017, by Resolution No. 2017-504, Council approved the First Amendment to the Agreement for a one year extension with BrightView, in partnership with KemperSports, to provide golf course management and maintenance services, in an amount not to exceed \$2,529,443 per year, and

WHEREAS, on December 4th, 2018, by Resolution No. 2018-535, Council approved the Second Amendment to the Agreement for a one year extension with BrightView, in partnership with KemperSports, to provide golf course management and maintenance services, in an amount not to exceed \$2,608,304 per year, and

WHEREAS, staff and Council continue to explore and exercise options to reduce the City's General Fund subsidy to the Golf Fund, and

WHEREAS, on October 28, 2019, the Finance Committee recommended extending the agreement for the final year be forwarded to Council for consideration, and

WHEREAS, the proposed Third Amendment extends the term of the agreement for one year or through December 31, 2020; increases the minimum annual compensation by \$54,000, in an amount not to exceed \$2,662,304 for the current term ending December 31, 2019; and increases the minimum annual compensation by \$65,877, in an amount not to exceed \$2,728,181 for the additional year, and

WHEREAS, the total increase is \$119,877, of which \$54,000 is for the current term ending in December 31, 2019 for a total annual cost of \$2,662,304; and \$65,877 is for the extension ending December 31, 2020 for a total annual cost of \$2,728,181, and

WHEREAS, the Fiscal Year 2019-2020 Operating Budget must be amended to allocate \$50,430 from the General Fund (0100) to the Golf Funds (4600, 4605) to fund the increase in compensation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2019-2020 Operating Budget to allocate \$50,430 from the General Fund (0100) to the Golf Funds (4600, 4605) to fund the Third Amendment to Agreement with BrightView Golf Maintenance Inc., in partnership with KemperSports management for golf course management and maintenance services.

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 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

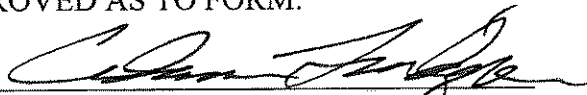
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-525**

RESOLUTION APPROVING A THIRD AMENDMENT TO THE AGREEMENT WITH THE DEL RIO CC FOUNDATION, MODESTO, CA (THE FIRST TEE), IN AN AMOUNT NOT TO EXCEED \$88,000, FOR CONTINUED MANAGEMENT OF THE MUNICIPAL GOLF COURSE AND TO EXTEND THE AGREEMENT FOR AN ADDITIONAL ONE-YEAR TERM TO DECEMBER 31, 2020, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$188,000 FOR THE FIVE YEAR TERM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE THIRD AMENDMENT

WHEREAS, the City of Modesto owns, operates, and manages the Municipal Golf Course (“MUNI”), and

WHEREAS, Del Rio CC Foundation is the local sponsor for the World Golf Foundation, Inc., known as the “The First Tee”, and

WHEREAS, The First Tee Program is a national program formed to promote the involvement of young people in golf and teach life skills as part of its curriculum, and

WHEREAS, on June 10, 2003, Council, by Resolution No. 2003-284 approved an agreement with the Del Rio CC Foundation (“Del Rio”) as the non-profit organization to administer the The First Tee program at MUNI, and

WHEREAS, on December 15, 2015, Council, by Resolution No. 2015-487 approved an Agreement with Del Rio to provide professional services to manage the Muni golf course, practice facility, FootGolf program, and concession services, and

WHEREAS, on December 21, 2017, by letter of extension, the City Manager approved the First Amendment to the Agreement for a one-year extension with Del Rio in an amount not to exceed \$25,000 ending December 31, 2018, and

WHEREAS, on December 4, 2018, by Resolution No. 2018-536, Council approved the Second Amendment to the Agreement for a one year extension with Del

Rio to provide continued management of MUNI, in an amount not to exceed \$25,000 ending December 31, 2019, and

WHEREAS, staff and Council continue to explore and exercise options to reduce the City's General Fund subsidy to the Golf Fund, and

WHEREAS, this included two public golf workshops, a presentation to Council by the Golf Courses Advisory Committee, Council approval of a \$2 per round increase in green fees, and retaining consultant services to conduct a full assessment of the golf courses, and

WHEREAS, the golf subsidy grew to \$981,616 at the end of Fiscal Year 2018-2019, and

WHEREAS, in order to maintain management services to the Muni golf course, an extension is required, and

WHEREAS, Del Rio and staff renegotiated the extension of the term, and to amend compensation, and

WHEREAS, on October 28, 2019, staff presented three extension options to reduce the golf subsidy for the last year of the agreement to the Finance Committee, and

WHEREAS, the Finance Committee recommended extending the Agreement for the final year be forwarded to Council for consideration, and

WHEREAS, the proposed Third Amendment extends the term of the Agreement for one year through December 31, 2020; increases compensation by \$63,000, in an amount not to exceed \$88,000 for the additional year; and reiterates provisional language to allow for early termination of the Agreement due to closure or repurposing of one or more of the courses, and

WHEREAS, the increase to the contract covers the rising costs of wages primarily due to the increase in minimum wage, and

WHEREAS, the total increase is \$63,000 for an annual amount not to exceed \$88,000, and

WHEREAS, funding for the Third Amendment will be covered by the General Fund (0100) to cover the increase in compensation.

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

- A) Extend the term of the Agreement for one year through December 31, 2020.
- B) Increase the minimum annual compensation by \$19,000, in an amount not to exceed \$88,000 for the extension.
- C) Repeat language to allow for early termination of the agreement due to closure or repurposing of one or more of the courses.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Third 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 26th day of November, 2019, by Councilmember Kenoyer, 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: Ah You, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-526**

RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 OPERATING BUDGET IN THE AMOUNT OF \$19,000 TO FUND THE THIRD AMENDMENT TO THE AGREEMENT WITH DEL RIO CC FOUNDATION, MODESTO, CA (THE FIRST TEE) FOR MANAGEMENT OF THE MUNICIPAL GOLF COURSE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto owns, operates, and manages the Municipal Golf Course (“Muni”), and

WHEREAS, on June 10, 2003, Council, by Resolution No. 2003-284 approved an agreement with the Del Rio CC Foundation (“Del Rio”) as the non-profit organization to administer the The First Tee program at Muni, and

WHEREAS, on December 15, 2015, Council, by Resolution No. 2015-487 approved an Agreement with Del Rio to provide professional services to manage the Muni golf course, practice facility, FootGolf program, and concession services, and

WHEREAS, on December 21, 2017, the City Manager approved the First Amendment to the Agreement for a one-year extension with Del Rio in an amount not to exceed \$25,000 ending December 31, 2018, and

WHEREAS, on December 4, 2018, by Resolution No. 2018-536, Council approved the Second Amendment to the Agreement for a one year extension with Del Rio to provide continued management of Muni, in an amount not to exceed \$25,000 ending December 31, 2019, and

WHEREAS, in order to maintain management services to the Muni golf course, an extension is required, and

WHEREAS, on October 28, 2019, the Finance Committee recommended extending the Agreement for the final year be forwarded to Council for consideration, and

WHEREAS, the Third Amendment extends the term of the Agreement for one year or through December 31, 2020; increases compensation by \$63,000, in an amount not to exceed \$88,000 for the additional year; and reiterates provisional language to allow for early termination of the Agreement due to closure or repurposing of one or more of the courses, and

WHEREAS, the total increase is \$63,000 for an annual amount not to exceed \$88,000, and

WHEREAS, the Fiscal Year 2019-2020 Operating Budget must be amended to allocate \$19,000 from the General Fund (0100) to the Golf Fund (4600) to fund the increase in compensation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Amendment of the Fiscal Year 2019-2020 Operating Budget to allocate \$19,000 from the General Fund (0100) to the Golf Fund (4600) to fund the Third Amendment to Agreement with Del Rio CC Foundation, Modesto, CA (The First Tee) for management of the Municipal golf course.

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 26th day of November, 2019, by Councilmember Kenoyer, 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: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-527**

RESOLUTION APPROVING AN 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 \$99,612, PLUS \$9,961 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A TOTAL AMOUNT NOT TO EXCEED \$109,573, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ADDITIONAL SERVICES UP TO A CUMULATIVE AMOUNT OF 10% OR \$9,961

WHEREAS, the purpose of the Area 2 Storm Water to Sanitary Sewer Cross Connection Removal – Phase 2 Roosevelt Park project is 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 proposes to capture, treat, and infiltrate 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 August 14, 2018, by Resolution No. 2018-343, Council awarded the construction contract to D.A. Wood Construction, Inc., Modesto, CA., and

WHEREAS, due to the limited availability of the City’s Construction Administration staff and recent staffing transitions, staff recommends utilizing a consultant to provide construction management, inspection and materials testing services through completion of the construction phase, 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 bidding requirements of Modesto Municipal Code 8-3.203., and

WHEREAS, for the construction management and inspection services, a Request for Proposals (RFP) was issued to the prequalified list of firms for construction management and inspection services for this project, and

WHEREAS, On January 16, 2018, by Resolution No. 2018-10, Council approved the pre-qualified consultant list for construction management and inspection services for various capital improvement projects with NV5, Inc., Vali Cooper Associates, Inc., 4Leaf, Inc., Drake Haglan and Associates, Inc., Black Water Consulting Engineers, Structure Groups, and CMPROS, Inc., and

WHEREAS, In accordance with City's policy, Administrative Directive 3.1 Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, Vali Cooper Associates, Inc., was selected as the most qualified firm for the project, and

WHEREAS, Vali Cooper Associates, Inc., demonstrated experience with multiple projects similar in scope and size, and

WHEREAS, additionally Vali-Cooper Associates, Inc., has been assisting with the current slurry seal projects and has been very responsive and has provided great service, and

WHEREAS, City staff recommends approving an agreement with Vali Cooper Associates Inc., to provide construction management, inspection and materials testing services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Vali Cooper Associates, Inc., for Construction Management 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 for the identified scope of services.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement and additional services if needed in the amount of cumulative amount of 10% or \$9,961, for a total amount not to exceed \$109,573, 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 November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-528**

**RESOLUTION APPROVING A GRANT OF PERMANENT EASEMENT AND
RIGHT-OF-WAY TO MODESTO IRRIGATION DISTRICT (MID) TO COVER
THE EXISTING CAVIL DRAIN WITHIN A PORTION OF APN 084-003-005
AND CONSENTING TO THE RECORDATION THEREOF, AND
AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SIGN THE
GRANT OF PERMANENT EASEMENT DOCUMENT**

WHEREAS, on November 4, 2015, by Resolution No. 2015-424, Council approved the purchase of a 48.62-acre site at 4240 Litt Road in northeast Modesto for the future corporation yard, and

WHEREAS on January 16, 2018, Council, by Resolution No. 2018-09, awarded a construction contract to McFadden Construction (McFadden) in the amount of \$1,533,583.50 for the Litt Road Improvement project, and

WHEREAS, as the Litt Road improvements subsequently took place, City Staff realized that the MID facilities located on the property did not have an easement to permit the placement of the facilities, nor access to upgrade, maintain, repair, replace or modify those facilities, and

WHEREAS, MID has asked the City to provide a permanent easement for the Cavil Drain located at the property located at 4240 Litt Road.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants to the Modesto Irrigation District a Permanent Easement and Right-of-Way to MID for the Cavil Drain within a portion of APN 084-003-005.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Grant of Easement Document(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 26th day of November, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-529**

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND COLD STORAGE GROUP, INC. TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM FOR THE PROPERTY LOCATED AT 1401 S. 7TH ST. IN MODESTO (APN 038-025-016) AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO APPROVE THE WILL SERVE LETTER AND EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, the Cold Storage Group, Inc., owns property located at 1401 S. 7th St., which is located outside of Modesto City Limits and inside the City's Sphere of Influence, and

WHEREAS, a representative of the property owner has requested water service for the existing building, 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 1401 S. 7th St. 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 1401 S. 7th St. in Modesto (APN: 038-025-016).

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 26th day of November, 2019, by Councilmember Grewal, 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: Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ridenour

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-530**

RESOLUTION APPROVING AN AGREEMENT INCLUDING LANGUAGE CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CONFIDENTIAL AND MANAGEMENT ASSOCIATION (MCMA) FOR A TERM OF JULY 1, 2019 TO JUNE 30, 2023; 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 proposed successor MOU provides as follows:

Article 1. TERM. The term of the MOU shall be from July 1, 2019 to June 30, 2023.

Article 5. SALARY. Amend to include 2.0% salary increase effective November 26, 2019, following ratification of this MOU by MCMA and adoption by the City Council. Effective June 23, 2020, employees will receive an additional 2.0% salary increase. Effective June 22, 2021, employees will receive an additional 2.0% salary increase. Effective June 21, 2022, employees will receive an additional 2.0% salary 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 within **Exhibits A through F attached** hereto.

Article 6. PERFORMANCE EVALUATION. Provides Performance Improvement Plan if an employee doesn't meet expectations in any area of their annual evaluation

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 twelve dollars and fifty cents (\$12.50) 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 dollar and fifty cents (\$12.50) 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 18. MANAGEMENT LEAVE. Effective November 26, 2019, during each year of the contract, employees may elect to cash out up to thirty-two (32) hours of Management Leave in December of the applicable year. Upon separation from City service, employees may cash out up to thirty-two (32) hours of Management Leave if the hours are available.

Article 26. PAY DIFFERENTIALS. Effective November 26, 2019:

- Masters Degree Education Incentive increase from 1.5% to 2.5%

- New Notary Pay Incentive of \$50.00 per pay period for employees certified as notaries and assigned notary duties
- Bilingual Compensation modified from \$50 per pay period to the equivalent of three (3) hours of compensatory time off.

Article 27. DRESS, GROOMING AND UNIFORMS. Subsection B. Uniforms. 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 dollars (\$200) 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.

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.

Subsection C. Uniform Allowances – Fire Department. Employees in the classifications of Emergency Medical Services Coordinator shall be required to wear a uniform and shall receive a uniform allowance of eighty-five dollars (\$85) per month, paid monthly. Employees in the classifications of Deputy Fire Marshal shall be required to wear a uniform and shall receive a uniform allowance of one hundred five dollars (\$105) per month, paid monthly.

Article 30. HEALTH, DENTAL, VISION INSURANCE. Two percent (2%)

increase to City monthly contributions (excluding opt out) each year as follows:

	Current	2020	2021	2022	2023
Opt-out of City Medical Coverage	\$450.00	\$450.00	\$450.00	\$450.00	\$450.00
Employee only	\$622.00	\$634.00	\$648.00	\$660.00	\$673.00
Employee plus 1	\$1,112.00	\$1,134.00	\$1,157.00	\$1,180.00	\$1,204.00
Employee plus family	\$1,572.00	\$1,603.00	\$1,635.00	\$1,668.00	\$1,701.00

Parties agree to contract reopener should rates exceed an 8% increase of total premium in any year.

CONTINUATION OF REMAINING PROVISIONS. Except as provided above, the remaining provisions of the July 1, 2016 through June 30, 2019 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.

WHEREAS, the Council considered this matter at its regular meeting on November 26, 2019.

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 between the City of Modesto and the Modesto Confidential and Management Association, which covers a term from July 1, 2019 through June 30, 2023, and upon execution, 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
 CLASS RANGE TABLE
 REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
 Effective **November 26, 2019**

RANGE	TITLE
410	Account Clerk I (Confidential)
411	Administrative Office Assistant II (Confidential)
413	Account Clerk II (Confidential) Police Clerk II (Confidential)
415	Administrative Office Assistant III (Confidential)
419	Legal Secretary I Senior Administrative Office Assistant (Confidential)
420	Systems Technician I Workers' Compensation Claims Assistant
422	Administrative Services Technician I (Confidential) Deputy City Clerk Executive Assistant Homeless Management Information System (HMIS) Technician
423	Custodian Supervisor Legal Secretary II Workers' Compensation Claims Examiner I
424	Account Technician (Confidential) Buyer Systems Technician II
426	Administrative Services Technician II (Confidential) Central Stores Supervisor Employee Benefits Coordinator Homeless Management Information System (HMIS) Program Coordinator Office Supervisor Senior Legal Secretary
427	Financial Analyst I Technology Solutions Analyst I
428	Administrative Analyst I

RANGE TITLE

Workers' Compensation Claims Examiner II
Senior Systems Technician
Utility Dispatch Supervisor

429 **Animal Control Supervisor**
Assistant Planner
Human Resources Analyst I

430 **Parking Adjudication Program Coordinator**
Parking Services Supervisor
Police Range and Training Center Coordinator
Senior Buyer

431 **Assistant City Clerk**
Financial Analyst II
Technology Solutions Analyst II
Software Analyst I
Systems Engineer I

432 **Administrative Analyst II**
Events Coordinator
Junior Engineer
Police Civilian Supervisor
Neighborhood Preservation Supervisor
Senior Workers' Compensation Claims Examiner

433 Assistant Surveyor
Human Resources Analyst II
Water Resources Analyst

434 **Associate Planner**
Compost Facility Supervisor
Recreation Supervisor
Recycling Program Coordinator

Solid Waste Enforcement Supervisor

435 Assistant Transportation Planner
Financial Analyst III
Operations Supervisor
Software Analyst II
Systems Engineer II

RANGE TITLE

- 436 Assistant Engineer
 Business Analyst
 Cultural Services Program Manager
 Customer Services Supervisor
 Emergency Medical Services Coordinator
 Housing Rehabilitation Supervisor
 Parks Project Coordinator
 Management Analyst
 Public Safety Information Coordinator
 Senior Crime and Intelligence Analyst
 Transit Analyst
 Weed and Seed Program Coordinator
- 437 Electrical Supervisor
 Organizational Development Coordinator
- 438 Property Agent
 Senior Community Development Program Specialist
- 439 Associate Transportation Planner
 Economic Development Marketing Specialist
 Electrical Supervisor – Utilities
 Plant Maintenance Supervisor
 Public Safety Business Services Analyst
 Risk and Loss Control Coordinator
 Senior Financial Analyst
 Senior Human Resources Analyst
 Senior Planner
 Senior Software Analyst
 Senior Systems Engineer
- 440 **Administrative Services Officer**
 Associate Land Surveyor
 Associate Engineer
 Environmental Services Supervisor
 Integrated Waste Specialist
 Materials Management Superintendent/City Arborist

RANGE TITLE

Safety Officer
Senior Business Analyst

- 441 Auditor I
Housing and Urban Development Supervisor
Infrastructure Financing Program Supervisor
Police Civilian Manager
Utilities Plant Operations Supervisor
Utilities Services Supervisor
- 442 Centre Plaza Manager
Community and Media Relations Officer
Construction Inspection Supervisor
Laboratory Supervisor
Auditor II
- 443 Associate Civil/Traffic Engineer
Customer Services Manager
Senior Transportation Planner
Principal Information Technology Administrator
Purchasing Manager
- 444 Building Safety Program Coordinator
Building Inspection Supervisor
Parks Planning and Development Manager
Plant Maintenance Superintendent
Recreation Program Manager
Water Superintendent
- 445 Airport Manager
Environmental Regulatory Compliance Manager
Facilities Manager
Senior Land Surveyor
- 446 Accounting Manager
Deputy Fire Marshal
Fleet Manager
Streets Manager
- 447 Principal Planner

RANGE TITLE

Traffic Operations Engineer

448 Recreation and Neighborhoods Services Manager
Transit Manager
Integrated Waste Program Manager

449 Assistant Chief Building Official

450 Business Center Manager
Information Technology Manager
Planning Manager
Senior Civil Engineer
Wastewater Collections Systems Manager
Water Quality Control Plant Manager
Water Systems Manager

451 **Community Development Manager**
Operations Manager

452 Traffic Engineer

453 Parks Recreation & Neighborhoods Operations Manager

454 Assistant City Engineer
Chief Building Official

459 Engineering Division Manager

460 **City Engineer**

CITY OF MODESTO
 CLASS RANGE TABLE
 REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
 Effective **June 23, 2020**

RANGE	TITLE
410	Account Clerk I (Confidential)
411	Administrative Office Assistant II (Confidential)
414	Account Clerk II (Confidential) Police Clerk II (Confidential)
415	Administrative Office Assistant III (Confidential)
419	Senior Administrative Office Assistant (Confidential)
420	Legal Secretary I Workers' Compensation Claims Assistant
421	Systems Technician I
422	Deputy City Clerk Homeless Management Information System (HMIS) Technician
423	Administrative Services Technician I (Confidential) Custodian Supervisor Executive Assistant Workers' Compensation Claims Examiner I
424	Account Technician (Confidential) Buyer Legal Secretary II
425	Systems Technician II
426	Central Stores Supervisor Employee Benefits Coordinator Homeless Management Information System (HMIS) Program Coordinator
427	Administrative Services Technician II (Confidential) Office Supervisor Technology Solutions Analyst I
428	Financial Analyst I Senior Legal Secretary

RANGE TITLE

Workers' Compensation Claims Examiner II

429 Administrative Analyst I
Animal Control Supervisor
Assistant Planner
Senior Systems Technician
Utility Dispatch Supervisor

430 Human Resources Analyst I
Senior Buyer

431 Assistant City Clerk
Parking Adjudication Program Coordinator
Parking Services Supervisor
Police Range and Training Center Coordinator
Technology Solutions Analyst II
Software Analyst I
Systems Engineer I

432 Junior Engineer
Financial Analyst II
Neighborhood Preservation Supervisor
Senior Workers' Compensation Claims Examiner

433 Administrative Analyst II
Assistant Surveyor
Events Coordinator
Police Civilian Supervisor
Water Resources Analyst

434 Associate Planner
Compost Facility Supervisor
Human Resources Analyst II
Recreation Supervisor
Recycling Program Coordinator

Solid Waste Enforcement Supervisor

435 Assistant Transportation Planner
Operations Supervisor
Software Analyst II
Systems Engineer II

RANGE TITLE

- 436 Assistant Engineer
- Financial Analyst III**
 Housing Rehabilitation Supervisor
 Parks Project Coordinator
 Public Safety Information Coordinator
 Senior Crime and Intelligence Analyst
- 437 **Business Analyst**
 Cultural Services Program Manager
 Customer Services Supervisor
 Electrical Supervisor
 Emergency Medical Services Coordinator
 Management Analyst
 Transit Analyst
 Weed and Seed Program Coordinator
- 438 Property Agent
 Organizational Development Coordinator
 Senior Community Development Program Specialist
- 439 Associate Transportation Planner
 Economic Development Marketing Specialist
 Electrical Supervisor – Utilities
 Plant Maintenance Supervisor
 Risk and Loss Control Coordinator
 Senior Human Resources Analyst
 Senior Planner
 Senior Software Analyst
 Senior Systems Engineer
- 440 Associate Land Surveyor
 Associate Engineer
 Environmental Services Supervisor
 Integrated Waste Specialist
 Materials Management Superintendent/City Arborist
 Public Safety Business Services Analyst
 Senior Financial Analyst
- 441 **Administrative Services Officer**
 Auditor I

RANGE TITLE

Housing and Urban Development Supervisor
Infrastructure Financing Program Supervisor
Police Civilian Manager
Safety Officer
Senior Business Analyst
Utilities Plant Operations Supervisor
Utilities Services Supervisor

442 Centre Plaza Manager
Construction Inspection Supervisor
Laboratory Supervisor
Auditor II

443 Associate Civil/Traffic Engineer
Customer Services Manager
Senior Transportation Planner
Principal Information Technology Administrator
Purchasing Manager

444 Building Safety Program Coordinator
Building Inspection Supervisor
Community and Media Relations Officer
Parks Planning and Development Manager
Plant Maintenance Superintendent
Recreation Program Manager
Water Superintendent

445 Airport Manager
Facilities Manager
Senior Land Surveyor

446 Accounting Manager
Deputy Fire Marshal
Environmental Regulatory Compliance Manager

447 **Fleet Manager**
Principal Planner
Streets Manager
Traffic Operations Engineer

448 Recreation and Neighborhoods Services Manager
Transit Manager

RANGE	TITLE
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	Integrated Waste Program Manager
449	Assistant Chief Building Official
450	Business Center Manager Planning Manager Senior Civil Engineer Wastewater Collections Systems Manager Water Quality Control Plant Manager Water Systems Manager
451	Community Development Manager Information Technology Manager Operations Manager
452	Traffic Engineer
453	Parks Recreation & Neighborhoods Operations Manager
454	Assistant City Engineer Chief Building Official
459	Engineering Division Manager
460	City Engineer

CITY OF MODESTO
 CLASS RANGE TABLE
 REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
 Effective **June 22, 2021**

RANGE	TITLE
410	Account Clerk I (Confidential)
411	Administrative Office Assistant II (Confidential)
414	Account Clerk II (Confidential)
415	Administrative Office Assistant III (Confidential) Police Clerk II (Confidential)
419	Senior Administrative Office Assistant (Confidential)
420	Workers' Compensation Claims Assistant
421	Legal Secretary I
422	Deputy City Clerk Homeless Management Information System (HMIS) Technician Systems Technician I
423	Administrative Services Technician I (Confidential) Custodian Supervisor Executive Assistant Workers' Compensation Claims Examiner I
424	Account Technician (Confidential) Buyer
425	Systems Technician II
426	Central Stores Supervisor Employee Benefits Coordinator Homeless Management Information System (HMIS) Program Coordinator Legal Secretary II
427	Administrative Services Technician II (Confidential) Office Supervisor Technology Solutions Analyst I
428	Financial Analyst I Workers' Compensation Claims Examiner II

RANGE	TITLE
429	Administrative Analyst I Animal Control Supervisor Assistant Planner Utility Dispatch Supervisor
430	Senior Buyer Senior Legal Secretary Senior Systems Technician
431	Assistant City Clerk Human Resources Analyst I Parking Adjudication Program Coordinator Parking Services Supervisor Police Range and Training Center Coordinator Technology Solutions Analyst II Software Analyst I Systems Engineer I
432	Junior Engineer Financial Analyst II Neighborhood Preservation Supervisor Senior Workers' Compensation Claims Examiner
433	Administrative Analyst II Assistant Surveyor Events Coordinator Police Civilian Supervisor Water Resources Analyst
434	Associate Planner Compost Facility Supervisor Recreation Supervisor Recycling Program Coordinator Solid Waste Enforcement Supervisor
435	Assistant Transportation Planner Human Resources Analyst II Operations Supervisor Software Analyst II Systems Engineer II
436	Assistant Engineer Financial Analyst III

RANGE	TITLE
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- | | |
|-----|--|
| | Housing Rehabilitation Supervisor
Parks Project Coordinator
Public Safety Information Coordinator
Senior Crime and Intelligence Analyst |
| 437 | Business Analyst
Cultural Services Program Manager
Customer Services Supervisor
Electrical Supervisor
Emergency Medical Services Coordinator
Management Analyst
Transit Analyst
Weed and Seed Program Coordinator |
| 438 | Property Agent
Senior Community Development Program Specialist |
| 439 | Associate Transportation Planner
Economic Development Marketing Specialist
Electrical Supervisor – Utilities
Organizational Development Coordinator
Plant Maintenance Supervisor
Risk and Loss Control Coordinator
Senior Human Resources Analyst
Senior Planner
Senior Software Analyst
Senior Systems Engineer |
| 440 | Associate Land Surveyor
Associate Engineer
Environmental Services Supervisor
Integrated Waste Specialist
Materials Management Superintendent/City Arborist
Public Safety Business Services Analyst
Senior Financial Analyst |
| 441 | Administrative Services Officer
Auditor I
Housing and Urban Development Supervisor
Infrastructure Financing Program Supervisor
Police Civilian Manager
Senior Business Analyst
Utilities Plant Operations Supervisor |

RANGE TITLE

	Utilities Services Supervisor
442	Auditor II Centre Plaza Manager Construction Inspection Supervisor Laboratory Supervisor Safety Officer
443	Associate Civil/Traffic Engineer Customer Services Manager Senior Transportation Planner Principal Information Technology Administrator Purchasing Manager
444	Building Safety Program Coordinator Building Inspection Supervisor Parks Planning and Development Manager Plant Maintenance Superintendent Recreation Program Manager Water Superintendent
445	Airport Manager Community and Media Relations Officer Facilities Manager Senior Land Surveyor
446	Accounting Manager Deputy Fire Marshal Environmental Regulatory Compliance Manager
447	Principal Planner Traffic Operations Engineer
448	Fleet Manager Recreation and Neighborhoods Services Manager Streets Manager Transit Manager Integrated Waste Program Manager
449	Assistant Chief Building Official

City of Modesto
Class Range Table – Management and Confidential Non-Sworn Classes
Page -5

RANGE TITLE

450	Business Center Manager Planning Manager Senior Civil Engineer Wastewater Collections Systems Manager Water Quality Control Plant Manager Water Systems Manager
451	Community Development Manager Information Technology Manager Operations Manager
452	Traffic Engineer
453	Parks Recreation & Neighborhoods Operations Manager
454	Assistant City Engineer Chief Building Official
459	Engineering Division Manager
460	City Engineer

Exhibit "D"

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 19/20
 EFFECTIVE: NOVEMBER, 26 2019

MCMA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0403	15.65	16.44	17.26	18.12	19.03	1,252.00	1,315.20	1,380.80	1,449.60	1,522.40	2,721.85	2,859.24	3,001.86	3,151.43	3,309.70
0404	16.05	16.85	17.69	18.57	19.50	1,284.00	1,348.00	1,415.20	1,485.60	1,560.00	2,791.42	2,930.55	3,076.64	3,229.69	3,391.44
0405	16.45	17.27	18.13	19.04	19.99	1,316.00	1,381.60	1,450.40	1,523.20	1,599.20	2,860.98	3,003.60	3,153.17	3,311.44	3,476.66
0406	16.86	17.70	18.59	19.51	20.49	1,348.80	1,416.00	1,487.20	1,560.80	1,639.20	2,932.29	3,078.38	3,233.17	3,393.18	3,563.62
0407	17.28	18.14	19.05	20.00	21.00	1,382.40	1,451.20	1,524.00	1,600.00	1,680.00	3,005.34	3,154.91	3,313.18	3,478.40	3,652.32
0408	17.71	18.60	19.53	20.50	21.53	1,416.80	1,488.00	1,562.40	1,640.00	1,722.40	3,080.12	3,234.91	3,396.66	3,565.36	3,744.50
0409	18.15	19.06	20.01	21.01	22.07	1,452.00	1,524.80	1,600.80	1,680.80	1,765.60	3,156.65	3,314.92	3,480.14	3,654.06	3,838.41
0410	18.61	19.54	20.51	21.54	22.62	1,488.80	1,563.20	1,640.80	1,723.20	1,809.60	3,236.65	3,398.40	3,567.10	3,746.24	3,934.07
0411	19.07	20.03	21.03	22.08	23.18	1,525.60	1,602.40	1,682.40	1,766.40	1,854.40	3,316.65	3,483.62	3,657.54	3,840.15	4,031.47
0412	19.55	20.53	21.55	22.63	23.76	1,564.00	1,642.40	1,724.00	1,810.40	1,900.80	3,400.14	3,570.58	3,747.98	3,935.81	4,132.34
0413	20.04	21.04	22.09	23.20	24.36	1,603.20	1,683.20	1,767.20	1,856.00	1,948.80	3,485.36	3,659.28	3,841.89	4,034.94	4,236.69
0414	20.54	21.57	22.64	23.78	24.96	1,643.20	1,725.60	1,811.20	1,902.40	1,996.80	3,572.32	3,751.45	3,937.55	4,135.82	4,341.04
0415	21.05	22.10	23.21	24.37	25.59	1,684.00	1,768.00	1,856.80	1,949.60	2,047.20	3,661.02	3,843.63	4,036.68	4,238.43	4,450.61
0416	21.58	22.66	23.79	24.98	26.23	1,726.40	1,812.80	1,903.20	1,998.40	2,098.40	3,753.19	3,941.03	4,137.56	4,344.52	4,561.92
0417	22.12	23.22	24.38	25.60	26.88	1,769.60	1,857.60	1,950.40	2,048.00	2,150.40	3,847.11	4,038.42	4,240.17	4,452.35	4,674.97
0418	22.67	23.80	24.99	26.24	27.56	1,813.60	1,904.00	1,999.20	2,099.20	2,204.80	3,942.77	4,139.30	4,346.26	4,563.66	4,793.24
0419	23.24	24.40	25.62	26.90	28.24	1,859.20	1,952.00	2,049.60	2,152.00	2,259.20	4,041.90	4,243.65	4,455.83	4,678.45	4,911.50
0420	23.82	25.01	26.26	27.57	28.95	1,905.60	2,000.80	2,100.80	2,205.60	2,316.00	4,142.77	4,349.74	4,567.14	4,794.97	5,034.98
0421	24.41	25.63	26.92	28.26	29.67	1,952.80	2,050.40	2,153.60	2,260.80	2,373.60	4,245.39	4,457.57	4,681.93	4,914.98	5,160.21
0422	25.02	26.27	27.59	28.97	30.42	2,001.60	2,101.60	2,207.20	2,317.60	2,433.60	4,351.48	4,568.88	4,798.45	5,038.46	5,290.65
0423	25.65	26.93	28.28	29.69	31.18	2,052.00	2,154.40	2,262.40	2,375.20	2,494.40	4,461.05	4,683.67	4,918.46	5,163.68	5,422.83
0424	26.29	27.60	28.98	30.43	31.96	2,103.20	2,208.00	2,318.40	2,434.40	2,556.80	4,572.36	4,800.19	5,040.20	5,292.39	5,558.48
0425	26.95	28.29	29.71	31.19	32.75	2,156.00	2,263.20	2,376.80	2,495.20	2,620.00	4,687.14	4,920.20	5,167.16	5,424.56	5,695.88
0426	27.62	29.00	30.45	31.97	33.57	2,209.60	2,320.00	2,436.00	2,557.60	2,685.60	4,803.67	5,043.68	5,295.86	5,560.22	5,838.49
0427	28.31	29.73	31.21	32.77	34.41	2,264.80	2,378.40	2,496.80	2,621.60	2,752.80	4,923.68	5,170.64	5,428.04	5,699.36	5,984.59
0428	29.02	30.47	31.99	33.59	35.27	2,321.60	2,437.60	2,559.20	2,687.20	2,821.60	5,047.16	5,299.34	5,563.70	5,841.97	6,134.16
0429	29.74	31.23	32.79	34.43	36.15	2,379.20	2,498.40	2,623.20	2,754.40	2,892.00	5,172.38	5,431.52	5,702.84	5,988.07	6,287.21
0430	30.49	32.01	33.61	35.29	37.06	2,439.20	2,560.80	2,688.80	2,823.20	2,964.80	5,302.82	5,567.18	5,845.45	6,137.64	6,445.48
0431	31.25	32.81	34.45	36.18	37.98	2,500.00	2,624.80	2,756.00	2,894.40	3,038.40	5,435.00	5,706.32	5,991.54	6,292.43	6,605.48
0432	32.03	33.63	35.31	37.08	38.93	2,562.40	2,690.40	2,824.80	2,966.40	3,114.40	5,570.66	5,848.93	6,141.12	6,448.95	6,770.71
0433	32.83	34.47	36.20	38.01	39.91	2,626.40	2,757.60	2,896.00	3,040.80	3,192.80	5,709.79	5,995.02	6,295.90	6,610.70	6,941.15
0434	33.65	35.33	37.10	38.96	40.90	2,692.00	2,826.40	2,968.00	3,116.80	3,272.00	5,852.41	6,144.59	6,452.43	6,775.92	7,113.33
0435	34.49	36.22	38.03	39.93	41.93	2,759.20	2,897.60	3,042.40	3,194.40	3,354.40	5,998.50	6,299.38	6,614.18	6,944.63	7,292.47
0436	35.36	37.12	38.98	40.93	42.97	2,828.80	2,969.60	3,118.40	3,274.40	3,437.60	6,149.81	6,455.91	6,779.40	7,118.55	7,473.34
0437	36.24	38.05	39.95	41.95	44.05	2,899.20	3,044.00	3,196.00	3,356.00	3,524.00	6,302.86	6,617.66	6,948.10	7,295.94	7,661.18
0438	37.15	39.00	40.95	43.00	45.15	2,972.00	3,120.00	3,276.00	3,440.00	3,612.00	6,461.13	6,782.88	7,122.02	7,478.56	7,852.49
0439	38.07	39.98	41.98	44.07	46.28	3,045.60	3,198.40	3,358.40	3,525.60	3,702.40	6,621.13	6,953.32	7,301.16	7,664.65	8,049.02

Exhibit "D"

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 19/20
 EFFECTIVE: NOVEMBER, 26 2019

