

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-01**

**RESOLUTION APPROVING THE REAPPOINTMENT OF TIM RAGSDALE TO  
THE BOARD OF BUILDING APPEALS FOR A TERM OF FOUR YEARS,  
WITH A TERM EXPIRATION OF JANUARY 1, 2015**

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 2, 1007, the City Council, by Resolution No. 2007-002, approved the appointment of Tim Ragsdale to the Board of Building Appeals for the term ending January 1, 2011, and

WHEREAS, Tim Ragsdale has expressed an interest in continuing to serve as a member of the Board of Building Appeals,

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

SECTION 1: Tim Ragsdale is hereby reappointed to the Board of Building Appeals for a term of four years, with a term expiration of January 1, 2015,

SECTION 2: The 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 11<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-02**

**RESOLUTION APPROVING THE REAPPOINTMENT OF MARGARET LEAMAN AND BRIAN HILL TO THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE FOR AN ADDITIONAL TWO-YEAR TERM, WITH AN EXPIRATION DATE OF JANUARY 1, 2013**

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, Margaret Leaman was originally appointed to the Tuolumne River Regional Park Citizens Advisory Committee on December 8, 2008, and

WHEREAS, Margaret Leaman has an expressed interest in continuing to serve as a member of the Tuolumne River Regional Park Citizens Advisory Committee, and

WHEREAS, Brian Hill was originally appointed to the Tuolumne River Regional Park Citizens Advisory Committee on October 8, 2007, and

WHEREAS, Brian Hill has an expressed interest in continuing to serve 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 Modesto as follows:

SECTION 1. Margaret Leaman and Brian Hill are hereby reappointed to the Tuolumne River Regional Park Citizens Advisory Committee for an additional two-year term, with a term expiration of January 1, 2013.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Tuolumne River Regional Park Citizens 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 11<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-03**

**RESOLUTION APPROVING A PROPERTY LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA STATE LANDS COMMISSION FOR CONTINUED USE AND MAINTENANCE OF THE CARPENTER ROAD BRIDGE ACROSS THE TUOLUMNE RIVER, THE PROPOSED SEISMIC RETROFIT OF THE BRIDGE AND THE USE OF A TEMPORARY CONSTRUCTION AREA; AND AUTHORIZING EXECUTION OF THE LEASE AGREEMENT BY THE CITY MANAGER, OR HIS DESIGNEE**

WHEREAS, the Carpenter Road Bridge at the Tuolumne River was studied and determined to be seismically deficient and in need of retrofit, and

WHEREAS, the City desires to construct the Carpenter Road Bridge Seismic Retrofit Project across the Tuolumne River, and

WHEREAS, the Tuolumne River at this location is State-owned sovereign land under the jurisdiction of the California State Lands Commission, and

WHEREAS, the City of Modesto is required to obtain a new lease for the bridge prior to the start of construction of the Carpenter Road Bridge Seismic Retrofit Project,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves the property lease agreement between the City of Modesto and the California State Lands Commission for continued use and maintenance of the Carpenter Road Bridge, the proposed seismic retrofit of the bridge and the use of a temporary construction area.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-04**

**RESOLUTION APPROVING AMENDMENT NO. 1 TO THE TO THE  
STANDARD AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE  
CITY OF MODESTO AND BENDER ROSENTHAL, INC. FOR APPRAISAL  
SERVICES IN THE AMOUNT OF \$14,000; AND AUTHORIZING THE CITY  
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT**

WHEREAS, the City Council is desirous of an appraisal ("Appraisal") which will be used as the basis for land-secured bonds to be issued for City of Modesto Community Facilities District No. 2009-1, and

WHEREAS, on March 25, 2010, the City of Modesto and Bender Rosenthal, Inc. entered into a Standard Agreement for Consultant Services for the preparation of the Appraisal, and

WHEREAS, Bender Rosenthal, Inc. issued a draft appraisal in April 2010, and

WHEREAS, an updated Appraisal is necessary as the effective date of value must be within ninety (90) days of the sale of the bonds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 1 to the Standard Agreement for Consultant Services between the City of Modesto and Bender Rosenthal, Inc. for appraisal services.

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 11<sup>th</sup> day of January, 2011, Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-05**

**RESOLUTION AUTHORIZING THE SOLE BRAND PROCUREMENT OF ONE JOHN DEERE 210LJ LANDSCAPE LOADER FOR THE PUBLIC WORKS, FLEET SERVICES DIVISION, TO PAPE MACHINERY, FRENCH CAMP, CA, FOR AN ESTIMATED TOTAL COST OF \$91,075 AND AUTHORIZING THE CITY MANAGER TO ACCEPT \$67,000 AS THE TRADE-IN VALUE OF A JOHN DEERE 770C GRADER AND A JOHN DEERE 310SG BACKHOE, TOWARDS THE PURCHASE OF A JOHN DEERE 210LJ LANDSCAPE LOADER FOR AN ESTIMATED TOTAL COST OF \$24,075**

WHEREAS, Fleet Services continues to work with City Divisions to identify opportunities to consolidate equipment. This request involves trading in two (2) equipment units and replacing them with one multi-purpose landscape loader, and

WHEREAS, the John Deere distributor has offered a trade-in value of \$50,000 for a John Deere 770C grader and \$17,000 for a John Deere 310SG backhoe, and

WHEREAS, the Street Maintenance Division will use the replacement John Deere 210LJ landscape loader to more efficiently move and level road construction materials where hand raking had been previously required, and

WHEREAS, this versatile landscape loader provides increased productivity on road repair, construction, utility cut repair, and alley maintenance. Long term this transaction results in savings to our City from increased productivity and the retirement of two older equipment units that would require thousands of dollars in retrofits during future years, and

WHEREAS, the City Manager authorized the Purchasing Manager to accept a quotation from the authorized John Deere distributor for the purchase of a John Deere 210LJ landscape loader and the trade-in of a John Deere 770C grader and a John Deere

310SG backhoe for the Public Works Department, Fleet Services Division, with the Purchasing Division coming back to Council for award authorization, 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, one exception to the formal bid process, MMC Section 8-3.204(b) states, "Where the purchasing agency's requirements can be met solely by a single article or process". The sole brand procurement allows the City to obtain the maximum allowance for the same brand trade-in of one John Deere 770 grader and one John Deere 310SG backhoe towards the of one John Deere 210LJ landscape loader for the Public Works, Fleet Services Division to Pape Machinery, French Camp, CA, conforms to the Modesto Municipal Code, and

WHEREAS, MMC Section 8-3.207 states, "When replacing personal property belonging to the City, the Purchasing Manager is authorized to request quotations for trade-in allowances. Where the trade-in allowance is determined to be adequate and advantageous, the City Manager is authorized to accept said quotation. In those instances, the Purchasing Manager is authorized to make the purchase." Trade-in of a John Deere 770C grader and a John Deere 310SG backhoe conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds are budgeted in Fiscal year 2010-11 in the following Fleet Equipment replacement account 7210-480-5814-5542,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole brand procurement of one John Deere 210LJ landscape



loader for the Public Works, Fleet Services Division, to Pape Machinery, French Camp, CA.


BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for an estimated total cost of \$91,075 and authorizing the City Manager to accept \$67,000 as the trade-in value of a John Deere 770C grader and a John Deere 310SG backhoe, towards the purchase of a John Deere 210LJ landscape loader for an estimated total cost of \$24,075.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-06**

**RESOLUTION APPROVING A PREQUALIFIED LIST OF FIRMS WHO  
PROVIDE INVESTMENT BANKING SERVICES FOR AN INITIAL THREE (3)  
YEAR TERM WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, AT THE  
SOLE DISCRETION OF THE CITY**

WHEREAS, traditionally, the City has maintained a list of qualified firms which provide investment banking services, and

WHEREAS, when the City decides to issue long-term debt financing firms are selected from said list and are issued a Request for Proposals (RFP) for their underwriting services, and

WHEREAS, having a prequalified list of firms expedites the selection process and allows Finance Department staff to establish relationships in the investment banking community, and

WHEREAS, the City Manager authorized the Finance Director to issue Request for Qualifications (RFQ) to establish a list of qualified firms for investment banking services, and

WHEREAS, the Finance Department issued a RFQ to fourteen (14) prospective firms, none of which were local firms as there are no local firms which provide investment banking services, and

WHEREAS, eleven (11) firms responded to the RFQ, and

WHEREAS, Public Financial Management (PFM), the City's Financial Management firm, assisted in the review of the responses to develop the pre-qualified vendor list, and

WHEREAS, based on their experience in providing the breadth and depth of services required by the City, all eleven (11) firms were qualified to be on the list, and

WHEREAS, the prequalified list of firms will be utilized by the City at its sole discretion and will; be valid for an initial three (3) year term, with two (2) one-year extension options, at the sole discretion of the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified vendor list of firms who provide investment banking services for an initial three (3) year term, with two (2) one-year extension options, at the sole discretion of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-07**

**RESOLUTION APPROVING RENEWAL OF A WALK-IN PAYMENT SERVICES AGREEMENT WITH CHECKFREEPAY CORPORATION, WALLINGFORD, CT. FOR ELECTRONIC PAY STATION COLLECTION AND REMITTANCE PROCESSING SERVICES FOR A FIVE (5) YEAR TERM, AT THE SOLE DISCRETION OF THE CITY, WITH AN APPROXIMATE ANNUAL COST OF \$41,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, CheckFreePay Corporation's designated pay station agents collect and electronically remit approximately 4,000 City of Modesto utility payments each month providing convenient citywide pay stations where citizens are able to pay their City of Modesto utility bills, and

WHEREAS, in October of 2003 the City of Modesto entered into an agreement with CheckFreePay Corporation for processing of utility payments at designated citywide pay stations, and

WHEREAS, in June of 2006 Council approved a three (3) year renewal of said agreement with automatic one-year renewal options thereafter, and

WHEREAS, the Customer Services Division desires to renew the Agreement and based on the anticipated annual expenditures, renewing the contract for a five (5) year term requires Council approval, and

WHEREAS, funds are budgeted for walk-in payment services in Account No.: 6100-120-5021-0235,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves renewal of a Walk-In Payment Processing Services Agreement with CheckFreePay Corporation, Wallingford, CT for a five-year term, with an approximate annual cost of \$41,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-08**

**RESOLUTION APPROVING A FIFTH AMENDMENT TO THE AGREEMENT WITH GEOLOGICAL TECHNICS, INC. FOR ENVIRONMENTAL CONSULTANT SERVICES FOR THE POLICE HEADQUARTERS BUILDING AT 10<sup>TH</sup> & G STREETS IN AN AMOUNT OF \$2,553.27; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIFTH AMENDMENT TO AGREEMENT**

WHEREAS, during the course of constructing the Police Headquarters Facility at 10<sup>th</sup> and G Streets, the contractor encountered contaminated soil that had to be monitored, and

WHEREAS, on April 12, 2004, the City entered into an Agreement with Geological Technics, Inc., a local environmental services firm, to monitor the soil and groundwater contamination that was discovered, and

WHEREAS, on September 8, 2005, the First Amendment to the Agreement was executed for additional geological services that were necessary to complete the scope of services provided for under the original Agreement, and

WHEREAS, on May 9, 2006, the Second Amendment to the Agreement was executed for additional geological services that were necessary to complete the scope of services provided for under the original Agreement, and

WHEREAS, on January 22, 2008, the Third Amendment to the Agreement was executed for additional geological services that were necessary to complete the scope of services provided for under the original Agreement, and

WHEREAS, on January 13, 2009, the Fourth Amendment to the Agreement was executed to provide a "Human Health Risk Assessment" to evaluate the potential risk at this site, and

WHEREAS, staff recommends execution of a Fifth Amendment to the Agreement with Geological Technics, Inc. for services associated with the closure of the contamination site at the Police Headquarters Facility at 10<sup>th</sup> and G Streets,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fifth Amendment to the Agreement with Geological Technics, Inc. for environmental consultant services for the Police Headquarters Building at 10<sup>th</sup> and G Streets in the amount of \$2,553.27.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Fifth Amendment to Agreement with Geological Technics, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-09**

**RESOLUTION ACCEPTING THE WORK BY DA WOODS CONSTRUCTION FOR THE “DOWNSTREAM WATER SYSTEM IMPROVEMENTS – TIER 2 WEST TANK 12 WATER TRANSMISSION MAINS” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$2,462,658.38**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Downstream Water System Improvements – Tier 2 Tank 12 Water Transmission Mains project has been completed by D A Woods Construction, in accordance with the contract agreement dated May 12, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Downstream Water System Improvements – Tier 2 Tank 12 Water Transmission Mains project is hereby accepted as complete from said contractor D A Woods Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling \$2,462,658.38 is authorized as provided in the contract.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-10**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE VIRGINIA CORRIDOR PHASE V – BRIGGSMORE OVERCROSSING PROJECT, ACCEPTING THE BID AND APPROVING A CONTRACT WITH TEICHERT CONSTRUCTION OF STOCKTON IN THE AMOUNT OF \$3,494,870.65 FOR THE VIRGINIA CORRIDOR PHASE V – BRIGGSMORE OVERCROSSING PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, plans and specifications have been prepared for the Virginia Corridor Phase V – Briggsmore Overcrossing Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Virginia Corridor Phase V – Briggsmore Overcrossing Project were opened at 11:00 a.m. on December 7, 2010, and later tabulated by the Director of Parks, Recreation and Neighborhoods for the consideration of the Council, and

WHEREAS, the Director of Parks, Recreation and Neighborhoods has recommended that the bid of \$3,494,870.65 received from Teichert Construction for the Base Bid and four (4) Alternates be accepted as the lowest responsible bid and the contract be awarded to 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 Virginia Corridor Phase V – Briggsmore Overcrossing project, accepts the bid of Teichert Construction in the amount of \$3,494,870.65 for the Base Bid and four (4) Alternates and awards Teichert Construction the contract for the Virginia Corridor Phase V – Briggsmore Overcrossing Project.

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 11<sup>th</sup> day of January, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-11**

**RESOLUTION APPROVING AN AGREEMENT WITH HARRIS & ASSOCIATES, INC. FOR CONSTRUCTION MANAGEMENT SERVICES OF THE VIRGINIA CORRIDOR PHASE V PROJECT IN AN AMOUNT NOT TO EXCEED \$244,690 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$24,469 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$269,159, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Virginia Corridor is a Rails-to-Trails conversion project on the UPRR right-of-way adjacent to the City's Virginia Avenue, and

WHEREAS, the City is now undergoing this project to extend the Virginia Corridor approximately ½ mile, including crossing over Briggsmore Avenue by constructing a bicycle and pedestrian bridge, and

WHEREAS, on April 1, 2008, by Resolution No. 2008-190, the City Council approved an Agreement with Biggs Cardosa, Inc. to prepare the final project design of this project, and

WHEREAS, due to the complexity of the construction of the Briggsmore Overcrossing portion of the project, a construction management firm is required for management and inspection of this project, and

WHEREAS, City Staff utilized Administrative Directive 3.1, Selection Procedures for Professional Consultants to select this firm, and

WHEREAS, City staff recommends an agreement with Harris Associates, as the City does not have the subject matter expertise to perform construction management and inspection services for the following: processing and tracking of submittals and requests for information, coordination associated with inspections, coordination with City staff, documentation of daily and weekly field activities, and project closeout for the Virginia

Corridor Phase V -- Briggsmore Overcrossing Project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Harris & Associates, Inc. for Construction Management Services of the Virginia Corridor Phase V project in an amount not to exceed \$244,690.00 for the identified scope of services, plus \$24,469.00 for additional services (if needed), for a maximum total amount of \$269,159.00,

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 11<sup>th</sup> day of January, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-12**

**RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 CAPITAL  
IMPROVEMENT PROGRAM BUDGET IN ORDER TO FULLY FUND THE  
CONSTRUCTION CONTRACT FOR THE VIRGINIA CORRIDOR PHASE V –  
BRIGGSMORE OVERCROSSING PROJECT, INCLUDING CONTINGENCY,  
AND CONSTRUCTION ADMINISTRATION**

WHEREAS, certain budgetary transactions are necessary in the amount of \$1,545,829.00, in order to fully fund the construction contract, including contingency and construction administration for the Virginia Corridor Phase V – Briggsmore Overcrossing Project, and

WHEREAS, the Fiscal Year 2010-2011 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 2010-2011 Capital Improvement Program budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized 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 11<sup>th</sup> day of January, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Budget Adjustments for Virginia Corridor CIP – Primary (A087):**

<b>Revenue:</b>	<b>Curr Budget</b>	<b>Adjustment</b>	<b>New Budget</b>
Transfer In from CFF–Air Quality	\$600,000	(\$557,000)	\$43,000
Transfer In from CFF–Parks	\$669,550	(\$30,944)	\$638,606
<b>Expense:</b>			
No Adjustments			

**Budget Adjustments for Virginia Corridor CIP – Phase V (P365):**

<b>Revenue:</b>	<b>Curr Budget</b>	<b>Adjustment</b>	<b>New Budget</b>
FHWA Revenue	\$3,000,000	(\$300,582)	\$2,699,418
RSTP Revenue	\$0	\$350,000	\$350,000
CMAQ Revenue	\$0	\$529,078	\$529,078
Trans In from CFF–Parks	\$250,450	\$410,333	\$660,783
Trans In from CFF-Air Quality	\$0	\$557,000	\$557,000
<b>Expense:</b>			
Eng/Design/Admin	\$695,000	\$5,734	\$700,734
Construction	\$79,744	\$3,491,118	\$3,570,862
Contingency	\$0	\$325,018	\$325,018
Primary Appropriation	\$2,550,000	(\$2,550,000)	\$0
Construction Admin	\$0	\$379,959	\$379,959



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-13**

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

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

The foregoing resolution was introduced at a regular meeting of the Council of  
the City of Modesto held on the 11<sup>th</sup> day of January, 2011, by Councilmember Muratore,  
who moved its adoption, which motion being duly seconded by Councilmember Geer,  
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

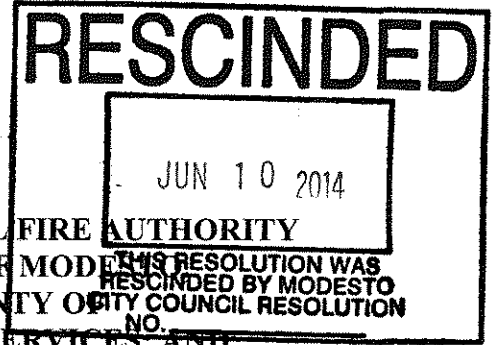
(SEAL)

APPROVED AS TO FORM:

By:

  
\_\_\_\_\_  
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-14



RESOLUTION APPROVING THE MODESTO REGIONAL FIRE AUTHORITY  
JOINT POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SALIDA FIRE PROTECTION DISTRICT AND THE COUNTY OF STANISLAUS FOR THE PROVISION OF LIFE SAFETY SERVICES, AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, in 2007, the Modesto Fire Department along with the Salida Fire Protection District, Stanislaus County Fire Warden's Office and Stanislaus Consolidated Fire District began exploring the concept of regionalizing fire service within Stanislaus County, and

WHEREAS, in January 2010, the Stanislaus Consolidated Fire District chose to no longer be a part of the regionalization planning, and

WHEREAS, Modesto, Salida and the Fire Warden's Office continued the regionalization process, and

WHEREAS, current trends, including limited standardization practices, reductions in the level of service provided, hazardous materials responses, technical rescue abilities, emergency medical services, offensive fire attacks, and a reduction in the number of full-time firefighters and volunteers has created a negative environment for fire service on a regional level, and

WHEREAS, in 2010, it was requested of the three governing bodies, Modesto City Council, Salida Board of Directors and the Stanislaus County Board of Supervisors that an Ad Hoc Committee be created for guidance, and

WHEREAS, an Ad Hoc Committee was formed with Mayor Ridenour and Councilmember Lopez from Modesto, Tom Burns and David Boyd from Salida Fire