MCMA

HOURLY

BI-WEEKLY

MONTHLY

	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0440	39.03	40.98	43.03	45.18	47.44	3,122.40	3,278.40	3,442.40	3,614.40	3,795.20	6,788.10	7,127.24	7,483.78	7,857.71	8,250.76
0441	40.00	42.00	44.10	46.31	48.62	3,200.00	3,360.00	3,528.00	3,704.80	3,889.60	6,956.80	7,304.64	7,669.87	8,054.24	8,455.99
0442	41.00	43.05	45.20	47.46	49.84	3,280.00	3,444.00	3,616.00	3,796.80	3,987.20	7,130.72	7,487.26	7,861.18	8,254.24	8,668.17
0443	42.03	44.13	46.33	48.65	51.08	3,362.40	3,530.40	3,706.40	3,892.00	4,086.40	7,309.86	7,675.09	8,057.71	8,461.21	8,883.83
0444	43.08	45.23	47.49	49.87	52.36	3,446.40	3,618.40	3,799.20	3,989.60	4,188.80	7,492.47	7,866.40	8,259.46	8,673.39	9,106.45
0445	44.15	46.36	48.68	51.11	53.67	3,532.00	3,708.80	3,894.40	4,088.80	4,293.60	7,678.57	8,062.93	8,466.43	8,889.05	9,334.29
0446	45.26	47.52	49.90	52.39	55.01	3,620.80	3,801.60	3,992.00	4,191.20	4,400.80	7,871.62	8,264.68	8,678.61	9,111.67	9,567.34
0447	46.39	48.71	51.14	53.70	56.38	3,711.20	3,896.80	4,091.20	4,296.00	4,510.40	8,068.15	8,471.64	8,894.27	9,339.50	9,805.61
0448	47.55	49.93	52.42	55.04	57.79	3,804.00	3,994.40	4,193.60	4,403.20	4,623.20	8,269.90	8,683.83	9,116.89	9,572.56	10,050.84
0449	48.74	51.17	53.73	56.42	59.24	3,899.20	4,093.60	4,298.40	4,513.60	4,739.20	8,476.86	8,899.49	9,344.72	9,812.57	10,303.02
0450	49.96	52.45	55.07	57.83	60.72	3,996.80	4,196.00	4,405.60	4,626.40	4,857.60	8,689.04	9,122.10	9,577.77	10,057.79	10,560.42
0451	51.20	53.76	56.45	59.27	62.24	4,096.00	4,300.80	4,516.00	4,741.60	4,979.20	8,904.70	9,349.94	9,817.78	10,308.24	10,824.78
0452	52.48	55.11	57.86	60.76	63.79	4,198.40	4,408.80	4,628.80	4,860.80	5,103.20	9,127.32	9,584.73	10,063.01	10,567.38	11,094.36
0453	53.80	56.49	59.31	62.27	65.39	4,304.00	4,519.20	4,744.80	4,981.60	5,231.20	9,356.90	9,824.74	10,315.20	10,830.00	11,372.63
0454	55.14	57.90	60.79	63.83	67.02	4,411.20	4,632.00	4,863.20	5,106.40	5,361.60	9,589.95	10,069.97	10,572.60	11,101.31	11,656.12
0455	56.52	59.34	62.31	65.43	68.70	4,521.60	4,747.20	4,984.80	5,234.40	5,496.00	9,829.96	10,320.41	10,836.96	11,379.59	11,948.30
0456	57.93	60.83	63.87	67.06	70.42	4,634.40	4,866.40	5,109.60	5,364.80	5,633.60	10,075.19	10,579.55	11,108.27	11,663.08	12,247.45
0457	59.38	62.35	65.47	68.74	72.18	4,750.40	4,988.00	5,237.60	5,499.20	5,774.40	10,327.37	10,843.91	11,386.54	11,955.26	12,553.55
0458	60.86	63.91	67.10	70.46	73.98	4,868.80	5,112.80	5,368.00	5,636.80	5,918.40	10,584.77	11,115.23	11,670.03	12,254.40	12,866.60
0459	62.39	65.50	68.78	72.22	75.83	4,991.20	5,240.00	5,502.40	5,777.60	6,066.40	10,850.87	11,391.76	11,962.22	12,560.50	13,188.35
0460	63.95	67.14	70.50	74.02	77.72	5,116.00	5,371.20	5,640.00	5,921.60	6,217.60	11,122.18	11,676.99	12,261.36	12,873.56	13,517.06

Exhibit "E"

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 20/21
 EFFECTIVE: JUNE, 23 2020

MCMA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0403	15.97	16.77	17.61	18.49	19.42	1,277.60	1,341.60	1,408.80	1,479.20	1,553.60	2,777.50	2,916.64	3,062.73	3,215.78	3,377.53
0404	16.37	17.19	18.05	18.95	19.90	1,309.60	1,375.20	1,444.00	1,516.00	1,592.00	2,847.07	2,989.68	3,139.26	3,295.78	3,461.01
0405	16.78	17.62	18.50	19.43	20.40	1,342.40	1,409.60	1,480.00	1,554.40	1,632.00	2,918.38	3,064.47	3,217.52	3,379.27	3,547.97
0406	17.20	18.06	18.97	19.91	20.91	1,376.00	1,444.80	1,517.60	1,592.80	1,672.80	2,991.42	3,141.00	3,299.26	3,462.75	3,636.67
0407	17.63	18.51	19.44	20.41	21.43	1,410.40	1,480.80	1,555.20	1,632.80	1,714.40	3,066.21	3,219.26	3,381.00	3,549.71	3,727.11
0408	18.07	18.98	19.93	20.92	21.97	1,445.60	1,518.40	1,594.40	1,673.60	1,757.60	3,142.73	3,301.00	3,466.23	3,638.41	3,821.02
0409	18.53	19.45	20.42	21.44	22.52	1,482.40	1,556.00	1,633.60	1,715.20	1,801.60	3,222.74	3,382.74	3,551.45	3,728.84	3,916.68
0410	18.99	19.94	20.93	21.98	23.08	1,519.20	1,595.20	1,674.40	1,758.40	1,846.40	3,302.74	3,467.96	3,640.15	3,822.76	4,014.07
0411	19.46	20.44	21.46	22.53	23.66	1,556.80	1,635.20	1,716.80	1,802.40	1,892.80	3,384.48	3,554.92	3,732.32	3,918.42	4,114.95
0412	19.95	20.95	21.99	23.09	24.25	1,596.00	1,676.00	1,759.20	1,847.20	1,940.00	3,469.70	3,643.62	3,824.50	4,015.81	4,217.56
0413	20.45	21.47	22.54	23.67	24.85	1,636.00	1,717.60	1,803.20	1,893.60	1,988.00	3,556.66	3,734.06	3,920.16	4,116.69	4,321.91
0414	20.96	22.01	23.11	24.26	25.47	1,676.80	1,760.80	1,848.80	1,940.80	2,037.60	3,645.36	3,827.98	4,019.29	4,219.30	4,429.74
0415	21.48	22.56	23.68	24.87	26.11	1,718.40	1,804.80	1,894.40	1,989.60	2,088.80	3,735.80	3,923.64	4,118.43	4,325.39	4,541.05
0416	22.02	23.12	24.28	25.49	26.76	1,761.60	1,849.60	1,942.40	2,039.20	2,140.80	3,829.72	4,021.03	4,222.78	4,433.22	4,654.10
0417	22.57	23.70	24.88	26.13	27.43	1,805.60	1,896.00	1,990.40	2,090.40	2,194.40	3,925.37	4,121.90	4,327.13	4,544.53	4,770.63
0418	23.13	24.29	25.51	26.78	28.12	1,850.40	1,943.20	2,040.80	2,142.40	2,249.60	4,022.77	4,224.52	4,436.70	4,657.58	4,890.63
0419	23.71	24.90	26.14	27.45	28.82	1,896.80	1,992.00	2,091.20	2,196.00	2,305.60	4,123.64	4,330.61	4,546.27	4,774.10	5,012.37
0420	24.31	25.52	26.80	28.14	29.54	1,944.80	2,041.60	2,144.00	2,251.20	2,363.20	4,228.00	4,438.44	4,661.06	4,894.11	5,137.60
0421	24.91	26.16	27.47	28.84	30.28	1,992.80	2,092.80	2,197.60	2,307.20	2,422.40	4,332.35	4,549.75	4,777.58	5,015.85	5,266.30
0422	25.54	26.81	28.15	29.56	31.04	2,043.20	2,144.80	2,252.00	2,364.80	2,483.20	4,441.92	4,662.80	4,895.85	5,141.08	5,398.48
0423	26.17	27.48	28.86	30.30	31.81	2,093.60	2,198.40	2,308.80	2,424.00	2,544.80	4,551.49	4,779.32	5,019.33	5,269.78	5,532.40
0424	26.83	28.17	29.58	31.06	32.61	2,146.40	2,253.60	2,366.40	2,484.80	2,608.80	4,666.27	4,899.33	5,144.55	5,401.96	5,671.53
0425	27.50	28.87	30.32	31.83	33.42	2,200.00	2,309.60	2,425.60	2,546.40	2,673.60	4,782.80	5,021.07	5,273.25	5,535.87	5,812.41
0426	28.19	29.59	31.07	32.63	34.26	2,255.20	2,367.20	2,485.60	2,610.40	2,740.80	4,902.80	5,146.29	5,403.69	5,675.01	5,958.50
0427	28.89	30.33	31.85	33.44	35.12	2,311.20	2,426.40	2,548.00	2,675.20	2,809.60	5,024.55	5,274.99	5,539.35	5,815.88	6,108.07
0428	29.61	31.09	32.65	34.28	35.99	2,368.80	2,487.20	2,612.00	2,742.40	2,879.20	5,149.77	5,407.17	5,678.49	5,961.98	6,259.38
0429	30.35	31.87	33.46	35.14	36.89	2,428.00	2,549.60	2,676.80	2,811.20	2,951.20	5,278.47	5,542.83	5,819.36	6,111.55	6,415.91
0430	31.11	32.67	34.30	36.01	37.81	2,488.80	2,613.60	2,744.00	2,880.80	3,024.80	5,410.65	5,681.97	5,965.46	6,262.86	6,575.92
0431	31.89	33.48	35.16	36.91	38.76	2,551.20	2,678.40	2,812.80	2,952.80	3,100.80	5,546.31	5,822.84	6,115.03	6,419.39	6,741.14
0432	32.69	34.32	36.04	37.84	39.73	2,615.20	2,745.60	2,883.20	3,027.20	3,178.40	5,685.44	5,968.93	6,268.08	6,581.13	6,909.84
0433	33.50	35.18	36.94	38.78	40.72	2,680.00	2,814.40	2,955.20	3,102.40	3,257.60	5,826.32	6,118.51	6,424.60	6,744.62	7,082.02
0434	34.34	36.06	37.86	39.75	41.74	2,747.20	2,884.80	3,028.80	3,180.00	3,339.20	5,972.41	6,271.56	6,584.61	6,913.32	7,259.42
0435	35.20	36.96	38.81	40.75	42.78	2,816.00	2,956.80	3,104.80	3,260.00	3,422.40	6,121.98	6,428.08	6,749.84	7,087.24	7,440.30
0436	36.08	37.88	39.78	41.76	43.85	2,886.40	3,030.40	3,182.40	3,340.80	3,508.00	6,275.03	6,588.09	6,918.54	7,262.90	7,626.39
0437	36.98	38.83	40.77	42.81	44.95	2,958.40	3,106.40	3,261.60	3,424.80	3,596.00	6,431.56	6,753.31	7,090.72	7,445.52	7,817.70
0438	37.91	39.80	41.79	43.88	46.07	3,032.80	3,184.00	3,343.20	3,510.40	3,685.60	6,593.31	6,922.02	7,268.12	7,631.61	8,012.49
0439	38.85	40.79	42.83	44.98	47.22	3,108.00	3,263.20	3,426.40	3,598.40	3,777.60	6,756.79	7,094.20	7,448.99	7,822.92	8,212.50

Exhibit "E"

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 20/21
 EFFECTIVE: JUNE, 23 2020

MCMA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0440	39.82	41.81	43.91	46.10	48.40	3,185.60	3,344.80	3,512.80	3,688.00	3,872.00	6,925.49	7,271.60	7,636.83	8,017.71	8,417.73
0441	40.82	42.86	45.00	47.25	49.61	3,265.60	3,428.80	3,600.00	3,780.00	3,968.80	7,099.41	7,454.21	7,826.40	8,217.72	8,628.17
0442	41.84	43.93	46.13	48.43	50.86	3,347.20	3,514.40	3,690.40	3,874.40	4,068.80	7,276.81	7,640.31	8,022.93	8,422.95	8,845.57
0443	42.89	45.03	47.28	49.64	52.13	3,431.20	3,602.40	3,782.40	3,971.20	4,170.40	7,459.43	7,831.62	8,222.94	8,633.39	9,066.45
0444	43.96	46.16	48.46	50.89	53.43	3,516.80	3,692.80	3,876.80	4,071.20	4,274.40	7,645.52	8,028.15	8,428.16	8,850.79	9,292.55
0445	45.06	47.31	49.67	52.16	54.77	3,604.80	3,784.80	3,973.60	4,172.80	4,381.60	7,836.84	8,228.16	8,638.61	9,071.67	9,525.60
0446	46.18	48.49	50.92	53.46	56.13	3,694.40	3,879.20	4,073.60	4,276.80	4,490.40	8,031.63	8,433.38	8,856.01	9,297.76	9,762.13
0447	47.34	49.70	52.19	54.80	57.54	3,787.20	3,976.00	4,175.20	4,384.00	4,603.20	8,233.37	8,643.82	9,076.88	9,530.82	10,007.36
0448	48.52	50.95	53.49	56.17	58.98	3,881.60	4,076.00	4,279.20	4,493.60	4,718.40	8,438.60	8,861.22	9,302.98	9,769.09	10,257.80
0449	49.73	52.22	54.83	57.57	60.45	3,978.40	4,177.60	4,386.40	4,605.60	4,836.00	8,649.04	9,082.10	9,536.03	10,012.57	10,513.46
0450	50.98	53.52	56.20	59.01	61.96	4,078.40	4,281.60	4,496.00	4,720.80	4,956.80	8,866.44	9,308.20	9,774.30	10,263.02	10,776.08
0451	52.25	54.86	57.61	60.49	63.51	4,180.00	4,388.80	4,608.80	4,839.20	5,080.80	9,087.32	9,541.25	10,019.53	10,520.42	11,045.66
0452	53.56	56.23	59.05	62.00	65.10	4,284.80	4,498.40	4,724.00	4,960.00	5,208.00	9,315.16	9,779.52	10,269.98	10,783.04	11,322.19
0453	54.90	57.64	60.52	63.55	66.72	4,392.00	4,611.20	4,841.60	5,084.00	5,337.60	9,548.21	10,024.75	10,525.64	11,052.62	11,603.94
0454	56.27	59.08	62.03	65.14	68.39	4,501.60	4,726.40	4,962.40	5,211.20	5,471.20	9,786.48	10,275.19	10,788.26	11,329.15	11,894.39
0455	57.67	60.56	63.59	66.76	70.10	4,613.60	4,844.80	5,087.20	5,340.80	5,608.00	10,029.97	10,532.60	11,059.57	11,610.90	12,191.79
0456	59.12	62.07	65.18	68.43	71.86	4,729.60	4,965.60	5,214.40	5,474.40	5,748.80	10,282.15	10,795.21	11,336.11	11,901.35	12,497.89
0457	60.59	63.62	66.80	70.14	73.65	4,847.20	5,089.60	5,344.00	5,611.20	5,892.00	10,537.81	11,064.79	11,617.86	12,198.75	12,809.21
0458	62.11	65.21	68.47	71.90	75.49	4,968.80	5,216.80	5,477.60	5,752.00	6,039.20	10,802.17	11,341.32	11,908.30	12,504.85	13,129.22
0459	63.66	66.84	70.19	73.70	77.38	5,092.80	5,347.20	5,615.20	5,896.00	6,190.40	11,071.75	11,624.81	12,207.44	12,817.90	13,457.93
0460	65.25	68.52	71.94	75.54	79.31	5,220.00	5,481.60	5,755.20	6,043.20	6,344.80	11,348.28	11,917.00	12,511.80	13,137.92	13,793.60

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 21/22
EFFECTIVE: JUNE, 22 2021**

MCMA

HOURLY

BI-WEEKLY

MONTHLY

	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0403	16.29	17.11	17.96	18.86	19.81	1,303.20	1,368.80	1,436.80	1,508.80	1,584.80	2,833.16	2,975.77	3,123.60	3,280.13	3,445.36
0404	16.70	17.54	18.41	19.33	20.30	1,336.00	1,403.20	1,472.80	1,546.40	1,624.00	2,904.46	3,050.56	3,201.87	3,361.87	3,530.58
0405	17.12	17.98	18.87	19.82	20.81	1,369.60	1,438.40	1,509.60	1,585.60	1,664.80	2,977.51	3,127.08	3,281.87	3,447.09	3,619.28
0406	17.55	18.42	19.35	20.31	21.33	1,404.00	1,473.60	1,548.00	1,624.80	1,706.40	3,052.30	3,203.61	3,365.35	3,532.32	3,709.71
0407	17.99	18.89	19.83	20.82	21.86	1,439.20	1,511.20	1,586.40	1,665.60	1,748.80	3,128.82	3,285.35	3,448.83	3,621.01	3,801.89
0408	18.44	19.36	20.32	21.34	22.41	1,475.20	1,548.80	1,625.60	1,707.20	1,792.80	3,207.08	3,367.09	3,534.05	3,711.45	3,897.55
0409	18.90	19.84	20.83	21.87	22.97	1,512.00	1,587.20	1,666.40	1,749.60	1,837.60	3,287.09	3,450.57	3,622.75	3,803.63	3,994.94
0410	19.37	20.34	21.35	22.42	23.54	1,549.60	1,627.20	1,708.00	1,793.60	1,883.20	3,368.83	3,537.53	3,713.19	3,899.29	4,094.08
0411	19.85	20.85	21.89	22.98	24.13	1,588.00	1,668.00	1,751.20	1,838.40	1,930.40	3,452.31	3,626.23	3,807.11	3,996.68	4,196.69
0412	20.35	21.37	22.43	23.56	24.73	1,628.00	1,709.60	1,794.40	1,884.80	1,978.40	3,539.27	3,716.67	3,901.03	4,097.56	4,301.04
0413	20.86	21.90	22.99	24.14	25.35	1,668.80	1,752.00	1,839.20	1,931.20	2,028.00	3,627.97	3,808.85	3,998.42	4,198.43	4,408.87
0414	21.38	22.45	23.57	24.75	25.99	1,710.40	1,796.00	1,885.60	1,980.00	2,079.20	3,718.41	3,904.50	4,099.29	4,304.52	4,520.18
0415	21.91	23.01	24.16	25.37	26.63	1,752.80	1,840.80	1,932.80	2,029.60	2,130.40	3,810.59	4,001.90	4,201.91	4,412.35	4,631.49
0416	22.46	23.58	24.76	26.00	27.30	1,796.80	1,886.40	1,980.80	2,080.00	2,184.00	3,906.24	4,101.03	4,306.26	4,521.92	4,748.02
0417	23.02	24.17	25.38	26.65	27.98	1,841.60	1,933.60	2,030.40	2,132.00	2,238.40	4,003.64	4,203.65	4,414.09	4,634.97	4,866.28
0418	23.60	24.78	26.02	27.32	28.68	1,888.00	1,982.40	2,081.60	2,185.60	2,294.40	4,104.51	4,309.74	4,525.40	4,751.49	4,988.03
0419	24.19	25.40	26.67	28.00	29.40	1,935.20	2,032.00	2,133.60	2,240.00	2,352.00	4,207.12	4,417.57	4,638.45	4,869.76	5,113.25
0420	24.79	26.03	27.33	28.70	30.13	1,983.20	2,082.40	2,186.40	2,296.00	2,410.40	4,311.48	4,527.14	4,753.23	4,991.50	5,240.21
0421	25.41	26.68	28.02	29.42	30.89	2,032.80	2,134.40	2,241.60	2,353.60	2,471.20	4,419.31	4,640.19	4,873.24	5,116.73	5,372.39
0422	26.05	27.35	28.72	30.15	31.66	2,084.00	2,188.00	2,297.60	2,412.00	2,532.80	4,530.62	4,756.71	4,994.98	5,243.69	5,506.31
0423	26.70	28.03	29.43	30.91	32.45	2,136.00	2,242.40	2,354.40	2,472.80	2,596.00	4,643.66	4,874.98	5,118.47	5,375.87	5,643.70
0424	27.37	28.73	30.17	31.68	33.26	2,189.60	2,298.40	2,413.60	2,534.40	2,660.80	4,760.19	4,996.72	5,247.17	5,509.79	5,784.58
0425	28.05	29.45	30.92	32.47	34.09	2,244.00	2,356.00	2,473.60	2,597.60	2,727.20	4,878.46	5,121.94	5,377.61	5,647.18	5,928.93
0426	28.75	30.19	31.70	33.28	34.95	2,300.00	2,415.20	2,536.00	2,662.40	2,796.00	5,000.20	5,250.64	5,513.26	5,788.06	6,078.50
0427	29.47	30.94	32.49	34.11	35.82	2,357.60	2,475.20	2,599.20	2,728.80	2,865.60	5,125.42	5,381.08	5,650.66	5,932.41	6,229.81
0428	30.21	31.72	33.30	34.97	36.71	2,416.80	2,537.60	2,664.00	2,797.60	2,936.80	5,254.12	5,516.74	5,791.54	6,081.98	6,384.60
0429	30.96	32.51	34.13	35.84	37.63	2,476.80	2,600.80	2,730.40	2,867.20	3,010.40	5,384.56	5,654.14	5,935.89	6,233.29	6,544.61
0430	31.73	33.32	34.99	36.74	38.57	2,538.40	2,665.60	2,799.20	2,939.20	3,085.60	5,518.48	5,795.01	6,085.46	6,389.82	6,708.09
0431	32.53	34.15	35.86	37.65	39.54	2,602.40	2,732.00	2,868.80	3,012.00	3,163.20	5,657.62	5,939.37	6,236.77	6,548.09	6,876.80
0432	33.34	35.01	36.76	38.60	40.53	2,667.20	2,800.80	2,940.80	3,088.00	3,242.40	5,798.49	6,088.94	6,393.30	6,713.31	7,048.98
0433	34.17	35.88	37.68	39.56	41.54	2,733.60	2,870.40	3,014.40	3,164.80	3,323.20	5,942.85	6,240.25	6,553.31	6,880.28	7,224.64
0434	35.03	36.78	38.62	40.55	42.58	2,802.40	2,942.40	3,089.60	3,244.00	3,406.40	6,092.42	6,396.78	6,716.79	7,052.46	7,405.51
0435	35.90	37.70	39.58	41.56	43.64	2,872.00	3,016.00	3,166.40	3,324.80	3,491.20	6,243.73	6,556.78	6,883.75	7,228.12	7,589.87
0436	36.80	38.64	40.57	42.60	44.73	2,944.00	3,091.20	3,245.60	3,408.00	3,578.40	6,400.26	6,720.27	7,055.93	7,408.99	7,779.44
0437	37.72	39.61	41.59	43.67	45.85	3,017.60	3,168.80	3,327.20	3,493.60	3,668.00	6,560.26	6,888.97	7,233.33	7,595.09	7,974.23
0438	38.66	40.60	42.63	44.76	47.00	3,092.80	3,248.00	3,410.40	3,580.80	3,760.00	6,723.75	7,061.15	7,414.21	7,784.66	8,174.24
0439	39.63	41.61	43.69	45.88	48.17	3,170.40	3,328.80	3,495.20	3,670.40	3,853.60	6,892.45	7,236.81	7,598.56	7,979.45	8,377.73

Exhibit "F"

CITY OF MODESTO
 SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 21/22
 EFFECTIVE: JUNE, 22 2021

MCMA

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0440	40.62	42.65	44.78	47.02	49.37	3,249.60	3,412.00	3,582.40	3,761.60	3,949.60	7,064.63	7,417.69	7,788.14	8,177.72	8,586.43
0441	41.64	43.72	45.90	48.20	50.61	3,331.20	3,497.60	3,672.00	3,856.00	4,048.80	7,242.03	7,603.78	7,982.93	8,382.94	8,802.09
0442	42.68	44.81	47.05	49.40	51.87	3,414.40	3,584.80	3,764.00	3,952.00	4,149.60	7,422.91	7,793.36	8,182.94	8,591.65	9,021.23
0443	43.74	45.93	48.23	50.64	53.17	3,499.20	3,674.40	3,858.40	4,051.20	4,253.60	7,607.26	7,988.15	8,388.16	8,807.31	9,247.33
0444	44.84	47.08	49.43	51.91	54.50	3,587.20	3,766.40	3,954.40	4,152.80	4,360.00	7,798.57	8,188.15	8,596.87	9,028.19	9,478.64
0445	45.96	48.26	50.67	53.20	55.86	3,676.80	3,860.80	4,053.60	4,256.00	4,468.80	7,993.36	8,393.38	8,812.53	9,252.54	9,715.17
0446	47.11	49.46	51.94	54.53	57.26	3,768.80	3,956.80	4,155.20	4,362.40	4,580.80	8,193.37	8,602.08	9,033.40	9,483.86	9,958.66
0447	48.29	50.70	53.23	55.90	58.69	3,863.20	4,056.00	4,258.40	4,472.00	4,695.20	8,398.60	8,817.74	9,257.76	9,722.13	10,207.36
0448	49.49	51.97	54.56	57.29	60.16	3,959.20	4,157.60	4,364.80	4,583.20	4,812.80	8,607.30	9,038.62	9,489.08	9,963.88	10,463.03
0449	50.73	53.27	55.93	58.73	61.66	4,058.40	4,261.60	4,474.40	4,698.40	4,932.80	8,822.96	9,264.72	9,727.35	10,214.32	10,723.91
0450	52.00	54.60	57.33	60.19	63.20	4,160.00	4,368.00	4,586.40	4,815.20	5,056.00	9,043.84	9,496.03	9,970.83	10,468.24	10,991.74
0451	53.30	55.96	58.76	61.70	64.78	4,264.00	4,476.80	4,700.80	4,936.00	5,182.40	9,269.94	9,732.56	10,219.54	10,730.86	11,266.54
0452	54.63	57.36	60.23	63.24	66.40	4,370.40	4,588.80	4,818.40	5,059.20	5,312.00	9,501.25	9,976.05	10,475.20	10,998.70	11,548.29
0453	56.00	58.80	61.73	64.82	68.06	4,480.00	4,704.00	4,938.40	5,185.60	5,444.80	9,739.52	10,226.50	10,736.08	11,273.49	11,837.00
0454	57.40	60.26	63.28	66.44	69.76	4,592.00	4,820.80	5,062.40	5,315.20	5,580.80	9,983.01	10,480.42	11,005.66	11,555.24	12,132.66
0455	58.83	61.77	64.86	68.10	71.51	4,706.40	4,941.60	5,188.80	5,448.00	5,720.80	10,231.71	10,743.04	11,280.45	11,843.95	12,437.02
0456	60.30	63.32	66.48	69.80	73.29	4,824.00	5,065.60	5,318.40	5,584.00	5,863.20	10,487.38	11,012.61	11,562.20	12,139.62	12,746.60
0457	61.81	64.90	68.14	71.55	75.13	4,944.80	5,192.00	5,451.20	5,724.00	6,010.40	10,750.00	11,287.41	11,850.91	12,443.98	13,066.61
0458	63.35	66.52	69.85	73.34	77.01	5,068.00	5,321.60	5,588.00	5,867.20	6,160.80	11,017.83	11,569.16	12,148.31	12,755.29	13,393.58
0459	64.94	68.18	71.59	75.17	78.93	5,195.20	5,454.40	5,727.20	6,013.60	6,314.40	11,294.36	11,857.87	12,450.93	13,073.57	13,727.51
0460	66.56	69.89	73.38	77.05	80.90	5,324.80	5,591.20	5,870.40	6,164.00	6,472.00	11,576.12	12,155.27	12,762.25	13,400.54	14,070.13

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment	Year 3 Adjustment
Account Clerk II Conf	Two salary ranges (approximately 5.0%)	One salary range	One salary range	No further adjustment
Accounting Technician Confidential	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Administrative Analyst I	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Administrative Analyst II (Exempt)	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Administrative Office Assistant II Conf	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Administrative Office Assistant III Conf	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Administrative Services Officer	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Administrative Services Technician I Conf	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Administrative Services Technician II Conf	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Animal Control Supervisor	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Assistant City Clerk	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Associate Land Surveyor	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Associate Planner	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Business Analyst	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Chief Building Official	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
City Engineer	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Community and Media Relations Officer	Five salary ranges (approximately 12.5%)	Two salary ranges	Two salary ranges	One salary range
Community Development Manager	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Cultural Services Program Manager	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment	Year 3 Adjustment
Customer Services Supervisor (also propose to change title to Revenue Collection and Compliance Supervisor) ¹	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Deputy Fire Marshal	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Economic Development Marketing Specialist	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Emergency Medical Services Coordinator	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Environmental Regulatory Compliance Manager	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Events Coordinator	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Executive Assistant	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Financial Analyst I	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Financial Analyst II	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Financial Analyst III	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Fleet Manager	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range
Human Resources Analyst I	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range
Human Resources Analyst II	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range
Information Technology Manager	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
IT Systems Security Officer (was Principal IT Administrator)	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Laboratory Supervisor	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment

¹ We would also like to change the title for the Customer Services Manager to “Revenue Collection and Compliance Manager” and to establish a 15% span between that position and the Customer Services Supervisor (currently approximately 20%).

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment	Year 3 Adjustment
Legal Secretary I	Four salary ranges (approximately 10%)	Two salary ranges	One salary range	One salary range
Legal Secretary II	Four salary ranges (approximately 10%)	Two salary ranges	One salary range	One salary range
Management Analyst	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Office Supervisor	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Operations Supervisor	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Organizational Development Coordinator	Four salary ranges (approximately 10%)	Two salary ranges	One salary range	One salary range
Parking Adjudication Program Coordinator	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Parking Services Supervisor	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Parks Planning & Development Manager	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Parks Project Coordinator	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Plant Maintenance Supervisor	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Police Civilian Supervisor	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Police Clerk II Conf	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range
Police Range and Training Center Coordinator	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Public Safety Business Services Analyst	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Purchasing Manager	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Risk and Loss Control Coordinator	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Safety Officer	Four salary ranges (approximately 10.0%)	Two salary ranges	One salary range	One salary range
Senior Administrative Office Assistant Conf	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment

Classification	Total Adjustment	Year 1 Adjustment	Year 2 Adjustment	Year 3 Adjustment
Senior Business Analyst	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Senior Financial Analyst	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Senior Human Resources Analyst	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Senior Legal Secretary	Seven salary ranges (approximately 17.5%)	Three salary ranges	Two salary ranges	Two salary ranges
Senior Software Analyst	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Senior Systems Engineer	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Senior Systems Technician	Four salary ranges (approximately 10.0%)	Two salary ranges	One salary range	One salary range
Software Analyst I	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Software Analyst II	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Streets Manager	Three salary ranges (approximately 7.5%)	One salary range	One salary range	One salary range
Systems Engineer I	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Systems Engineer II	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Systems Technician I	Four salary ranges (approximately 10.0%)	Two salary ranges	One salary range	One salary range
Systems Technician II	Four salary ranges (approximately 10.0%)	Two salary ranges	One salary range	One salary range
Transit Analyst	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Utilities Plant Operations Supervisor	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Utilities Services Supervisor	One salary range (approximately 2.5%)	One salary range	No further adjustment	No further adjustment
Utility Dispatch Supervisor	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment
Weed and Seed Program Coordinator	Two salary ranges (approximately 5%)	One salary range	One salary range	No further adjustment

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**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-531**

**RESOLUTION GRANTING SALARY CHANGES TO NON-SWORN
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES
INCLUDING CHARTER OFFICERS AND EXECUTIVES, EFFECTIVE
NOVEMBER 26, 2019, RESCINDING RESOLUTION NO. 2019-372, AND
AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO TAKE THE
NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES**

WHEREAS, on August 13, 2019, by Resolution No. 2019-372, Council approved Class Range Tables and salary schedule changes for unrepresented Management and Confidential employees, including Charter Officers and Executives, and unrepresented sworn police employees, and

WHEREAS, the Council of the City of Modesto adopted language for a successor agreement with Modesto Confidential and Management Association (MCMA) on November 26, 2019 which included salary increases, and

WHEREAS, the City desires to approve a change to the effective date of this salary adjustment, and

WHEREAS, the City desires to approve a two percent (2.0%) base salary increase for all unrepresented Management and Confidential employees, including Charter Officers and Executives, effective November 26, 2019; followed by an additional two percent (2.0%) base salary increase for all unrepresented Management and Confidential employees, including Charter Officers and Executives, effective June 23, 2020 and an additional two (2.0%) base salary increase for all unrepresented Management and Confidential employees, including Charter Officers and Executives, effective June 22, 2021, and an additional two (2.0%) base salary increase for all unrepresented Management and Confidential employees, including Charter Officers and Executives, employees effective

June 21, 2022, and

WHEREAS, the City desires to maintain competitive position with the labor market.

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

1. SALARY RANGES, RATES AND EFFECTIVE DATES. The salary rates, salary ranges and salary steps as set forth in the following exhibits which are **attached** hereto and made a part hereof provide for a two (2.0%) percent across-the-board salary adjustment for unrepresented Management and Confidential employees, including Charter Officers and Executives, effective November 26, 2019; salary ranges increased by two (2.0%) percent effective June 23, 2020 for unrepresented Management and Confidential employees, including Charter Officers and Executives; an additional two (2.0%) percent increase effective June 22, 2021 for unrepresented Management and Confidential employees, including Charter Officers and Executives; and an additional two (2.0%) percent base salary increase for all unrepresented Management and Confidential employees, including Charter Officers and Executives, effective June 21, 2022. 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 "A"** entitled "City Of Modesto Class Range Table, Unrepresented Management and Confidential Non-Sworn Classes, Effective November 26, 2019."
2. **Exhibit "B"** entitled "City Of Modesto Class Range Table, Unrepresented Management and Confidential Non-Sworn Classes, Effective June 23, 2020."

3. **Exhibit "B-1"** entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective June 22, 2021."
4. **Exhibit "C"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 19/20, Effective November 26, 2019 - Management/Confidential – Non-Sworn Unrepresented."
5. **Exhibit "D"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 20/21, Effective June 23, 2020 Management/Confidential – Non-Sworn Unrepresented."
6. **Exhibit "E"** entitled "City of Modesto Schedule Of Salary Ranges In City Service for FY 21/22, Effective June 22, 2021 Management/Confidential – Non-Sworn Unrepresented."
7. **Exhibit "E-1"** entitled "City of Modesto Schedule Of Salary Ranges In City Service for FY 21/22, Effective June 21, 2022 Management/Confidential – Non-Sworn Unrepresented."
8. **Exhibit "F"** entitled "City Of Modesto Class Range Table, Executive Management, Effective November 26, 2019" which includes Charter Officers.
9. **Exhibit "G"** entitled "City Of Modesto Class Range Table, Executive Management, Effective June 23, 2020" which includes Charter Officers.
10. **Exhibit "G-1"** entitled "City Of Modesto Class Range Table, Executive Management, Effective June 22, 2021" which includes Charter Officers.
11. **Exhibit "H"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 19/20, Effective November 26, 2019 - Executive Management."
12. **Exhibit "I"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 20/21, Effective June 23,2020 - Executive Management."
13. **Exhibit "J"** entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 21/22, Effective June 22, 2021 – Executive Management."
14. **Exhibit "J-1"** entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 22/23, Effective June 21, 2022 – Executive

Management.”

15. **Exhibit “K”** entitled “City of Modesto Schedule Of Salary Ranges in City Service For FY 18/19, Effective April 16, 2019 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.
16. **Exhibit “L”** entitled “City of Modesto Schedule Of Salary Ranges in City Service For FY 19/20, Effective June 25, 2019 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.
17. **Exhibit “M”** entitled “City of Modesto Schedule Of Salary Ranges in City Service for FY 20/21, Effective June 23, 2020 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.
18. **Exhibit “N”** entitled “City of Modesto Schedule Of Salary Ranges in City Service for FY 18/19, Effective April 16, 2019 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief.”
19. **Exhibit “P”** entitled “City of Modesto Schedule Of Salary Ranges in City Service for FY 19/20, Effective June 25, 2019 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief.”
20. **Exhibit “Q”** entitled “City of Modesto Schedule Of Salary Ranges in City Service for FY 20/21, Effective June 23, 2020 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief.”
21. **Exhibit “T”** City of Modesto Schedule of Salary Ranges In City Service For FY 18/19, Effective April 16, 2019 – Unrepresented - Fire Chief
22. **Exhibit “V”** City of Modesto Schedule of Salary Ranges In City Service For FY 19/20, Effective June 25, 2019 – Unrepresented - Fire Chief
23. **Exhibit “W”** City of Modesto Schedule of Salary Ranges In City Service For FY 20/21, Effective June 23, 2020 – Unrepresented – Fire Chief
24. **Exhibit “Y”** entitled “City of Modesto Class Range Table, Fire Management Classes, Effective July 12, 2016.
25. **Exhibit “Z”** entitled “City of Modesto Class Range Table, Sworn Fire Executive Management Classes, Effective July 12, 2016.
26. **Exhibit “A-1”** entitled “City of Modesto Class Range Table, Police

Management Classes (Unrepresented), Effective January 10, 2017.