Protection District, and Supervisors Grover and O'Brien from the Stanislaus County Board of Supervisors, and

WHEREAS, the Committee considered the options for a regional organization, and directed staff to develop a Joint Powers Agreement (JPA), and

WHEREAS, the intent of the JPA is to create shared governance for all participating agencies with joint operations, governance, and management for the mutual benefit for each member agency and their respective residents, and

WHEREAS, initially the JPA governance will be by a Board of Directors comprised of one member from Modesto City Council, Salida Fire Protection District, and Stanislaus County Board of Supervisors, and

WHEREAS, these board members shall be appointed by each member agency, and

WHEREAS, during a potential second phase of this regionalization plan additional cities or districts may elect to become involved, and

WHEREAS, any agency which elects to join this JPA shall do so based upon the terms and conditions approved by the JPA Board of Directors, and as set forth in the JPA Agreement, and

WHEREAS, the JPA cannot be terminated for ten years, and

WHEREAS, after ten years, any member can terminate membership by providing a notice of intent to withdraw which shall be given at least five years before the start of the fiscal year in which it is to become effective, and

WHEREAS, member agencies shall provide financial support at a minimum of that outlined in Section 4.3 of the JPA Agreement, and

WHEREAS, transition plans are being prepared to implement the merging of the three agencies to one organization under the JPA,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Modesto Regional Fire Authority Joint Powers Agreement between the City of Modesto, the Salida Fire Protection District and the County of Stanislaus for the provision of fire and life safety services.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

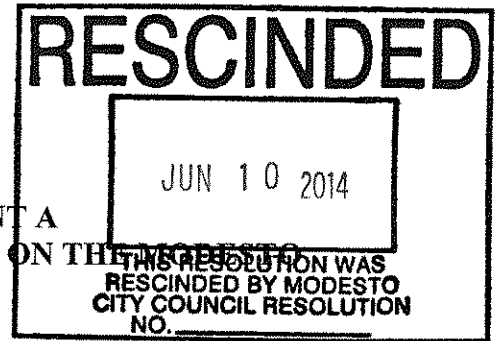
ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-15



**RESOLUTION AUTHORIZING THE MAYOR TO APPOINT A COUNCILMEMBER AS THE CITY'S REPRESENTATIVE ON THE MODESTO REGIONAL FIRE AUTHORITY BOARD OF DIRECTORS**

WHEREAS, in 2007, the Modesto Fire Department, along with the Salida Fire 2014-231 Protection District, Stanislaus County Fire Warden's Office and Stanislaus Consolidated Fire District began exploring the concept of regionalizing fire service within Stanislaus County, and

WHEREAS, in January 2010, the Stanislaus Consolidated Fire District chose to no longer be a part of the regionalization planning, and

WHEREAS, Modesto, Salida and the Fire Warden's Office continued the regionalization process, and

WHEREAS, current trends, including limited standardization practices, reductions in the level of service provided, hazardous materials responses, technical rescue abilities, emergency medical services, offensive fire attacks, and a reduction in the number of full-time firefighters and volunteers has created a negative environment for fire service on a regional level, and

WHEREAS, in 2010, it was requested of the three governing bodies, Modesto City Council, Salida Board of Directors and the Stanislaus County Board of Supervisors that an Ad Hoc Committee be created for guidance, and

WHEREAS, an Ad Hoc Committee was formed with Mayor Ridenour and Councilmember Lopez from Modesto, Tom Burns and David Boyd from Salida Fire Protection District, and Supervisors Grover and O'Brien from the Stanislaus County Board of Supervisors, and

WHEREAS, the Committee considered the options for a regional organization, and directed staff to develop a Joint Powers Agreement (JPA), and

WHEREAS, the intent of the JPA is to create a shared governance for all participating agencies with joint operations, governance, and management for the mutual benefit for each member agency and their respective residents, and

WHEREAS, initially the JPA governance will be by a Board of Directors comprised of one member from Modesto City Council, Salida Fire Protection District, and Stanislaus County Board of Supervisors, and

WHEREAS, these board members shall be appointed by each member agency,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Mayor to appoint a Councilmember as the City's representative on the Modesto Regional Fire Authority Board of Directors.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-16**

**RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A MODESTO  
REGIONAL FIRE AUTHORITY FUND TO INCLUDE REVENUE AND  
EXPENSE ACCOUNTS**

WHEREAS, in 2007, the Modesto Fire Department, along with the Salida Fire Protection District, Stanislaus County Fire Warden's Office and Stanislaus Consolidated Fire District began exploring the concept of regionalizing fire service within Stanislaus County, and

WHEREAS, in January 2010, the Stanislaus Consolidated Fire District chose to no longer be a part of the regionalization planning, and

WHEREAS, Modesto, Salida and the Fire Warden's Office continued the regionalization process, and

WHEREAS, current trends, including limited standardization practices, reductions in the level of service provided, hazardous materials responses, technical rescue abilities, emergency medical services, offensive fire attacks, and a reduction in the number of full-time firefighters and volunteers has created a negative environment for fire service on a regional level, and

WHEREAS, in 2010, it was requested of the three governing bodies, Modesto City Council, Salida Board of Directors and the Stanislaus County Board of Supervisors that an Ad Hoc Committee be created for guidance, and

WHEREAS, an Ad Hoc Committee was formed with Mayor Ridenour and Councilmember Lopez from Modesto, Tom Burns and David Boyd from Salida FPD, and Supervisors Grover and O'Brien from the Stanislaus County Board of Directors, and



WHEREAS, the Committee considered the options for governance and directed staff to develop a Joint Powers Agreement (JPA), and

WHEREAS, the intent of the JPA is to create shared governance for all participating agencies with joint operations, governance, and management for the mutual benefit for each member agency and their respective residents, and

WHEREAS, member agencies shall provide financial support at a minimum of that outlined in Section 4.3 of the JPA Agreement, and

WHEREAS, transition plans are being prepared to implement the merging of the three agencies to one organization under the JPA, and

WHEREAS, these plans relate to the transfer of personnel, the elimination of the duplication of services, the sharing of resources, and the standardization in operations and training, and

WHEREAS, Modesto Regional Fire Authority requires ongoing financial commitment by the City of Modesto General Fund using Fiscal Year 2010-2011 as the base, and

WHEREAS, the current General Fund expense commitment is \$22,798,277 and budgeted revenues are in the amount of \$1,446,603 for a total commitment of \$24,244,880, and

WHEREAS, funding from Salida Fire Protection District and Stanislaus County will become revenue to the newly formed JPA to fund services at their current level in both organizations, and

WHEREAS, any special services required within the County, including hazardous material response, confined space rescue, technical rescue, Emergency Operations Center

and emergency management support will require additional funding from Stanislaus County, and

WHEREAS, the General Fund commitment of \$22,798,277 will be transferred from the General Fund to the new Modesto Regional Fire Authority Fund, and

WHEREAS, funds from the Salida Fire Protection District and Stanislaus County will be deposited into the fund to cover their current level of services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the establishment of a Modesto Regional Fire Authority fund to include revenue and expense accounts.

BE IT FURTHER RESOLVED, that the Finance Director, or her 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 11<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-17**

**RESOLUTION ACCEPTING THE RESIGNATION OF RON JESKE FROM THE  
AIRPORT ADVISORY COMMITTEE**

WHEREAS, on November 27, 2007, by Resolution No. 2007-691, the Modesto City Council appointed Ron Jeske to serve on the Airport Advisory Committee, and

WHEREAS, the term of appointment ends January 1, 2011, and

WHEREAS, Ron Jeske has indicated that he is not seeking re-appointment to the Airport Advisory Committee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of Ron Jeske from the Airport Advisory Committee be, and hereby is, accepted with regret.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)  
APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-18**

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) VAC-CON COMBINATION SEWER AND STORM DRAIN CLEANER TRUCKS FOR THE WATER QUALITY CONTROL DIVISION, WASTEWATER COLLECTION SECTION THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF \$667,535**

WHEREAS, the Water Quality Control Division, Wastewater Collection Section utilizes the two (2) Vac-Con combination sewer and storm drain cleaner trucks to clean, maintain and repair sewer pipes to comply with the Clean Water Act, and

WHEREAS, the Vac-Con combination sewer and storm drain cleaner trucks clean out roots and grease in sewer lines, keeping them clear of blockages and reducing the potential for sewer system overflows. The trucks are also utilized to clean out storm drain lines and to provide flood control support during storm events, and

WHEREAS, the two (2) Vac-Con combination sewer and storm drain cleaner trucks are replacements for the 2000 year model units that are at the end of their useful life and fall under the Air Resources Board (ARB) on-road diesel vehicle regulations, and

WHEREAS, the ARB compliance program rules require that these trucks be retired, replaced or retrofitted to meet new air quality standards. A review of the options revealed that retrofitting these trucks will not meet the compliance criteria due to their operational profile. As a result the compliance program requires that these trucks be replaced, and

WHEREAS, the two (2) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater Collection Section were

included in the FY 10/11 new vehicles and heavy equipment budget approved by Council on June 22, 2010 (Ordinance No. 3531-C.S.), and

WHEREAS, on September 1, 2010, the City of Sunnyvale went through a competitive bid process for the purchase of a Vac-Con combination sewer and storm drain cleaner truck. The most responsive and responsible bidder that met the bid specifications was Municipal Maintenance Equipment, Sacramento, CA, and

WHEREAS, Municipal Maintenance Equipment was awarded the City of Sunnyvale bid and is extending the same bid pricing to the City of Modesto, and

WHEREAS, there are no local vendors for this type of equipment and to take advantage of this process and award by accessing the terms of the City of Sunnyvale's competitive bid process is an efficient and effective way to purchase these Vac-Con combination sewer and storm drain cleaner trucks, by saving the time and expense to the City to formally solicit RFB's, 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, there are exceptions to the rule set forth in the MMC,

WHEREAS, one exception, MMC Section 8-3.204(d), is available where the Purchasing Manager, in his or her discretion, determines that 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. Acting within his discretion, the Purchasing Manager invoked that exception for this purchase due to the cost savings of staff time and the limited number of competitors. There are no

local vendors that can supply this type of equipment. The purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks, by accessing the terms of the City of Sunnyvale contract with Municipal Maintenance Equipment, Sacramento, CA, will conform to MMC Section 8-3.204(d), and