27. **Exhibit “A-2”** City of Modesto Schedule of Salary Ranges in City Service for FY 20/21, Effective June 23, 2020 – Management/Confidential Police Captains – Unrepresented.
28. **Exhibit “A-3”** City of Modesto Schedule of Salary Ranges in City Service for FY 21/22, Effective June 22, 2021 – Management/Confidential Police Captains – Unrepresented.
29. **Exhibit “A-4”** City of Modesto Schedule of Salary Ranges in City Service for FY 22/23, Effective June 21, 2022 – Management/Confidential Police Captains – Unrepresented.
30. **Exhibit “A-5”** City of Modesto Schedule of Salary Ranges in City Service for FY 20/21, Effective June 23, 2020 – Management/Confidential Police Chief – Unrepresented.
31. **Exhibit “A-6”** City of Modesto Schedule of Salary Ranges in City Service for FY 21/22, Effective June 22, 2021 – Management/Confidential Police Chief – Unrepresented.
32. **Exhibit “A-7”** City of Modesto Schedule of Salary Ranges in City Service for FY 22/23, Effective June 21, 2022 – Management/Confidential Police Chief – Unrepresented.

2. **CHARTER OFFICERS.** The salaries for the positions of the Charter

Officers shall be as follows effective November 26, 2019:

<u>TITLE</u>	<u>HOURLY</u>	<u>BI-WEEKLY</u>	<u>MONTHLY</u>
City Manager	115.10	9,208.00	20,018.19
City Attorney	96.83	7,746.40	16,840.67
City Auditor	65.23	5,218.40	11,344.80
City Clerk	66.86	5,348.80	11,628.29

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.

8. REPEAL. Resolution No. 2019-372 is hereby rescinded effective November 26, 2019.

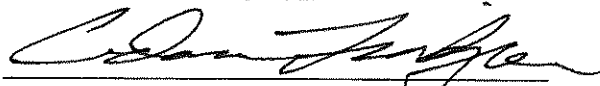
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **November 26, 2019**

RANGE	TITLE
2422	Executive Assistant
2426	Office Supervisor - Personnel
2427	Executive Assistant to the City Council Executive Assistant to the City Manager Paralegal
2428	Legal Services Administrator
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager
2440	Employee Relations Coordinator
2444	Deputy City Attorney I
2445	Risk Manager
2446	Human Resources Manager
2448	Deputy City Attorney II
2451	Budget Manager
2452	Deputy City Attorney III 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
2455	Deputy Director of Utility Planning and Projects
2456	Senior Deputy City Attorney
2462	Assistant City Attorney

CITY OF MODESTO
 CLASS RANGE TABLE
 UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
 Effective **June 23, 2020**

RANGE	TITLE
2423	Executive Assistant
2427	Office Supervisor - Personnel
2428	Executive Assistant to the City Council Executive Assistant to the City Manager Legal Services Administrator Paralegal
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager
2441	Employee Relations Coordinator
2444	Deputy City Attorney I
2447	Human Resources Manager Risk Manager
2448	Deputy City Attorney II
2451	Budget Manager
2452	Deputy City Attorney III 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
2455	Deputy Director of Utility Planning and Projects
2456	Senior Deputy City Attorney
2462	Assistant City Attorney

CITY OF MODESTO
 CLASS RANGE TABLE
 UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
 Effective **June 22, 2021**

RANGE	TITLE
2423	Executive Assistant
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2455	Deputy Director of Utility Planning and Projects
2456	Senior Deputy City Attorney
2462	Assistant City Attorney

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 19/20
EFFECTIVE: NOVEMBER 26 2019**

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	23.79	24.98	26.23	27.54	28.92	1,903.20	1,998.40	2,098.40	2,203.20	2,313.60	4,137.56	4,344.52	4,561.92	4,789.76	5,029.77
2420	24.39	25.61	26.89	28.23	29.64	1,951.20	2,048.80	2,151.20	2,258.40	2,371.20	4,241.91	4,454.09	4,676.71	4,909.76	5,154.99
2421	25.00	26.25	27.56	28.94	30.39	2,000.00	2,100.00	2,204.80	2,315.20	2,431.20	4,348.00	4,565.40	4,793.24	5,033.24	5,285.43
2422	25.62	26.91	28.25	29.66	31.15	2,049.60	2,152.80	2,260.00	2,372.80	2,492.00	4,455.83	4,680.19	4,913.24	5,158.47	5,417.61
2423	26.26	27.58	28.96	30.40	31.92	2,100.80	2,206.40	2,316.80	2,432.00	2,553.60	4,567.14	4,796.71	5,036.72	5,287.17	5,551.53
2424	26.92	28.27	29.68	31.16	32.72	2,153.60	2,261.60	2,374.40	2,492.80	2,617.60	4,681.93	4,916.72	5,161.95	5,419.35	5,690.66
2425	27.59	28.97	30.42	31.94	33.54	2,207.20	2,317.60	2,433.60	2,555.20	2,683.20	4,798.45	5,038.46	5,290.65	5,555.00	5,833.28
2426	28.28	29.70	31.18	32.74	34.38	2,262.40	2,376.00	2,494.40	2,619.20	2,750.40	4,918.46	5,165.42	5,422.83	5,694.14	5,979.37
2427	28.99	30.44	31.96	33.56	35.24	2,319.20	2,435.20	2,556.80	2,684.80	2,819.20	5,041.94	5,294.12	5,558.48	5,836.76	6,128.94
2428	29.72	31.20	32.76	34.40	36.12	2,377.60	2,496.00	2,620.80	2,752.00	2,889.60	5,168.90	5,426.30	5,697.62	5,982.85	6,281.99
2429	30.46	31.98	33.58	35.26	37.02	2,436.80	2,558.40	2,686.40	2,820.80	2,961.60	5,297.60	5,561.96	5,840.23	6,132.42	6,438.52
2430	31.22	32.78	34.42	36.14	37.95	2,497.60	2,622.40	2,753.60	2,891.20	3,036.00	5,429.78	5,701.10	5,986.33	6,285.47	6,600.26
2431	32.00	33.60	35.28	37.04	38.90	2,560.00	2,688.00	2,822.40	2,963.20	3,112.00	5,565.44	5,843.71	6,135.90	6,442.00	6,765.49
2432	32.80	34.44	36.16	37.97	39.87	2,624.00	2,755.20	2,892.80	3,037.60	3,189.60	5,704.58	5,989.80	6,288.95	6,603.74	6,934.19
2433	33.62	35.30	37.07	38.92	40.86	2,689.60	2,824.00	2,965.60	3,113.60	3,268.80	5,847.19	6,139.38	6,447.21	6,768.97	7,106.37
2434	34.46	36.18	37.99	39.89	41.89	2,756.80	2,894.40	3,039.20	3,191.20	3,351.20	5,993.28	6,292.43	6,607.22	6,937.67	7,285.51
2435	35.32	37.09	38.94	40.89	42.93	2,825.60	2,967.20	3,115.20	3,271.20	3,434.40	6,142.85	6,450.69	6,772.44	7,111.59	7,466.39
2436	36.20	38.01	39.91	41.91	44.01	2,896.00	3,040.80	3,192.80	3,352.80	3,520.80	6,295.90	6,610.70	6,941.15	7,288.99	7,654.22
2437	37.11	38.96	40.91	42.96	45.11	2,968.80	3,116.80	3,272.80	3,436.80	3,608.80	6,454.17	6,775.92	7,115.07	7,471.60	7,845.53
2438	38.04	39.94	41.94	44.03	46.23	3,043.20	3,195.20	3,355.20	3,522.40	3,698.40	6,615.92	6,946.36	7,294.20	7,657.70	8,040.32
2439	38.99	40.94	42.98	45.13	47.39	3,119.20	3,275.20	3,438.40	3,610.40	3,791.20	6,781.14	7,120.28	7,475.08	7,849.01	8,242.07
2440	39.96	41.96	44.06	46.26	48.57	3,196.80	3,356.80	3,524.80	3,700.80	3,885.60	6,949.84	7,297.68	7,662.92	8,045.54	8,447.29
2441	40.96	43.01	45.16	47.42	49.79	3,276.80	3,440.80	3,612.80	3,793.60	3,983.20	7,123.76	7,480.30	7,854.23	8,247.29	8,659.48
2442	41.99	44.08	46.29	48.60	51.03	3,359.20	3,526.40	3,703.20	3,888.00	4,082.40	7,302.90	7,666.39	8,050.76	8,452.51	8,875.14
2443	43.03	45.19	47.45	49.82	52.31	3,442.40	3,615.20	3,796.00	3,985.60	4,184.80	7,483.78	7,859.44	8,252.50	8,664.69	9,097.76
2444	44.11	46.32	48.63	51.06	53.62	3,528.80	3,705.60	3,890.40	4,084.80	4,289.60	7,671.61	8,055.97	8,457.73	8,880.36	9,325.59
2445	45.21	47.47	49.85	52.34	54.96	3,616.80	3,797.60	3,988.00	4,187.20	4,396.80	7,862.92	8,255.98	8,669.91	9,102.97	9,558.64
2446	46.34	48.66	51.09	53.65	56.33	3,707.20	3,892.80	4,087.20	4,292.00	4,506.40	8,059.45	8,462.95	8,885.57	9,330.81	9,796.91
2447	47.50	49.88	52.37	54.99	57.74	3,800.00	3,990.40	4,189.60	4,399.20	4,619.20	8,261.20	8,675.13	9,108.19	9,563.86	10,042.14
2448	48.69	51.12	53.68	56.36	59.18	3,895.20	4,089.60	4,294.40	4,508.80	4,734.40	8,468.16	8,890.79	9,336.03	9,802.13	10,292.59
2449	49.91	52.40	55.02	57.77	60.66	3,992.80	4,192.00	4,401.60	4,621.60	4,852.80	8,680.35	9,113.41	9,569.08	10,047.36	10,549.99
2450	51.15	53.71	56.40	59.22	62.18	4,092.00	4,296.80	4,512.00	4,737.60	4,974.40	8,896.01	9,341.24	9,809.09	10,299.54	10,814.35
2451	52.43	55.05	57.81	60.70	63.73	4,194.40	4,404.00	4,624.80	4,856.00	5,098.40	9,118.63	9,574.30	10,054.32	10,556.94	11,083.92
2452	53.74	56.43	59.25	62.21	65.32	4,299.20	4,514.40	4,740.00	4,976.80	5,225.60	9,346.46	9,814.31	10,304.76	10,819.56	11,360.45
2453	55.09	57.84	60.73	63.77	66.96	4,407.20	4,627.20	4,858.40	5,101.60	5,356.80	9,581.25	10,059.53	10,562.16	11,090.88	11,645.68

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 19/20
EFFECTIVE: NOVEMBER 26 2019**

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2454	56.46	59.29	62.25	65.36	68.63	4,516.80	4,743.20	4,980.00	5,228.80	5,490.40	9,819.52	10,311.72	10,826.52	11,367.41	11,936.13
2455	57.88	60.77	63.81	67.00	70.35	4,630.40	4,861.60	5,104.80	5,360.00	5,628.00	10,066.49	10,569.12	11,097.84	11,652.64	12,235.27
2456	59.32	62.29	65.40	68.67	72.10	4,745.60	4,983.20	5,232.00	5,493.60	5,768.00	10,316.93	10,833.48	11,374.37	11,943.09	12,539.63
2457	60.80	63.84	67.04	70.39	73.91	4,864.00	5,107.20	5,363.20	5,631.20	5,912.80	10,574.34	11,103.05	11,659.60	12,242.23	12,854.43
2458	62.32	65.44	68.71	72.15	75.75	4,985.60	5,235.20	5,496.80	5,772.00	6,060.00	10,838.69	11,381.32	11,950.04	12,548.33	13,174.44
2459	63.88	67.08	70.43	73.95	77.65	5,110.40	5,366.40	5,634.40	5,916.00	6,212.00	11,110.01	11,666.55	12,249.19	12,861.38	13,504.89
2460	65.48	68.75	72.19	75.80	79.59	5,238.40	5,500.00	5,775.20	6,064.00	6,367.20	11,388.28	11,957.00	12,555.28	13,183.14	13,842.29
2461	67.12	70.47	74.00	77.69	81.58	5,369.60	5,637.60	5,920.00	6,215.20	6,526.40	11,673.51	12,256.14	12,870.08	13,511.84	14,188.39
2462	68.79	72.23	75.85	79.64	83.62	5,503.20	5,778.40	6,068.00	6,371.20	6,689.60	11,963.96	12,562.24	13,191.83	13,850.99	14,543.19

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 20/21
EFFECTIVE: JUNE, 23 2020**

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	24.27	25.49	26.76	28.10	29.51	1,941.60	2,039.20	2,140.80	2,248.00	2,360.80	4,221.04	4,433.22	4,654.10	4,887.15	5,132.38
2420	24.88	26.13	27.43	28.80	30.24	1,990.40	2,090.40	2,194.40	2,304.00	2,419.20	4,327.13	4,544.53	4,770.63	5,008.90	5,259.34
2421	25.50	26.78	28.12	29.52	31.00	2,040.00	2,142.40	2,249.60	2,361.60	2,480.00	4,434.96	4,657.58	4,890.63	5,134.12	5,391.52
2422	26.14	27.45	28.82	30.26	31.77	2,091.20	2,196.00	2,305.60	2,420.80	2,541.60	4,546.27	4,774.10	5,012.37	5,262.82	5,525.44
2423	26.79	28.13	29.54	31.02	32.57	2,143.20	2,250.40	2,363.20	2,481.60	2,605.60	4,659.32	4,892.37	5,137.60	5,395.00	5,664.57
2424	27.46	28.84	30.28	31.79	33.38	2,196.80	2,307.20	2,422.40	2,543.20	2,670.40	4,775.84	5,015.85	5,266.30	5,528.92	5,805.45
2425	28.15	29.56	31.04	32.59	34.22	2,252.00	2,364.80	2,483.20	2,607.20	2,737.60	4,895.85	5,141.08	5,398.48	5,668.05	5,951.54
2426	28.85	30.30	31.81	33.40	35.07	2,308.00	2,424.00	2,544.80	2,672.00	2,805.60	5,017.59	5,269.78	5,532.40	5,808.93	6,099.37
2427	29.58	31.05	32.61	34.24	35.95	2,366.40	2,484.00	2,608.80	2,739.20	2,876.00	5,144.55	5,400.22	5,671.53	5,955.02	6,252.42
2428	30.31	31.83	33.42	35.09	36.85	2,424.80	2,546.40	2,673.60	2,807.20	2,948.00	5,271.52	5,535.87	5,812.41	6,102.85	6,408.95
2429	31.07	32.63	34.26	35.97	37.77	2,485.60	2,610.40	2,740.80	2,877.60	3,021.60	5,403.69	5,675.01	5,958.50	6,255.90	6,568.96
2430	31.85	33.44	35.11	36.87	38.71	2,548.00	2,675.20	2,808.80	2,949.60	3,096.80	5,539.35	5,815.88	6,106.33	6,412.43	6,732.44
2431	32.65	34.28	35.99	37.79	39.68	2,612.00	2,742.40	2,879.20	3,023.20	3,174.40	5,678.49	5,961.98	6,259.38	6,572.44	6,901.15
2432	33.46	35.13	36.89	38.74	40.67	2,676.80	2,810.40	2,951.20	3,099.20	3,253.60	5,819.36	6,109.81	6,415.91	6,737.66	7,073.33
2433	34.30	36.01	37.81	39.70	41.69	2,744.00	2,880.80	3,024.80	3,176.00	3,335.20	5,965.46	6,262.86	6,575.92	6,904.62	7,250.72
2434	35.16	36.91	38.76	40.70	42.73	2,812.80	2,952.80	3,100.80	3,256.00	3,418.40	6,115.03	6,419.39	6,741.14	7,078.54	7,431.60
2435	36.03	37.84	39.73	41.71	43.80	2,882.40	3,027.20	3,178.40	3,336.80	3,504.00	6,266.34	6,581.13	6,909.84	7,254.20	7,617.70
2436	36.93	38.78	40.72	42.76	44.89	2,954.40	3,102.40	3,257.60	3,420.80	3,591.20	6,422.87	6,744.62	7,082.02	7,436.82	7,807.27
2437	37.86	39.75	41.74	43.82	46.02	3,028.80	3,180.00	3,339.20	3,505.60	3,681.60	6,584.61	6,913.32	7,259.42	7,621.17	8,003.80
2438	38.80	40.74	42.78	44.92	47.17	3,104.00	3,259.20	3,422.40	3,593.60	3,773.60	6,748.10	7,085.50	7,440.30	7,812.49	8,203.81
2439	39.77	41.76	43.85	46.04	48.34	3,181.60	3,340.80	3,508.00	3,683.20	3,867.20	6,916.80	7,262.90	7,626.39	8,007.28	8,407.29
2440	40.77	42.81	44.95	47.19	49.55	3,261.60	3,424.80	3,596.00	3,775.20	3,964.00	7,090.72	7,445.52	7,817.70	8,207.28	8,617.74
2441	41.79	43.88	46.07	48.37	50.79	3,343.20	3,510.40	3,685.60	3,869.60	4,063.20	7,268.12	7,631.61	8,012.49	8,412.51	8,833.40
2442	42.83	44.97	47.22	49.58	52.06	3,426.40	3,597.60	3,777.60	3,966.40	4,164.80	7,448.99	7,821.18	8,212.50	8,622.95	9,054.28
2443	43.90	46.10	48.40	50.82	53.36	3,512.00	3,688.00	3,872.00	4,065.60	4,268.80	7,635.09	8,017.71	8,417.73	8,838.61	9,280.37
2444	45.00	47.25	49.61	52.09	54.70	3,600.00	3,780.00	3,968.80	4,167.20	4,376.00	7,826.40	8,217.72	8,628.17	9,059.49	9,513.42
2445	46.13	48.43	50.85	53.39	56.06	3,690.40	3,874.40	4,068.00	4,271.20	4,484.80	8,022.93	8,422.95	8,843.83	9,285.59	9,749.96
2446	47.28	49.64	52.12	54.73	57.47	3,782.40	3,971.20	4,169.60	4,378.40	4,597.60	8,222.94	8,633.39	9,064.71	9,518.64	9,995.18
2447	48.46	50.88	53.43	56.10	58.90	3,876.80	4,070.40	4,274.40	4,488.00	4,712.00	8,428.16	8,849.05	9,292.55	9,756.91	10,243.89
2448	49.67	52.15	54.76	57.50	60.37	3,973.60	4,172.00	4,380.80	4,600.00	4,829.60	8,638.61	9,069.93	9,523.86	10,000.40	10,499.55
2449	50.91	53.46	56.13	58.94	61.88	4,072.80	4,276.80	4,490.40	4,715.20	4,950.40	8,854.27	9,297.76	9,762.13	10,250.84	10,762.17
2450	52.19	54.79	57.53	60.41	63.43	4,175.20	4,383.20	4,602.40	4,832.80	5,074.40	9,076.88	9,529.08	10,005.62	10,506.51	11,031.75
2451	53.49	56.16	58.97	61.92	65.02	4,279.20	4,492.80	4,717.60	4,953.60	5,201.60	9,302.98	9,767.35	10,256.06	10,769.13	11,308.28
2452	54.83	57.57	60.45	63.47	66.64	4,386.40	4,605.60	4,836.00	5,077.60	5,331.20	9,536.03	10,012.57	10,513.46	11,038.70	11,590.03
2453	56.20	59.01	61.96	65.06	68.31	4,496.00	4,720.80	4,956.80	5,204.80	5,464.80	9,774.30	10,263.02	10,776.08	11,315.24	11,880.48

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 20/21
EFFECTIVE: JUNE, 23 2020**

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2454	57.60	60.48	63.51	66.68	70.02	4,608.00	4,838.40	5,080.80	5,334.40	5,601.60	10,017.79	10,518.68	11,045.66	11,596.99	12,177.88
2455	59.04	61.99	65.09	68.35	71.77	4,723.20	4,959.20	5,207.20	5,468.00	5,741.60	10,268.24	10,781.30	11,320.45	11,887.43	12,482.24
2456	60.52	63.54	66.72	70.06	73.56	4,841.60	5,083.20	5,337.60	5,604.80	5,884.80	10,525.64	11,050.88	11,603.94	12,184.84	12,793.56
2457	62.03	65.13	68.39	71.81	75.40	4,962.40	5,210.40	5,471.20	5,744.80	6,032.00	10,788.26	11,327.41	11,894.39	12,489.20	13,113.57
2458	63.58	66.76	70.10	73.60	77.28	5,086.40	5,340.80	5,608.00	5,888.00	6,182.40	11,057.83	11,610.90	12,191.79	12,800.51	13,440.54
2459	65.17	68.43	71.85	75.44	79.22	5,213.60	5,474.40	5,748.00	6,035.20	6,337.60	11,334.37	11,901.35	12,496.15	13,120.52	13,777.94
2460	66.80	70.14	73.65	77.33	81.20	5,344.00	5,611.20	5,892.00	6,186.40	6,496.00	11,617.86	12,198.75	12,809.21	13,449.23	14,122.30
2461	68.47	71.89	75.49	79.26	83.23	5,477.60	5,751.20	6,039.20	6,340.80	6,658.40	11,908.30	12,503.11	13,129.22	13,784.90	14,475.36
2462	70.18	73.69	77.38	81.24	85.31	5,614.40	5,895.20	6,190.40	6,499.20	6,824.80	12,205.71	12,816.16	13,457.93	14,129.26	14,837.12

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 21/22
EFFECTIVE: JUNE, 22 2021**

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	24.76	26.00	27.30	28.67	30.10	1,980.80	2,080.00	2,184.00	2,293.60	2,408.00	4,306.26	4,521.92	4,748.02	4,986.29	5,234.99
2420	25.38	26.65	27.99	29.38	30.85	2,030.40	2,132.00	2,239.20	2,350.40	2,468.00	4,414.09	4,634.97	4,868.02	5,109.77	5,365.43
2421	26.02	27.32	28.68	30.12	31.62	2,081.60	2,185.60	2,294.40	2,409.60	2,529.60	4,525.40	4,751.49	4,988.03	5,238.47	5,499.35
2422	26.67	28.00	29.40	30.87	32.42	2,133.60	2,240.00	2,352.00	2,469.60	2,593.60	4,638.45	4,869.76	5,113.25	5,368.91	5,638.49
2423	27.34	28.70	30.14	31.64	33.23	2,187.20	2,296.00	2,411.20	2,531.20	2,658.40	4,754.97	4,991.50	5,241.95	5,502.83	5,779.36
2424	28.02	29.42	30.89	32.43	34.06	2,241.60	2,353.60	2,471.20	2,594.40	2,724.80	4,873.24	5,116.73	5,372.39	5,640.23	5,923.72
2425	28.72	30.15	31.66	33.25	34.91	2,297.60	2,412.00	2,532.80	2,660.00	2,792.80	4,994.98	5,243.69	5,506.31	5,782.84	6,071.55
2426	29.44	30.91	32.45	34.08	35.78	2,355.20	2,472.80	2,596.00	2,726.40	2,862.40	5,120.20	5,375.87	5,643.70	5,927.19	6,222.86
2427	30.17	31.68	33.26	34.93	36.67	2,413.60	2,534.40	2,660.80	2,794.40	2,933.60	5,247.17	5,509.79	5,784.58	6,075.03	6,377.65
2428	30.93	32.47	34.10	35.80	37.59	2,474.40	2,597.60	2,728.00	2,864.00	3,007.20	5,379.35	5,647.18	5,930.67	6,226.34	6,537.65
2429	31.70	33.28	34.95	36.70	38.53	2,536.00	2,662.40	2,796.00	2,936.00	3,082.40	5,513.26	5,788.06	6,078.50	6,382.86	6,701.14
2430	32.49	34.12	35.82	37.61	39.49	2,599.20	2,729.60	2,865.60	3,008.80	3,159.20	5,650.66	5,934.15	6,229.81	6,541.13	6,868.10
2431	33.30	34.97	36.72	38.55	40.48	2,664.00	2,797.60	2,937.60	3,084.00	3,238.40	5,791.54	6,081.98	6,386.34	6,704.62	7,040.28
2432	34.14	35.84	37.64	39.52	41.49	2,731.20	2,867.20	3,011.20	3,161.60	3,319.20	5,937.63	6,233.29	6,546.35	6,873.32	7,215.94
2433	34.99	36.74	38.58	40.50	42.53	2,799.20	2,939.20	3,086.40	3,240.00	3,402.40	6,085.46	6,389.82	6,709.83	7,043.76	7,396.82
2434	35.86	37.66	39.54	41.52	43.59	2,868.80	3,012.80	3,163.20	3,321.60	3,487.20	6,236.77	6,549.83	6,876.80	7,221.16	7,581.17
2435	36.76	38.60	40.53	42.56	44.68	2,940.80	3,088.00	3,242.40	3,404.80	3,574.40	6,393.30	6,713.31	7,048.98	7,402.04	7,770.75
2436	37.68	39.56	41.54	43.62	45.80	3,014.40	3,164.80	3,323.20	3,489.60	3,664.00	6,553.31	6,880.28	7,224.64	7,586.39	7,965.54
2437	38.62	40.55	42.58	44.71	46.94	3,089.60	3,244.00	3,406.40	3,576.80	3,755.20	6,716.79	7,052.46	7,405.51	7,775.96	8,163.80
2438	39.59	41.57	43.64	45.83	48.12	3,167.20	3,325.60	3,491.20	3,666.40	3,849.60	6,885.49	7,229.85	7,589.87	7,970.75	8,369.03
2439	40.58	42.61	44.74	46.97	49.32	3,246.40	3,408.80	3,579.20	3,757.60	3,945.60	7,057.67	7,410.73	7,781.18	8,169.02	8,577.73
2440	41.59	43.67	45.85	48.15	50.55	3,327.20	3,493.60	3,668.00	3,852.00	4,044.00	7,233.33	7,595.09	7,974.23	8,374.25	8,791.66
2441	42.63	44.76	47.00	49.35	51.82	3,410.40	3,580.80	3,760.00	3,948.00	4,145.60	7,414.21	7,784.66	8,174.24	8,582.95	9,012.53
2442	43.70	45.88	48.18	50.58	53.11	3,496.00	3,670.40	3,854.40	4,046.40	4,248.80	7,600.30	7,979.45	8,379.47	8,796.87	9,236.89
2443	44.79	47.03	49.38	51.85	54.44	3,583.20	3,762.40	3,950.40	4,148.00	4,355.20	7,789.88	8,179.46	8,588.17	9,017.75	9,468.20
2444	45.91	48.20	50.61	53.14	55.80	3,672.80	3,856.00	4,048.80	4,251.20	4,464.00	7,984.67	8,382.94	8,802.09	9,242.11	9,704.74
2445	47.06	49.41	51.88	54.47	57.20	3,764.80	3,952.80	4,150.40	4,357.60	4,576.00	8,184.68	8,593.39	9,022.97	9,473.42	9,948.22
2446	48.23	50.64	53.18	55.83	58.63	3,858.40	4,051.20	4,254.40	4,466.40	4,690.40	8,388.16	8,807.31	9,249.07	9,709.95	10,196.93
2447	49.44	51.91	54.51	57.23	60.09	3,955.20	4,152.80	4,360.80	4,578.40	4,807.20	8,598.60	9,028.19	9,480.38	9,953.44	10,450.85
2448	50.67	53.21	55.87	58.66	61.59	4,053.60	4,256.80	4,469.60	4,692.80	4,927.20	8,812.53	9,254.28	9,716.91	10,202.15	10,711.73
2449	51.94	54.54	57.26	60.13	63.13	4,155.20	4,363.20	4,580.80	4,810.40	5,050.40	9,033.40	9,485.60	9,958.66	10,457.81	10,979.57
2450	53.24	55.90	58.70	61.63	64.71	4,259.20	4,472.00	4,696.00	4,930.40	5,176.80	9,259.50	9,722.13	10,209.10	10,718.69	11,254.36
2451	54.57	57.30	60.16	63.17	66.33	4,365.60	4,584.00	4,812.80	5,053.60	5,306.40	9,490.81	9,965.62	10,463.03	10,986.53	11,536.11
2452	55.93	58.73	61.67	64.75	67.99	4,474.40	4,698.40	4,933.60	5,180.00	5,439.20	9,727.35	10,214.32	10,725.65	11,261.32	11,824.82
2453	57.33	60.20	63.21	66.37	69.69	4,586.40	4,816.00	5,056.80	5,309.60	5,575.20	9,970.83	10,469.98	10,993.48	11,543.07	12,120.48

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 21/22
EFFECTIVE: JUNE, 22 2021**

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2454	58.77	61.70	64.79	68.03	71.43	4,701.60	4,936.00	5,183.20	5,442.40	5,714.40	10,221.28	10,730.86	11,268.28	11,831.78	12,423.11
2455	60.23	63.25	66.41	69.73	73.21	4,818.40	5,060.00	5,312.80	5,578.40	5,856.80	10,475.20	11,000.44	11,550.03	12,127.44	12,732.68
2456	61.74	64.83	68.07	71.47	75.04	4,939.20	5,186.40	5,445.60	5,717.60	6,003.20	10,737.82	11,275.23	11,838.73	12,430.06	13,050.96
2457	63.28	66.45	69.77	73.26	76.92	5,062.40	5,316.00	5,581.60	5,860.80	6,153.60	11,005.66	11,556.98	12,134.40	12,741.38	13,377.93
2458	64.87	68.11	71.51	75.09	78.84	5,189.60	5,448.80	5,720.80	6,007.20	6,307.20	11,282.19	11,845.69	12,437.02	13,059.65	13,711.85
2459	66.49	69.81	73.30	76.97	80.81	5,319.20	5,584.80	5,864.00	6,157.60	6,464.80	11,563.94	12,141.36	12,748.34	13,386.62	14,054.48
2460	68.15	71.56	75.13	78.89	82.83	5,452.00	5,724.80	6,010.40	6,311.20	6,626.40	11,852.65	12,445.72	13,066.61	13,720.55	14,405.79
2461	69.85	73.35	77.01	80.86	84.91	5,588.00	5,868.00	6,160.80	6,468.80	6,792.80	12,148.31	12,757.03	13,393.58	14,063.17	14,767.55
2462	71.60	75.18	78.94	82.88	87.03	5,728.00	6,014.40	6,315.20	6,630.40	6,962.40	12,452.67	13,075.31	13,729.24	14,414.49	15,136.26

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 22/23
EFFECTIVE: JUNE, 21 2022**

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	25.26	26.53	27.85	29.25	30.71	2,020.80	2,122.40	2,228.00	2,340.00	2,456.80	4,393.22	4,614.10	4,843.67	5,087.16	5,341.08
2420	25.90	27.19	28.55	29.98	31.48	2,072.00	2,175.20	2,284.00	2,398.40	2,518.40	4,504.53	4,728.88	4,965.42	5,214.12	5,475.00
2421	26.54	27.87	29.26	30.73	32.26	2,123.20	2,229.60	2,340.80	2,458.40	2,580.80	4,615.84	4,847.15	5,088.90	5,344.56	5,610.66
2422	27.21	28.57	30.00	31.50	33.07	2,176.80	2,285.60	2,400.00	2,520.00	2,645.60	4,732.36	4,968.89	5,217.60	5,478.48	5,751.53
2423	27.89	29.28	30.75	32.28	33.90	2,231.20	2,342.40	2,460.00	2,582.40	2,712.00	4,850.63	5,092.38	5,348.04	5,614.14	5,895.89
2424	28.58	30.01	31.51	33.09	34.74	2,286.40	2,400.80	2,520.80	2,647.20	2,779.20	4,970.63	5,219.34	5,480.22	5,755.01	6,041.98
2425	29.30	30.76	32.30	33.92	35.61	2,344.00	2,460.80	2,584.00	2,713.60	2,848.80	5,095.86	5,349.78	5,617.62	5,899.37	6,193.29
2426	30.03	31.53	33.11	34.76	36.50	2,402.40	2,522.40	2,648.80	2,780.80	2,920.00	5,222.82	5,483.70	5,758.49	6,045.46	6,348.08
2427	30.78	32.32	33.94	35.63	37.41	2,462.40	2,585.60	2,715.20	2,850.40	2,992.80	5,353.26	5,621.09	5,902.84	6,196.77	6,506.35
2428	31.55	33.13	34.78	36.52	38.35	2,524.00	2,650.40	2,782.40	2,921.60	3,068.00	5,487.18	5,761.97	6,048.94	6,351.56	6,669.83
2429	32.34	33.96	35.65	37.44	39.31	2,587.20	2,716.80	2,852.00	2,995.20	3,144.80	5,624.57	5,906.32	6,200.25	6,511.56	6,836.80
2430	33.15	34.81	36.55	38.37	40.29	2,652.00	2,784.80	2,924.00	3,069.60	3,223.20	5,765.45	6,054.16	6,356.78	6,673.31	7,007.24
2431	33.98	35.68	37.46	39.33	41.30	2,718.40	2,854.40	2,996.80	3,146.40	3,304.00	5,909.80	6,205.47	6,515.04	6,840.27	7,182.90
2432	34.83	36.57	38.40	40.31	42.33	2,786.40	2,925.60	3,072.00	3,224.80	3,386.40	6,057.63	6,360.25	6,678.53	7,010.72	7,362.03
2433	35.70	37.48	39.36	41.32	43.39	2,856.00	2,998.40	3,148.80	3,305.60	3,471.20	6,208.94	6,518.52	6,845.49	7,186.37	7,546.39
2434	36.59	38.42	40.34	42.36	44.47	2,927.20	3,073.60	3,227.20	3,388.80	3,557.60	6,363.73	6,682.01	7,015.93	7,367.25	7,734.22
2435	37.50	39.38	41.35	43.41	45.58	3,000.00	3,150.40	3,308.00	3,472.80	3,646.40	6,522.00	6,848.97	7,191.59	7,549.87	7,927.27
2436	38.44	40.36	42.38	44.50	46.72	3,075.20	3,228.80	3,390.40	3,560.00	3,737.60	6,685.48	7,019.41	7,370.73	7,739.44	8,125.54
2437	39.40	41.37	43.44	45.61	47.89	3,152.00	3,309.60	3,475.20	3,648.80	3,831.20	6,852.45	7,195.07	7,555.08	7,932.49	8,329.03
2438	40.39	42.41	44.53	46.75	49.09	3,231.20	3,392.80	3,562.40	3,740.00	3,927.20	7,024.63	7,375.95	7,744.66	8,130.76	8,537.73
2439	41.40	43.47	45.64	47.92	50.32	3,312.00	3,477.60	3,651.20	3,833.60	4,025.60	7,200.29	7,560.30	7,937.71	8,334.25	8,751.65
2440	42.43	44.55	46.78	49.12	51.57	3,394.40	3,564.00	3,742.40	3,929.60	4,125.60	7,379.43	7,748.14	8,135.98	8,542.95	8,969.05
2441	43.49	45.67	47.95	50.35	52.86	3,479.20	3,653.60	3,836.00	4,028.00	4,228.80	7,563.78	7,942.93	8,339.46	8,756.87	9,193.41
2442	44.58	46.81	49.15	51.61	54.19	3,566.40	3,744.80	3,932.00	4,128.80	4,335.20	7,753.35	8,141.20	8,548.17	8,976.01	9,424.72
2443	45.69	47.98	50.38	52.90	55.54	3,655.20	3,838.40	4,030.40	4,232.00	4,443.20	7,946.40	8,344.68	8,762.09	9,200.37	9,659.52
2444	46.84	49.18	51.64	54.22	56.93	3,747.20	3,934.40	4,131.20	4,337.60	4,554.40	8,146.41	8,553.39	8,981.23	9,429.94	9,901.27
2445	48.01	50.41	52.93	55.57	58.35	3,840.80	4,032.80	4,234.40	4,445.60	4,668.00	8,349.90	8,767.31	9,205.59	9,664.73	10,148.23
2446	49.21	51.67	54.25	56.96	59.81	3,936.80	4,133.60	4,340.00	4,556.80	4,784.80	8,558.60	8,986.45	9,435.16	9,906.48	10,402.16
2447	50.44	52.96	55.61	58.39	61.30	4,035.20	4,236.80	4,448.80	4,671.20	4,904.00	8,772.52	9,210.80	9,671.69	10,155.19	10,661.30
2448	51.70	54.28	57.00	59.85	62.84	4,136.00	4,342.40	4,560.00	4,788.00	5,027.20	8,991.66	9,440.38	9,913.44	10,409.11	10,929.13
2449	52.99	55.64	58.42	61.34	64.41	4,239.20	4,451.20	4,673.60	4,907.20	5,152.80	9,216.02	9,676.91	10,160.41	10,668.25	11,202.19
2450	54.31	57.03	59.88	62.87	66.02	4,344.80	4,562.40	4,790.40	5,029.60	5,281.60	9,445.60	9,918.66	10,414.33	10,934.35	11,482.20
2451	55.67	58.46	61.38	64.45	67.67	4,453.60	4,676.80	4,910.40	5,156.00	5,413.60	9,682.13	10,167.36	10,675.21	11,209.14	11,769.17
2452	57.06	59.92	62.91	66.06	69.36	4,564.80	4,793.60	5,032.80	5,284.80	5,548.80	9,923.88	10,421.29	10,941.31	11,489.16	12,063.09
2453	58.49	61.41	64.48	67.71	71.09	4,679.20	4,912.80	5,158.40	5,416.80	5,687.20	10,172.58	10,680.43	11,214.36	11,776.12	12,363.97

**CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 22/23
EFFECTIVE: JUNE, 21 2022**

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2454	59.95	62.95	66.10	69.40	72.87	4,796.00	5,036.00	5,288.00	5,552.00	5,829.60	10,426.50	10,948.26	11,496.11	12,070.05	12,673.55
2455	61.45	64.52	67.75	71.14	74.69	4,916.00	5,161.60	5,420.00	5,691.20	5,975.20	10,687.38	11,221.32	11,783.08	12,372.67	12,990.08
2456	62.99	66.14	69.44	72.91	76.56	5,039.20	5,291.20	5,555.20	5,832.80	6,124.80	10,955.22	11,503.07	12,077.00	12,680.51	13,315.32
2457	64.56	67.79	71.18	74.74	78.47	5,164.80	5,423.20	5,694.40	5,979.20	6,277.60	11,228.28	11,790.04	12,379.63	12,998.78	13,647.50
2458	66.18	69.48	72.96	76.61	80.44	5,294.40	5,558.40	5,836.80	6,128.80	6,435.20	11,510.03	12,083.96	12,689.20	13,324.01	13,990.12
2459	67.83	71.22	74.78	78.52	82.45	5,426.40	5,697.60	5,982.40	6,281.60	6,596.00	11,796.99	12,386.58	13,005.74	13,656.20	14,339.70
2460	69.53	73.00	76.65	80.48	84.51	5,562.40	5,840.00	6,132.00	6,438.40	6,760.80	12,092.66	12,696.16	13,330.97	13,997.08	14,697.98
2461	71.26	74.83	78.57	82.50	86.62	5,700.80	5,986.40	6,285.60	6,600.00	6,929.60	12,393.54	13,014.43	13,664.89	14,348.40	15,064.95
2462	73.04	76.70	80.53	84.56	88.79	5,843.20	6,136.00	6,442.40	6,764.80	7,103.20	12,703.12	13,339.66	14,005.78	14,706.68	15,442.36

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective **November 26, 2019**

RANGE	TITLE
1415	City Clerk
1421	City Auditor
1422	Director of Utility Planning and Projects
1423	Chief Information Officer Director of Finance Director of Human Resources Director of Parks, Recreation and Neighborhoods
1424	Director of Public Works
1425	Director of Administrative Services
1426	Director of Community and Economic Development
1428	Deputy City Manager
1429	Director of Utilities
1432	City Attorney
1437	City Manager

Exhibit "X"

Unrepresented Classification	Total Adjustment	1st Adj	2nd Adj	3rd Adj
City Manager	5.0%	2.5%	2.5%	
Deputy City Manager	7.5%	2.5%	2.5%	2.5%
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%	
Chief Information Technology	5.0%	2.5%	2.5%	
Director of Public Works	10.0%	5.0%	2.5%	2.5%
City Attorney	12.5%	5.0%	5.0%	2.5%
City Auditor	2.5%	2.5%	0.0%	0.0%
City Clerk	2.5%	2.5%		
Executive Assistant - Unrep Exempt	5.0%	2.5%	2.5%	
Executive Assistant to City Manager	7.5%	2.5%	2.5%	2.5%
Executive Assistant to City Council	7.5%	2.5%	2.5%	2.5%
Office Supervisor - Unrep	5.0%	2.5%	2.5%	
Paralegal	10.0%	5.0%	2.5%	2.5%
Risk Manager	12.5%	5.0%	5.0%	2.5%
Employee Relations Coordinator	7.5%	2.5%	2.5%	2.5%
Human Resources Manager	10%	5.0%	2.5%	2.5%
Budget Manager	2.5%	2.5%		

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-532**

RESOLUTION APPROVING CHANGES TO BENEFIT OFFERINGS FOR SOME UNREPRESENTED SWORN POLICE EMPLOYEES AND UNREPRESENTED NON-SWORN MANAGEMENT AND CONFIDENTIAL EMPLOYEES CONSISTENT WITH THOSE IN REPRESENTED UNITS AND RESCINDING RESOLUTION NO. 2019-315 AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES

WHEREAS, on June 25, 2019, by Resolution No 2019-315, Council approved salary and benefit 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 for Unrepresented Police Management consistent with the terms and conditions of employment covering employees in the Modesto Police Management Association (MPMA) bargaining unit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto 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 the 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 unrepresented non-sworn employees may be accrued 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) 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 event 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 Division 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 classifications of Fire Battalion Chief, Fire Division 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 grandfathered 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 MCFFA 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 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 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 grandfathered 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. Sworn Police Management employees may

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 at the first pay period in December annually. To be eligible, members must have a balance of no less than 240 hours of regular sick leave for the calendar year and sick leave usage for the calendar year must not exceed three days based on work schedule at time of usage.

SECTION 12. PROMOTION. Employees promoted on or after November 17, 2015, prior to an employee's promotion to an unrepresented management classification, all compensatory time off (CTO) and grandfathered compensatory time off (GCTO) shall be compensated in cash at the employee's then current regular rate of pay.

SECTION 13. MASTERS DEGREE INCENTIVE PAY. Effective November 26, 2019, employees who possess a Master's Degree or Juris Doctor from an accredited institution, shall be granted two and one half percent (2.5%) Masters Pay, subject to criteria as established by the City. 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.

SECTION 14. 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 15. 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 16. UNIFORM ALLOWANCES. Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, are as follows:

<u>Positions</u>	<u>Effective Date</u>	<u>Allowance</u>
Sworn Police	February 1, 2015	\$101.67
Sworn Fire Management	April 16, 2019	\$105.00

SECTION 17. POST CERTIFICATION PAY. Effective September 6, 2016, Police Captains who provide evidence that they have received a Supervisory POST Certificate shall be eligible for one and eight tenths percent (1.8%) certification pay. Effective March 7, 2017, the same shall be eligible for an additional two percent (2.0%) certification pay for a total of ten percent (10%). Effective September 6, 2016, Police Captains who provide evidence that they have received a Management POST Certificate shall be eligible for two and three tenths percent (2.3%) certification pay. Effective December 27, 2016, Management POST Certificate pay shall be eight percent (8.0%).

Effective March 7, 2017, Management POST Certificate pay shall be ten percent (10%).
Effective September 6, 2016, Police Chief shall be eligible for five percent (5.0%)
Executive POST pay. Effective January 10, 2016, Police Chief shall be eligible for an
additional five percent (5.0%) Executive POST pay, for a total of ten percent (10%). 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 18. 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 19. HAZARDOUS MATERIALS CERTIFICATION PAY. Effective
July 1, 2003, one (1) Fire Department Battalion Chief or Division 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 20. ALS PARAMEDIC PAY. Effective July 14, 2015, one (1) Fire
Department Battalion Chief or Division Chief shall be authorized six percent (10%) ALS
Paramedic pay, when assigned to the ALS Paramedic Program and have the required
California State Paramedic License and all additional local required ALS certifications.

SECTION 21. FIRE CHIEF OFFICER SHIFT STIPEND. Effective December 2,
2014, Fire Battalion Chiefs and Fire Division 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 Division Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

SECTION 22. MUTUAL AID ASSIGNMENT. Sworn Fire Management employees in the classification of Fire Battalion Chief and Fire Division 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 Division 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 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 continue to 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 bi-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, shall be a three-tier system as follows and the City contribution (excluding opt out) shall increase by two (2) percent annually as follows:

	Beginning July 1, 2019	2020	2021	2022	2023*
Opt-out of City Medical Coverage	\$525.00	\$525.00	\$525.00	\$525.00	\$525.00
Employee only	\$622.00	\$634.00	\$648.00	\$660.00	\$673.00
Employee plus 1	\$1112.00	\$1134.00	\$1157.00	\$1180.00	\$1,204.00
Employee plus family	\$1572.00	\$1603.00	\$1635.00	\$1668.00	\$1,701.00

**2023 rates apply only to Unrepresented Non-Sworn Management and Confidential employees, including Charter Officers and Executives.*

The City shall deposit into the employee's deferred compensation account 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 deposit any balance of the above contribution not needed to pay for the employee's combined premium into the employee's deferred compensation account.

Effective July 26, 2005, the City's contribution toward unrepresented employees with Family coverage shall not exceed the actual premium amount for the lowest cost health (HMO Plan), dental and vision plans offered by the City, regardless of the health plan selected by the employee or the contribution amounts listed above.

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 a 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 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 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 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:

<u>Non-Medicare Eligible Recipient</u>		<u>Medicare Eligible Recipient</u>	
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 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: 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. Lose 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 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 Health Reimbursement Arrangement (HRA). 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 positions, 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 HRA 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.

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 Health Reimbursement Arrangement (HRA) account. An employee is eligible to receive a City HRA 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 HRA account established in the employee's 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 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 contribution under this section represents the entire contribution towards employee retiree medical.

SECTION 28. PAYCHECK ADVICES. All employees who are on direct deposit will no longer be receiving hard-copy pay advices for. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM Employee Self Service responsibility to view their pay advices including their annual W-2s. Employees have the option to elect to be paid via direct deposit or a debit card. Pay advices will be available anytime during payday Friday and payslips can be printed utilizing city computer workstation.

SECTION 29. EDUCATIONAL INCENTIVE PAY. Effective July 1, 2018, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief shall be eligible for Educational Incentive Pay for designated certifications or degrees as follows:

- 1) Fire Science/Fire Officer 1%

2) AA/A

S 2% 3)

BA/BS

3.5%

Qualifying certificates and degrees:

- 1) Fire Science or Fire Technology certificate from a community college accredited by the Western Association of Schools and Colleges OR completion of Fire Officer Certification from the Office of the California State Fire Marshal.
- 2) 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.

SECTION 30. LONGEVITY INCENTIVE PAY. Effective July 1, 2018, Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief shall be eligible for Longevity Incentive Pay for the following years of service:

- 1) 10 years of service 1.5%
- 2) 15 years of service 3%
- 3) 20 years of service 4%

Longevity incentives are not stackable or cumulative. Employees receive pay for the highest years of service for which they qualify.

SECTION 31. 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 June 25, 2019, each 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2019-315 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

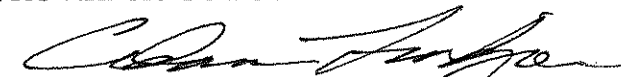
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-533**

**RESOLUTION APPROVING A FACILITY AGREEMENT WITH
SACRAMENTO-VALLEY LIMITED PARTNERSHIP, DBA VERIZON
WIRELESS FOR DEPLOYMENT OF SMALL CELL TECHNOLOGY ON
CITY FACILITIES, AND AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE ALL DOCUMENTS RELATING TO THE
AGREEMENT**

WHEREAS, Sacramento-Valley Limited Partnership, DBA Verizon Wireless requested to place small cell equipment on City assets, and

WHEREAS, on November 22, 2016 by Resolution No. 2016-465, Council approved Master License Agreements for the LinkModesto project Phase One for deployment of future Small Cell technology on the City's Street Light Poles, and

WHEREAS, on September 27, 2018, the Federal Communications Commission (FCC) set a ruling for a safe harbor annual attachment rate lower than what the City MLA currently requires, and

WHEREAS, Federal Communications Commission (FCC) ruling is currently being challenged in federal court and may be overturned, and

WHEREAS, the City has included a fee structure for both the current and future annual fees for placing equipment on city poles, as well as a contingency fee structure if the FCC ruling is found to be invalid by the federal courts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves of the agreement with Sacramento-Valley Limited Partnership, DBA Verizon Wireless for deployment of small cell technology on City facilities.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is authorized to execute all documents relating to the

Sacramento-Valley Limited Partnership, DBA Verizon 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 3rd day of December, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-534**

**RESOLUTION APPROVING A SUBORDINATION AGREEMENT FOR TEN
HABITAT FOR HUMANITY STANISLAUS PROPERTIES AND
AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE
THE AGREEMENT**

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), and

WHEREAS, historically, the City has partnered with Habitat for Humanity Stanislaus (Habitat) to provide affordable housing ownership opportunities to low income residents via loans to Habitat to finance affordable housing development projects, and

WHEREAS, such loans were secured with affordability covenants and Deeds of trust which were placed in first position on the property's title, and

WHEREAS, Habitat for Humanity has requested that the City subordinate ten of the loans of which the City has previously provided assistance to develop affordable housing in order for Habitat to obtain financing from Habitat East Bay/Silicon Valley (EBSV) Community Development, Inc., and

WHEREAS, this financing will go to help further the completion of the River Vista project, and

WHEREAS, City staff has confirmed that the appraised value of each property being subordinated is greater than the amount owed and the City's funding will remain fully secured after subordinating to second position, and

WHEREAS, the Regulatory Agreement for each property will remain effect to enforce affordability covenants and conditions stipulated within the regulatory agreement, and

WHEREAS, all funding by Habitat will go to the completion of the current affordable housing projects in the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Subordination Agreement for ten Habitat for Humanity Stanislaus properties.

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 3rd day of December, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

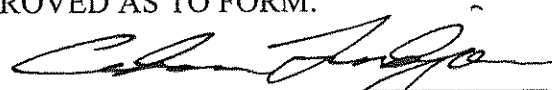
NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-535**

RESOLUTION APPROVING THE AWARD OF BID AND AGREEMENT FOR ON-CALL COMMERCIAL ROLL-UP DOOR MAINTENANCE AND REPAIR SERVICES TO WEST COAST DOOR AND GATE, CERES, CA, FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL ESTIMATED COST OF \$34,000 AND A TOTAL AMOUNT NOT TO EXCEED \$170,000 OVER FIVE YEARS AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESINGEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Modesto Fire Department requires maintenance and repair service for approximately 60 commercial roll-up doors at 15 Fire Stations located throughout Modesto and Oakdale; and

WHEREAS, there are approximately 100 roll-up doors throughout the City that require maintenance and repair services; and

WHEREAS, the current agreement with Barton Overhead Door Inc, Modesto CA, will reach the end of the agreement term on January 31, 2021; and

WHEREAS, Barton Overhead Door Inc, has reached their amount agreed of \$85,000; and

WHEREAS, on July 29, 2019 the Purchasing Division issued RFB 1819-41 for the procurement of maintenance and repair services for on-call commercial roll-up doors for the Modesto Fire Department on the City's website; prospective bidders were notified online of the bid opportunity and 15 vendors downloaded the RFB; and

WHEREAS, on September 17, 2019 bids were formally opened in the City Clerk's Office and two vendors responded; 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, the award of RFB 1819-41 for On-Call Commercial Roll-Up Door Maintenance and Repair Services conforms to the Modesto Municipal code because the City complied with the formal bid procedures and West Coast Door and Gate 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 On-Call Commercial Roll-Up Door Maintenance and Repair Services to West Coast Door and Gate, Ceres CA for a two-year agreement with three one-year extension options, for an annual estimated cost of \$34,000 and a total amount not to exceed \$170,000 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 3rd day of December, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-536**

**RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE P-D(607), FOR THE CONVERSION OF AN EXISTING
HOTEL TO SUPPORTIVE HOUSING UNITS, PROPERTY LOCATED AT 722
KANSAS AVENUE**

WHEREAS, in 1974 the property located at 722 Kansas Avenue was developed with a 103-room motel with 95 off-street parking spaces, prior to annexation of the site into the City of Modesto on July 24, 1978 as part of the Kansas Avenue Annexation to the City of Modesto, and

WHEREAS, the site and surrounding area was zoned as General Commercial (C-2) Zone as part of the annexation, and

WHEREAS, the amount of parking spaces at the site is considered legal but non-conforming as the City's parking standards for hotels and motels is one space per each guest room, and the site provides 95 spaces, a shortage of eight parking spaces for motel and hotel uses, and

WHEREAS, the General Plan Land Use designation of the site was amended from Redevelopment Planning District (RPD) to Industrial (I) in the General Plan update adopted on March 5, 2019, and

WHEREAS, Policy III.A.2 of the General Plan provides that rezonings involving less than five acres in size may occur even if not consistent with the land use designation of the site if the rezoning can be found consistent with the Land Use goals and policies of the General Plan, and

WHEREAS, a verified application for an amendment to Section 30-3-9 of the Zoning Map was filed by the Housing Authority of Stanislaus County on October 7,

2019, to reclassify 2.66 acres from the General Commercial Zone, C-2, to Planned Development Zone, P-D(607) to facilitate the conversion of the existing motel at the site comprised of 103 guest rooms into 103 permanent supportive housing units, comprised of studio efficiency units for a target population with an immediate need for housing, with parking at 35 spaces fewer than required by the City's Zoning Code for multi-family residential uses, property located at 722 Kansas Avenue, described as follows:

C-2 to P-D(607)

All that portion of the Southeast Quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Parcel One:

All that portion of Lots 4 and 5 of Maze Ranch Subdivision, in the County of Stanislaus, State of California, according to the Official Map thereof filed in the Office of the Recorder of Stanislaus County, California, on March 19, 1909, Volume 4 of Maps, Page 18, described as follows:

Commencing at the Northeast corner of said Lot 5, thence West along the North line thereof, 66.2473 feet, more or less, to the Northwest corner of the property conveyed to Vesta B. Smith, a Single Man, by Deed recorded March 30, 1948 as Instrument No. 7022; thence South along the West line of said Smith Property, 10.86 feet to a point on the South line of Parcel No. 1 of the property conveyed to Vesta B. Smith, Et Ux, to the State of California by Deed dated September 22, 1958 and recorded October 2, 1958, Volume 1506 of Official Records, Page 62, Instrument No. 24671; thence continuing South along the said West line of the Smith Property, 125 feet to the True Point of Beginning of this Description; thence East parallel with the South line of Parcel No. 1 of the State of California property above referred to, 150 feet; thence North parallel with the said West line of the Smith parcel 125 feet to a point on the South line of Parcel No. 1 of the said State of California property; thence East along the last said South line 115 feet, more or less, to a point on the East line of the West 2-1/4 acres of North Half of Lot 4 above referred to; thence South along the last said East line, 232 feet, more or less, to a point on the North line of the parcel of land described as Parcel No. 2 in the Deed from Vesta B. Smith, Et Ux, to the State of California, above referred to; thence along the last said North line, the following two Courses and Distances: South 83 Degrees 55' 51" West 194.03 feet and North 89 Degrees 47' 00" West 116.63 feet to a point on the West line of the property conveyed to Vesta

B. Smith first above mentioned; thence North along the last said West line 123 feet, more or less, to the True Point of Beginning.

Parcel Two:

A portion of the North Half of Lot 4 of Maze Ranch Subdivision, in the County of Stanislaus, State of California, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on March 19, 1909, Volume 4 of Maps, Page 18, described as follows: Commencing at the Northeast corner of said Lot 4; thence along the North line of said Lot, North 89 Degrees 47' 00" West 242.93 feet; thence South 0° 35' 00" East 10.84 feet to the True Point of Beginning; thence

- (1) South 89° 47' 15" East, 92.01 feet; thence
- (2) South 34° 50' 54" East, 212.03 feet; thence
- (3) South 39° 17' 14" West, 50.47 feet; thence
- (4) South 83° 55' 51" West, 179.85 feet; thence
- (5) North 0° 35' West 232.45 feet to the True Point of Beginning.

Excepting any and all rights of ingress to or egress from the above described Parcel over and across Courses No. (2), (3) and (4) herein above described, as excepted and reserved in the Deed from the State of California recorded October 14, 1965, Volume 2062 of Official Records, Page 101, Instrument No. 40303.

Also including the southerly one-half of Kansas Avenue and the westerly one-half of the right-of-way of California State Highway 99, all being immediately adjacent to the above-described property.

Containing 2.66 acres, more or less.

APN 029-015-021

WHEREAS, after a public hearing held on November 4, 2019, 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. 2019-31, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the rezone to Planned Development will provide for the development of

permanent supportive housing units, and the conversion of motel rooms into studio efficiency units will be done in accordance to all applicable City Standards and adopted Building Codes, the requested zone change will result in an orderly planned use of land because the conversion of the motel into permanent supportive housing units will be compatible with the surrounding commercial uses including nearby grocery stores and restaurants, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because a) While the site is within the Industrial (I) land use designation of the General Plan, Policy III.A.2 of the General Plan provides that rezonings involving less than five acres in size may occur even if not consistent with the land use designation of the site if the rezoning can be found consistent with the Land Use goals and policies of the General Plan and b) The General Plan Land Use goal of Great, Safe Neighborhoods encourages a mix of housing types affordable to all income levels. The rezone to facilitate the conversion of the motel into permanent supportive housing for local population with an immediate need for housing meets this goal; therefore the rezoning is in accordance with community objectives as set forth in the General Plan, and

WHEREAS, it was also found and determined by the Planning Commission that the requested reduction in parking of 35 parking spaces will not adversely affect surrounding uses because the site provides 95 existing parking spaces would adequately serve the project because the tenants will be a target population with low to very-low income levels, many of whom will not have vehicles, and the site is within one quarter-mile of the nearest transit stop, Modesto Area Express (MAX) Line 26, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 3, 2019, 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 the Housing Authority of Stanislaus County for a Planned Development Zone 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. 2019-31 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3713-C.S. on the 3rd day of December 2019, reclassifying the above-described property from General Commercial (C-2) Zone, to Planned Development Zone, P-D(607),

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

1. Prior to the issuance of a building permit, all development shall conform to the Development Plan titled "Building Improvements, SRHA Rehab 2019, 722 Kansas Avenue, Modesto CA 95351", as stamped approved by the City Council on December 3, 2019.
2. Prior to the issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development or designee.
3. 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.

4. The improvement plans shall include all landscaping, parking and common areas, and any and all easements required for the establishment of new utilities and the preservation of existing utilities.
5. 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.
6. Prior to the issuance of a building permit, plans for the residential units shall incorporate construction techniques to achieve an interior noise limit of 45 decibels or less, to the satisfaction of the Chief Building Official.
7. Prior to issuance of a building permit, plans for any new trash enclosures shall demonstrate the use of building materials, colors and finishes which are consistent or compatible with those used in the major buildings of the development, as approved by the Community and Economic Development Director.
8. Climbing vines shall be included in the landscape surrounding any new trash enclosures and CMU block walls to prevent tagging.
9. All signs shall comply with the sign requirements of the R-3 Zone.
10. 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.
11. All aspects of this project to comply with current City of Modesto Standards and also current California Building, Fire, Electrical, Mechanical, Plumbing, Energy codes adopted by the City of Modesto.
12. Improvement plans shall demonstrate the provision of onsite fire hydrants as required.

13. Developer shall provide bicycle parking as required by the California Green Building Standards Code.
14. 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.
15. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
16. 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.
17. Prior to Certificate of Occupancy, the applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department.
18. 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.

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that are applicable to the project:

19. 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)

20. 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)

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(607):

The entire construction program be accomplished in one phase, construction to begin on or before November 4, 2021, and completion to be not later than November 4, 2023.

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(607), 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 December 3, 2019, 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 3rd day of December, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You


ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By 
Community & Economic Development Department
Planning Division

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-537**

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 OF 722 KANSAS AVENUE FROM GENERAL COMMERCIAL (C-2) ZONE TO PLANNED DEVELOPMENT ZONE P-D(607)

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, the Housing Authority of Stanislaus County has proposed the rezone of 2.66 acres located at 722 Kansas Avenue from General Commercial (C-2) Zone to Planned Development Zone P-D(607) to facilitate the conversion of an existing motel into permanent supportive housing units, 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 2019-40 (“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 November 13, 2019, 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 December 3, 2019, 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 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.
6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

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 3rd day of December, 2019, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2019-40

City of Modesto

**Finding of Conformance with the
Urban Area General Plan Master EIR
(SCH No. 2014042081)**

**Initial Study Environmental Checklist
C&ED No. 2019-40**

For the proposed:

PDZ-19-001

**Rezone of 722 Kansas Avenue from
General Commercial (C-2) Zone
to Planned Development Zone P-D(607)**

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

October 9, 2019

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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 rezone ("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

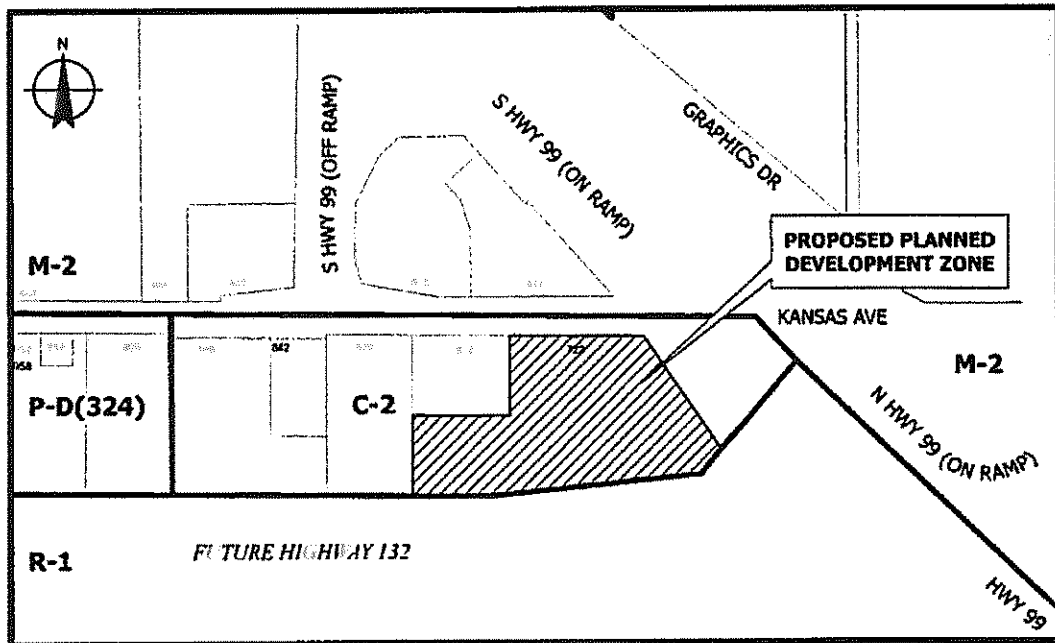
- A. Title: PDZ-19-001—Rezone from General Commercial (C-2) Zone to Planned Development Zone P-D(607)
- B. Address or Location: 722 Kansas Avenue
- C. Applicant: Housing Authority of Stanislaus County; PO Box 581918, Modesto CA 95358
- D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin
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): General Commercial (C-2)

- G. **Surrounding Land Uses:**
 North: Heavy Industrial (M-2) Zone; Gas station/convenience store, fast-food restaurant, right-of-way of State Highway 99
 South: Low Density Residential (R-1) Zone; vacant land dedicated for future alignment of State Highway 132
 East: General Commercial (C-2) Zone; right-of-way of State Highway 99
 West: General Commercial (C-2) Zone; Automotive repair and used car dealership, coffee shop with drive-thru.
- 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):**

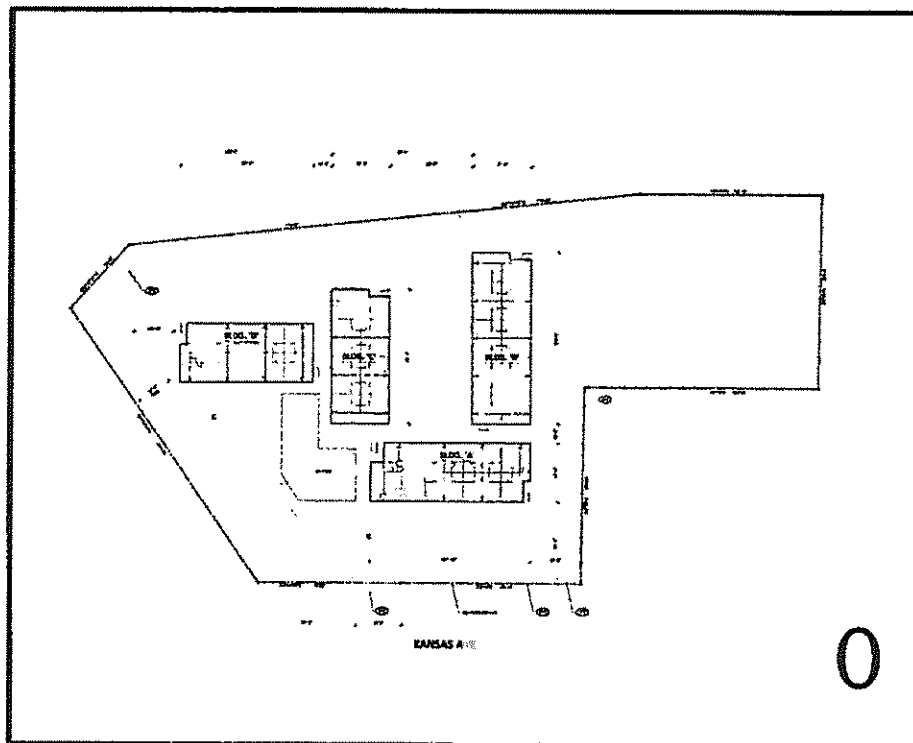
Rezone of a 2.66 acre parcel within the Baseline Developed Area of the City, developed with existing 103-room motel and associated parking lot, from General Commercial (C-2) Zone to Planned Development Zone P-D(607). Rezone is to facilitate the conversion of the motel into permanent supportive housing complex, with conversion of rooms into individual efficiency dwelling units. No demolition or expansion of the existing structure is proposed. The existing swimming pool is to be removed and the area repurposed for an office building. No other site development is proposed.



**AREA MAP
 PDZ-19-001**



**AERIAL OF SITE
PDZ-19-001**



**SITE PLAN
PDZ-19-001**

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;
- 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

ASSOCIATE PLANNER OCT 28, 2019
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project would not 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.
- (2) The proposed project would not exceed a level of service standard established by the county congestion management agency (StanCOG).
- (3) The proposed rezone is to facilitate the conversion of an existing motel with 103 rooms into 103 permanent supportive housing units. The project would not cause a change in air traffic patterns or change in location. The nearest public airport is the Modesto City-County Airport approximately seven miles to the southeast, and the nearest private airfield is the Yandell Ranch Airport approximately six miles away to the southwest.
- (4) The proposed project would not substantially increase hazards due to a design feature or incompatible uses, or result in inadequate emergency access.
- (5) The project would not conflict with a transit plan or bicycle plan.
- (6) The project would not result in a level of service of "D".

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 (PM₁₀) 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, PM₁₀, 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:

No mitigation measures regarding air quality 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-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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
purpose of reducing the emission of greenhouse gases.				

Discussion:

- (1) The proposed project would not be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan.
- (2) The project would not conflict with or obstruct implementation of an applicable air quality plan.
- (3) The project would not violate any air quality standard or contribute substantially to existing or projected violation.
- (4-5) The project would not result in an increase of any criteria pollutant nor expose sensitive receptors to pollutants. The project involves rezoning of the site to facilitate the conversion of an existing motel into permanent supportive housing units.
- (6-7) Conversion of the motel would be primarily internal tenant improvement construction, and would not result in the emission of significant construction-related odors or greenhouse gasses that would affect a substantial amount of people. The nearest sensitive receptors are residential areas approximately 250-feet to the south.
- (8) The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4) The proposed project would result in a substantial temporary or periodic increase in	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is to rezone an existing motel development to facilitate the conversion of the motel into permanent supportive housing units. The project would not be inconsistent with Urban Area General Plan noise and vibration policies and standards.
- (2) The project would not generate excessive ground-borne noise and/or vibration levels.
- (3-4) The existing motel is within 100 feet west of the right-of-way for State Highway 99 and is adjacent to the future alignment of State Highway 132. Primary noise sources would be from vehicle noise from those sources as well as traffic volumes on Kansas Avenue. A Noise Study provided for the project by Edward L. Pack Associates Inc. dated August 8, 2019 (Attachment A) found that interior noise exposures will exceed the limits of the City's Noise Element, Title 24 of the State of California Code of Regulations, HUD and NEPA, and that noise mitigation measures would be necessary for the project. Recommended noise mitigation measures include installation of double-paned windows and through-the-wall air conditioning units with minimum Sound Transmission Class ratings, installed in an acoustically-effective manner. With such mitigation measures impacts would be reduced to a less-than-significant level.
- (5-6) The nearest private airstrip, the Yandell Ranch Airport, is located approximately seven miles to the west. The area is not located in an airport land use plan area or within 2 miles of a public airport. There would be no impact. No mitigation is required.
- (7) The project site is not within 200-feet of an active rail line. There would be no impact. No mitigation is required.

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				

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The site is an existing motel constructed in 1974 on property later annexed to the City of Modesto in 1978 as part of the Kansas Avenue Annexation to the City of Modesto. The site and surrounding area is commercial and industrial in nature with no agricultural uses. The project would not be inconsistent with the Urban Area General Plan policies relating to agricultural resources.
- (2) The project would not convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance. The site is within an urbanized area designated as Urban and Built-Up Land by the CA Department of Conservation.
- (3) The project would not conflict with existing zoning for an agricultural use. The site is zoned for commercial uses and is not under a Williamson Act contract.
- (4-6) The site is not located within or near any forest land or timber land, nor would contribute to the conversion of forest land or farmland.

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 Urban Area General Plan policies relating to water supply.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the Urban Area General Plan policies relating to water supply.
- (2) The project involves conversion of motel rooms into dwelling units for permanent supportive housing. The use would not substantially deplete groundwater supply or interfere with groundwater recharge.
- (3) The project would not require construction of new water treatment facilities.
- (4) The project would not exceed existing water supply entitlements or require expansion of entitlements. Water service to the site is provided by the City of Modesto.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposal involves the conversion of rooms within an existing motel into permanent supportive housing units. The project would not exceed wastewater treatment requirements of the Central Valley RWQCB.
- (2) The project would not require the construction of new wastewater facilities or the expansion of existing facilities. The site is served by existing sewer lines.
- (3) The project would not result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the site. The site is served by existing sewer lines.

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 plant 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is not inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat. The site is an existing motel constructed in 1974 and is completely surrounded by urbanized area, including the right-of-way of the existing State Highway 99, a controlled-access freeway, and dedicated right-of-way for the future alignment of State Highway 132.
- (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 commercial and industrial uses including the abovementioned freeway and future highway. 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:

No mitigation measures 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-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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would involve the removal of known significant resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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 site is an existing motel constructed in 1974 that is surrounded by urban uses. The site is not classified as being of state or federal historic status nor is eligible for listing for such status.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(1) The project would not be inconsistent with the Urban Area General Plan storm drainage policies. The site is an existing motel building and associated parking lot, and the rezone to Planned Development is to facilitate the conversion of the existing motel rooms into permanent supportive housing.

(2-3) The project would not increase the rate or amount of surface runoff. The conversion of motel rooms to permanent housing is interior work, and no other alterations are proposed to the parking area. The swimming pool is to be removed and replaced with an office building, a minor alteration that would not increase the amount of impervious surface.

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 flooding and water quality policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would place housing within a 100-year flood hazard area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project would not be inconsistent 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 dated September 26, 2008.
- (4) The site is not in the vicinity of a levee or dam. The nearest waterway is Dry Creek approximately 1.8 miles to the east.
- (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.
- (6) The project would not violate water quality standards.
- (8) The project would not increase the rate or amount of surface runoff. The conversion of motel rooms to permanent housing is interior work, and no other alterations are proposed to the parking area. The swimming pool is to be removed and replaced with an office building, a minor alteration that would not increase the amount of impervious surface.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 project is on developed land surrounded by commercial and industrial uses.
- (3) The project consists of the conversion of existing motel rooms into permanent supportive housing units. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the policies relating to schools in the General Plan.
- (2) The rezone to Planned Development is to facilitate the conversion of existing motel rooms into permanent supportive housing in the form of studio efficiency units, for a local target population with an immediate need for housing. Any children residing at the site would already be enrolled in the area school districts. The project would not result in student population that would exceed school system capacity.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the policies relating to police services in the General Plan.
- (2) The proposed rezone to Planned Development is to facilitate the conversion of an existing motel into permanent supportive housing units. The site and surrounding area is developed with commercial and industrial uses currently served by the Modesto Police Department.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the policies relating to fire services in the General Plan.