WHEREAS, sufficient funds are budgeted in Fiscal year 2010-11 in the following Fleet Equipment replacement account 7210-480-5814-5542,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of contract for the purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater Collection Section through the Public Works Department, Fleet Services Division, to Municipal Maintenance Equipment, Sacramento, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for an estimated total cost of \$667,535.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of January, 2011, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-19**

**RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF  
MODESTO AND KAISER PERMANENTE, ANTHEM BLUE CROSS, UNITED  
HEALTHCARE, AMERICAN SPECIALTY HEALTH PLANS AND  
PACIFICARE BEHAVIORAL HEALTH; CONTINUING DENTAL AND VISION  
COVERAGE THROUGH THE CITY'S SELF-INSURED PROGRAMS;  
AUTHORIZING THE DIRECTOR OF HUMAN RESOURCES TO SERVE AS  
THE COORDINATOR FOR THE VARIOUS PLANS; AND AUTHORIZING THE  
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY  
AGREEMENTS**

WHEREAS, the City of Modesto offers its employees, their families and eligible retirees group health insurance coverage, and

WHEREAS, the Employee Benefits Advisory Committee (EBAC) consisting of three representatives from each bargaining unit reviewed and made recommendations to City management regarding health insurance coverage for plan year January 1 through December 31, 2011, and

WHEREAS, the City was faced with an overall 43.9% rate increase from current medical carrier Blue Shield, and

WHEREAS, the City received a proposal from Anthem Blue Cross for health coverage with an overall rate increase of 17.8% and EBAC recommended and City Management agreed to replace Blue Shield with Anthem Blue Cross, and

WHEREAS, the City received an overall rate decrease of 0.2% from Kaiser Permanente for health coverage, and

WHEREAS, the City's post-65 retiree health plans provided by United Healthcare Senior Supplemental and Kaiser Permanente Senior Advantage received minimal rate increases, and



WHEREAS, American Specialty Health rates for chiropractic and PacifiCare Behavioral Health rates for the employee assistance program will remain the same, and

WHEREAS, the City's self-insured vision rates will remain the same, and the City's self-insured dental rates will increase 17%,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves agreements between the City of Modesto and Kaiser Permanente, Anthem Blue Cross, United Healthcare, American Specialty Health Plans, and PacifiCare Behavioral Health.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves the continuation of dental and vision coverage through the City's self-insured programs.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Human Resources, or her designee, is hereby authorized to serve as the coordinator for the various plans.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute all necessary agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-20**

**RESOLUTION ACCEPTING THE WORK BY TEICHERT CONSTRUCTION FOR THE "CLAUS ROAD PAVEMENT REHABILITATION" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$938,023.00**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Claus Road Pavement Rehabilitation project has been completed by Teichert Construction, in accordance with the contract agreement dated April 13, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Claus Road Pavement Rehabilitation project is hereby accepted as complete from said contractor Teichert Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, and that payment of amounts totaling \$938,023.00 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-21**

**RESOLUTION APPROVING THE PROSPECTIVE BIDDER  
PREQUALIFICATION LIST FOR THE PHASE 2 BNR/TERTIARY  
WASTEWATER TREATMENT PROJECT**

WHEREAS, the Final Design of the Phase 2 BNR/Tertiary Wastewater Treatment Project is expected to go out to bid in February 2011, and

WHEREAS, because of the nature and complexity of the project, City staff are prequalifying contractors for the proposed work based on prior experience with projects of similar size and complexity, and

WHEREAS, the deadline for prospective bidders to submit a prequalification package to bid on the project was November 9, 2010, and

WHEREAS, the City received prequalification packages from eighteen (18) General Contractors, four (4) Instrumentation and Control subcontractors/suppliers, and twelve (12) Electrical subcontractors, and

WHEREAS, one Instrumentation and Control subcontractor/supplier subsequently withdrew their submitted package, and

WHEREAS, the City evaluated the prospective bidders' qualifications based on experience with projects of similar size and complexity consistent with State law, and

WHEREAS, the qualified bidders will be placed on the bidders list included in the project bid documents,

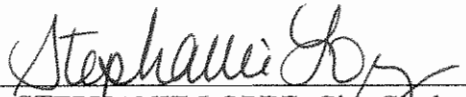
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Prospective Bidder Prequalification List for the Phase 2 BNR/Tertiary Wastewater Treatment Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-22**

**RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITY PLANNING  
AND PROJECTS TO ISSUE CHANGE ORDERS ON THE “E. COOLIDGE  
AREA WATERLINE REPLACEMENT” PROJECT IN THE TOTAL AMOUNT  
OF \$131,713.64 (21.3% OF THE ORIGINAL CONTRACT PRICE)**

WHEREAS, the City Council, on April 13, 2010, by Resolution No. 2010-136, awarded a \$617,136.40 contract to Clyde Wheeler Pipelines, Inc. for the replacement of waterline in the East Coolidge Avenue area, and

WHEREAS, additional work not included in the original bid needed to be added to the project to allow completion of the project, and

WHEREAS, the cost of the extra work has been estimated to be \$131,713.64, an amount which exceeds the Director’s authority for the project as established by the Council’s Change Order Approval Policy adopted by Resolution No. 94-443, on July 19, 1994, and

WHEREAS, the Director of Utility Planning and Projects currently has authority to approve change orders up to a cumulative amount of \$61,713.64,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utility Planning and Projects to issue change orders on the E. Coolidge Area Waterline Replacement project in the total amount of \$131,713.64 (21.3% 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 25<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour

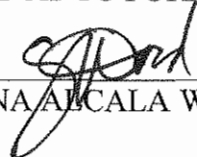
NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-23**

**RESOLUTION REJECTING ALL BIDS FOR THE JENNINGS WASTEWATER TREATMENT PLANT POTABLE WATER SUPPLY PROJECT, AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT FOR THE JENNINGS WASTEWATER TREATMENT PLANT POTABLE WATER SUPPLY**

WHEREAS, the bids received for the Jennings Wastewater Treatment Plant Potable Water Supply Project were opened at 11:00 a.m. on December 14, 2010, and later tabulated by the Director of Utility Planning & Projects for the consideration of the Council, and

WHEREAS, City staff have reviewed all information and has determined it is in the best interest of the City to recommend that all bids be rejected, and

WHEREAS, City staff will clarify the equipment and soil conditions in the Project Specifications for the Jennings Wastewater Treatment Plant Potable Water Supply Project, and

WHEREAS, City staff recommends re-advertising the project for the Jennings Wastewater Treatment Plant Potable Water Supply,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Jennings Wastewater Treatment Plant Potable Water Supply Project, opened in the office of the City Clerk on December 14, 2010.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project for the Jennings Wastewater Treatment Plant Potable Water Supply.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-24**

**RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT DATED  
OCTOBER 2010 FOR THE INDUSTRIAL TANK 13 AND PUMP STATION  
PROJECT AS COMPLETE**

WHEREAS, the Industrial Tank 13 and Pump Station are part of the City's water system improvements needed to fully integrate the water system with the Phase Two expansion of the Modesto Regional Water Treatment Plant (MRWTP), and

WHEREAS, the project consists of one 4-million gallon potable water storage tank and one 12-million gallon per day booster pumping station located within a City owned five-acre vacant parcel between 415 and 555 Codoni Avenue (APN 009-018-054), and

WHEREAS, the potable water storage tank is anticipated to be constructed at grade, and will serve South Modesto, the industrial area, as well as provide additional water to downtown Modesto, and

WHEREAS, on April 27, 2010, by Resolution No. 2010-152, Council approved an agreement with NorthStar Engineering Group, Inc. to complete the 35% design services for the Industrial Tank 13 and Pump Station project and summarize the project scope and cost estimates in a Preliminary Design Report (PDR), and

WHEREAS, both Public Works and Utility Planning & Projects staff worked closely with NorthStar to develop the PDR, and

WHEREAS, initially, as part of preliminary design, NorthStar evaluated and presented a technical memorandum to the City assessing the life-cycle costs of a steel tank versus a concrete tank, and

WHEREAS, City staff determined the best solution for the City is to proceed with a concrete tank, and

WHEREAS, the 35% PDR has been successfully completed by NorthStar, and will serve as the basis for the final design of the Industrial Tank 13 and Pump Station project,

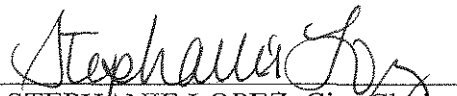
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Preliminary Design Report dated October 2010 for the Industrial Tank 13 and Pump Station project as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-25**

**RESOLUTION APPROVING AN AGREEMENT WITH NORTHSTAR ENGINEERING GROUP, INC. FOR FINAL DESIGN SERVICES FOR INDUSTRIAL TANK 13 AND PUMP STATION PROJECT IN AN AMOUNT NOT TO EXCEED \$335,803.40 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$33,580.00 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$369,383.40, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Industrial Tank 13 and Pump Station are part of the City's water system improvements needed to fully integrate the water system with the Phase Two expansion of the Modesto Regional Water Treatment Plant (MRWTP), and

WHEREAS, the project consists of one 4-million gallon potable water storage tank and one 12-million gallon per day booster pumping station located within a City owned five-acre vacant parcel between 415 and 555 Codoni Avenue (APN 009-018-054), and

WHEREAS, the potable water storage tank is anticipated to be constructed at grade, and will serve South Modesto, the industrial area, as well as provide additional water to downtown Modesto, and

WHEREAS, in compliance with Administrative Directive 3.1, Selection Procedures for Professional Consultants who Provide Architectural and Engineering Services for Capital Projects, approval was granted from the Director of Utility Planning & Projects (UP&P) to issue a Request for Qualifications (RFQ), and

WHEREAS, the selection committee, consisting of two UP&P Engineering staff and one Public Works Maintenance staff person, reviewed all 15 of the submitted Statement of Qualifications and narrowed the selection to five consultants, and

WHEREAS, a Request for Proposal (RFP) was issued to the shortlisted five consultants, and

WHEREAS, those consultants submitted proposals and subsequently interviewed with the selection committee, and

WHEREAS, following the consultant interviews, the selection committee determined that the local firm of NorthStar Engineering Group, Inc. (NorthStar) was the most qualified consultant to provide preliminary design services for this project and prepared a Preliminary Design Report (PDR), and

WHEREAS, on April 27, 2010, by Resolution No. 2010-152, Council approved an agreement with NorthStar to complete the 35% design services for the Industrial Tank 13 and Pump Station project and summarize the project scope and cost estimates in a PDR, and

WHEREAS, both Public Works and UP&P staff worked closely with NorthStar to develop the PDR, and

WHEREAS, initially, as part of preliminary design, NorthStar evaluated and presented a technical memorandum to the City assessing the life-cycle costs of a steel tank versus a concrete tank, and

WHEREAS, City staff determined the best solution for the City is to proceed with a concrete tank, and

WHEREAS, the 35% PDR has been successfully completed and will serve as the basis for the final design of the Industrial Tank 13 and Pump Station project, and

WHEREAS, this Final Design Services Agreement will allow for the final design, development of biddable documents, and assistance during the bid period for the project, and

WHEREAS, City staff recommends approving an Agreement with NorthStar as the City does not have the staffing level or subject matter expertise to complete the Final Design Services for the Industrial Tank 13 and Pump Station project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with NorthStar Engineering Group, Inc. for final design services for the Industrial Tank 13 and Pump Station project in an amount not to exceed \$335,803.40 for the identified scope of services, plus \$33,580.00 for additional services (if needed), for a maximum total amount of \$369,383.40.

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 25<sup>th</sup> day of January 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour

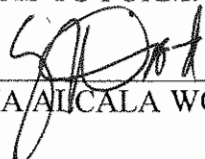
NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-26**

**RESOLUTION ACCEPTING THE WORK BY CONCO WEST FOR THE  
“WELLHEAD TREATMENT AND BLENDING LINES – WELLS 283 & 236”  
PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A  
NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER  
AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY  
PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING  
\$982,942.76**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Wellhead Treatment and Blending Lines – Wells 283 & 236 project has been completed by Conco West, in accordance with the contract agreement dated November 10, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Wellhead Treatment and Blending Lines – Wells 283 & 236 project is hereby accepted as complete from said contractor Conco West, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling \$982,942.76 is authorized as provided in the contract.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour

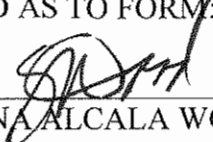
NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-27**

**RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT NO. 4 TO THE NORTH BEYER PARK SPECIFIC PLAN TO MODIFY THE DEVELOPMENT POLICIES AND STANDARDS BY REMOVING A PROVISION FROM THE LAND USE REGULATIONS PROVIDING FOR TWENTY-TWO UNITS OF COVENANT-RESTRICTED MODERATE-INCOME HOUSING, FOR PROPERTIES LOCATED ON THE WEST SIDE OF OAKDALE ROAD BETWEEN CLARATINA AND MABLE AVENUES (MODESTO MABLE, LLC)**

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

WHEREAS, on November 26, 1996, the City Council, by Resolution No. 96-641, adopted the North Beyer Park Specific Plan, to guide the development of 160 acres located in north Modesto, and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body, and

WHEREAS, the City Council, on November 4, 1997, by Resolution No. 97-628, adopted Specific Plan Amendment No. 1 to the North Beyer Park Specific Plan to add language to allow changes in service providers, and

WHEREAS, the City Council, on February 25, 2003, by Resolution No. 2003-102, adopted Specific Plan Amendment No. 2 to the North Beyer Park Specific Plan to expand the plan area to include approximately 20 acres at the northeast corner of Coffee Road and Claratina Expressway and specify development as a church site, and

WHEREAS, the City Council, on December 5, 2006, by Resolution No. 2006-758, adopted Specific Plan Amendment No. 3 to the North Beyer Specific Plan to modify

the Policies and Standards, Implementation and Financing, and Public Facilities chapters to allow development of a small-lot subdivision for single-family homes with a minimum of 22 affordable housing units covenant-restricted to moderate income households, on property located on the west side of Oakdale Road, between Mable and Claratina Avenues, to require future development to annex to a new Community Facilities District and to require future residential development to comply with the City's Dual Use Basin Policy, and

WHEREAS, Modesto Mable LLC has filed an application to amend the North Beyer Park Specific Plan to modify the Development Policies and Standards to remove a provision from the Land Use Regulations providing for twenty-two units of covenant-restricted moderate-income housing, for properties located west of Oakdale Road between Mable and Claratina Avenues, and

WHEREAS, on December 6, 2010, at 6:00 p.m. the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered concerning the proposed North Beyer Park Specific Plan amendment, and

WHEREAS, after said public hearing, the Modesto City Planning Commission, by Resolution No. 2010-28, recommended to the City Council approval of an amendment to the North Beyer Park Specific Plan to modify the Development Policies and Standards to remove a provision from the Land Use Regulations providing for twenty-two units of covenant-restricted moderate-income housing, for properties located west of Oakdale Road between Mable and Claratina Avenues, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing on January 25, 2011, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered,

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

1. That the proposed Specific Plan Amendment is consistent with the City of Modesto Urban Area General Plan and will not result in any substantive change to the North Beyer Park Specific Plan. The proposed amendment is consistent with the Residential (R) and Mixed Use (MU) designations for the site in both type and intensity of development, and is not inconsistent with the City of Modesto 2003-2008 Housing Element as the Housing Element does not explicitly mandate the provision of affordable housing within the North Beyer Specific Plan.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the North Beyer Park Specific Plan is hereby amended to modify the Development Policies and Standards to remove a provision from the Land Use Regulations providing for twenty-two units of covenant-restricted moderate-income housing, for properties located west of Oakdale Road between Mable and Claratina Avenues. A copy of Amendment No. 4 to the North Beyer Specific Plan is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said amendment to the North Beyer Park Specific Plan to the Board of Supervisors of the County of Stanislaus.

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 this Specific Plan Amendment (File No. SPA-10-001). 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 25<sup>th</sup> day of January, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Mayor Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: Geer, Marsh

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**EXHIBIT "A"**  
**NORTH BEYER PARK SPECIFIC PLAN AMENDMENT NO. 4**

**9. Land Use Regulations**

The City of Modesto's Title X Planning and Zoning Code latest edition is hereby adopted and incorporated by reference into the North Beyer Park Specific Plan, as the Plan's land use regulations and development standards. All development projects shall be subject to the zoning provisions that are current at the time of application. The City may grant exemptions from the certain Code provision at its discretion in order to implement the Plan.

~~Twenty two units of affordable housing, covenant restricted to moderate income households, shall be provided on the properties located on the west side of Oakdale Road, between Claratina and Mable Avenues prior to or concurrent with development of any of said properties.~~

**10. Improvement Standard Regulations**

The City of Modesto Department of Public Works Standard Specifications are hereby adopted and incorporated by reference into the North Beyer Park Specific Plan as the Plan's Development Standards. All development projects shall be subject to the Standard Specifications that are current at the time of application. The City may grant exemptions from the certain code provisions at its discretion in order to implement the plan.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-28**

**RESOLUTION APPROVING THE PAYMENT OF SEWER BOND REDEMPTION CHARGES IN LIEU OF WASTEWATER CAPACITY CHARGES FOR THE 114- LOTS OF THE ROSE VILLAS VESTING TENTATIVE SUBDIVISION MAP, FOR BUILDING PERMITS ISSUED WITHIN TWO YEARS OF THE RECORDATION OF A FINAL MAP FOR SAID VESTING TENTATIVE SUBDIVISION MAP**

WHEREAS, Florsheim Land Company LLC filed an application for a vesting tentative subdivision map, Rose Villas, to divide approximately 25.6 acres, located on the west side of Oakdale Road between Claratina Avenue and Mable Avenue, into 142 small single-family residential lots, and

WHEREAS, said vesting tentative map was received in the office of the Secretary of the Planning Commission on February 17, 2006, and was accepted for filing and deemed complete on March 19, 2006, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, the City of Modesto Planning Commission approved said vesting tentative map on January 22, 2007, and

WHEREAS, said vesting tentative map is vested against the 2007 Wastewater Capacity Charges, which were adopted on May 8, 2007, and

WHEREAS, on June 18, 2010, Modesto Mable LLC filed an application for a new Vesting Tentative Subdivision Map to divide the 25.6 acres on same properties into 114 lots, and

WHEREAS, on November 16, 2010, the applicant's representative, Newman-Romano LLC, submitted a request that the Sewer Bond Redemption charges applicable to building permits issued for the original 142-lot Rose Villas Vesting Tentative Subdivision Map also be applicable to the newly approved 114-lot Rose Villas Vesting

Tentative Subdivision Map, citing that the lesser amount of lots would have a smaller or equal amount of impact upon City services, and

WHEREAS, said request was heard by the City Council on January 25, 2011, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, and

WHEREAS, after consideration of the request the Council finds and determines that the request to allow the payment of Sewer Bond Redemption Charges in lieu of payment Wastewater Capacity Charges for the 114 lots of the Rose Villas Vesting Tentative Subdivision Map, approved by the Planning Commission on December 6, 2010, until two years after the recordation of a final map, will not negatively impact the Wastewater Capacity Charge programs, because the program took into account that the original 142-lot Rose Villas subdivision for the same site was vested against the fee program,

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

1. Upon the development of the 114 lots of the Rose Villas Vesting Tentative Subdivision Map, approved by the Planning Commission on December 6, 2010, all building permits for new single-family dwellings on the Rose Villas subdivision shall be allowed to pay the Sewer Bond Redemption charges in effect on March 19, 2006, in lieu of payment of Wastewater Capacity Charges until two years after the recordation of a final map.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of January, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Mayor Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: Geer, Marsh