- (2) The proposed rezone to Planned Development is to facilitate the conversion of an existing motel into permanent supportive housing units. The site and surrounding area is developed with commercial and industrial uses currently served by the Modesto Fire Department.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with the solid waste policies in the Urban Area General Plan.
- (2) The proposed rezone to Planned Development is to facilitate the conversion of an existing motel into permanent supportive housing units. The site contains one trash enclosure and any additional enclosures required of the project will be constructed in accordance to City Standards.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent 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 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 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:

No mitigation measures 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent 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:

No mitigation measures 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent 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:

No mitigation measures 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would substantially degrade views from riverside areas and parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent 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.
- (7) The project 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:

No mitigation measures 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is designated as Industrial (I) in the General Plan, which allows for commercial uses such as motels and hotels, though not new uses that are residential in nature.

Policy III.A.2 of the General Plan provides that though rezonings should be consistent with the General Plan land use designation, rezonings involving less than five acres may occur even if they are not consistent with the land use designation of the property, as long as the rezoning can be found consistent with the Land Use goals and policies of the General Plan. Among the Land Use goals of the General Plan is the goal of Great, Safe Neighborhoods, which encourages a mix of housing types affordable to all income levels. The conversion of the motel into permanent supportive housing for local population with an immediate need for housing meets this goal; therefore, the proposed rezoning to Planned Development to facilitate the conversion of the motel into permanent supportive housing 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 commercial and industrial uses.

- (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:

N/A

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)

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)

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)

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)

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:

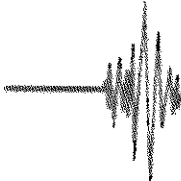
There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category.

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.



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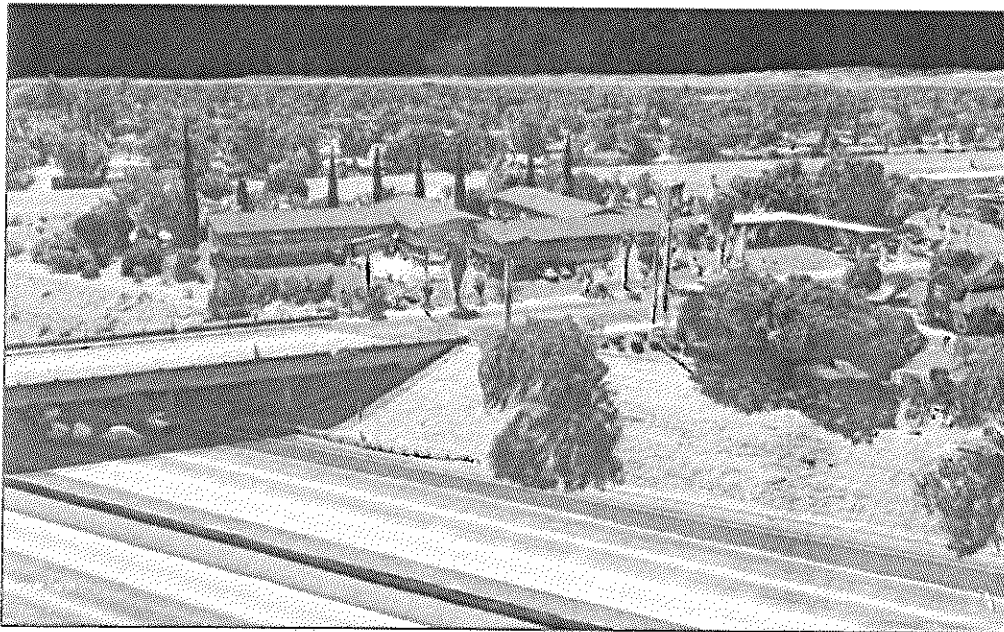
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NOISE ASSESSMENT STUDY FOR THE PLANNED

“K HOUSE”

TRANSITIONAL HOUSING PROJECT 722 KANSAS AVENUE, MODESTO



Prepared for
Mountain View Environmental

Prepared by
Jeffrey K. Pack

August 8, 2019
Project No. 51-033

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I. Executive Summary

This report presents the results of a noise assessment study, for the proposed conversion of an existing American Budget Inn and Suites motel to the “K House” transitional housing development at 722 Kansas Avenue in Modesto. This study includes an analysis of on-site noise environment and noise impacts to the interior living spaces of the project.

The plans for the facility include improvements to the interiors of the motel guest spaces for longer term living by incorporating kitchenettes, remodeling of the bathrooms and bedrooms, replacement of the windows, the PTAC air-conditioners and window coverings and upgrades to the entry doors as necessary. The swimming pool will be filled in to allow for a storage area. A modular building for support services will be located near the southwesterly portion of the site in the current parking area.

The following report includes background information on acoustics, noise standards applicable to the project and the noise impacts to the project. The noise impacts from exterior sources (primarily traffic on Kansas Avenue, State Route 99 and the planned extension of State Route 132) were evaluated against the City of Modesto Noise Element of the General Plan, The State of California Code of Regulations, Title 24, the US Department of Housing and Urban Development (HUD) and the National Environmental Policy Act (NEPA).

The results of this study reveal that the noise exposure impacts to the project exteriors will exceed the acceptability criterion of HUD. However, there will no exterior living areas associated with this project. All noise sensitive spaces will be interior living spaces. The noise exposures in the project living spaces will exceed the limits of the City of Modesto Noise Element standards, the Title 24 standards, the HUD standards and the NEPA policies. The noise mitigation measures recommended herein will reduce the excessive noise exposures to comply with all of the above prescribed standards and policies.

II. Background Information on Acoustics

Noise is defined as unwanted sound. Airborne sound is a rapid fluctuation of air pressure above and below atmospheric pressure. Sound levels are usually measured and expressed in decibels (dB) with 0 dB corresponding roughly to the threshold of hearing.

Most of the sounds which we hear in our normal environment do not consist of a single frequency, but rather a broad range of frequencies. As humans do not have perfect hearing, environmental sound measuring instruments have an electrical filter built in so that the instrument's detector replicates human hearing. This filter is called the "A-weighting" network and filters out low and very high frequencies. All environmental noise is reported in terms of A-weighted decibels, notated as "dBA". All sound levels used in this report are A-weighted unless otherwise noted. Table I on page 4 shows the typical human response and noise sources for A-weighted noise levels.

Although the A-weighted noise level may adequately indicate the level of noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a mixture of noise from distant sources that create a relatively steady background noise from which no particular source is identifiable. To describe the time-varying character of environmental noise, the statistical noise descriptors, L_1 , L_{10} , L_{50} and L_{90} are often used. They are the A-weighted noise levels exceeded for 1%, 10%, 50% and 90% of a stated time period. The continuous equivalent-energy level (L_{eq}) is that level of a steady state noise which has the same sound energy as a time-varying noise. It is often considered the average noise level and is used to calculate the Day-Night Levels (DNL) and the Community Noise Equivalent Level (CNEL) described below.

TABLE I

**The A-Weighted Decibel Scale, Human Response,
and Common Noise Sources**

<u>Noise Level, dBA</u>	<u>Human Response</u>	<u>Noise Source</u>
120-150+	Painfully Loud	Sonic Boom (140 dBA)
100-120	Physical Discomfort	Motorcycle at 20 ft. (110 dBA) Nightclub Music (105 dBA)
70-100	Annoying	Diesel Pump at 100 ft. (95 dBA) Freight Train at 50 ft. (90 dBA) Food Blender (90 dBA) Jet Plane at 1000 ft. (85 dBA) Freeway at 50 ft. (80 dBA) Alarm Clock (80 dBA)
50-70	Intrusive	Average Traffic at 100 ft. (70 dBA) Pass. Car, 30 mph @ 25 ft. (65 dBA) Vacuum Cleaner (60 dBA) Suburban Background (55 dBA)
0-50	Quiet	Normal Conversation (50 dBA) Light Traffic at 100 ft. (45 dBA) Refrigerator (45 dBA) Desktop Computer (40 dBA) Whispering (35 dBA) Leaves Rustling (20 dBA) Threshold of Hearing (0 dBA)

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than the daytime levels. However, most household noise also decreases at night and exterior noise becomes very noticeable. Further, most people sleep at night and are very sensitive to noise intrusion. To account for human sensitivity to nighttime noise levels, the Day-Night Level (DNL) noise descriptor was developed. The DNL is also called the L_{dn} . Either is acceptable, however, DNL is more popular worldwide. The DNL divides the 24-hour day into the daytime period of 7:00 a.m. to 10:00 p.m. and the nighttime period of 10:00 p.m. to 7:00 a.m. The nighttime noise levels are penalized by 10 dB to account for the greater sensitivity to noise at night. The Community Noise Equivalent Level (CNEL) is another 24-hour average which includes a 5 dB evening (7:00 p.m. - 10:00 p.m.) penalty and a 10 dB nighttime penalty. Both the DNL and the CNEL average the daytime, evening and nighttime noise levels over a 24-hour period to attain a single digit *noise exposure*. The proper notations for the Day-Night Level and the Community Noise Equivalent Level are dB DNL and dB CNEL, respectively, as they can only be calculated using A-weighted decibels. It is, therefore, considered redundant to notate dB(A) DNL or dB(A) CNEL.

The effects of noise on people can be listed in three general categories:

- subjective effects of annoyance, nuisance, dissatisfaction;
- interference with activities such as speech, sleep, learning, relaxing;
- physiological effects such as startling, hearing loss.

The levels associated with environmental noise, in almost every case, produce effects only in the first two categories. Workers in industrial plants, airports, etc., can experience noise in the last category. Unfortunately, there is, as yet, no completely satisfactory way to measure the subjective effects of noise, or of the corresponding reactions of annoyance and dissatisfaction. This is primarily due to the wide variation in individual thresholds of annoyance and differing individual past experiences with noise. Thus, an important way to determine a person's subjective reaction to a new noise is to compare it to the existing environment to which one has adapted, i.e., the "ambient". In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by the receivers.

With regard to increases in A-weighted noise levels, the Environmental Protection Agency has determined the following relationships that will be helpful in understanding this report.

- Except in carefully controlled laboratory experiments, a change of 1 dB cannot be perceived.
- Outside of the laboratory, a 3 dB change is considered a just-perceptible difference.
- A change in level of at least 5 dB is required before any noticeable change in community response would be expected.
- A 10 dB change is subjectively heard as approximately a doubling in loudness, and would almost certainly cause an adverse change in community response.

The adding or subtracting of sound levels is not simply arithmetic. The sound levels, in decibels, must be converted to Bels, the anti-log's of which are then calculated. The manipulation is then performed (arithmetic addition or subtraction), the logarithm of the sum or difference is calculated. The final number is then multiplied by 10 to convert Bels to decibels. The formula for adding decibels is as follows:

$$\text{Sum} = 10\log(10^{SL/10} + 10^{SL/10}) \quad \text{where, SL is the Sound Level in decibels.}$$

For example, $60 \text{ dB} + 60 \text{ dB} = 63 \text{ dB}$, and $60 \text{ dB} + 50 \text{ dB} = 60 \text{ dB}$. Two sound sources of the same level are barely noisier than just one of the sources by itself. When one source is 10 dB higher than the other, the less noisy source does not add to the noisier source.

III. Noise Standards, Goals & Policies

A. City of Modesto General Plan

The noise assessment results presented in the findings were evaluated against the standards of the City of Modesto Noise Element, Ref. (a), which utilizes the Day-Night Level (DNL) descriptor. The DNL is a 24-hour time weighted average noise exposure that penalizes noise created during the nighttime period, and is commonly used to describe community noise environments. The Noise Element standards specify an exterior limit of 65 dB DNL for multi-family residential exterior areas such as balconies, patios and common recreation areas.

The Noise Element specifies a limit of 45 dB DNL is specified for interior living spaces.

B. The State of California Code of Regulations, Title 24

The Title 24 standards, Ref. (b), also use the DNL descriptor and are applicable to all new multi-family developments including conversions. Title 24 specifies an interior noise exposure limit of 45 dB DNL from exterior noise sources.

The Title 24 standards also specify minimum noise insulation ratings for common partitions separating different dwelling units and dwelling units from interior common spaces. The standards specify that common walls and floor/ceiling assemblies must have a design Sound Transmission Class (STC) rating of 50 or higher. In addition, common floor/ceiling assemblies must have a design Impact Insulation Class (IIC) rating of 50 or higher. As design details for the interior partitions of the project were not available at the time of this study, an evaluation of the interior partitions has not been made.

C. United States Department of Housing and Urban Development

The HUD Noise Assessment Guidelines, Ref. (c), use an acceptability criterion of 65 dB DNL at the exterior of the project. The dwelling interiors are limited to 45 dB DNL.

HUD Section 51.101 General Policy

HUD support of modernization and rehabilitation. For modernization projects located in all noise exposed areas, HUD shall encourage noise attenuation features in alterations. For major or substantial rehabilitation projects in the Normally Unacceptable and Unacceptable noise zones, HUD actively shall seek to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level or exterior noise exposure.

In Unacceptable noise zones, HUD shall strongly encourage conversion of noise-exposed sites to land uses compatible with the high noise levels with potential noise problems.

Exterior noise goals. It is a HUD goal that exterior noise levels do not exceed a day-night average sound level of 55 decibels. This level is recommended by the Environmental Protection Agency as a goal for outdoors in residential areas. The levels recommended by EPA are not standards and do not take into account cost or feasibility. For the purposes of this regulation and to meet other program objectives, sites with a day-night average sound level of 65 and below are acceptable and are allowable (see Standards in Sec. 51.103(c)).

Interior noise goals. It is a HUD goal that the interior auditory environment shall not exceed a day-night average sound level of 45 decibels. Attenuation measures to meet these interior goals shall be employed where feasible. Emphasis shall be given to noise sensitive interior spaces such as bedrooms. Minimum attenuation requirements are prescribed in Sec. 51.104(a).

HUD Section 51.103 Criteria and Standards

The table on the following page provides the HUD Site Acceptability Standards.

Site Acceptability Standards		
	Day-night average sound level (in decibels)	Special approval and requirements
Acceptable	Not exceeding 65 dB	None
Normally Unacceptable	Above 65 dB but not exceeding 75 dB	Special Approvals Environmental Review Attenuation
Unacceptable	Above 75 dB	Special Approvals Environmental Review Attenuation

D. National Environmental Policy Act NEPA

The National Environmental Policy Act (NEPA), 42 U.S.C. Title 55, Ref. (d), establishes the use of the local jurisdictional standards for the determination of the significance of noise impacts. If the project is clearly within the standards of the City and State standards and guidelines, the project may fall under a "Categorical Exemption" from further noise analysis. The second level of analysis, if needed, involves a more detailed study, an "Environmental Assessment", to determine the significance of impacts to the project and project-generated impacts. This study is sufficient for an Environmental Assessment.

IV. Acoustical Setting

A. Site and Noise Source Descriptions

The planned project site is located at 722 Kansas Avenue, west of State Route 99, in Modesto. The site is relatively flat and at-grade with Kansas Avenue but is 19.5 to 20.5 above the grade of SR 99. The site currently contains the American Budget Inn and Suites motel. Surrounding land uses include an auto repair facility adjacent to the west, a Jack 'n the Box restaurant across Kansas Avenue to the north, SR 99 adjacent to the east and the SR 132 extension right-of-way adjacent to the south.

The primary existing sources of noise at the site are traffic on Kansas Avenue and SR 99. Kansas Avenue carries an existing (2017) Average Daily Traffic (ADT) volume of 12,400 vehicles, Ref. (e). Truck mix data for Kansas Avenue are not available. We are estimating a 2% medium truck mix and a 2% heavy truck mix. SR 99 carries an existing (2017) ADT volume of 131,000 vehicles, Ref. (f) with a 13.5% truck mix (4.6 % medium trucks and 8.9% heavy trucks), Ref. (g).

The proposed extension of SR 132 past the site will have two eastbound lanes that will terminate east of SR 99, one eastbound interchange ramp from eastbound SR 132 to southbound SR 99, and one westbound lane extending from the onramp from Kansas Avenue, as shown on the Pavement Delineation Plans for the roadway extension, Ref. (h). The road surface will be 13.5 to 16.5 ft. above the project site grade, Ref. (i). The expected posted speed limit SR 32 will be 65 mph. However, we estimate that the typical automobile vehicle speed will be 55 mph. Medium and heavy truck speeds are estimated to be 45 mph as traffic will either come to a stop or take the offramp to SR 99 south. For vehicles entering the roadway, vehicles will be accelerating as they pass by the site. Thus, it is unlikely that automobiles and trucks will be at full speed when passing by the site.

B. Project Description

The planned project includes exterior remodeling of the site and buildings and interior improvements of the existing buildings, Ref. (j). The plans for the facility include improvements to the interiors of the motel guest spaces for longer term living by incorporating kitchenettes, remodeling of the bathrooms and bedrooms, replacement of the windows, the PTAC air-conditioners and window coverings and upgrades to the entry doors as necessary. The swimming pool will be filled in to allow for a storage area. A modular building for support services will be located near the southwesterly portion of the site in the current parking area.

An overview of the site is shown on Figure 1 on page 11.

V. Existing Noise Environment

A. Existing Noise Levels

To determine the existing noise environment at the site, continuous recordings of the sound levels were made at three locations on the site. Location 1 was in Room 105 on the first floor of the westerly end of the building facing Kansas Avenue, 72 ft. from the centerline of the road. Measurement Location 2 was in Room 247 on the second floor of the east end of the building closest to SR 99, 200 ft. from the centerline of SR 99 and 148 ft. from the centerline of Kansas Avenue. Measurement Location 3 was on a light standard at the westerly end of the swimming pool at an elevation of 11 ft. above ground, 70 ft. from the centerline of Kansas Avenue and 225 ft. from the centerline of SR 99. The measurement locations are shown on Figure 1 on page 11. The measurements were made on July 22-24, 2019 for a continuous period of 43 hours and included measurements during the daytime and nighttime periods of the DNL index during typical weekdays.



FIGURE 1 – On-Site Noise Measurement Locations

The sound levels were recorded and processed using Larson-Davis Model 812 Precision Integrating Sound Level Meters. The meter yields, by direct readout, a series of descriptors of the sound levels versus time, which include the L_1 , L_{10} , L_{50} , and L_{90} , i.e., those levels that are exceeded 1%, 10%, 50%, and 90% of the time. The meter also yields the maximum and minimum levels, and the continuous equivalent-energy levels (L_{eq}), which are used to calculate the DNL. The measured L_{eq} 's are shown in the data tables in Appendix C.

To complete the second day's 24-hour data set, five hours of daytime noise data were interpolated from the measured data at each location which also corresponds to the hourly noise data from the previous day's measurements for the same hours. The interpolated data are shown in Red in the Appendix C data tables.

On the first day of measurements, the L_{eq} 's at measurement Location 1 in Room 105, ranged from 43.9 to 47.7 dBA during the daytime and from 39.4 to 45.5 dBA at night. On Day 2, the L_{eq} 's ranged from 44.1 to 46.8 dBA during the daytime and from 39.4 to 45.2 dBA at night.

At measurement Location 2 in Room 247, the L_{eq} 's ranged from 46.3 to 48.6 dBA during the daytime and from 43.6 to 47.7 dBA at night. On Day 2, the L_{eq} 's ranged from 46.3 to 48.8 dBA during the daytime and from 43.8 to 48.0 dBA at night.

At measurement Location 3 at the swimming pool area next to the motel office and at a height of 11 ft. above the ground, the L_{eq} 's ranged from 68.9 to 72.7 dBA during the daytime and from 65.4 to 71.3 dBA at night. On Day 2, the L_{eq} 's ranged from 69.1 to 71.7 dBA during the daytime and from 66.2 to 71.4 dBA at night.

VI. Noise Impacts to the Project

A. Exterior Noise Exposures

To determine the existing exterior noise exposures at the various building facades, which are used to determine the interior noise exposures and determine adequate noise control for noise impacted interior spaces, the DNL's for the survey locations were calculated by decibel averaging of the L_{eq} 's as they apply to the daily time periods of the DNL index. A 10 decibel nighttime weighting factor was applied and the DNL was calculated using the formula shown in Appendix B. The measured L_{eq} 's and DNL calculations are shown in the data tables in Appendix C.

The results of the calculations indicate that the existing noise exposure in Room 105 was 49 dB DNL on both days.

The existing noise exposure in Room 247 was 52 dB DNL on both days.

The existing noise exposure at the west end of the swimming pool and at 11 ft. above the ground was 75 dB DNL on both days.

The exterior noise exposures around the perimeter of the buildings for both first floor and second floor elevations were calculated from the on-site noise measurement data with the Kansas Avenue traffic noise data and the State Route 99 traffic noise data segregated from the measured total by computer traffic noise modeling. The computer model is based off of the Federal Highway Administration RD-77-108 model with additional input parameters for varying road surfaces. The model input parameters are shown below.

TABLE II						
Traffic Noise Model Parameters						
Road	Dist. (ft.)	ADT	Truck Mix	Speed (mph)	Road Surface	Model Year
Kansas Ave.	72	12,400	Med. = 2% Heavy = 2%	30	Asphalt (0 dB)	2017
SR 99	200	131,000	Med. = 4.6% Heavy = 8.9%	60	Asphalt (0 dB)	2017
SR 132 Extension	215	15,900	Med. = 2.6% Heavy = 9.4%	55	Concrete (+3 dB)	2048

The future (2037) traffic volume for Kansas Avenue is predicted to increase to 14,300 ADT, Ref. (e). Future traffic volume data for SR 99 were not available from CalTrans. Thus, an extrapolation was performed using historical data and the annual average traffic volume growth rate from 1997 to 2017. The 1997 traffic volume was 90,000 vehicles ADT, Ref. (k). The 2017 traffic volume was 131,000 vehicles ADT. The annual average growth rate was calculated to be 1.89%/yr. Applying this growth rate to the future 20 years, the 2037 traffic volume was calculated to be 190,503 vehicles ADT. This increase in traffic volume yields a 2 dB increase in the SR 99 traffic noise levels.

The first floor elevations have lower noise levels of SR 99 traffic noise and of SR 132 traffic noise due to noise shielding provided by variations in topography. The shoulder of the slope at the top of the SR 99 cut provides a noise barrier effect as does the edge of the elevated road surface of SR 132. The second floor elevations have direct views to the road surfaces with the exception of locations at greater distances to SR 99, such as measurement Location 1 at Room 105. Thus, most of the second floor elevations of the buildings do not benefit from topographic noise shielding.

Segregating noise levels from a total noise measurement is performed by subtracting a modeled noise level from the measured total. Noise levels or exposures in decibels are added or subtracted using the following formula:

$$\text{Sum/Difference} = 10\log_{10}[(10^{(SL1/10)}) \pm (10^{(SL2/10)}) \dots \pm \dots (10^{(SLx/10)})]$$

Changes in noise levels due to changes in volume are calculated by:

$\Delta\text{dB} = 10\log_{10}(V_1/V_2)$, which is equivalent to 3 dB for every doubling or halving of the noise sources.

The attenuation or noise reduction of moving traffic noise over distance is calculated by:

$\text{NR} = 15\log_{10}(d_1/d_2)$, which is equivalent to a reduction of 4.5 dB for each doubling of the distance.

Figure 2 on page 15 is a Key Map of the project buildings showing locations used for analysis of this project. Key Map locations 1 and 2 correspond to the measurement Locations 1 and 2.

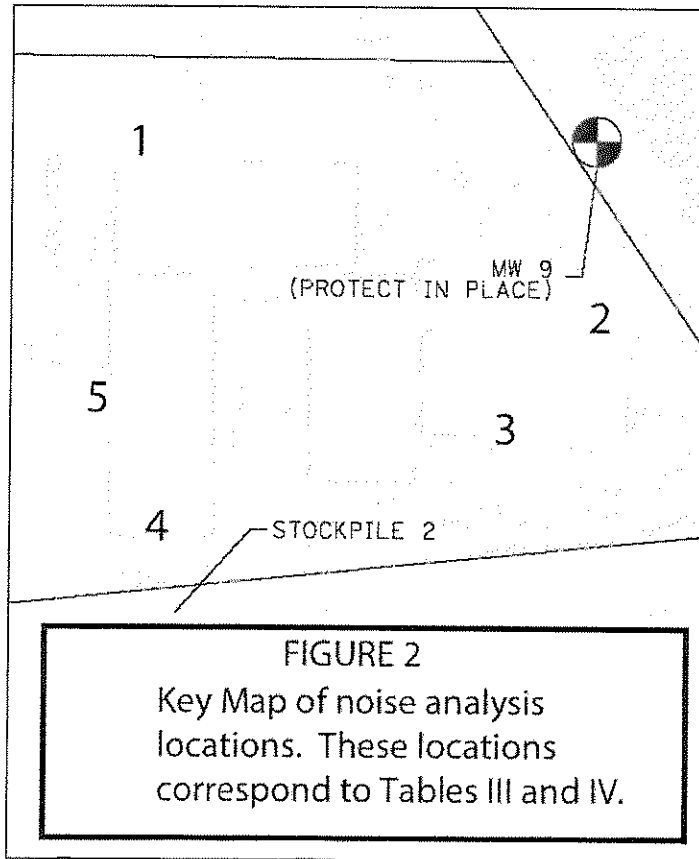


Table III on page 16 provides the existing and future noise exposures for the exterior locations identified on the Key Map. The noise exposures include the noise barrier effects of the topography and from portions of the building or orientation of the façade to the noise source.

TABLE III					
Exterior Noise Exposures, dB CNEL					
Map Key	1st Floor		2nd Floor		Dist to Source
1	Exist	Future	Exist	Future	
Kansas Ave	61	62	61	62	72
SR 99	61	63	63	65	310
TOTAL	64	66	65	67	
2					
Kansas Ave.	56	57	56	57	148
SR 99	68	70	73	75	200
TOTAL	68	70	73	75	
3					
SR 99	63	65	68	70	410
SR 132		61		67	215
TOTAL	63	66	68	72	
4					
SR 99	59	61	65	67	610
SR 132		62		69	170
TOTAL	59	65	65	71	
5					
Kansas Ave	52	53	52	53	190
SR 132		58		64	225
TOTAL	52	59	52	64	

The US Department of Housing and Urban Development requires the use of the Noise Assessment Guideline worksheets when on-site measurement data are not available. Thus, the worksheets were prepared for the proposed extension of SR 132 as there is no road at this time of which to obtain measurement data.

The worksheets are provided in Appendix D of this report. The results of the preparation of the worksheets reveals that the noise exposure at the most impacted building setback of the project from the extension of SR 132 will be up to 66 dB DNL at the second floor elevation. Aircraft noise from Modesto Airport and Oakdale airport and railroad noise from the nearby freight tracks along North 9th Street do not add to the on-site noise environment.

The Edward L. Pack Associates, Inc. computer model revealed an expected noise exposure of 69 dB DNL at the same location. The difference between the two models is that the HUD model does not allow the 3 dB upward adjustment to account for the use of the planned concrete road surface.

The combined noise exposures will be up to 75 dB DNL at the most impacted building facades. Thus, the noise exposures will be within the Normally Unacceptable range of the HUD criteria. However, there are no exterior living or noise sensitive areas associated with this project. Noise attenuation or mitigation measures for the exterior of the site will not be required.

B. Interior Noise Exposures

The interior noise exposures in two sample rooms; Room 105 and Room 247 were performed to determine if the existing construction is adequate or if additional modifications to the building shells will be necessary.

The interior noise exposures in Room 105 were measured to be 49 dB DNL on each of two days of measurements. As the exterior noise exposure at Room 105 from all sources was calculated to be 64 dB DNL, the existing building shell is providing 15 dB of noise reduction.

The interior noise exposures in Room 247 were measured to be 52 dB DNL on each of two days of measurements. As the exterior noise exposure at Room 247 from all sources was calculated to be 73 dB DNL, the building shell is providing 21 dB of noise reduction.

Inspections of the windows, doors and PTAC units revealed that significant noise leakage occurs via the window frames, the door frames and through the PTAC's. In addition the windows are single-pane, single-strength (3/32") glass. The existing window, entry door and PTAC unit assemblies are deficient.

To determine the interior noise exposures in the project living spaces, a 25 decibel reduction was applied to the exterior noise exposures at the building facades to represent the noise reduction provided by the building shell under a closed window condition. The closed window condition was used as each living space will have a through-the-wall air-conditioner (PTAC unit) that allows the residences to maintain the windows closed at all times for noise control and receive adequate ventilation.

Table IV, below, provides the interior noise exposures in the living spaces at the Key Map locations assuming standard, modern building construction.

TABLE IV				
Interior Noise Exposures, dB CNEL				
Map Key	1st Floor		2nd Floor	
	Exist	Future	Exist	Future
1				
Kansas Ave	36	37	36	37
SR 99	36	38	38	40
TOTAL	39	41	40	42
2				
Kansas Ave.	31	32	31	32
SR 99	43	45	48	50
TOTAL	43	45	48	50
3				
SR 99	38	40	43	45
SR 132		61		61
TOTAL	38	61	43	61
4				
SR 99	34	36	40	42
SR 132		62		62
TOTAL	34	62	40	62
5				
Kansas Ave	27	28	27	28
SR 132		58		58
TOTAL	27	58	27	58

As shown in Table IV, the interior noise exposures will exceed the limits of the City of Modesto, Title 24, HUD and NEPA standards if standard construction methods and products are used. Noise mitigation measures for the interior living spaces will be required.

VII. Recommendations

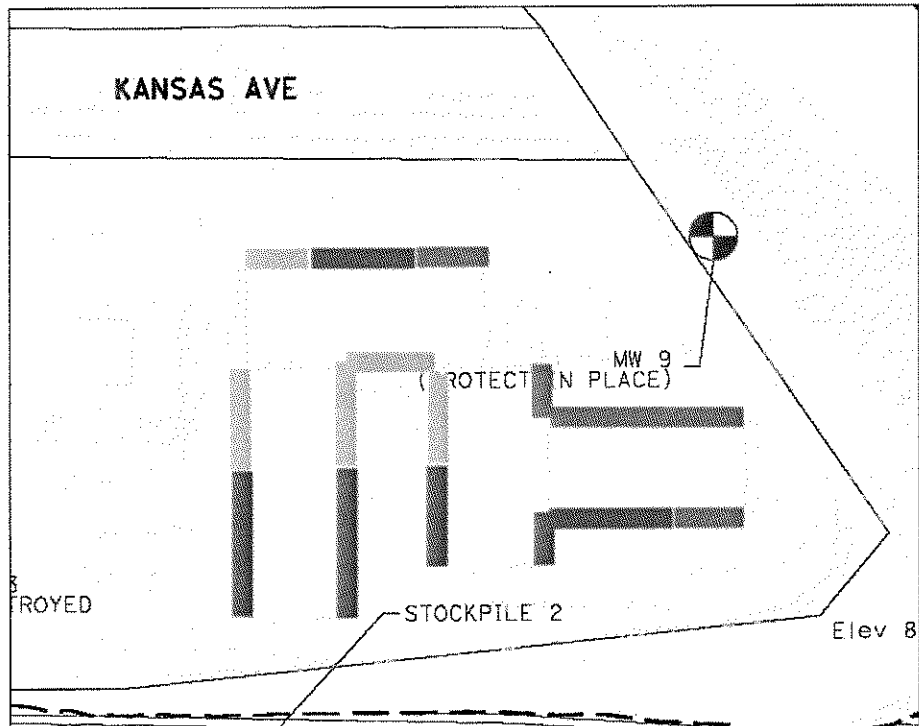
To achieve compliance with the 45 dB DNL standards of the City of Modesto Noise Element, Title 24, HUD and NEPA, the following noise control measures will be required. In addition, general construction measures affecting the building shell are also recommended, as described in Appendix B.

- Install windows and PTAC units rated with the minimum Sound Transmission Class (STC) ratings shown on Figure 3. Single-strength glass (3/32") is not permitted in any of the sound control window assemblies.

The windows, doors and PTAC units shall be installed in an acoustically-effective manner. To achieve an acoustically-effective window and door construction, the sliding window panels and the doors must form an air-tight seal when in the closed position and the window frames must be caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration. Exterior doors must seal air-tight around the full perimeter when in the closed position using appropriate weather stripping. Expandable/spray-in foams are not acceptable acoustical sealants.

Please be aware that many dual-pane window assemblies have inherent noise reduction problems in the traffic noise frequency spectrum due to resonance that occurs within the air space between the window lites, and the noise reduction capabilities vary from manufacturer to manufacturer. Therefore, the acoustical test report of all sound rated windows and doors should be reviewed by a qualified acoustician to ensure that the chosen windows and doors will adequately reduce traffic noise to acceptable levels.

The implementation of the above recommended measures will reduce excess noise exposures to achieve compliance with the interior standards of the City of Modesto Noise Element, Title 24, HUD and NEPA.






	Window	PTAC	
		STC	STC
	2nd Fl.	35	29
	1st Fl.	31	29
	2nd Fl.	31	29
	1st Fl.	28	26
	2nd Fl.	28	26
	1st Fl.	28	26

FIGURE 3
 Site plan indicating the locations of the recommended minimum Sound Transmission Class (STC) ratings for the living space windows and PTAC units.

VIII. Conclusions

In conclusion, the interior noise exposures will exceed the limits of the City of Modesto Noise Element, Title 24, HUD and NEPA. Noise mitigation measures are required and are provided in this study.

This report presents the results of a noise assessment study for the planned "K House" transitional housing project at 722 Kansas Avenue in Modesto. The study findings for existing conditions are based on field measurements and other data and are correct to the best of our knowledge. Future noise projections are based on information provided by CalTrans and estimates made by Edward L. Pack Associates, Inc. However, significant deviations in the predicted traffic volumes, roadway construction, motor vehicle technology, noise regulations or other future changes beyond our control may produce long-range noise results different from our estimates.

Report Prepared By:

EDWARD L. PACK ASSOC., INC.



Jeffrey K. Pack
President

APPENDIX A

References

- (a) City of Modesto Urban Area General Plan, Chapter VII, “Environmental Resources and Open Space”, Section G. “Noise”, October 14, 2008
- (b) California Code of Regulations, Title 24, Part 2, Volume 1, Section 1207 “Sound Transmission”, Subsection 1207.4 (Allowable Interior Noise Levels), Revised 2016
- (c) CFR Part 51, “Environmental Noise and Criteria”, The US Department of Housing and Urban Development, Amended July 12, 1996
- (d) The National Environmental Policy Act of 1969, 42 U.S.C. Title 55, January 1, 1970
- (e) City of Modesto General Plan – Model Development Documentation and Analysis Results Memorandum, by Fehr & Peers Transportation Consultants, June 9, 2017
- (f) State of California Department of Transportation, Division of Traffic Operations, <http://www.dot.ca.gov/trafficops/census/volumes2017/Route99.html>
- (g) 2013 Annual Average Daily Truck Traffic on the California State Highway System, State of California, The Transportation Agency, Department of Transportation
- (h) State of California Department of Transportation, Project Plans for Construction of State Highway – State Routh 132 Extension, Delineation Plans, PD-17, by Dokken Engineering, February 1, 2019
- (i) State of California Department of Transportation, Project Plans for Construction of State Highway – State Routh 132 Extension, Contour Grading, G-17, by Dokken Engineering, February 1, 2019
- (j) K House Project Description Provided by Mr. Ken Horrillo, Mountain View Environmental, via email to Edward L. Pack Associates, Inc., July 10, 2019
- (k) 1997 Traffic Volumes on California State Highways, State of California Department of Transportation, Division of Traffic Operations, June 1998

APPENDIX B

Noise Standards, Terminology, Instrumentation and General Building Shell Controls,

1. Noise Standards

A. City of Modesto Urban Area General Plan

The City of Modesto Urban Area General Plan, Chapter VII “Environmental Resources Element”, Section G “Noise” was adopted October 14, 2008. The “Noise Element” contains Table VII-2 which depicts “normally acceptable,” “conditionally acceptable,” “normally unacceptable,” and “clearly unacceptable” noise levels for various land use categories. These noise levels identify noise limitations for determining land use compatibility between a new development and neighboring uses. Table VII-2 utilizes the Community Noise Equivalent Level (CNEL), which is the time-varying noise over a 24-hour period with a weighting factor applied to noises occurring during evening and nighttime hours. However, the goals, policies and standards use the Day-Night Level (DNL) noise descriptor. The DNL (L_{dn}) and CNEL are often equivalent.

Table VII-2. Noise and Compatibility Matrix						
Community Noise Exposure – L _{dn} or CNEL (db)						
Land Use Category	55	60	65	70	75	80
Residential – low density single family, duplex, mobile home	█					
Residential -- multi-family	█					
Transient Lodging –motels, hotels	█					
Schools, libraries, churches, hospitals, nursing homes	█					
Auditoriums, concert halls, amphitheaters	█					
Sports arenas, outdoor spectator sports	█					
Playgrounds, neighborhood parks	█					
Golf courses, riding stables, water recreation, cemeteries	█					
Office Buildings, business, commercial and professional	█					
Industrial, manufacturing, utilities, agriculture	█					
█	Normally Acceptable Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction					
	Conditionally Acceptable New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. t with closed windows and fresh air supply systems or air conditioning, will normally suffice.					
	Normally Unacceptable New construction or development should generally be discouraged. If new construction or development does proceed, a detailed d needed noise insulation features included in the design.					
█	Clearly Unacceptable New construction or development generally should not be undertaken.					
Source: City of Modesto						

- b. During City review of a proposed project consistent with the updated General Plan, the City of Modesto shall use the following guidelines to decide whether to require additional study and/or mitigation for outdoor activity areas typically defined as common outdoor recreational areas, as discussed below:
 - (1) Single-family Residential uses: the noise would exceed 65 dBA, L_{dn} at outdoor activity areas. Outdoor activity areas for single-family residential uses are defined as backyards.
 - (2) Other proposed uses: the noise/land compatibility guidelines (i.e., those noise levels that are “conditionally acceptable,” “normally unacceptable,” or “clearly unacceptable”) shown on Table VII-2. For multi-family residential uses, the exterior noise level standard shall be applied at the common outdoor recreation area, such as pools, play areas, or tennis courts. Where such areas are not provided in multi-family residential uses, the standards shall be applied at individual patios and balconies of the development. Outdoor activity areas of transient lodging facilities include swimming pool and picnic areas.
- c. For new single-family residential development within the 65 dBA, L_{dn} contour, new multi-family residential development within the 65 dBA L_{dn} contour (Figure VII-2), and other land uses located within the “Normally Acceptable” contour distances indicated in Table VII-2 and Figure VII-2, the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:
 - (1) Incorporate construction techniques to achieve an interior noise limit of 45 L_{dn} (these potential techniques are presented in CCR Title 24 standards).
 - (2) Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.
 - (3) Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses. This policy is appropriate for more suburban, less densely populated areas of the City. More urban areas of the City would more likely require policies VII-G.3[c.1] and [c.2], above.
- d. The City of Modesto shall use the most recent noise contour map to implement the requirements of Noise Insulation Standards contained in Title 24 of the California Code of Regulations. (Title 24 applies to multi-family housing, not single-family.) Title 24 also specifies minimum values for the sound insulation afforded by interior partitions separating it from each other and from interior common space.

B. Title 24 Noise Standards

2016 California Building Code, Part 2, Volume 1

SECTION 1207 – SOUND TRANSMISSION

1207.1 Scope. This section shall apply to common interior walls, partitions and floor/ceiling assemblies between adjacent dwelling units and sleeping units or between dwelling units and sleeping units and adjacent public areas such as halls, corridors, stairways or service areas.

1207.2 Air-borne sound. Walls, partitions and floor/ceiling assemblies separating dwelling units and sleeping units from each other or from public or service areas shall have a sound transmission class of not less than 50, or not less than 45 if field tested, for air-borne noise when tested in accordance to ASTM E-9-. Penetrations or openings in construction assemblies for piping; electrical devices; recessed cabinets bathtubs; soffits; or heating, ventilating or exhaust ducts shall be sealed lined, insulated or otherwise treated to maintain the required ratings. The requirement shall not apply to entrance doors; however, such doors shall be tight fitting to the frame and sill.

1207.3 Structure-borne sound. Floor/ceiling assemblies between dwelling units and sleeping units or between a dwelling unit or sleeping unit and a public or service area with the structure shall have an impact insulation class rating of not less than 50, or not less than 45 if field tested, when tested in accordance with ASTM E-492.

Exception: Impact sound insulation is not required for floor/ceiling assemblies over non-habitable rooms or spaces not designed to be occupied, such as garages, mechanical rooms or storage areas.

1207.4 Allowable interior noise levels. *Interior noise levels attributable to exterior sources shall not exceed 45 dB in any habitable room. The noise metric shall be either the day-night average sound level (Ldn) or the community noise equivalent level (CNEL), consistent with the noise element of the local general plan.*

1207.5 Acoustical control. *[BSC-CG] See California Green Building Standards code, Chapter 5, Division 5.5 for additional sound transmission requirements.*

2. Terminology

A. Statistical Noise Levels

Due to the fluctuating character of urban traffic noise, statistical procedures are needed to provide an adequate description of the environment. A series of statistical descriptors have been developed which represent the noise levels exceeded a given percentage of the time. These descriptors are obtained by direct readout of the Sound Level Meters and Noise Analyzers. Some of the statistical levels used to describe community noise are defined as follows:

- L_1 - A noise level exceeded for 1% of the time.
- L_{10} - A noise level exceeded for 10% of the time, considered to be an “intrusive” level.
- L_{50} - The noise level exceeded 50% of the time representing an “average” sound level.
- L_{90} - The noise level exceeded 90 % of the time, designated as a “background” noise level.
- L_{eq} - The continuous equivalent-energy level is that level of a steady-state noise having the same sound energy as a given time-varying noise. The L_{eq} represents the decibel level of the time-averaged value of sound energy or sound pressure squared and is used to calculate the DNL and CNEL.

B. Day-Night Level (DNL)

Noise levels utilized in the standards are described in terms of the Day-Night Level (DNL). The DNL rating is determined by the cumulative noise exposures occurring over a 24-hour day in terms of A-Weighted sound energy. The 24-hour day is divided into two subperiods for the DNL index, i.e., the daytime period from 7:00 a.m. to 10:00 p.m., and the nighttime period from 10:00 p.m. to 7:00 a.m. A 10 dB weighting factor is applied (added) to the noise levels occurring during the nighttime period to account for the greater sensitivity of people to noise during these hours. The DNL is calculated from the measured L_{eq} in accordance with the following mathematical formula:

$$DNL = \left[\left[(10 \log_{10}(10^{\sum L_{eq}(7-10)})) \times 15 \right] + \left[(10 \log_{10}(10^{\sum L_{eq}(10-7)}) + 10) \times 9 \right] \right] / 24$$

Where:

- $L_d = L_{eq}$ for the daytime (7:00 a.m. to 10:00 p.m.)
- $L_n = L_{eq}$ for the nighttime (10:00 p.m. to 7:00 a.m.)
- 24 - indicates the 24-hour period
- & - denotes decibel addition.

C. A-Weighted Sound Level

The decibel measure of the sound level utilizing the "A" weighted network of a sound level meter is referred to as "dBA". The "A" weighting is the accepted standard weighting system used when noise is measured and recorded for the purpose of determining total noise levels and conducting statistical analyses of the environment so that the output correlates well with the response of the human ear.

3. Instrumentation

The on-site field measurement data were acquired by the use of one or more of the precision acoustical instruments shown below. The acoustical instrumentation provides a direct readout of the L exceedance statistical levels including the equivalent-energy level (L_{eq}). Input to the meters was provided by a microphone extended to a height of 5 ft. above the ground. The meter conforms to ANSI S1.4 for Type 1 instruments and IEC 61672-1:2002 for Class 1 instruments. The "A" weighting network and the "Fast" response setting of the meter were used in conformance with the applicable ISO and IEC standards. All instrumentation was acoustically calibrated before and after field tests to assure accuracy.

Bruel & Kjaer 2231 Precision Integrating Sound Level Meter
Larson Davis LDL 812 Precision Integrating Sound Level Meter
Larson Davis 2900 Real Time Analyzer
Larson Davis 831 Precision Integrating Sound Level Meter

4. **Building Shell Controls**

The following additional precautionary measures are required to assure the greatest potential for exterior-to-interior noise attenuation by the recommended mitigation measures. These measures apply at those units where closed windows are required:

- Unshielded entry doors having a direct or side orientation toward the primary noise source must be 1-5/8" or 1-3/4" thick, insulated metal or solid-core wood construction with effective weather seals around the full perimeter. Mail slots should not be used in these doors or in the wall of a living space, as a significant noise leakage can occur through them.
- If any penetrations in the building shell are required for vents, piping, conduit, etc., sound leakage around these penetrations can be controlled by sealing all cracks and clearance spaces with a non-hardening caulking compound.
- Ventilation openings shall not compromise the acoustical integrity of the building shell.
- Spray-in or expandable foams are not acceptable as acoustical sealant or as sound absorptive material in walls and ceilings.

APPENDIX C

Ambient Noise Measurement Data and Calculation Tables

DNL CALCULATIONS

CLIENT: MOUNTAIN VIEW ENVIRONMENTAL
 FILE: 51-033
 PROJECT: K HOUSE
 DATE: 7/22-24/19
 SOURCE: HWY 99, KANSAS AVE

LOCATION 1		ROOM 105 - KANSAS AVE, HWY 99	
Dist. To Source		72 ft., 310 ft.	
TIME	Leq	10 ^A Leq/10	
7:00 AM	45.3	33884.4	
8:00 AM	47.0	50118.7	
9:00 AM	44.5	28183.8	
10:00 AM	45.3	33884.4	
11:00 AM	45.3	33884.4	
12:00 PM	45.5	35481.3	
1:00 PM	45.0	31622.8	
2:00 PM	45.5	35481.3	
3:00 PM	47.7	58884.4	
4:00 PM	45.8	38018.9	
5:00 PM	46.1	40738.0	
6:00 PM	44.8	30199.5	
7:00 PM	45.7	37153.5	
8:00 PM	44.2	26302.7	
9:00 PM	43.9	24547.1	SUM= 538385
10:00 PM	43.5	22387.2	Ld= 57.3
11:00 PM	42.8	19054.6	
12:00 AM	40.6	11481.5	
1:00 AM	39.4	8709.6	
2:00 AM	39.9	9772.4	
3:00 AM	40.8	12022.6	
4:00 AM	42.2	16595.9	
5:00 AM	43.9	24547.1	
6:00 AM	45.5	35481.3	SUM= 160052
			Ln= 52.0
	Daytime Level=	57.3	
	Nighttime Level=	62.0	
	DNL=	49	
	24-Hour Leq=	44.6	

LOCATION 1		ROOM 105 - KANSAS AVE, HWY 99	
Dist. To Source		72 ft., 310 ft.	
TIME	Leq	10 ^A Leq/10	
7:00 AM	45.5	35481.3	
8:00 AM	45.4	34673.7	
9:00 AM	45.4	34673.7	
10:00 AM	45.3	33884.4	
11:00 AM	45.3	33884.4	
12:00 PM	45.5	35481.3	
1:00 PM	45.0	31622.8	
2:00 PM	45.5	35481.3	
3:00 PM	45.5	35481.3	
4:00 PM	46.8	47863.0	
5:00 PM	45.5	35481.3	
6:00 PM	46.1	40738.0	
7:00 PM	45.7	37153.5	
8:00 PM	45.2	33113.1	
9:00 PM	44.1	25704.0	SUM= 530717
10:00 PM	43.3	21379.6	Ld= 57.2
11:00 PM	41.2	13182.6	
12:00 AM	40.9	12302.7	
1:00 AM	39.4	8709.6	
2:00 AM	39.6	9120.1	
3:00 AM	41.6	14454.4	
4:00 AM	42.3	16982.4	
5:00 AM	43.4	21877.6	
6:00 AM	45.2	33113.1	SUM= 151122
			Ln= 51.8
	Daytime Level=	57.2	
	Nighttime Level=	61.8	
	DNL=	49	
	24-Hour Leq=	44.5	

DNL CALCULATIONS

CLIENT: MOUNTAIN VIEW ENVIRONMENTAL
 FILE: 51-033
 PROJECT: K HOUSE
 DATE: 7/22-24/19
 SOURCE: HWY 99, KANSAS AVE

LOCATION 2 ROOM 247 - HWY 99, KANSAS AVE. Dist. To Source 200 ft., 148 ft.			
TIME	Leq	10 ^A Leq/10	
7:00 AM	48.6	72443.6	
8:00 AM	48.1	64565.4	
9:00 AM	47.4	54954.1	
10:00 AM	46.8	47863.0	
11:00 AM	47.8	60256.0	
12:00 PM	48.2	66069.3	
1:00 PM	47.9	61659.5	
2:00 PM	47.3	53703.2	
3:00 PM	47.0	50118.7	
4:00 PM	46.8	47863.0	
5:00 AM	46.8	47863.0	
6:00 AM	46.9	48977.9	
7:00 PM	47.0	50118.7	
8:00 PM	46.4	43651.6	
9:00 PM	46.3	42658.0	SUM= 812765
10:00 PM	46.1	40738.0	Ld= 59.1
11:00 PM	45.3	33884.4	
12:00 AM	44.3	26915.3	
1:00 AM	43.6	22908.7	
2:00 AM	43.8	23988.3	
3:00 AM	44.5	28183.8	
4:00 AM	45.8	38018.9	
5:00 AM	47.3	53703.2	
6:00 AM	47.7	58884.4	SUM= 327225
		Ln=	55.1
Daytime Level=		59.1	
Nighttime Level=		65.1	
DNL=		52	
24-Hour Leq=		46.8	

LOCATION 2 ROOM 247 - HWY 99, KANSAS AVE. Dist. To Source 200 ft., 148 ft.			
TIME		10 ^A Leq/10	
7:00 AM	47.4	54954.1	
8:00 AM	47.5	56234.1	
9:00 AM	47.5	56234.1	
10:00 AM	46.8	47863.0	
11:00 AM	47.8	60256.0	
12:00 PM	48.2	66069.3	
1:00 PM	47.9	61659.5	
2:00 PM	47.3	53703.2	
3:00 PM	47.6	57544.0	
4:00 PM	47.7	58884.4	
5:00 PM	46.3	42658.0	
6:00 PM	48.8	75857.8	
7:00 PM	47.5	56234.1	
8:00 PM	46.8	47863.0	
9:00 PM	46.3	42658.0	SUM= 838673
10:00 PM	45.6	36307.8	Ld= 59.2
11:00 PM	44.1	25704.0	
12:00 AM	43.8	23988.3	
1:00 AM	44.6	28840.3	
2:00 AM	44.0	25118.9	
3:00 AM	45.3	33884.4	
4:00 AM	45.8	38018.9	
5:00 AM	47.0	50118.7	
6:00 AM	48.0	63095.7	SUM= 325077
		Ln=	55.1
Daytime Level=		59.2	
Nighttime Level=		65.1	
DNL=		52	
24-Hour Leq=		46.9	

DNL CALCULATIONS

CLIENT: MOUNTAIN VIEW ENVIRONMENTAL
 FILE: 51-033
 PROJECT: K HOUSE
 DATE: 7/22-24/19
 SOURCE: HWY 99, KANSAS AVE

LOCATION 3	POOL AREA	
Dist. To Source	70 ft., 225 ft.	
TIME	Leq	10 ^A Leq/10
7:00 AM	72.7	18620871.4
8:00 AM	72.0	15848931.9
9:00 AM	70.5	11220184.5
10:00 AM	69.6	9120108.4
11:00 AM	71.0	12589254.1
12:00 PM	71.1	12882495.5
1:00 PM	71.1	12882495.5
2:00 PM	70.6	11481536.2
3:00 PM	71.0	12589254.1
4:00 PM	70.1	10232929.9
5:00 PM	71.4	13803842.6
6:00 PM	69.8	9549925.9
7:00 PM	70.1	10232929.9
8:00 PM	69.3	8511380.4
9:00 PM	68.9	7762471.2
10:00 PM	68.7	7413102.4
11:00 PM	68.4	6918309.7
12:00 AM	67.1	5128613.8
1:00 AM	66.6	4570881.9
2:00 AM	65.4	3467368.5
3:00 AM	67.8	6025595.9
4:00 AM	69.0	7943282.3
5:00 AM	70.6	11481536.2
6:00 AM	71.3	13489628.8
		SUM= 66438320
		Ln= 78.2
	Daytime Level=	82.5
	Nighttime Level=	88.2
	DNL=	75
	24-Hour Leq=	70.1

LOCATION 3	POOL AREA	
Dist. To Source	70 ft., 225 ft.	
TIME	Leq	10 ^A Leq/10
7:00 AM	70.9	12302687.7
8:00 AM	70.9	12302687.7
9:00 AM	71.2	13182567.4
10:00 AM	70.6	11481536.2
11:00 AM	71.0	12589254.1
12:00 PM	71.1	12882495.5
1:00 PM	71.1	12882495.5
2:00 PM	70.7	11748975.5
3:00 PM	70.6	11481536.2
4:00 PM	70.8	12022644.3
5:00 AM	69.5	8912509.4
6:00 AM	71.7	14791083.9
7:00 PM	70.6	11481536.2
8:00 PM	70.0	10000000.0
9:00 PM	69.1	8128305.2
10:00 PM	68.1	6456542.3
11:00 PM	66.7	4677351.4
12:00 AM	67.1	5128613.8
1:00 AM	67.2	5248074.6
2:00 AM	66.2	4168693.8
3:00 AM	68.6	7244359.6
4:00 AM	69.0	7943282.3
5:00 AM	70.8	12022644.3
6:00 AM	71.4	13803842.6
		SUM= 66693405
		Ln= 78.2
	Daytime Level=	82.5
	Nighttime Level=	88.2
	DNL=	75
	24-Hour Leq=	70.1

APPENDIX D
HUD Noise Assessment Guideline Worksheets

**Worksheet A
Site Evaluation**

Phase Assessment Guidelines

Site Location:

722 Kansas Avenue, Modesto, CA

Project:

Project Name:

K House

City:

Stanislaus County

Project Address:

Contract Name:

The Housing Authority of Stanislaus County

Project Address:

City, State:

	Acceptability Category	Units	Conditioned for Operations as of:
1. Single-Family House	Normally Unacceptable	66	2048
2. Duplex House	Acceptable	52	Current
3. Triplex House	Acceptable	38	Current

Notes: (1) (2) (3) for all three conditions. (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

Phase 1 Site Evaluation (Table A-1)

Acceptable: **X**

Normally Unacceptable:

Conditioned for Operations:

Signature: *Jeffrey R. Cook*

Date: **8/8/2019**

Use this worksheet in the form of a checklist, comparing Worksheet A-1 and Worksheet A-2 that are used in the site evaluation.

Worksheet #1
Aircraft Noise

Noise Assessment Consultant

Use all airports unless noted otherwise

- 1. Modesto Airport General Aviation
- 2. Oakdale Airport General Aviation

Necessary Information	Airport 1	Airport 2	Airport 3
1. Are DNL, NLTN or CNEL contours available? (yes/no)	No	No	
2. Are maximum aircraft operations? (yes/no)	No	No	
3. Determine appropriate contours from Figure 1			
a. number of operations at night	0	0	
b. number of operations at day-evening	1	0	
c. number of operations at day-evening-night	1	0	
d. aircraft A to G by 100	no data	no data	
e. aircraft H to J by 100			
f. aircraft K to M by 100			
g. aircraft N to P by 100			
h. aircraft Q to R by 100			
4. Determine L10, L50 and L90			
a. daytime max CNEL contours to 100 ft path, CN	no data	no data	
b. daytime max NLTN to 100 ft path, CN			
c. CNL contours, CN			
d. CNL			
5. What date is projected for what year?	current	current	
6. Total CNEL, weighted operations		52	

Prepared by: *[Signature]* Date: 8/8/2019

Use an input length within 1000 feet of the pole

State Route 132

Necessary Information	Road 1	Road 2	Road 3	Road 4
1. Distance in feet from the NAA to the edge of the road	125			
a. average type				
b. surface type	215			
2. Average effective distance	170			
3. Clearance to stop sign	na			
4. Road gradient in percent	0			
5. Average speed in mph				
a. Automobile	55			
b. Heavy trucks - road	45			
c. Heavy trucks - general	45			
6. 24 hour average number of automobiles per direction (ADT) or two directions (ADT)				
a. Automobile	13,990			
b. Heavy trucks	413			
c. effective ADT or 2 directions	18,120			
7. 24 hour average number of heavy trucks				
a. road	748			
b. general	749			
c. road	1,497			
8. Fraction of roadway effective in ft. to 1A rule	15			
9. Traffic projected to other year?	2048			

Adjustments for Automobile Traffic

	9 Stop Start Factor	10 Average Speed Factor	11 Night- Time Factor	12 Aax Adj Cv	13 Adjusted Aax ADT	14 DW Weighting	15 Barrier Attenuation	16 Factor ADT
Road No. 1	1	1.00	1	18,120	18,120	63	0	63
Road No. 2								
Road No. 3								
Road No. 4								

Adjustments for Heavy Truck Traffic

	17 Gradient Factor	18 Average Speed Factor	19 Heavy Truck ADT	20	21	22 Stop Start Factor	23 Night- Time Factor	24 Adjusted Heavy Truck ADT	25 DW Weighting	26 Barrier Attenuation	27 Factor ADT
Road No. 1	1	0.81	748	606							
Road No. 2					1,213	1	1	1,213	62	0	62
Road No. 3		0.81	749	607							
Road No. 4											

Combined Automobile & Heavy Truck ADT

Road No. 1	66	Road No. 2	Road No. 3	Road No. 4	Total ADT, by ADT Weighting	62
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Signature

[Handwritten Signature]

Date 8/8/19

Use the following with 2001 eqpt. of the 1982

UPRR, BN&SF

Necessary Information:

Railway No. 1 Railway No. 2 Railway No. 3

Distance in feet from the PRR to the railway track	1,580		
Number of trains in 24 hours			
a. Diesel	12		
Electric			
Number of operations per week or month (10 days = 7 hours)	.42		
Number of freight locomotives per track	2		
Number of cars per track			
a. Diesel train	60		
Electric train			
Average load (tons)	50		
Is track welded or hybrid?	Welded		
Are vehicles of heavy equipment for grade construction?	yes		

Adjustments for Diesel Locomotives

	10 No. of Locomotives	11 Average Speed Yield %	12 Average Horse Power HP	13 High- Line Tonnage	14 No. of Tons Hauled	15 Avg. No. of Cars	16 Cost Workshop %	17 Spower Rate	18 Factor Cost
Railway No. 1	1	0.60	10	2	12	144	58	20	38
Railway No. 2									
Railway No. 3									

Adjustments for Railway Cars or Motor Train

	19 Number of Cars	20 Average Speed Yield %	21 Spower Horse Power HP	22 High- Line Tonnage	23 No. of Tons Hauled	24 Avg. No. of Cars	25 Cost Workshop %	26 Spower Rate	27 Factor Cost
Railway No. 1	1.2	2.78	1	2	12	80	45	20	25
Railway No. 2									
Railway No. 3									

Combined Locomotive and Railway Car Data

Railway No. 1	38	Railway No. 2		Railway No. 3		Total Tonn. Hauled Railway	38
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Signature

[Handwritten Signature]

Date

8/8/19

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-538**

**RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE P-D(602). 1192 NORWEGIAN AVENUE**

WHEREAS, on August 14, 1979 by Ordinance 1867-C.S. and Resolution No. 79-844 the Modesto City Council adopted Planned Development Zone P-D(237) that allowed a legally-established but non-conforming broadcasting studio and parking lot on property located at 1192 Norwegian Avenue, and

WHEREAS, since adoption, the broadcast studio building was demolished and site vacated except for an existing radio broadcasting tower associated with the former broadcast studio, with cellular equipment and a cellular equipment lease area, which remains at the site, and

WHEREAS, on August 8, 2017 by Ordinance No. 3677-C.S. and Resolution No. 2017-329 the Modesto City Council adopted Planned Development Zone, P-D(602), to allow for a 16-unit senior assisted and independent housing development for residents 55 years and older, comprised of two single-story residential buildings and common areas, and a storage building for the sole use of the residents of the housing development, together with the existing radio broadcasting tower with cellular equipment and cellular equipment lease area on an as-is basis in accordance to Article 4, Chapter 3 of Title 10 of the Modesto Municipal Code, on property located at 1192 Norwegian Avenue, and

WHEREAS, a verified application for an amendment to P-D(602) was filed by 1192 Norwegian Modesto LP on August 28, 2019 to allow for Medium High Density (R-3) Zone uses and amendment of the approved development plan to allow for a two-story

24-unit apartment complex with parking at three spaces fewer than required by the City's Zoning Code for multi-family residential uses, and

WHEREAS, after a public hearing held on October 21, 2019, 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. 2019-30, that amending the allowable uses of Planned Development Zone P-D(602) as requested will not be detrimental to the public health, safety or welfare because the proposed development will conform to City Standards, the requested zone change will result in an orderly planned use of land because the proposed development is compatible with the adjacent residential uses, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because new multi-family residential uses is consistent with the Modesto Urban Area General Plan, which designates the property as Mixed Use (MU), which allows for multi-family residential uses, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 3, 2019, 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 1192 Norwegian Modesto LP for a Planned Development Zone 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. 2019-30 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3714-C.S. on the 3rd day of December, amending the allowable uses of Planned Development Zone P-D(602) to allow:

1. All uses as permitted in the Medium High Density Residential (R-3) Zone.
2. Existing radio broadcasting tower with cellular equipment and cellular equipment lease area, on an as-is basis in accordance to Article 4, Chapter 3 of Title 10 of the Modesto Municipal Code.

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

1. Prior to the issuance of a building permit, all development shall conform to the development plan titled "1192 Norwegian Modesto LP, 1192 Norwegian, Modesto CA", stamped approved by the City Council on December 3, 2019.
2. Prior to the issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development or designee.
3. The improvement plans shall include all landscaping, parking and common areas, and any and all easements required for the establishment of new utilities and the preservation of existing utilities.
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 PUE is required along the Norwegian Avenue frontage.

5. Prior to occupancy of any structure, fences and/or walls shall be constructed as follows, to the satisfaction to the Director of Community and Economic Development:
 - a. An eight-foot-high decorative masonry wall with cap treatment along the east, west and south property lines.
 - b. The decorative masonry wall shall be treated with an anti-graffiti coating along the east, west and south exterior facades.
6. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors and finishes which are consistent or compatible with those used in the major buildings of the development, as approved by the Community and Economic Development Director.
7. Prior to issuance of a building permit, the developer shall submit a lighting plan that includes the location and design of proposed lighting fixtures for review and approval by the Director of Community and Economic Development. Said plans shall include specifications of the proposed lighting fixtures and demonstrate the adequate shielding of lighting fixtures to minimize glare or light spillage upon neighboring residents west of the project site. The height of the lighting should not exceed 15 feet above grade.
8. Along pedestrian corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be used. Steps and ramps should be illuminated wherever possible, with built-in light fixtures to the satisfaction of the Director of Community and Economic Development.
9. All signs shall comply with the sign requirements of the R-3 Zone.
10. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers and HVAC equipment shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development. Equipment shall be placed underground or adequately screened though the use of landscaping or masonry walls.
11. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.
12. Construction drawings shall demonstrate that all building drainage gutters, down spouts, vents, etc. located on exterior walls, are be completely concealed from public view or designed to be architecturally compatible (decorative) with the exterior building

design and color to the satisfaction of the Director of Community and Economic Development.

13. 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.
14. There is an existing water service connection to this property from the 8-inch water main in Norwegian Avenue. If additional connection or an upgrade to the existing connection is required, then water connection fees shall be paid and an encroachment permit obtained from the City prior to any work being done in the public right-of-way.
15. There is an existing sewer connection to this property from the 8-inch sewer main in Norwegian Avenue. If additional connection or an upgrade to the existing connection is required, then sewer connection fees shall be paid and an encroachment permit obtained from the City prior to any work being done in the public right-of-way.
16. The City does not have a positive storm drain in this area. This area is served by rock wells which are for street storm water run-off and do not have the capacity to serve this project's expected on-site run-off demands. The storm water shall be kept on site according to current City standards. Storm water calculations will need to be submitted to the City along with the improvement plans for review and approval.
17. 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 City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.
18. 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 run-off on site, and incorporate pervious landscape features into the project design wherever possible.

19. 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.
20. 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. Floor of enclosures shall be graded to drain into adjacent landscape areas.
21. 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.
22. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall obtain coverage for project under the State Water Resources Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ.
23. The Construction General Permit requires the Property Owner to develop a Stormwater Pollution Prevention Plan (SWPPP) for the project. The SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement. Prior to issuance of a Grading, Demolition, or Building Permit, provide one paper copy of SWPPP to Land Development Engineering, Stormwater.
24. Proposed development designs shall comply with building codes adopted by the City of Modesto at time of building permit application, and be "wet" stamped by engineer.
25. Prior to issuance of a building permit, applicant shall specify if solar will be applicable, with reference to current requirements, 2016 Title 24, Building Energy Efficiency Standards.
26. Fire hydrant spacing and distribution for this project is 500-foot O.C. Improvement plans shall demonstrate the provision of onsite fire hydrants as required.

27. Buildings shall be equipped with automatic fire sprinkler systems installed in accordance with NFPA 13 or 13R. Electronic monitoring of automatic fire sprinkler may be required if a separate sprinkler water supply or a separate shutoff valve from the domestic supply is provided.
28. Improvement plans shall demonstrate the provision of required fire hydrants within 90-feet of the Fire Department Connection (FDC) to fire sprinklers.
29. Plans for any electronically controlled vehicle access gates shall be submitted to an approved by the Fire Marshall prior to installation.
30. 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.
31. Applicant shall provide street trees along Norwegian Avenue. Street tree(s) shall be spaced thirty five (35') feet on center and located within seven feet (7') of the sidewalk or curb.
32. Applicant shall install parking lot shade trees per MMC requirements; one (1) shade tree for every eight (8) parking spaces, continuous and intermitted stall locations, within seven feet (7') of stalls.
33. Applicant shall install climbing vines on all walls, in a landscape planter, around the trash enclosure to discourage tagging.
34. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Provide total square feet of the landscape area in project information.
35. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Standards Code.
36. 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.
37. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

38. 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.
39. 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.
40. Prior to Certificate of Occupancy for any structure, the applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department.
41. 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 City of Modesto General Plan Master EIR that are applicable to the project:

42. 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)
43. 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)
44. 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)
45. 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)

46. 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)
47. 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)
48. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)
49. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)
50. 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)
51. 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)
52. 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)

53. 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)
54. 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)
55. 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)

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(602):

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 three (3) years from the date of adoption.

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 amending the allowable uses of the above-described Planned Development Zone, P-D(602), 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 December 3, 2019, 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 3rd day of December, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You


ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: 
Community & Economic Development Department
Planning Division

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-539**

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(602) TO ALLOW FOR NEW 24-UNIT TWO STORY APARTMENT COMPLEX

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, 1192 Norwegian Modesto LP has proposed an amendment to Planned Development Zone P-D(602) to allow for a new 24-unit two-story apartment complex, property located at 1192 Norwegian Avenue, 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 2019-31 (“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 November 13, 2019, 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 December 3, 2019, 2019, 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 Planned Development amendment, 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 3rd day of December, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Ah You

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED

City of Modesto

**Finding of Conformance with the
Urban Area General Plan Master EIR
(SCH No. 2014042081)**

**Initial Study Environmental Checklist
C&ED No. 2019-31**

For the proposed:

PDA-19-003

**Amendment to Planned Development Zone P-D(602) to allow
for new 24-unit two-story apartment complex**

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

September 20, 2019

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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 amendment to Planned Development Zone P-D(602) ("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: PDA-19-003—Amendment to Planned Development Zone P-D(602) to allow for new 24-unit two-story apartment complex.
- B. Address or Location: 1192 Norwegian Avenue (APN 120-048-013)
- C. Applicant: 1192 Norwegian Modesto LP (c/o Andy Harless)
6440 Estelle Ave No. 3, Riverbank CA 95367
- D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5465
E-mail address: kamartin@modestogov.com
- E. Current General Plan Designation(s): Mixed Use (MU)
- F. Current Zoning Classification(s): Planned Development Zone P-D(602)

G. Surrounding Land Uses:

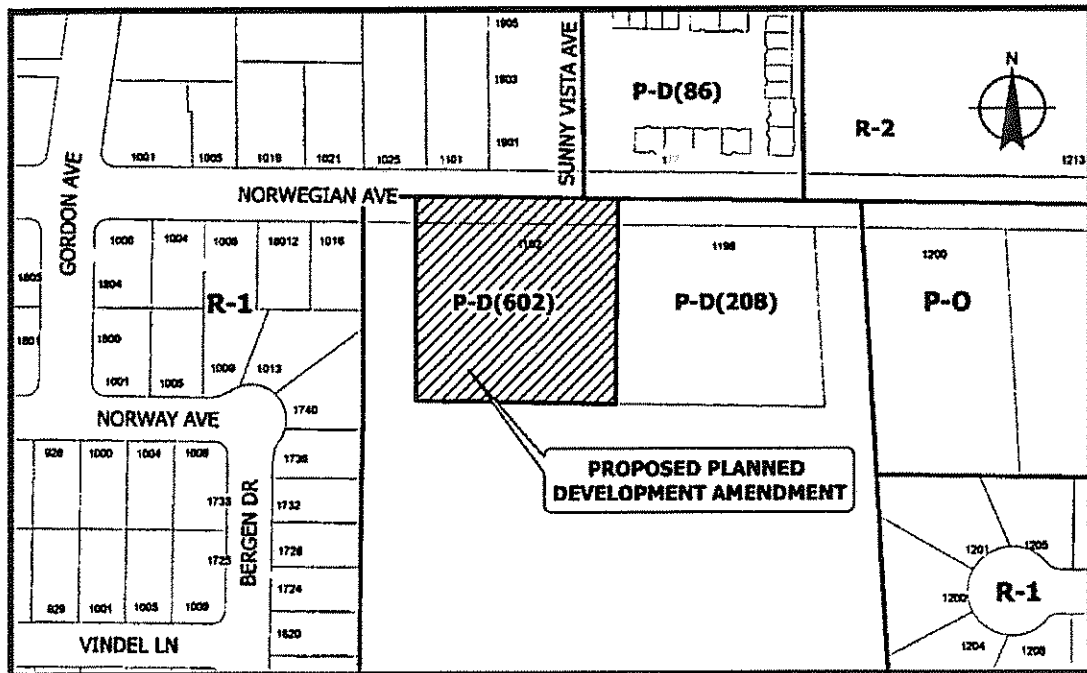
North: Low Density Residential (R-1) Zone, single family residential; Planned Development Zone P-D(86), Residential Condominiums

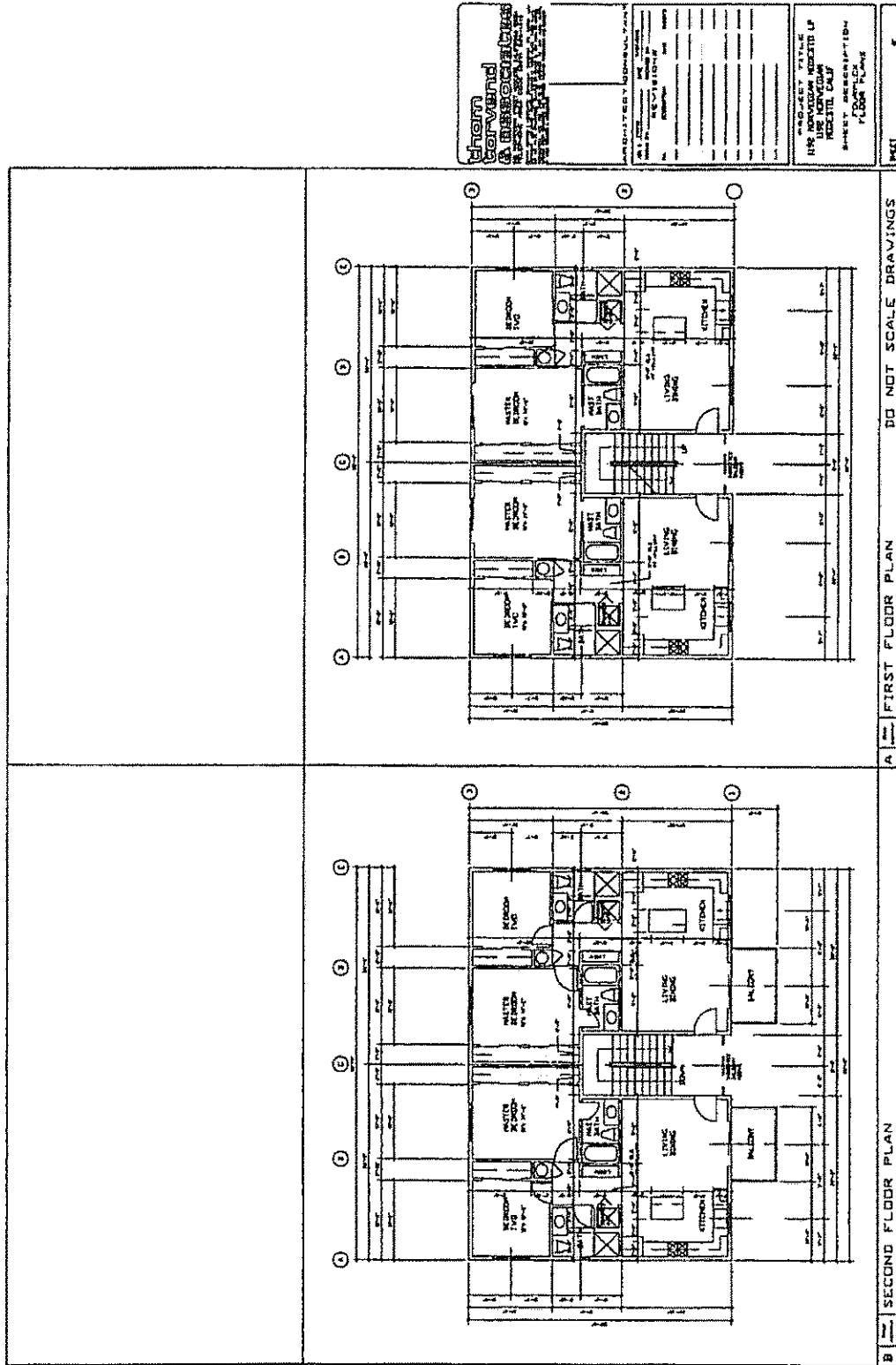
South and East: Planned Development Zone P-D(208), The House Church (formerly Calvary Temple), open space, soccer playing fields

West: Low Density Residential (R-1) Zone, single family residential; Planned Development Zone P-D(208), The House Church (formerly Calvary Temple), driveway to church facility parking lots.