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-29**

**RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE CITY OF MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): AMENDMENT TO THE NORTH BEYER PARK SPECIFIC PLAN TO MODIFY THE DEVELOPMENT POLICIES AND STANDARDS BY REMOVING A PROVISION FROM THE LAND USE REGULATIONS PROVIDING FOR TWENTY-TWO UNITS OF COVENANT-RESTRICTED MODERATE-INCOME HOUSING, FOR PROPERTIES LOCATED ON THE WEST SIDE OF OAKDALE ROAD BETWEEN CLARATINA AND MABLE AVENUES (MODESTO MABLE, LLC)**

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (Master EIR) for the Modesto Urban Area General Plan (SCH 2007072023), and

WHEREAS, an application has been filed by Modesto Mable LLC for an amendment to the North Beyer Park Specific Plan to modify the Development Policies and Standards by removing a provision from the Land Use Regulations providing for twenty-two units of covenant-restricted moderate-income housing, for properties located west of Oakdale Road between Mable and Claratina Avenues, and

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

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/C&ED 2010-23, which concluded that the proposed Project is within the scope of the Master EIR (SCH No. 2007072023), and

WHEREAS, in accordance with CEQA guidelines beginning on January 5, 2011, the City caused to be published a 20-day notice of the City's intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, on December 6, 2010, the Planning Commission, by Resolution No. 2010-28, recommended to the City Council approval of an Amendment to the North Beyer Park Specific Plan to modify the Development Policies and Standards by removing a provision from the Land Use Regulations providing for twenty-two units of covenant-restricted moderate-income housing, for properties located west of Oakdale Road between Mable and Claratina Avenues, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 25, 2011, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 10<sup>th</sup> 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, Environmental Assessment No. EA/C&ED 2010-23, for the proposed amendment, and the Council hereby makes the following findings:

1. The project is of a type described in Chapter II of the Modesto Urban Area General Plan Master EIR (SCH No. 2007072023).
2. All applicable policies, regulations and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
3. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect

on the environment that was not examined in the Master EIR and it has been determined that the project was described as being within the scope of the Master EIR.

4. Based on the Initial Study, the City of Modesto finds and determines:
  - a. The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the Master EIR.
  - b. No new or additional mitigation measures or alternatives are required.
5. The Initial Study, Environmental Assessment No. EA/C&ED 2010-23, provides the substantial evidence to support findings 1-4, noted above.

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 25<sup>th</sup> day of January, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Mayor Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Lopez, Muratore, Mayor Ridenour
NOES:	Councilmembers:	Geer, Marsh
ABSENT:	Councilmembers:	Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Exhibit "A"**

Initial Study

EA/C&ED No. 2010-23

**City of Modesto**

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

**Initial Study Environmental Checklist  
C&ED No. 2010-23**

**For the proposed:**

**Specific Plan Amendment and  
Vesting Tentative Subdivision Map  
Rose Villas**

**SW Corner of Claratina Avenue and Oakdale Road  
APNs 082-005-031 and 082-025-002**

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

**November 8, 2010**

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# City of Modesto

## Master EIR Initial Study Environmental Checklist

### I. PURPOSE

On August 15, 1995, the City adopted the General Plan, which included the North Beyer Specific Plan area as the North Beyer Comprehensive Planning District (CPD). On November 26, 1996, the North Beyer Park Specific Plan was adopted and a Mitigated Negative Declaration ("North Beyer Park MND", SCH No. 96102053) as a proposed subsequent project to the Master EIR was utilized for the project environmental review. The Specific Plan MND was amended February 7, 2003 (SCH No. 2002122117) to include new acreage to allow the development of a church ("Shelter Cove Amendment"). The Modesto Urban Area General Plan and its Master EIR ("MEIR") was updated and adopted by the City Council on October 14, 2008 (SCH No. 2007072023).

CEQA allows for the limited environmental review of subsequent projects under the City's MEIR. This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed project, an amendment to the North Beyer Park Specific Plan and Rose Villas Vesting Tentative Subdivision Map, is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH No. 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: Specific Plan Amendment and Vesting Tentative Subdivision Map—Rose Villas
- B. Address or Location: 2141 Mable Ave., Modesto, CA (APNs 082-005-031 and 082-025-002)
- C. Applicant: Modesto Mable LLC., 1701 W. March Lane, Suite D., Stockton CA 95207
- D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin  
Department: City of Modesto Community and Economic Development Department  
Phone Number: 209-577-5267  
E-mail address: kamartin@modestogov.com



- E. Current General Plan Designation(s): R "Residential" and MU "Mixed Use"
- F. Current Zoning Classification(s): SP "Specific Plan"
- G. Surrounding Land Uses:
  - North: Claratina Avenue right-of-way (future expressway); agricultural uses (vineyards)
  - South: Mable Avenue and Single-Family Residential
  - East: Oakdale Road and agricultural uses (orchard)
  - West: Single-Family Residential
- H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

This project is described under Chapter II-C of the MEIR as a Zoning action and Subdivision.

This is an application for a Specific Plan Amendment and Vesting Tentative Subdivision Map for 114 Single-Family Residential lots on approximately 22 acres of land located west of Oakdale Road, between Claratina and Mable Avenues. The Specific Plan Amendment proposes to remove a provision to include 22 affordable housing units covenant-restricted to Moderate-Income households on this site. A dual-use basin is proposed at the southerly portion of the subdivision development, along the Mable Avenue frontage, to provide for storm drainage and open space for the development. A previously approved Vesting Tentative Subdivision Map comprised 142 lots for this site; the Rose Villas Vesting Tentative Subdivision Map as part of this Initial Study proposes replacing the previous map with a subdivision of 114 lots.

- 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 proposed project is of a type described in Chapter II of the Master EIR.
  - B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
  - C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
  - D. Based on the Initial Study, the City of Modesto finds and determines:

- a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
- b) No new or additional mitigation measures or alternatives are required.


E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

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

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

  
 \_\_\_\_\_  
 Project Manager

Associate Planner \_\_\_\_\_  
 Title

August 20, 2010 \_\_\_\_\_  
 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 checked="" type="checkbox"/>	<input 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"/>
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#### 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.

### **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
<b>1. TRAFFIC AND CIRCULATION</b>				
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, and so on.	<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) The project was referred to the City's Land Development Engineering, Traffic Division and no indication was given that the project would exceed traffic generation assumptions assumed in the MEIR.
- (2-3) The project was referred to the County of Stanislaus, who indicated concerns of impacts upon existing rural roadways near the project but did not provide specifics to impacts upon level of service for nearby county-maintained roadways. The number of lots proposed for the vesting tentative subdivision map is 28 less than the amount of a previously approved vesting tentative subdivision map for this site, approved by the City of Modesto Planning Commission on January 22, 2007. The subsequent update of the City's General Plan in October of 2008 assumed a maximum of 1,200 dwelling units within the North Beyer Specific Plan. The 114 lots proposed in this VTSM would not cumulatively exceed that number.
- (4) The project was referred to the City of Modesto Fire Department, who indicated no comments or concerns with impact to response times.
- (5) The project meets the City's code requirements for parking on-site, which is two spaces per dwelling unit.
- (6) The project would not pose a conflict with any alternative transportation implementation plan.
- (7) The project would not result in an increase in vehicle miles traveled above what has been assumed for the site in the MEIR.

## **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<sub>x</sub>) (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 (PM<sub>10</sub>) and 2.5 microns or less in diameter (PM<sub>2.5</sub>) (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<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.

### **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 Policies AQ-42 through AQ-44 and AQ-46 through AQ-50 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

1. 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
<b>2. DEGRADATION OF AIR QUALITY</b>				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> 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 <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> .	<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 project was referred to the San Joaquin Valley Air Pollution Control District, who indicated that the project would not have a significant adverse effect on air quality.
- (2) The project will implement Best Management Practices as established by the SJVAPCD.



- (3) Applicable General Plan policies will be applied to the project. These policies include implementation of Best Management Practices during the construction phase of the project.
- (4) The project would not be a significant contributor to pollution levels. Residential traffic would be a main source of pollution; however, these traffic impacts are within the scope of the MEIR. Pollution from the construction phase of the project will be mitigated in accordance to the General Plan policy cited above.
- (5) The project would not produce objectionable odors.

### **3. GENERATION OF NOISE**

#### **1. 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.

#### **1. 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 and N-2 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

1. 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
<b>3. GENERATION OF NOISE</b>				
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) The City’s noise policy is incorporated into the conditions of approval as a mitigation measure.
- (2) The project is consistent with the noise policies of the General Plan. Noise mitigation measures specified by the MEIR, cited above, is incorporated into the conditions of approval for the project.
- (3) The project is for single-family residential use and the only increase in ambient noise levels would be generated by traffic. The increase in traffic levels are within the scope of what the MEIR assumed for the site, and therefore would not result in a substantial permanent increase in ambient noise levels.
- (4) The project would not result in a substantial temporary or periodic increase in ambient noise levels. There will be construction related noise during the construction phase of the project but the mitigation measures called for by the MEIR and cited above are incorporated into the conditions of approval for the project. With these measures, the impact of construction noise would be less than significant.

#### 4. EFFECTS ON AGRICULTURAL LANDS

##### 1. 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.

##### 1. 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:

There are no mitigation measures applicable to the project.

##### 1. 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
<b>4. EFFECTS ON AGRICULTURAL LANDS</b>				
1) The proposed project is inconsistent with 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
Urban Area General Plan's policies relating to agricultural land.				
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 consistent with the General Plan's land use policies. It is a single-family residential project that is consistent in density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2) The project will not result in the development of land outside of the City's October 2008 Planned Urbanized Area boundary.
- (3) The project site is not zoned for agricultural uses nor is under any Williamson Act contract. The site is vacant land that is not in agricultural production.
- (4) The project site will not involve changes to the existing environment that could result in the conversion of farmland into non-agricultural uses. The site is surrounded by existing residential uses to the west and south, and lands designated for future urban uses to the north (Hetch-Hetchy CPD) and east (Tivoli Specific Plan).

**5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES**

1. 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.

1. 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 WS-15, as provided by WS-35, from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

1. 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
<b>5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</b>				
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	<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
Urban Area General Plan or would interfere with groundwater recharge.				