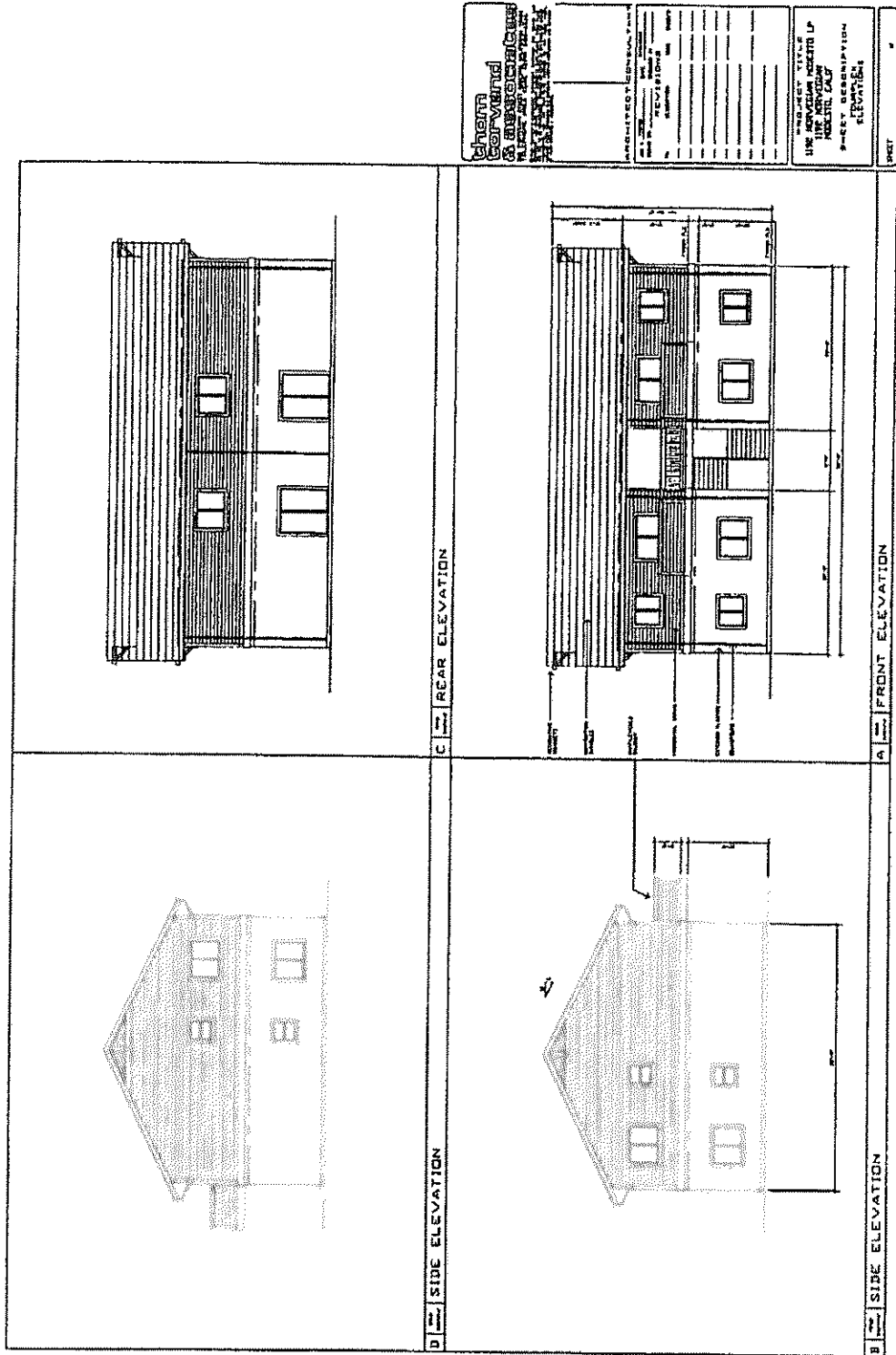
H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Proposal to amend the allowable uses and development plan of Planned Development Zone P-D(602) to allow for a 24-unit two-story apartment complex with associated off-street parking. Existing cellular tower at south end of site to remain within a 30-37-ft lease area. Allowable uses proposed to be amended from senior housing only to all uses within the Medium High Density Residential (R-3) Zone.





**PDA-19-003
 FLOOR PLANS**



**PDA-19-003
 BUILDING ELEVATIONS**

I. Other Public Agencies Whose Approval is Required: None

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

1. **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,
 - E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.
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,
 - D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.
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,
- D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.



Project Manager

Associate Planner
Title

October 3, 2019
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5)	The project will occur within the boundaries of the City's planning area as established in the Urban Area General Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6)	Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified;	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project consists of the development of approximately 1.1 acres within the Baseline Urbanized Area for a 24-unit apartment complex. The site was formerly the location of a radio broadcasting studio, of which the studio building has been since demolished but the radio tower with cellular equipment is to remain within a 30x37-ft lease area. 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 to be two-story with a building height of 29-feet. 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 three miles away to the southeast.
- (4) The proposed project would not substantially increase 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 Norwegian Avenue at the northeast corner 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 (PM₁₀) 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, PM₁₀, 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-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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would expose sensitive receptors to substantial pollutant concentrations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project involves amendment of a Planned Development Zone to allow for the construction of a new 24-unit two-story apartment complex on 1.1 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 appropriate 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant w/Mitigating Policies	Less Than Significant Impact	No Impact
standards.				
2) The proposed project would generate excessive ground-borne noise and/or vibration levels.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 Lmax inside bedrooms or 55 dBA Lmax inside other occupied areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The proposed project is not inconsistent with Urban Area General Plan noise and vibration policies and standards.
- (2-3) 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 with the development of 24 apartment units.
- (4) The project consists of the development of approximately 1.1 acres for a 24-unit apartment complex. Any increase in noise would be construction-related and temporary, and less than significant impact with mitigation measures applied. The 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 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:

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 residential uses and the House Church of Modesto. 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

No mitigation measures 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project consists of the development of approximately 1.1 acres for an apartment complex of 24 residential units. 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 plant 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:

No mitigation measures 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-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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project consists of the development of approximately 1.1 acres for a 24-unit apartment complex. 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 residential uses and the House Church of Modesto. 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:

No mitigation measures 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-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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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-3 as shown in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would involve the removal of known significant resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project would not be inconsistent with General Plan policies pertaining to archaeological or historic resources.
- (2-6) The project site is vacant infill land surrounded by urban uses, previously developed with a radio station building previously demolished and currently the site of a cellular tower within a 30x37 ft lease area. The site is not classified as being of state or federal historic status nor is eligible for listing for such status.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. 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.
- (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: 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would place housing within a 100-year flood hazard area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would place structures within a 100-year floodplain as defined by FEMA.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 06099C0340E dated September 26, 2008.
- (4) The site is not in the vicinity of a levee or dam. The nearest waterway is Dry Creek approximately 1.7 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:

No mitigation measures 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				
1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 project is on a vacant site that was previously developed with a radio broadcasting station, since demolished.

- (3) The project consists of the development of 24 residential apartment units. 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:

No mitigation measures 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

No mitigation measures 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

No mitigation measures 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

No mitigation measures 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

No mitigation measures 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-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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

No mitigation measures 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

No mitigation measures 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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:

No mitigation measures 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project would have a substantial adverse effect on a scenic vista.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6) The proposed project would substantially degrade views from riverside areas and parks.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.
- (7) The project 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:

No mitigation measures 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
2D. LAND USE AND PLANNING				
1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is designated as Mixed Use (MU) 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 including the House Church of Modesto to the south and east. 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: 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-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. 2019-541**

**RESOLUTION ACCEPTING THE RESIGNATION OF MIGUEL JIMENEZ, AS
A REGISTERED COUNTY VOTER RESIDING OUTSIDE OF MODESTO,
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

WHEREAS, the Culture Commission is comprised of seven members representing County Registered Voters: five (5) who reside in the City of Modesto and two (2) who live outside of the City of Modesto, and

WHEREAS, Miguel Jimenez was appointed to serve as a member of the Culture Commission on August 8, 2018 by Resolution No. 2018-300, and

WHEREAS, Mr. Jimenez has tendered his resignation from the Culture Commission on November 15, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts, with regret, the resignation of Miguel Jimenez as a Commissioner of the Culture Commission representing a County Registered Voter residing outside the City of Modesto.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the removed member of the Culture Commission, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

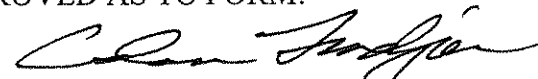
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-542**

RESOLUTION APPROVING AGREEMENT NO. 19R465000-0 WITH THE STATE OF CALIFORNIA, DEPARTMENT OF HIGHWAY PATROL FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT IN AN AMOUNT NOT TO EXCEED \$331,486 FOR TRAFFIC CONTROL RELATED SERVICES DURING THE CONSTRUCTION PHASE OF THE PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue, and

WHEREAS, the Project includes construction of an access-controlled, 2-lane expressway along a new alignment just south of Kansas Avenue starting from the east side of SR-99 at the west end of the Needham Street Bridge, west to Dakota Avenue and then along Dakota Avenue to the existing SR-132/Maze Boulevard, and

WHEREAS, grade separations will be constructed at Rosemore Avenue, Carpenter Avenue, Emerald Avenue and SR-99, and

WHEREAS, on September 24, 2019 per Resolution 2019-439, Council awarded a construction contract to Bay Cities Paving & Grading and construction activities are expected to begin in early December, 2019, and

WHEREAS, one of the first items of work will occur within the SR-99 right of way and require traffic control related services from the California Highway Patrol (CHP), and

WHEREAS Caltrans requires that the Construction Zone Enhanced Enforcement Program (COZEEP) is implemented for this project. Prior to the CHP performing the services required of the COZEEP program, an agreement must be executed, and

WHEREAS, the Agreement No. 19R465000-0 commits the City of Modesto to provide reimbursement to the CHP for all traffic control related services provided to the project during the construction phase of the project in an amount not to exceed three hundred thirty one thousand four hundred and eighty six dollars (\$331,486.00).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Agreement No. 19R465000-0 with the State of California, Department of Highway Patrol for the State Route 132 West Freeway/Expressway Phase 1 Project in an amount not to exceed \$331,486 for the traffic control related services during the construction phase of the 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 10th day of December, 2019, by Councilmember Kenoyer, 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: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-543**

**RESOLUTION APPROVING A PROJECT OVERSIGHT AGREEMENT
BETWEEN FEDERAL HIGHWAY ADMINISTRATION, THE CALIFORNIA
DEPARTMENT OF TRANSPORTATION AND THE CITY OF MODESTO FOR
THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE AGREEMENT**

WHEREAS, the State Route 132 West Freeway/Expressway – Phase 1 Project (Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue, and

WHEREAS, the Project includes construction of an access-controlled, 2-lane expressway along a new alignment just south of Kansas Avenue starting from the east side of SR-99 at the west end of the Needham Street Bridge, west to Dakota Avenue and then along Dakota Avenue to the existing SR-132/Maze Boulevard, and

WHEREAS, on September 24, 2019 per Resolution 2019-439, Council awarded a construction contract to Bay Cities Paving & Grading and construction activities are expected to begin in early December, 2019, and

WHEREAS, per the Federal Highway Administration (FHWA) California Division and the State of California Department of Transportation (Caltrans), a Project Oversight Agreement (POA) is required for any project that has been identified as a Project of Division Interest (PoDI), and

WHEREAS, this Project has been selected as a PoDI because it was awarded a Transportation Investment Generating Economic Recovery (TIGER) grant from the U.S. Department of Transportation, and

WHEREAS, the POA assigns specific project responsibilities for the development and delivery of the PoDI, and

WHEREAS, the POA serves as a supplement to the Stewardship and Oversight Agreement on Project Assumption and Program Oversight between the Federal Highway Administration (FHWA) California Division and the State of California Department of Transportation (Caltrans) dated May 28, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Project Oversight Agreement between Federal Highway Administration, the California Department of Transportation and the City of Modesto 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 10th day of December, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-544**

RESOLUTION APPROVING AN AGREEMENT WITH ACRO SERVICE CORPORATION (ACRO) FOR THE FURNISHING OF TEMPORARY PERSONNEL SERVICES, FOR A TWO-YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF \$490,000, AND A TOTAL AMOUNT NOT TO EXCEED \$3,172,000 OVER SIX YEARS; AND EXTENDING THE CURRENT AGREEMENTS WITH PRIDESTAFF, EXACT STAFF AND NELSON FAMILY OF COMPANIES FOR 90 DAYS, IF NEEDED, THROUGH MARCH 31, 2020, AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO NEGOTIATE ANY COST INCREASES, EXTRA SERVICES OR SERVICE CHANGES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, temporary employees are utilized to fill vacancies created through retirements, resignations, and terminations; and

WHEREAS, the City has maintained agreements with temporary staffing agencies to enable City departments to supplement staff for projects and work overflow; and

WHEREAS, department staff works directly with the temporary employment agency conducting employee interview, choosing the candidate that best meets their service level requirements; and

WHEREAS, in May 2016 Maricopa County, AZ as the lead agency with OMNIA Partners Public Sector cooperative purchasing organization issued RFP 16111 for Staffing Services with Related Services and Solutions; and

WHEREAS, on July 14, 2016 proposals were opened and five proposals were received; and

WHEREAS, based on scores of the responsive proposals, the evaluation committee determined to short-list the proposals scoring over 90; and

WHEREAS, the multiple award was made to the top two candidates, ACRO Services with 92.4 final points and Knowledge Services with 89.8 final points; and

WHEREAS, the original agreement was awarded for an initial term of three years beginning January 1, 2017 and ending December 31, 2019 with the option to renew for up to six additional one year terms; 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); and

WHEREAS, the Purchasing Manager has determined, pursuant to Section 8-3.204(d) of the MMC, that the process other than the formal bid process set forth in Section 8-3.201 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of agreement with ACRO Service Corporation (ACRO) through OMNIA Partners Public Sector cooperative purchasing organization (formerly known as U.S. Communities and National IPA) under the Intergovernmental Cooperative Purchasing Agreement (MICPA) and Maricopa County's Master Agreement for the furnishing of temporary personnel services, for a two-year agreement with four one-year extension options for an annual estimated cost of \$490,000 and a total amount not to exceed \$3,172,000 over six years.

BE IT FURTHER RESOLVED, the current agreements with Pridestaff, Exact Staff and Nelson Family of Companies are extended through March 31, 2020.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to negotiate any cost increases, extra services or service changes;

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 December, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-545**

RESOLUTION APPROVING THE SECOND AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH VARSITY FACILITY SERVICES, A KBS COMPANY, RANCHO CORDOVA, CA, FOR CUSTODIAL SERVICES BY \$595,000 FROM \$2,559,267 TO A REVISED TOTAL AMOUNT OF \$3,154,267, AND EXTENDING THE AGREEMENT FROM JANUARY 7, 2020 TO DECEMBER 31, 2020, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on July 8, 2014 by Resolution No. 2014-288, Council approved the award of proposal and contract for the furnishing of furnishing of custodial services for Citywide use to Varsity Facility Services, Rancho Cordova, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and for an estimated annual cost of \$398,354, and over five (5) years of \$1,991,770 with the termination date scheduled for of July 7, 2019, and

WHEREAS, on April 9, 2019, by Resolution No. 2019-150, Council approved the First Amendment to the Agreement extending the term of the Custodial Services Agreement from July 7, 2019 through January 7, 2020, and increasing the spending limit by \$567,497 to cover the term extension, and

WHEREAS, after the First Amendment to the Custodial Services Agreement was authorized and the term was extended, staff investigated the option of utilizing a collaborative purchasing agreement awarded by 1GPA, a national non-profit governmental purchasing cooperative, to ABM Janitorial Services (“ABM”), and

WHEREAS, staff solicited a quote from ABM for custodial services and found that the total cost was nearly double the cost of the current custodial agreement with Varsity Facility Services, and

WHEREAS, the intent of utilizing the cooperative agreement was to reduce cost to the City, staff determined that the City would benefit more from putting the custodial service proposal out to bid in order to generate competitive pricing and obtain the best proposal for these services, and

WHEREAS, an extension of the term will allow time for staff to secure a new agreement through a competitive process, and

WHEREAS, sufficient funds are budgeted and available in the Building Services Fund and the Community Center Operations Fund for these services, staff is requesting an increase in the agreement amount and extension of the termination date.

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 Varsity Facility Services, a KBS Company, Rancho Cordova, CA, for custodial services by \$595,000 from \$2,559,267 to a new estimated total amount of \$3,154,267, and extending the agreement from January 7, 2020 to December 31, 2020.

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 December, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-546**

RESOLUTION APPROVING AGREEMENTS WITH GILTON SOLID WASTE MANAGEMENT, INC. AND BERTOLOTTI MODESTO DISPOSAL, INC. TO PERFORM BILLING AND COLLECTION SERVICES ON BEHALF OF THE TWO GARBAGE COMPANIES FOR CERTAIN SOLID WASTE REMOVAL PROVIDED TO SINGLE-FAMILY RESIDENTIAL CUSTOMERS WITHIN THE CITY LIMITS OF MODESTO FOR TWO YEARS WITH THREE ONE-YEAR EXTENSION OPTIONS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, Modesto Municipal Code 5-5-135 entitled "Collection of Solid Waste Charges" allows for the City to enter into an agreement with the garbage companies whereby the City will bill and accept payments for certain solid waste service charges on behalf of the garbage companies, and

WHEREAS, the charges are billed on the monthly City utility bill along with other applicable City utility services such as water, sewer and storm drain, and

WHEREAS, on April 26, 2005 Council approved Resolution No. 2005-185 authorizing the execution of an agreement with Gilton Solid Waste Management, Inc. and Bertolotti Modesto Disposal, Inc. for the City of Modesto to provide these billing and collection services on behalf of the two garbage companies, and

WHEREAS, per the agreement the City would charge the garbage companies \$0.98 per bill for billing and collection services provided with the cost increasing automatically each year based on the Consumer Price Index (CPI), and

WHEREAS, on May 26, 2011 a First Amendment was made to the original agreement changing the methodology of the annual cost per bill increase, utilizing the Consumer Price Index for the Bay area rather than the Consumer Price Index for the State of California; and

WHEREAS, on February 26, 2019 Council approved Resolution No. 2019-78 for a Second Amendment to extend the agreement through December 31, 2019 to allow time for staff to complete a comprehensive review of the agreements and enter into new agreements with the garbage companies addressing any deficiencies and defining a term date, and

WHEREAS, it is critical the City recover the costs of billing and collection on behalf of the garbage companies while maintaining revenues that support the General Fund , and

WHEREAS, staff has conducted a detailed cost analysis of the methodology utilized to determine the current cost per bill, the frequency of reconciliation of revenues and recovering the City's costs for ownership of bad debt incurred on uncollectible balances, and

WHEREAS, in order to ensure costs are recovered going forward, staff is recommending an increase in the charge per bill from \$1.35 to \$1.49 to be effective January 1, 2020, and

WHEREAS, the charge per bill will continue to be adjusted effective July 1st by the City on an annual basis for inflation at no more than the annual increase listed in the Consumer Price Index for the Bay Area for the period of January 1st to December 31st of the prior year, and

WHEREAS, the City reserves the right to conduct an annual cost analysis to provided services, and

WHEREAS, in the event the analysis determines the City is no longer recovering costs to provide service as identified in the Scope of Services (**Exhibit A**) the City

reserves the right to adjust the cost per bill accordingly with a 90 day notification to both garbage companies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves agreements with Gilton Solid Waste Management, Inc. and Bertolotti Modesto Disposal, Inc. to perform billing and collection services on behalf of the two garbage companies for certain solid waste removal provided to single-family residential customers within the City limits of Modesto for two years with three one-year extension options.

BE IT FURTHER RESOLVED 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 December, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

EXHIBIT A
SCOPE OF SERVICES

1. Charges to be Collected.

This Agreement shall apply only to the customers of Collector within the Modesto City limits who are billed at a single-family residential rate. City will bill at Council approved rates utilizing utility billing software system at locations billed for one or more of the following services: water, sewer or storm drain. City will not bill for garbage as a stand-alone service. Per MMC 5-5.135 City shall neither use nor imply that it will use its police power to collect bills remaining overdue or unpaid.

2. Payment to Collector.

City agrees to make a weekly payment to Collector based on the amount billed by City during the preceding calendar week, less the amount due City pursuant to Section 3 of Agreement titled "Compensation". City will reserve the option to update the payment schedule from time to time as agreed upon by both parties based on variations in billing cycles or business needs. Payment will be based on revenues billed for the prior week and extracted from the utility billing software system accompanied by a detailed reconciliation worksheet.

3. Monthly Billing of Garbage Services.

City shall provide monthly billing of Collectors' garbage customers as defined in paragraph 1 above titled "Charges to Be Collected" acting solely in the role of a private contractor performing customer billing and payment acceptance services for the Collector.

4. Receipt of and Accounting for Payments.

City shall accept, receipt and account for Collector's monthly customer payments for which it bills on behalf of Collector.

5. Assistance Programs and Discounts.

City will apply City's established assistance program discount to Collectors' customer bills as authorized by the Collectors' service agreement with the City at a flat rate of \$5.00 per eligible customer. In the event there is any change to the assistance program, such as to the amount of the monthly flat discount, the City will notify the Collector in writing a minimum of 60 days in advance.

6. Billing Adjustments and Correction of Charges Billed or Due.

City is authorized to review account charges and adjust as necessary, utilizing parameters as set forth in adjustment policy of City's Utility Billing and Collections Division. In the event an adjustment of charges results in flat or negative revenues due the Collector for any given week, no check will be issued for that week. City will notify Collector and provide reconciliation including billing corrections or adjustments that resulted in flat or negative revenues for that billing period.

7. Deposits.

City will not collect deposits on behalf of the Collector for garbage services billed by the City.

8. Communications.

City and Collector will communicate as necessary regarding billing, processing customer account information, and delivery and removal of residential standard containers. All service related issues shall be referred by the City directly to Collector to manage (please refer to sections 11 and 12 below).

9. Utility Bill Inserts.

Collector agrees to pay City its proportional one-third share of the printing costs for public education materials inserted in the monthly utility bill based on its customer count as a percentage of total City garbage customers. Fees will only be billed when applicable in the event an insert has been included the monthly utility bill.

10. Requests for Extra Garbage Service.

All requests received for extra garbage service such as special pickups, extra loads, etc. shall be referred by City to Collector and Collector shall be responsible for billing and collection of the charges for such extra garbage service.

11. Complaints Regarding Garbage Service.

All complaints made to City by customers of Collector relating to garbage service shall be referred by City to Collector and it shall be the responsibility of Collector to investigate such complaints.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-547**

RESOLUTION APPROVING A PAYMENT TO THE STANISLAUS ANIMAL SERVICES AGENCY IN THE AMOUNT OF \$256,720 FOR THE FISCAL YEAR 2018-19 PARTNER ALLOCATION TRUE-UP

WHEREAS, in 2009, the cities of Ceres, Hughson, Modesto, Patterson, Waterford and the County of Stanislaus entered into a Joint Powers Agreement establishing the Stanislaus Animal Services Agency; and

WHEREAS, the agreement states that “the joint operations and management of an animal shelter for the mutual benefit of the parties and their respective residents provides efficiency and economy in government operations through the cooperation of member governments and the pooling of common resources”; and

WHEREAS, the fiscal matters related to the Stanislaus Animal Services Agency are outlined in Section 5 of the Agreement; and

WHEREAS, at the completion of each fiscal year, the Stanislaus Animal Services Agency performs a “final accounting”; and

WHEREAS, historically, the prior years have closed with a surplus resulting from the previous fiscal year Operating Budget fund balance, and

WHEREAS, the final accounting for Fiscal Year 2018-2019 resulted in a deficit in the amount of \$371,569; and

WHEREAS, on September 9, 2019, the Stanislaus Animal Service Agency Joint Powers Authority Board voted to approve the true-up of Fiscal Year 2018-19 partner agency financial contributions and authorized the Executive Director to invoice the partner agencies for their respective contributions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a payment to the Stanislaus Animal Services Agency in the amount of \$256,720 for the Fiscal Year 2018-2019 partner agency allocation true-up.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-548**

**RESOLUTION APPROVING AN EXTENSION FOR THE DISCOUNT FOR
NATIONAL EXPRESS TRANSIT CORPORATION EMPLOYEES WHO
PURCHASE A TRANSPORTATION CENTER PARKING LOT MONTHLY
PASS**

WHEREAS, the Transportation Center is the central location for Modesto Area Express (MAX) operations. MAX is operated by National Express Transit Corporation (NEXT). NEXT employs the bus drivers, dispatchers, customer service representatives, management and several others that keep the MAX system operational each day, and

WHEREAS, NEXT employees have frequently requested discounted or complimentary access to the parking lot at the Transportation Center, and

WHEREAS, the majority of the time, the parking lot at the Transportation Center is seldom used, and

WHEREAS, this discount will improve the morale of the employees that operate the MAX system, and provide a discount to aid their work experience. It will also further enhance the partnership between the City and NEXT, and

WHEREAS, on December 10, 2018, by Resolution No. 2018-557, Council previously approved a one year pilot discount program for these employees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the continuation of the \$50 rate for National Express Transit Corporation employees who purchase a Transportation Center parking lot monthly pass.

BE IT FURTHER RESOLVED that the discount is specific to the Transportation Center parking lot not extending to other lots or parking garages, that to obtain the discounted monthly pass, the NEXT employee must show their NEXT ID badge, that only 20 monthly passes will be

issued, which will leave 15 available to the public, and that parking spaces will not be reserved or guaranteed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-549**

RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENT FOR THE PURCHASE OF A COMPUTER-AIDED DISPATCH/AUTOMATED VEHICLE LOCATION SYSTEM TO ECOLANE, USA, INC, WAYNE PA, FOR AN ANNUAL ESTIMATED COST NOT TO EXCEED \$213,946, AND A TOTAL AMOUNT NOT TO EXCEED \$447,006 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City's complementary American Disabilities Act (ADA) paratransit system operates without benefit of a GIS based scheduling and automated dispatch software, and

WHEREAS, implementation of a computerized scheduling and automated dispatch system is estimated to improve a paratransit system's operational capacity by 20-30% through dispatching efficiencies, and

WHEREAS, a Request for Proposal (RFP) was issued by the City to select, through a competitive proposal process, a contractor to provide Computer-aided Dispatch/Automated Vehicle Location (CAD/AVL) system for the Modesto Area Dial A Ride (MADAR) paratransit buses, and

WHEREAS, after evaluation of the proposals and demonstration of the system components, Ecolane USA, Inc. was determined to be the most advantageous and greatest value to the City, and

WHEREAS, Ecolane USA, Inc. is a leading designer and provider of scheduling software for the public paratransit and mass transit industries, and

WHEREAS, Ecolane USA, Inc.'s scheduling software system includes mobile applications, electronic booking trip reminder, customer payment and Interactive Voice

Response (IVR) components that will improve the passenger experience, improve system reliability, and reduce passenger trip time, and

WHEREAS, Ecolane is providing a cloud hosted CAD/AVL system solution that is compatible with the City's data network and Wide Area Network (WAN) architecture, connectivity, and bandwidth parameters.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the proposal and agreement for the purchase of a computer aided dispatch/automated vehicle location system to Ecolane USA, Inc., Wayne, PA, for an annual estimated cost not to exceed \$213,946 and a total amount not to exceed \$447,006 over five years.

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 December, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-550**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE SOUTH MARTIN LUTHER KING DRIVE STRENGTHEN & REPLACE WATER MAINS PROJECT, ACCEPTING THE BID, AND AWARDING A CONSTRUCTION CONTRACT TO D.A. WOOD CONSTRUCTION OF OAKDALE, CA, IN THE AMOUNT OF \$865,504 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, S. Martin Luther King Drive Strengthen & Replace Water Mains Project is a partnership between the City's Community & Economic Development Department and Utilities Department, and

WHEREAS, the S. Martin Luther King Drive Neighborhood is one of many prioritized areas in the City's water service area that require replacement of current, aging water infrastructure, and

WHEREAS, the S. Martin Luther King Drive Strengthen & Replace Water Mains Project will replace and upgrade deficient water mains, associated water valves, services and fire hydrants to increase service reliability, flows, and pressures, and

WHEREAS, specifications have been prepared for the S. Martin Luther King Drive Strengthen & Replace Water Mains Project, and

WHEREAS, on November 12, 2019 staff received bids from three companies that were responsible and responsive, including a bid from D.A. Wood Construction, Inc., and

WHEREAS, Modesto Municipal Code 8-3.203 generally requires all purchases, in excess of fifty thousand dollars (\$50,000) for material, equipment or contractual services to follow the formal bid procedures, and

WHEREAS, and the award of bid for the S. Martin Luther King Drive Strengthen & Replace Water Mains 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 \$865,504 received from D.A. Wood Construction Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to D.A. Wood Construction Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby consider approving the plans and specifications for the S. Martin Luther King Drive Strengthen & Replace Water Mains Project, accepting the bid and awarding a construction contract with D.A. Wood Construction Inc. of Oakdale, CA in the amount of \$865,504.

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.

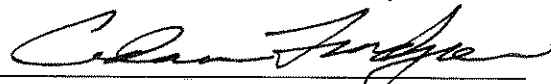
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-551**

RESOLUTION AMENDING THE FISCAL YEAR 2019-20 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$129,224 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE SOUTH MARTIN LUTHER KING DRIVE 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 \$129,224 in order to fund construction, contingency, construction administration, City construction forces, and design support during construction plus City staff support for the S. Martin Luther King Drive Strengthen & Replace Water Mains Project, and

WHEREAS, the Fiscal Year 2019-2020 Capital Improvement Program Budget must be amended as shown 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 approves the amendment of the Fiscal Year 2019-2020 Capital Improvement Program Budget as shown in **Exhibit A**, **attached** hereto.

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 10th day of December, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

Exhibit A

Overall project costs are higher than what was budgeted for the project due material cost fluctuation, thus an appropriation transfer in the amount of \$129,224 is necessary to fund construction, contingency, construction administration, City construction forces, and design support during construction from City Staff. Upon Council approval, this amount will be transferred into the project account (101209) from Water Fund Reserves to cover these costs, thereby amending the Fiscal Year 2019-20 Capital Improvement Program Budget.

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-552**

RESOLUTION AUTHORIZING AN ADMINISTRATIVE ACTION TO ADJUST OF THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS ON THE WATER CORPORATION YARD PROJECT FROM 6% (\$846,000) TO 8% (\$1,128,000) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF \$14,100,000 WITH DIEDE CONSTRUCTION INC., OF LODI, CA.

WHEREAS, on November 4, 2015, by Resolution No. 2015-424, Council approved the purchase of a 48.62-acre site at 4240 Litt Road in northeast Modesto for the future corporation yard, and

WHEREAS, on February 27, 2018, by Resolution No. 2018-93, Council awarded a \$14.1 million design build contract to Diede Construction for the Water Corporation Yard Project, and

WHEREAS, when Council awarded the construction contract to Diede Construction, staff established a contract change order budget of 8% (\$1,128,000) for the project due to it being a design build project, and

WHEREAS, with design build projects, not only is there the potential for unforeseen conditions and additional scope but also design changes that require the designer to update the improvement plans that the contractor is using to build from, and

WHEREAS, per the City's updated "Change Order Approval Policy" enacted by Council Resolution No. 2019 on July 9, 2019, a contract that exceeds \$10,000,000 allows Director's Authority only up to 6%, and

WHEREAS, while the contract change order budget of 8% was noted in the Fiscal Impact table of the February 27, 2018, Agenda Report (reflected as the contingency

amount), a Resolution authorizing this amount for change orders was not submitted for approval, and

WHEREAS, this item is an administrative action to present a resolution formally requesting authorization of the 8% amount for change orders, and

WHEREAS, no additional funds are necessary, as the funds have already been budgeted, and

WHEREAS, therefore staff is requesting an increase to the Director's authority for approving change orders from 6% to 8%, to account for additional costs due to unforeseen design changes, added scope and the remaining change orders to complete the project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an administrative action to adjust Director's Authority to issue change orders for the Water Corporation Yard from \$846,000 (6%) to a not-to-exceed amount of \$1,128,000 (8%).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-553**

**RESOLUTION ACCEPTING THE FISCAL YEAR 2018-19 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 the project 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 its project located at 3055 Floyd Avenue, Modesto, on September 2, 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 its project 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 at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 10, 2019, 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 finds and determines that the impact fees collected for future improvements are necessary to fund future infrastructure needed for new development.

1. 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.
2. 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.
3. 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.
4. 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.

5. 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 10th day of December, 2019, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

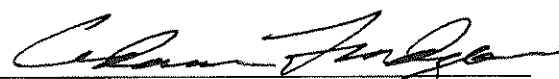
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-554**

**RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES ANNUAL
REPORT FOR FISCAL YEAR 2018-2019 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. 2013-177 on May 7, 2013, and

WHEREAS, the following fees were established by Resolution No. 2013-177:

- 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 Air Quality Mitigation 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, 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 Parks CFF Fund was established to accrue funds for the development of additional regional parks, community centers, and neighborhood parks, and the expansion of the McClure Country Place, 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, the Capital Facilities Fee Annual Report for Fiscal Year 2018-19 has been completed and is on file with the City Clerk and is **attached** as **Exhibit "A"**, 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 10, 2019, 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:

- 1) The Capital Facilities Fee program, set forth in City Council Resolution No. 2013-177, and incorporated herein by reference, continues to be a necessary program to fund future infrastructure needed for new development.
- 2) The Capital Facilities Fee Annual Report for Fiscal Year 2018-19 (**Exhibit A**) 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 CFF fees is unknown at this time as CFF 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. 2013-177, and therefore Capital Facilities 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 2018-19.

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 2018-19 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 10th day of December, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

City of Modesto Capital Facilities Fees Annual Report Fiscal Year 2018-19

Prepared By:

**Community & Economic Development
Infrastructure Financing Program**

December 2019



**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2018-19**

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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 and 2011 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

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2018-19**

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 year and 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.

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
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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 it is 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 eight (8) 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 Mitigation Capital Facilities Fee – Fund 3430

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.

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).

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
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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).

Parks Capital Facilities Fee – Fund 3460

This fee is collected for land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings.

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.

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 Construction Cost Index through the month of December of the preceding year. No increase was applied in Fiscal Year 2018-19. Table 1 provides the adopted fee schedule for Fiscal Year 2018-19.

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES¹

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 2018-19. 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.

¹ - Financial data is current as of November 7, 2019

FIVE YEAR REVENUE AND EXPENSE HISTORY²

As previously discussed, most revenue is collected when a building permit is issued for new development. Overall, CFF Program revenues decreased between Fiscal Years 2017-18 and 2018-19 while expenditures increased over the same time period. 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 three (3) active deferrals in Fiscal Year 2018-19.