Discussion:

- (1) The project is consistent with the General Plan in land use and intensity. The above-cited mitigation measures for compliance with the water supply policies in the General Plan are incorporated into the project as conditions of approval.
- (2) The project was referred to the City’s Land Development Engineering Department and no indication was given that there are insufficient water supplies available to serve the project. The project site is to be served by an existing 10-inch water main in Mable Avenue.
- (3) No indication was given by the Land Development Engineering Department that the project would deplete groundwater sources or interfere with groundwater recharge.

**6. INCREASED DEMAND FOR SANITARY SEWER SERVICES**

1. 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.

1. 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:

There are no mitigation measures applicable to this project.

1. 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
<b>6. INCREASED DEMAND FOR SANITARY SEWER SERVICES</b>				
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) 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 General Plan's land use policies. It is a single-family residential project that is consistent in density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2-3) The project was referred to Land Development Engineering, who indicated no concerns with regards to wastewater generation from the project site.

**7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT**

1. 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 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.

1. 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:

There are no mitigation measures applicable to this project with regards to loss of wildlife or plant habitat. The project site is not within a biologically sensitive area as defined by Figure V-7-1 of the MEIR.

1. 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
<b>7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</b>				
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	<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
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.				
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's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2-4) The project site is not within 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**

1. 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.

1. 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-14 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

1. 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
<b>8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</b>				
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"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 in age.	<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) 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"/>

Discussion:

- (1) The project is consistent with the General Plan's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2-4) The project site is vacant land. No buildings exist that would be eligible for listing as a historic or archaeological resource.
- (5) The project would not be in conflict with any policy or ordinance protecting historic or archaeological resources.

**9. INCREASED DEMAND FOR STORM DRAINAGE**

1. 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.

1. 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.

1. 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
<b>9. INCREASED DEMAND FOR STORM DRAINAGE</b>				
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 project is consistent with the General Plan's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2) The project proposes to reduce the number of residential lots from 142 single-family lots provided by a previously-approved vesting tentative subdivision map, to 114 single-family lots. The amount of impervious surface would not be increased beyond what was assumed by the MEIR for the project site. The project will meet City Standards and comply with the City's "Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures".
- (3) Low-impact development principles will be incorporated into the project's storm drain system design.

## **10. FLOODING AND WATER QUALITY**

### **1. 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.

### **1. 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: FW-13 and FW-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.

### **1. 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
<b>10. FLOODING AND WATER QUALITY</b>				
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 offsite.	<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 Urban Area 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 Urban Area General Plan implementation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1) The project is consistent with the General Plan's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2) The project would comply with the Federal Clean Water Act and the Porter-Cologne Act requirements.

- (3-4) The project area is not within a 100-year flood hazard area as defined by the 2008 FEMA Flood Insurance Rate Map (FIRM).
- (5) The project would comply with the City's Guidance Manual for New Development Stormwater Quality Control Measures.
- (6) With implementation of the mitigation measures specified above, the project would not violate water quality or waste discharge requirements.
- (7-8) The project would not alter an existing drainage pattern or watercourse. With implementation of mitigation measures specified above, the project would not create or contribute to runoff that would exceed assumptions of the General Plan.

## **11. INCREASED DEMAND FOR PARKS AND OPEN SPACE**

### **1. 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.

### **1. 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 mitigation measures applicable to this project. The site is not within or near any riparian area as identified by Figure V-7-1 of the MEIR.

### **1. 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
<b>11. INCREASED DEMAND FOR PARKS AND OPEN SPACE</b>				
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 General Plan's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2) The project would not eliminate a park or open space. The project proposes a 2.9-acre dual-use basin for storm drainage and recreational activities.
- (3) The project was referred to the City's Parks, Recreation and Neighborhoods Department, who indicated no concerns with the project.

**12. INCREASED DEMAND FOR SCHOOLS**

1. 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.

1. 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 polices 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 mitigation measures applicable to this project.

1. 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
<b>12. INCREASED DEMAND FOR SCHOOLS</b>				
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 General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

- (2) The project was referred to Modesto City Schools, and no opposition was indicated. The project will be required to annex to the appropriate schools community facilities district as a condition of Final Map approval, and will be required to pay fees in accordance with SB 50/Proposition 1A.

**13. INCREASED DEMAND FOR POLICE SERVICES**

1. 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.

1. 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 are applicable to the project.

1. 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
<b>13. INCREASED DEMAND FOR POLICE SERVICES</b>				
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	<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
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.				

Discussion:

- (1) The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2) The project was referred to the City of Modesto Police Department, who indicated no concerns with the project.

**14. INCREASED DEMAND FOR FIRE SERVICES**

1. 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.

1. 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 are applicable to the project.

1. 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
<b>14. INCREASED DEMAND FOR FIRE SERVICES</b>				
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 project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2-3) The project was referred to the City of Modesto Fire Department, who indicated no concerns with the project.

**15. GENERATION OF SOLID WASTE**

1. 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.

1. 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 are applicable to the project.

1. 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
<b>15. GENERATION OF SOLID WASTE</b>				
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 General Plan's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2) The project was referred to the County of Stanislaus and the Solid Waste Division of the City's Parks, Recreation and Neighborhoods Department, who indicated no concerns with the project with regards to solid waste disposal capacity.

**16. GENERATION OF HAZARDOUS MATERIALS**

1. 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.

1. 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 are applicable to the project.

1. 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
<b>16. GENERATION OF HAZARDOUS MATERIALS</b>				
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 General Plan's hazardous materials policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2) The project site is not within one quarter-mile of an existing or planned school. The project is a single-family residential subdivision that would not handle or emit hazardous materials.
- (3-4) The project site is not on a state-maintained list of hazardous materials sites.

## **17. GEOLOGY, SOILS, AND MINERAL RESOURCES**

### **1. 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.

### **1. 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 are applicable to the project.

### **1. 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:

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>17. GEOLOGY, SOILS, AND MINERAL RESOURCES</b>				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	[ ]	[ ]	[ ]	[ 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.	[ ]	[ ]	[ ]	[ X ]

Discussion:

- (1) The project is consistent with the General Plan's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project.

**18. ENERGY**

1. 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.



1. 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 are applicable to the project.

1. 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
<b>18. ENERGY</b>				
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 General Plan's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2) The project would not result in wasteful or unnecessary energy consumption.

**19. EFFECTS ON VISUAL RESOURCES**

1. 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.

1. 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 are applicable to the project.

1. 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
<b>19. EFFECTS ON VISUAL RESOURCES</b>				
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 General Plan's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2-3) The project site is not located near any river, stream, mountains or other visual interest. The project would not have an adverse effect on a scenic vista.

**20. LAND USE AND PLANNING**

1. 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.

1. 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 are applicable to the project.

1. 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
<b>20. LAND USE AND PLANNING</b>				
1) The proposed project is inconsistent with land	<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
use and planning policies in the Urban Area General Plan.				
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 consistent with the General Plan's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2) The project would complete a community plan (North Beyer Specific Plan), without dividing an established community.
- (3) The project site is within the jurisdiction of the City of Modesto. The project does not present a conflict 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 is not subject to any habitat conservation plan or natural community conservation plan.

## 21. CLIMATE CHANGE

### 1. 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.

1. 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 CL-25 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

1. 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
<b>21. CLIMATE CHANGE</b>				
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 <sub>2</sub> 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 General Plan's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
- (2) The project would not result in an increase in vehicle miles traveled above what has been assumed for the site in the MEIR.

- (3) A Sustainable Communities Strategy has not yet been adopted by the Stanislaus Council of Governments (StanCOG).

## 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.

### 1. 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).

### **Traffic and Circulation:**

Prior to recordation of the tentative subdivision map, the developer shall provide dedication and improvements along Claratina Avenue, Oakdale Road and Mable Avenue in accordance to City Standards and as required by the City Engineer or designee.

### **Degradation of Air Quality:**

1. 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.
2. All onsite unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water by presoaking.
4. 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.
5. 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).
6. 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.
7. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

8. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

**Generation of Noise:**

1. The City of Modesto Noise Ordinance (Modesto Municipal Code § 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."

The Noise Ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 AM or after 9:00 PM daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 AM and after 9:00 PM):

- A. A hammer, or any other device or implement used to pound or strike an object;
- B. A hand-powered saw;
- C. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, a chain saw, backpack blower, and lawn mower;
- D. 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;
- E. Any of the following:
  1. Heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe);
  2. Ground drilling and boring equipment (such as but not limited to derrick or dredge);
  3. Hydraulic crane and boom equipment;
  4. Portable power generator or pump;
  5. Pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment);
  6. Pile-driving equipment;
  7. Vibrating roller;
  8. Sand blaster;
  9. Gunite machine;
  10. Trencher;
  11. Concrete truck;
  12. Hot kettle truck;
- F. 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.



### **Effects on Agricultural Lands:**

N/A

### **Increased Demand for Long-Term Water Supplies:**

All new connections to the public water system shall have meters installed. In addition, on or before January 1, 2025, all existing municipal and industrial service connections shall have water meters installed. On or before January 1, 2010, the City shall charge all customers with water meters based on the volume of water delivered.

### **Increased Demand for Sanitary Sewer Services:**

N/A

### **Loss of Sensitive Wildlife and Plant Habitat:**

N/A

### **Disturbance of Archaeological/Historic Sites:**

Any project that involves earth-disturbing activities shall require consultation by the applicant for the purposes of determining archaeological and cultural resources impacts and creating appropriate mitigation to address such impacts.

### **Increased Demand for Storm Drainage:**

Storm discharge to be by positive storm drain to open space/basin. Low Impact Development (LID) principles to be integrated into project storm drain design wherever feasible. Treatment of storm drainage to conform to current City Standards at the time of development.

### **Flooding and Water Quality:**

1. 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. New developments shall be required to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants

### **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

**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. The following project-specific mitigation measures are necessary to reduce the identified new significant effect: None.