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). Table 7 details the three (3) exemptions processed in Fiscal Year 2018-19.

REFUNDS

CFF 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 within six years of payment, minus the administration component. There were no CFF refunds made in Fiscal Year 2018-19.

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. Table 8 details the credits provided in Fiscal Year 2018-19.

² - Financial data is current as of November 7, 2019

TRANSFERS

A total of nine (9) inter-fund transfers occurred in Fiscal Year 2018-19. Table 9 offers details of each transfer.

CAPITAL IMPROVEMENT PROJECTS³

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.

3- Financial data is current as of November 7, 2019

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2018-19**

Table 1: Fee Schedules Effective July 1, 2018 through June 30, 2019

2011 CFF PROGRAM - Development within City Limits										
Fee Category	Unit Measure Per	Streets	Public Transp.	Air Quality	Police	Fire	Parks	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	\$ 6,592	\$ 96	\$ 576	\$ 896	\$ 382	\$ 5,461	\$ 504	\$ 286	\$ 14,793
Multi-Family Residential	Dwelling Unit	\$ 4,566	\$ 67	\$ 759	\$ 540	\$ 176	\$ 3,395	\$ 309	\$ 154	\$ 9,966
Senior Housing	Dwelling Unit	\$ 3,978	\$ 36	\$ 741	\$ 526	\$ 172	\$ 3,311	\$ 303	\$ 109	\$ 9,176
Hotel/Motel	Room	\$ 3,427	\$ 60	\$ -	\$ 204	\$ 67	\$ -	\$ 117	\$ 86	\$ 3,961
Retail <50,000 SF	1,000 SF	\$ 9,910	\$ 197	\$ -	\$ 243	\$ 80	\$ -	\$ 140	\$ 268	\$ 10,838
Retail 50,000-100,000 SF	1,000 SF	\$ 8,227	\$ 162	\$ -	\$ 243	\$ 79	\$ -	\$ 139	\$ 223	\$ 9,073
Retail 100,000-300,000 SF	1,000 SF	\$ 6,944	\$ 137	\$ -	\$ 244	\$ 80	\$ -	\$ 140	\$ 189	\$ 7,734
Retail >300,000 SF	1,000 SF	\$ 6,478	\$ 126	\$ -	\$ 243	\$ 79	\$ -	\$ 140	\$ 177	\$ 7,243
Medical Office	1,000 SF	\$ 12,518	\$ 250	\$ -	\$ 406	\$ 133	\$ -	\$ 232	\$ 345	\$ 13,884
General Office	1,000 SF	\$ 6,058	\$ 107	\$ -	\$ 406	\$ 133	\$ -	\$ 233	\$ 156	\$ 7,093
Hospital	1,000 SF	\$ 8,779	\$ 155	\$ -	\$ 405	\$ 133	\$ -	\$ 233	\$ 218	\$ 9,923
Daycare	1,000 SF	\$ 4,847	\$ 85	\$ -	\$ 406	\$ 133	\$ -	\$ 233	\$ 126	\$ 5,830
Church	1,000 SF	\$ 1,033	\$ 18	\$ -	\$ 411	\$ 134	\$ -	\$ 237	\$ 36	\$ 1,869
Nursing Home	1,000 SF	\$ 1,512	\$ 26	\$ -	\$ 409	\$ 134	\$ -	\$ 236	\$ 47	\$ 2,364
Industrial (Manufacturing)	1,000 SF	\$ 2,348	\$ 41	\$ -	\$ 174	\$ 57	\$ -	\$ 100	\$ 60	\$ 2,780
Industrial (Warehousing)	1,000 SF	\$ 1,647	\$ 29	\$ -	\$ 175	\$ 57	\$ -	\$ 100	\$ 44	\$ 2,052

2011 CFF PROGRAM - Development within City's Sphere of Influence										
Fee Category	Unit Measure Per	Streets	Public Transp.	Air Quality	Police	Fire	Parks	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	\$ 7,167	\$ 76	\$ 1,453	\$ -	\$ -	\$ -	\$ -	\$ 185	\$ 8,881
Multi-Family Residential	Dwelling Unit	\$ 5,158	\$ 55	\$ 921	\$ -	\$ -	\$ -	\$ -	\$ 126	\$ 6,260
Senior Housing	Dwelling Unit	\$ 3,018	\$ 33	\$ 1,008	\$ -	\$ -	\$ -	\$ -	\$ 100	\$ 4,159
Hotel/Motel	Room	\$ 3,613	\$ 38	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 54	\$ 3,705
Retail <50,000 SF	1,000 SF	\$ 10,309	\$ 108	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150	\$ 10,567
Retail 50,000-100,000 SF	1,000 SF	\$ 8,583	\$ 90	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 126	\$ 8,799
Retail 100,000-300,000 SF	1,000 SF	\$ 7,276	\$ 77	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 107	\$ 7,460
Retail >300,000 SF	1,000 SF	\$ 6,797	\$ 73	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100	\$ 6,970
Medical Office	1,000 SF	\$ 13,107	\$ 139	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 192	\$ 13,438
General Office	1,000 SF	\$ 6,415	\$ 67	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 98	\$ 6,580
Hospital	1,000 SF	\$ 9,180	\$ 97	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 137	\$ 9,414
Daycare	1,000 SF	\$ 5,176	\$ 55	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 80	\$ 5,311
Church	1,000 SF	\$ 1,239	\$ 13	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26	\$ 1,278
Nursing Home	1,000 SF	\$ 1,747	\$ 18	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 33	\$ 1,798
Industrial (Manufacturing)	1,000 SF	\$ 2,497	\$ 26	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 38	\$ 2,561
Industrial (Warehousing)	1,000 SF	\$ 1,782	\$ 19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 28	\$ 1,829

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2018-19**

Table 1: Combining Statement of Revenues, Expenditures and Changes in Fund Balances Year Ended June 30, 2019¹

	3410 Streets Cap Fees	3420 Public Trans Cap Fees	3430 Air Quality Cap Fees	3440 Police Dept Cap Fees	3450 Fire Dept Cap Fees	3460 Parks Dept Cap Fees	3470 City Hall Expansion Cap Fees	3480 Admin Cap Fees	Total Capital Facilities
Revenues									
Intergovernmental	9,673,048.00		24,772.00						9,697,820.00
Charges for Services	1,600,887.00	25,113.00	75,705.00	152,870.00	61,022.00	692,884.00	86,494.00	54,770.00	2,749,245.00
Interest and rent	277,024.00	4,581.00	3,911.00	3,040.00	2,748.00	76,980.00	3,936.00	844.00	375,264.00
Net change in fair value of investment	240,631.00	4,133.00	2,373.00	4,846.00	2,613.00	69,143.00	3,575.00	856.00	328,150.00
Miscellaneous									-
Total Revenues	10,791,586.00	33,807.00	106,761.00	162,856.00	66,383.00	839,007.00	94,005.00	56,470.00	12,150,479.00
Expenditures									
Current:									
General Government									
Community Development						150,000.00		87,478.00	237,478.00
Highways and Streets									-
Public Works									-
Parks and recreation									-
Public Safety									-
Capital Outlay									
Highways and Streets	19,909,526.00								19,909,526.00
Parks and recreation			13,243.00			278,048.00			291,291.00
Total Expenditures	19,909,526.00	-	13,243.00	-	-	428,048.00	-	87,478.00	20,438,293.00
EXCESS/DEFICIENCY OF REVENUES OVER/UNDER EXPENDITURES	(9,118,989.00)	33,807.00	93,518.00	162,856.00	66,383.00	410,959.00	94,005.00	(31,008.00)	(8,287,814.00)
Other Financial Sources (uses)									
Transfers in			77,221.00						77,221.00
Transfers out	(22,553.00)		(26,383.00)	(71,354.00)	(68,247.00)	(1.00)	(86,002.00)	(2.00)	(274,542.00)
Sales of Assets									
Total Other Financing Sources (uses)	(22,553.00)	-	50,838.00	(71,354.00)	(68,247.00)	(1.00)	(86,002.00)	(2.00)	(197,321.00)
Excess (deficiency) of revenues and other sources Over/Under expenditures and other	(9,140,899.00)	33,807.00	144,356.00	91,502.00	(1,864.00)	410,959.00	8,003.00	(31,010.00)	(8,455,135.00)
Fund Balances, July 1	29,201,758.00	390,272.00	172,649.00	135,554.00	(747,553.00)	3,147,679.00	234,540.00	164,498.00	34,789,659.00
Prior Period Adjustment									
Fund Balances, June 30	20,060,859.00	394,079.00	317,005.00	427,056.00	(749,417.00)	5,339,638.00	292,543.00	78,436.00	26,824,369.00

* See Table 9 for transfer details
1 -- Financial data is current as of September 30, 2019

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2018-19**

Table 2: Five Year Revenue History

Fund	2014-15	2015-2016	2016-2017	2017-2018	2018-2019	Five Year Total
FUND 3410 - STREETS						
Fees Collected	\$ 1,776,832	\$ 1,134,280	\$ 2,777,286	\$ 4,452,343	\$ 1,600,387	\$ 11,761,257
Grant Monies	\$ 1,413,848	\$ 95,316	\$ 257,056	\$ 6,435,930	\$ -	\$ 8,252,252
All Other Revenue Sources	\$ 173,298	\$ 209,320	\$ 222,723	\$ 253,321	\$ 9,180,803	\$ 10,050,365
<i>Subtotal</i>	\$ 3,364,098	\$ 1,458,927	\$ 3,258,065	\$ 11,191,594	\$ 10,791,190	\$ 30,063,874
FUND 3420 - PUBLIC TRANSP.						
Fees Collected	\$ 26,822	\$ 29,642	\$ 39,413	\$ 72,518	\$ 25,113	\$ 183,608
Grant Monies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
All Other Revenue Sources	\$ 1,097	\$ 1,641	\$ 1,940	\$ 2,943	\$ 8,694	\$ 16,315
<i>Subtotal</i>	\$ 27,919	\$ 21,283	\$ 41,353	\$ 75,561	\$ 33,807	\$ 199,923
FUND 3430 - AIR QUALITY						
Fees Collected	\$ (17,013)	\$ 31,925	\$ 71,743	\$ 170,138	\$ 75,705	\$ 332,498
Grant Monies	\$ 1,078	\$ 17,406	\$ 30,526	\$ 517,997	\$ -	\$ 567,009
All Other Revenue Sources	\$ -	\$ 1,417	\$ 746	\$ (1,336)	\$ 31,056	\$ 31,883
<i>Subtotal</i>	\$ (15,935)	\$ 50,750	\$ 103,015	\$ 686,799	\$ 106,761	\$ 931,390
FUND 3440 - POLICE						
Fees Collected	\$ 92,348	\$ 125,745	\$ 178,304	\$ 389,376	\$ 152,870	\$ 938,638
Grant Monies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
All Other Revenue Sources	\$ 5,156	\$ 3,607	\$ 2,568	\$ 5,027	\$ 9,986	\$ 26,344
<i>Subtotal</i>	\$ 97,504	\$ 129,347	\$ 180,872	\$ 394,403	\$ 162,856	\$ 964,982
FUND 3450 - FIRE						
Fees Collected	\$ 31,133	\$ 45,888	\$ 70,398	\$ 145,354	\$ 61,032	\$ 353,805
Grant Monies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
All Other Revenue Sources	\$ 195	\$ 640	\$ 1,097	\$ 2,419	\$ 5,361	\$ 9,712
<i>Subtotal</i>	\$ 31,328	\$ 46,528	\$ 71,495	\$ 147,783	\$ 66,393	\$ 363,317
FUND 3460 - PARKS						
Fees Collected	\$ 59,188	\$ 300,445	\$ 764,012	\$ 1,343,507	\$ 692,884	\$ 3,159,986
Grant Monies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
All Other Revenue Sources	\$ 16,912	\$ 23,574	\$ 30,471	\$ 46,950	\$ 146,123	\$ 264,070
<i>Subtotal</i>	\$ 76,099	\$ 324,019	\$ 794,483	\$ 1,390,457	\$ 839,007	\$ 3,424,056
FUND 3470 - GENERAL GOV'T						
Fees Collected	\$ 52,998	\$ 71,304	\$ 100,966	\$ 221,271	\$ 86,494	\$ 533,343
Grant Monies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
All Other Revenue Sources	\$ 221	\$ 436	\$ 632	\$ 2,759	\$ 7,513	\$ 11,609
<i>Subtotal</i>	\$ 53,219	\$ 72,030	\$ 101,668	\$ 224,030	\$ 94,005	\$ 544,952
FUND 3480 - ADMINISTRATION						
Fees Collected	\$ 40,401	\$ 36,462	\$ 78,673	\$ 138,953	\$ 54,770	\$ 347,259
Grant Monies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
All Other Revenue Sources	\$ 322	\$ 534	\$ 508	\$ 877	\$ 1,700	\$ 3,941
<i>Subtotal</i>	\$ 40,723	\$ 36,996	\$ 77,181	\$ 139,830	\$ 56,470	\$ 351,200
TOTAL	\$ 3,674,906	\$ 2,139,980	\$ 4,628,132	\$ 14,250,497	\$ 12,159,479	\$ 36,843,894

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
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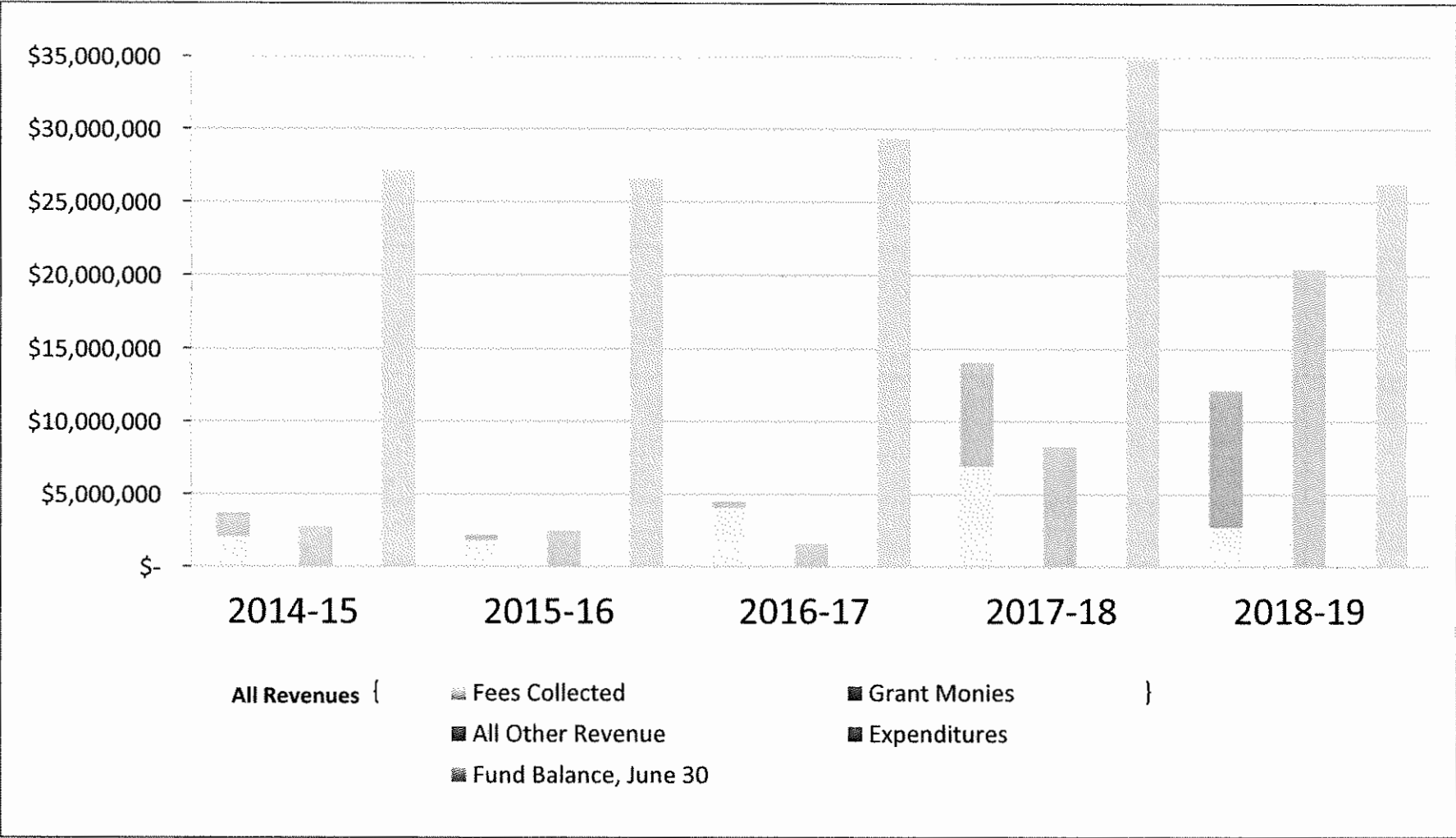
Table 3: Five Year Expenditure History

Fund	2014-15	2015-16	2016-17	2017-18	2018-19	Five Year Total
Fund 3410 – Streets	\$ (2,734,430)	\$ (2,393,138)	\$ (1,200,904)	\$ (7,587,438)	\$ (19,909,526)	\$ (33,825,436)
Fund 3420 – Public Transp.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fund 3430 – Air Quality	-	\$ (25,957)	\$ (318,813)	\$ (618,128)	\$ (13,243)	\$ (976,141)
Fund 3440 – Police	-	-	-	-	\$ -	\$ -
Fund 3450 – Fire	-	-	-	-	\$ -	\$ -
Fund 3460 – Parks	\$ (3,443)	\$ (4,795)	\$ (230)	\$ (81)	\$ (428,046)	\$ (436,595)
Fund 3470 – General Gov't	-	-	-	-	\$ -	\$ -
Fund 3480 – Administration	\$ (20,679)	\$ (29,399)	\$ (84,066)	\$ (107,582)	\$ (87,478)	\$ (329,204)
TOTAL	\$ (2,758,552)	\$ (2,453,289)	\$ (1,604,013)	\$ (8,313,229)	\$ (20,438,293)	\$ (35,567,376)

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
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Table 4: Five Year Revenue and Expenditure History

1 – Financial data is current as of September 30, 2019



**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
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Table 6: Multifamily, Commercial and Industrial Deferrals

Receivable								
Fund	Applicant	Address	Agreement Start Date	Agreement End Date	Years Remaining	Balance 30-Jun-18	Payoffs	Outstanding Balance 30-Jun-19
Fund 3410 Streets	Fernando Arredondo - 1 Permit	921 8th Street	4/11/2014	5/1/2019	0	\$ 12,814.04	\$ 12,814.04	\$ -
	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	3	\$ 64,395.05	\$ 16,210.15	\$ 48,184.90
	Wisdom Place LLC*	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 66,760.15	\$ 11,690.04	\$ 55,070.11
	Subtotal						\$ 124,969.24	\$ 41,714.23
Fund 3420 Public Transportation	Fernando Arredondo - 1 Permit	921 8th Street	4/11/2014	5/1/2019	0	\$ 273.44	\$ 273.44	\$ -
	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	3	\$ 1,266.68	\$ 320.57	\$ 946.11
	Wisdom Place LLC*	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 693.95	\$ 173.49	\$ 520.46
	Subtotal						\$ 2,236.07	\$ 767.80
Fund 3430 Air Quality	Fernando Arredondo - 1 Permit	921 8th Street	4/11/2014	5/1/2019	0	\$ -	\$ -	\$ -
	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	0	\$ -	\$ -	\$ -
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 7,776.35	\$ 1,944.09	\$ 5,832.26
	Subtotal						\$ 7,776.35	\$ 1,944.09
Fund 3440 Parks	Fernando Arredondo - 1 Permit	921 8th Street	4/11/2014	5/1/2019	0	\$ 538.40	\$ 538.40	\$ -
	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	3	\$ 1,838.46	\$ 397.09	\$ 1,441.37
	Wisdom Place LLC*	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 5,921.01	\$ 1,380.25	\$ 4,540.76
	Subtotal						\$ 7,697.87	\$ 2,115.74
Fund 3450 Fire	Fernando Arredondo - 1 Permit	921 8th Street	4/11/2014	5/1/2019	0	\$ 111.80	\$ 111.80	\$ -
	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	3	\$ 608.57	\$ 132.18	\$ 476.39
	Wisdom Place LLC*	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 1,796.11	\$ 449.03	\$ 1,347.08
	Subtotal						\$ 2,513.58	\$ 692.01

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2018-19**

Table 6: Multifamily, Commercial and Industrial Deferrals

Receivable			Agreement Start	Agreement End	Years Remaining	Balance		Outstanding
Fund	Applicant	Address	Date	Date		30-Jun-18	Payoffs	Balance 30-Jun-18
Fund 3470	Fernando Arredondo - 1 Permit	921 9th Street	4/11/2014	5/1/2019	0	\$ 194.89	\$ 194.89	\$ -
General Gov't	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	3	\$ 1,057.52	\$ 228.68	\$ 828.84
	Wisdom Plaza LLC*	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 2,163.61	\$ 790.90	\$ 2,372.71
<i>Subtotal</i>						\$ 4,416.02	\$ 1,214.47	\$ 3,201.55
Fund 3480	Fernando Arredondo - 1 Permit	921 9th Street	4/11/2014	5/1/2019	0	\$ 374.65	\$ 374.65	\$ -
Administration	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	3	\$ 1,745.38	\$ 439.67	\$ 1,305.71
	Wisdom Plaza LLC*	1600 Wisdom Way	1/30/2017	12/1/2021	3	\$ 1,571.60	\$ 392.89	\$ 1,178.71
<i>Subtotal</i>						\$ 3,691.63	\$ 1,207.21	\$ 2,484.42
TOTAL						\$ 188,069.62	\$ 58,347.82	\$ 129,721.80

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2018-19**

Table 7: Refunds

Fund	Applicant / Project	CFF Due	CFF Credit	CFF Paid
Fund 3410 streets	Kestrel Ridge (Housing Authority)	\$ 29,939.00	\$ (29,939.00)	\$ -
	Havencove (Housing Authority)	\$ 13,184.00	\$ (13,184.00)	\$ -
	525 Benson (Housing Authority)		\$ -	\$ -
		\$ 43,123.00	\$ (43,123.00)	\$ -
Fund 3420 Public Transportation	Kestrel Ridge (Housing Authority)	\$ 440.00	\$ (440.00)	\$ -
	Havencove (Housing Authority)	\$ 192.00	\$ (192.00)	\$ -
	525 Benson (Housing Authority)		\$ -	\$ -
		\$ 632.00	\$ (632.00)	\$ -
Fund 3430 Air Mitigation	Kestrel Ridge (Housing Authority)	\$ 5,496.00	\$ (5,496.00)	\$ -
	Havencove (Housing Authority)	\$ 1,152.00	\$ (1,152.00)	\$ -
	525 Benson (Housing Authority)		\$ -	\$ -
		\$ 6,648.00	\$ (6,648.00)	\$ -
Fund 3440 Police	Kestrel Ridge (Housing Authority)	\$ 3,424.00	\$ (3,424.00)	\$ -
	Havencove (Housing Authority)	\$ 1,792.00	\$ (1,792.00)	\$ -
	525 Benson (Housing Authority)		\$ -	\$ -
		\$ 5,216.00	\$ (5,216.00)	\$ -
Fund 3450 Fee	Kestrel Ridge (Housing Authority)	\$ 1,026.00	\$ (1,026.00)	\$ -
	Havencove (Housing Authority)	\$ 764.00	\$ (764.00)	\$ -
	525 Benson (Housing Authority)		\$ -	\$ -
		\$ 1,790.00	\$ (1,790.00)	\$ -
Fund 3460 Parks	Kestrel Ridge (Housing Authority)	\$ 21,699.00	\$ (21,699.00)	\$ -
	Havencove (Housing Authority)	\$ 10,922.00	\$ (10,922.00)	\$ -
	525 Benson (Housing Authority)		\$ -	\$ -
		\$ 32,621.00	\$ (32,621.00)	\$ -
Fund 3470 General Govt.	Kestrel Ridge (Housing Authority)	\$ 1,968.00	\$ (1,968.00)	\$ -
	Havencove (Housing Authority)	\$ 1,008.00	\$ (1,008.00)	\$ -
	525 Benson (Housing Authority)		\$ -	\$ -
		\$ 2,976.00	\$ (2,976.00)	\$ -
Fund 3480 Administration	Kestrel Ridge (Housing Authority)	\$ 943.00	\$ (943.00)	\$ -
	Havencove (Housing Authority)	\$ 572.00	\$ (572.00)	\$ -
	525 Benson (Housing Authority)		\$ -	\$ -
	Fund 3480 Subtotal	\$ 1,515.00	\$ (1,515.00)	\$ -
	Total	\$ 94,521.00	\$ (94,521.00)	\$ -

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
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TABLE 8: Credits for Previously Existing Buildings

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3410	233 El Paso Ave.	\$ 6,591.76	\$ (6,591.76)	\$ -
Streets	1102 Alamo Ave.	\$ 9,132.84	\$ (6,591.76)	\$ 2,541.08
	1520 Standiford Ave.	\$ 104,103.64	\$ (98,648.67)	\$ 5,456.97
	1421 Canal Street	\$ 15,472.84	\$ (7,167.77)	\$ 8,305.07
	2213 Maverick St.	\$ 6,591.76	\$ (6,591.76)	\$ -
		\$ 141,894.84	\$ (125,591.72)	\$ 16,303.12
Fund 3420	233 El Paso Ave.	\$ 96.15	\$ (96.15)	\$ -
Public	1102 Alamo Ave.	\$ 135.54	\$ (96.15)	\$ 39.39
Transportation	1520 Standiford Ave.	\$ 2,078.42	\$ (1,818.36)	\$ 160.06
	1421 Canal Street	\$ 163.40	\$ (75.50)	\$ 87.90
	2213 Maverick St.	\$ 96.15	\$ (96.15)	\$ -
		\$ 2,569.66	\$ (2,282.31)	\$ 287.35
Fund 3430	233 El Paso Ave.	\$ 576.93	\$ (576.93)	\$ -
Air Mitigation	1102 Alamo Ave.	\$ 5,518.82	\$ (576.93)	\$ 4,941.89
	1520 Standiford Ave.	\$ -	\$ (576.93)	\$ (576.93)
	1421 Canal Street	\$ 2,764.42	\$ (1,453.10)	\$ 1,311.32
	2213 Maverick St.	\$ 576.93	\$ (576.93)	\$ -
		\$ 3,437.10	\$ (3,760.82)	\$ 1,676.28
Fund 3440	233 El Paso Ave.	\$ 896.46	\$ (896.46)	\$ -
Police	1102 Alamo Ave.	\$ 1,078.32	\$ (896.46)	\$ 181.86
	1520 Standiford Ave.	\$ 3,371.66	\$ (3,151.57)	\$ 220.09
	2213 Maverick St.	\$ 896.46	\$ (896.46)	\$ -
		\$ 6,242.90	\$ (5,840.95)	\$ 401.95
Fund 3450	233 El Paso Ave.	\$ 381.66	\$ (381.66)	\$ -
Fire	1102 Alamo Ave.	\$ 350.80	\$ (381.66)	\$ (30.86)
	1520 Standiford Ave.	\$ 1,096.94	\$ (1,126.65)	\$ (29.71)
	2213 Maverick St.	\$ 381.66	\$ (381.66)	\$ -
		\$ 2,211.06	\$ (2,271.63)	\$ (60.57)
Fund 3460	233 El Paso Ave.	\$ 5,461.58	\$ (5,461.58)	\$ -
Parks	1102 Alamo Ave.	\$ 6,790.83	\$ (5,461.58)	\$ 1,329.25
	1520 Standiford Ave.	\$ -	\$ (5,461.58)	\$ (5,461.58)
	2213 Maverick St.	\$ 5,461.58	\$ (5,461.58)	\$ -
		\$ 17,713.99	\$ (11,844.31)	\$ (4,132.32)
Fund 3470	233 El Paso Ave.	\$ 504.44	\$ (504.44)	\$ -
General	1102 Alamo Ave.	\$ 617.89	\$ (504.44)	\$ 113.45
Govt.	1520 Standiford Ave.	\$ 1,928.31	\$ (1,803.14)	\$ 125.17
	2213 Maverick St.	\$ 504.44	\$ (504.44)	\$ -
		\$ 3,555.08	\$ (3,316.46)	\$ 238.62
Fund 3480	233 El Paso Ave.	\$ 284.02	\$ (284.02)	\$ -
Administration	1102 Alamo Ave.	\$ 306.96	\$ (284.02)	\$ 22.94
	1520 Standiford Ave.	\$ 2,886.69	\$ (2,780.76)	\$ 105.93
	1421 Canal Street	\$ 379.35	\$ (185.63)	\$ 193.72
	2213 Maverick St.	\$ 284.20	\$ (284.20)	\$ -
		\$ 4,141.22	\$ (3,818.63)	\$ 322.59
		\$ 183,765.85	\$ (168,728.84)	\$ 15,037.01

**CITY OF MODESTO
CAPITAL FACILITIES FEES ANNUAL REPORT
FISCAL YEAR 2018-19**

Table 10: Capital Improvement Project (CIP) Expenditures¹

Fund	Project Number	Project Name	% Funded by Fee	% Funded by Other	Budget	Expenditures	Committed Funds	FY 2018/19 Expenditures	Balance Available	Estimated Construction Start FY	Estimated Construction End FY
Fund 3410 Streets	100046	Pelandale Interch at SR99	71%	29%	\$ 9,509,987	\$ 8,698,669	\$ 381,528	\$ 103,436	\$ 926,551	2004/15	2021/23
	100048	Clarabina/McHenry Plan Lane	100%	0%	\$ 341,500	\$ 38,815	\$ -	\$ 189	\$ 302,685	2020/21	2021/2022
	100049	Oakdale Road Widening	100%	0%	\$ 87,588	\$ 11,411	\$ -	\$ 45	\$ 76,177	2021/22	2022/23
	100051	Clarabina/McHenry/Coffee 4 Ln	100%	0%	\$ 6,062,911	\$ 4,131,988	\$ 812,002	\$ 16,626	\$ 1,209,293	2021/23	2022/23
	100586	C&D - 7th St Bridge Tuolumne	91%	9%	\$ 923,600	\$ 269,157	\$ -	\$ 16,290	\$ 638,353	2022/23	2024/25
	100614	State Route 152 W. Express	30%	70%	\$ 34,437,560	\$ 8,542,892	\$ 599,138	\$ 19,441,830	\$ 5,835,703	2019/20	2022/23
	100631	Rt Turn Ln McHenry to Briggs	51%	49%	\$ 2,131,892	\$ 426,490	\$ 880	\$ 14,940	\$ 1,685,982	2020/21	2025/22
	100787	Pelandale I/C Monument Sign	100%	0%	\$ 384,652	\$ 259,161	\$ 744	\$ -	\$ 124,747	2014/15	2017/18
	100941	Clara Rd Bike Path	100%	0%	\$ 80,000	\$ 61,368	\$ 7,303	\$ 4,592	\$ 8,334	2016/19	2019/20
	100944	Tuolumne, 7th & B Intersection	100%	0%	\$ 200,000	\$ 207	\$ -	\$ -	\$ 199,793	2022/23	2023/24
	100946	McHenry-McHenry Crossing	100%	0%	\$ 5,070,000	\$ 305,129	\$ 33,512	\$ 107,714	\$ 4,623,629	2020/21	2021/23
Subtotal:								\$ 19,706,053			
Fund 3410 As Quality	100862	MJC Bike Path Phase 2	18%	82%	\$ 1,130,000	\$ 968,575	\$ 1,814	\$ 13,243	\$ 146,368	2016/17	2018/19
Subtotal:								\$ 13,243			
Fund 3460 Parks	100677	Lighting Playground & Shade	100%	0%	\$ 785,834	\$ 2,956	\$ -	\$ -	\$ 783,275	2010/11	2011/11
	100779	MGCFF Maintenance Facility	70%	30%	\$ 500,000	\$ 62,956	\$ 121,683	\$ 277,300	\$ 37,061	2018/19	2019/20
	101017	Mary Crogan Park - Phase 2	100%	0%	\$ 1,950,000	\$ 645	\$ -	\$ 748	\$ 1,949,609	2020/21	2021/22
Subtotal:								\$ 278,045			
TOTAL:								\$ 19,997,341			Report Date: 11/7/2019

Financial data is current as of September 30, 2019

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-555**

**RESOLUTION ADOPTING THE 2020-2025 BLIGHT ABATEMENT STRATEGY
AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO
INITIATE THE PROCESS TO ESTABLISH A BLIGHT ABATEMENT FEE IN
SUPPORT OF THE 2020-2025 BLIGHT ABATEMENT STRATEGY**

WHEREAS, throughout the history of the organization, the City of Modesto has implemented various initiatives aimed at tackling blight and reducing litter, and

WHEREAS, in 2001 the City initiated the Neighborhood Environmental Action Team (NEAT) that encouraged schools, businesses, and other stakeholders to be responsible for the cleanliness of a certain area, referred to as a “NEAT Zone,” and

WHEREAS, in 2003 the Modesto City Council approved the “Don’t Trash Modesto” campaign and approved the adoption of zones throughout the City that would allow residents to attract sponsorships to support the effort, and

WHEREAS, during the economic recession in 2008 efforts to continue the “Don’t Trash Modesto” suffered due to the reduction in resources, and

WHEREAS, the City intends to develop a new strategy aimed at tackling Blight, which includes litter, illegal dumping, graffiti, abandoned vehicles, shopping carts, and code violations on private property, and

WHEREAS, the implementation of the Blight Abatement Strategy will include various actions steps to enhance the detection and mitigation of blight on public and private property across the community, and

WHEREAS, the City intends to establish a Blight Abatement Fee in support of the 2020-2025 Blight Abatement Strategy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the 2020-2025 Blight Abatement Strategy.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to initiate the process to establish a Blight Abatement Fee in support of the 2020-2025 Blight Abatement Strategy.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 2019, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 2019-556**

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH MANAGEMENT PARTNERS, INC. (MANAGEMENT PARTNERS) INCREASING THE TOTAL AMOUNT BY \$110,000 FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$152,900 TO ADD SERVICES FOR SUPPORT WITH THE BUDGET DIVISION TO SUPPORT THE DEVELOPMENT OF THE FISCAL YEAR 2020/2021 BUDGET, A TEN-YEAR FORECAST, AND ADDITIONAL FINANCIAL ANALYSIS AND SUPPORT AS NECESSARY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT

WHEREAS, the Budget Division for the City of Modesto oversees the City's budget process, prepares and maintains the Annual Operating Budget and Capital Improvement Program, and assists the organization with revenue and expense projections and other financial analysis, and

WHEREAS, the division consists of a Budget Manager, Senior Financial Analyst, and three Financial Analysts, and is experiencing vacancies in the Budget Manager and Financial Analyst positions, and

WHEREAS, in spite of these vacancies, the City will continue to require a timely budget and analytical support for departments to ensure that the organization is making informed decisions with its financial resources, and

WHEREAS, to minimize the impact of these critical vacancies for the Budget Division, the City intends to enter into an Agreement with Management Partners to ensure that the organization continues to be supported with sufficient staff , and

WHEREAS, the scope of work for Management Partners will also include the technical support for the completion of the City's annual budget development and adoption process, development of a ten-year forecast fiscal model, and additional miscellaneous financial analysis and support, and

WHEREAS, because of the City's increasing pension liability and its significant impact on the General Fund, Mayor Brandvold has indicated his desire to create an ad hoc committee (Blue Ribbon Commission) comprised of community members and labor representatives to offer recommendations to the City for improving the City's financial health and reducing its pension liability, and

WHEREAS, if the creation of the Commission is approved by Council, Management Partners will also offer support to this commission by providing best practices for municipal finance, preparation of meeting materials, presentations to the commission, coordination of the work of the commission, and other associated tasks, and

WHEREAS, on October 5, 2018, the City of Modesto entered into an Agreement with Management Partners for Strategic Plan Consulting Services in an amount not to exceed \$42,900, and

WHEREAS, the estimated cost for the additional services that includes technical support for the completion of the City's annual budget development and adoption process, development of a ten-year forecast fiscal model, and additional miscellaneous financial analysis and support is not to exceed \$110,000, bringing the total not to exceed amount to \$152,900.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves of a First Amendment to the Agreement with Management Partners, Inc. (Management Partners) increasing the total amount by \$110,000 for a total Agreement amount not to exceed \$152,900 to add services for support with the Budget Division to support the development of the Fiscal Year 2020/2021 budget, a ten-year forecast, and additional financial analysis and support as necessary.

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 December, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: Ah You

ABSENT: Councilmembers: None

ATTEST: 
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 
ADAM U. LINDGREN, City Attorney