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-30

RESOLUTION APPROVING A BUILDING RENTAL FEES SCHEDULE FOR THE  
MADDUX YOUTH CENTER

WHEREAS, a public meeting was held on October 13, 2010, to receive community input regarding the costs associated with the operation of the Maddux Youth Center and opportunities to offset these costs through fees or program changes, and

WHEREAS, the consensus of the community input was that it is important that the Center continue to be available at its current level of service for the youth and families of Modesto with low to moderate income levels, and

WHEREAS, the top six recommendations coming out of this public meeting included implementing community fundraising efforts such as hosting tournaments, seeking facility sponsors, requiring co-sponsored agencies to pay a fee, and initiating a fee for sports leagues, and

WHEREAS, an additional recommendation included implementing a building rental fee schedule for this facility as outlined in the **attached Exhibit A**, and

WHEREAS, a duly noticed public hearing was held by the Council on January 25, 2011, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, to consider approval of the proposed fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the building rental fees schedule for the Maddux Youth Center as outlined in the **attached Exhibit A**.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of January, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



City of Modesto Parks, Recreation and Neighborhoods Department  
 1010 Tenth Street • Suite 4400 • Modesto, CA 95354  
 P.O. Box 642 • Modesto, CA 95353  
 Phone: (209) 577-5344 • Fax: (209) 342-4705



### MADDUX YOUTH CENTER RENTAL INFORMATION

#### General Information:

- Rental must be made at least five (5) working days before a facility use.
- **NO ALCOHOL** is allowed in the building or the immediate grounds around the building. Alcohol is allowed in the park by permit only.
- Payment for uses within 30 days must be by cash, Visa or MasterCard, money order or cashiers check only - no personal checks.
- Rental hours must include setup and clean up time. Rental hours are consecutive and may not be broken up throughout the day.
- Set up is the responsibility of the renter, unless arranged and paid for at least 10 working days prior to the event.
- A damage/cleaning deposit is required for all building rentals. This refundable deposit is an amount equal to ½ the total rent, or \$100, which ever is greater.
- Discount rates are available Mon. through Thurs. only for 501(C) (3), (C) (4), and (C) (9) non-profit status groups.
- All fundraisers are at full fee.
- Generally only one rental is allowed per day. However, a second use may be allowed if there is at least two (2) hours between facility uses. A second use requires an \$85 custodial fee for clean up between the two events.

**\*\*Certificate of Insurance is required. Security may be required for events during non-business hours. Other permits may also be required depending on event activities.\*\***

#### MADDUX YOUTH CENTER

615 Sierra Drive, Modesto, CA 95351

Capacity: Entire: Gym: Boxing: Multi:  
 Game: Reading: Computer:

Rental includes: 8 round tables, 8 rectangular tables, 100 chairs

#### Rental Fees:

	2-Hour Fee	4-Hour Fee	Each Additional Hour
Entire Facility	\$ 205	\$339	\$69
Gymnasium	\$ 176	\$282	\$54
Multi-Purpose	\$ 146	\$222	\$40
Game Room	\$ 114	\$157	\$23
Reading Room	\$ 59	\$97	\$21
Computer Room	\$ 58	\$95	\$20

**Plus refundable damage/cleaning deposit (equal to ½ the rent total, but not less than \$100)**

**Facility Set-up fee: \$16.87 per hour, per staff; Set-up must be arranged at least 2 weeks prior to the rental date.**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-31**

**RESOLUTION APPROVING AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$125 FOR THOSE CITY OF MODESTO ENTERTAINMENT PERMITS REQUIRING A SPECIAL SESSION OF THE ENTERTAINMENT COMMISSION AND/OR AN EXPEDITED PERMIT**

WHEREAS, the Entertainment Commission was formed in 2008 to review and approve entertainment permits and a fee of \$125 was established to offset the costs associated with this activity, and

WHEREAS, the existing fee does not fully offset the cost of issuing the entertainment permits, particularly when a permit must be fast-tracked due to time sensitivity, and

WHEREAS, the Entertainment Commission has proposed the following:

1. Charge an additional \$125 as an administrative fee for businesses (both for-profit and non-profit) that need to expedite their permit processing and/or when a special session is required to accommodate the event timeline. This fee would be waived for first-time applicants; and

2. Authorization for the Permit Administrator to rule upon applications deemed to be routine in accordance with criteria established by the Entertainment Commission, and

WHEREAS, a duly noticed public hearing was held by the Council on January 25, 2011, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, to consider approval of the proposed fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an administrative fee in the amount of \$125 for those City of

Modesto entertainment permits requiring a special session of the Entertainment Commission and/or an expedited permit.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of January, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-32**

**RESOLUTION APPROVING THE APPOINTMENT OF TOM KRIPPAEHNE AS CITY AUDITOR, AND APPROVING A MASTER AGREEMENT FOR AUDITING SERVICES BETWEEN THE CITY OF MODESTO AND MOSS-ADAMS, LLP; AND AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, Section 900 of the Modesto City Charter provides that the City Auditor shall be appointed by and serve at the pleasure of the City Council of the City of Modesto, and

WHEREAS, the City Council desires to appoint Tom Krippaehne as City Auditor effective January 25, 2011, and enter into a Master Agreement with Moss-Adams, LLP for auditing services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Tom Krippaehne to serve as City Auditor of the City of Modesto, effective January 25, 2011.

BE IT FURTHER RESOLVED that the Council hereby approves a Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP.

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



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of January, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-33**

**A RESOLUTION IN OPPOSITION TO THE ADMINISTRATION'S PROPOSAL  
TO ABOLISH REDEVELOPMENT AGENCIES IN CALIFORNIA**

WHEREAS, as part of its 2011-12 budget proposal, the Governor has proposed permanently abolishing California's more than 400 local redevelopment agencies; and

WHEREAS, this proposal represents more of the same misguided and illegal State budget raids of local government funds that voters have repeatedly sought to end, most recently in November 2010 when an overwhelming 61% of voters elected to stop State raids of local government funds, including redevelopment funds; and

WHEREAS, this proposal will bring very little financial benefit to the State. According to the State Controller's Office, redevelopment agencies have more than \$87 billion in bond and other contractual obligations that legally must be repaid before revenues are available to any other purpose. In fact, according to the State Department of Finance's own budget documents, there will be zero State savings in out years from shutting down redevelopment; and

WHEREAS, this proposal will destroy local economic development, including hundreds of thousands of jobs and billions of dollars in local economic activity throughout California. In fact, in the City of Modesto, abolishing redevelopment will destroy potential future projects including acquisition of property for the Kansas Woodland Business Park which has the potential to bring over 800 jobs at build-out and millions of dollars to the local economy. In addition, affordable housing projects such as Archway Commons and Tower Park will not be possible without redevelopment funding and will result in the loss of approximately 200 affordable and senior housing units; and

WHEREAS, throughout California, redevelopment activities support 304,000 jobs annually, including 170,600 construction jobs, contribute over \$40 billion annually to California's economy in the generation of goods and services, and generate more than \$2 billion in state and local taxes in a typical year; and

WHEREAS, eliminating redevelopment will take away one of the few tools local governments have to comply with state requirements to plan for more compact urban development supported by transit-oriented development, housing, jobs and infrastructure; and

WHEREAS, eliminating redevelopment will destroy the development of affordable housing in California. Redevelopment agencies are the second largest funder of affordable housing, behind only the federal government, responsible for over 98,000 units of affordable housing since 1993; and

WHEREAS, shutting down redevelopment agencies is a violation of multiple State and Federal constitutional provisions.

THEREFORE, BE IT RESOLVED that the City of Modesto formally opposes the Administration's proposal to abolish redevelopment in California.

THEREFORE, BE IT FURTHER RESOLVED, that the City of Modesto authorizes its council and city staff to communicate its opposition to this proposal to the Governor, the Legislature, business groups, and citizens.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of February, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-34**

**RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 ANNUAL  
OPERATING BUDGET**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2010-2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the Fiscal Year 2010-2011 budgets have been adjusted as shown in **Exhibit A**, which is incorporated by reference herein..

BE IT FURTHER RESOLVED that the Director of Finance, 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 8<sup>th</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

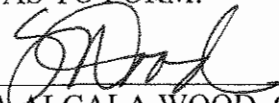
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## EXHIBIT A

### COMMUNITY & ECONOMIC DEVELOPMENT

An adjustment is necessary to increase the Service Credit revenue and expense in the amount of \$3,000 for a service credit agreement between Community Economic Development (Fund 0100), and Utility Planning and Projects (Fund 6210). The original service credit agreement was for \$31,141. This amount was later modified to \$34,141 but was not entered into our adopted budget prior to the beginning of the fiscal year.

An adjustment is necessary to recognize previously unbudgeted service credit revenue in Land Development Engineering in the General Fund (0100) in the amount of \$47,489 for work on the Woodglen Facility Master Plan. The expense for Woodglen IFP/FMP has already been budgeted.

### FINANCE

An adjustment is necessary to recognize previously unbudgeted revenue in the General Fund (Fund 0100) in the amount of \$29,382 for a service credit agreement between Finance and Utility, Planning and Projects and appropriate it to service credit expense in the General Fund.

The following Capital Improvement Projects, Right Turn Lane Bangs & Prescott (E014), Upgrade Traffic Signals 2010 (E015) and Retime Downtown Traffic Signals 2010 (E017) in the Capital Grants – Gas Tax Fund (Fund 2370) were budgeted with the intention of using \$77,884 in Gas Tax Match Funding. Recently, the City received CMAQ documents indicating that the grant will cover costs associated with the Design phase. An adjustment is necessary to increase the budgeted CMAQ revenue in the amount of \$77,884, and return the match to the Surface Transportation Fund (Fund 0700) for future projects.

In April 2008 the City of Modesto received \$3,364,421 in Prop 1B funding. This funding, in addition to interest earned, must be spent by June 30, 2011. When funds were originally received they were receipted and expensed in the Prop 1B – Streets fund (Fund 0710) rather than Surface Transportation fund (Fund 0700). A transfer from Fund 0710 to Fund 0700 was established to correct this however the incorrect amount was budgeted. An adjustment is necessary to recognize \$36,000 in previously unbudgeted revenue, reduce the appropriated expense by \$37,873 and increase the transfer by \$503,500 to correct the amount.

An adjustment is necessary to recognize previously unbudgeted revenue in the General Fund (Fund 0100) in the amount of \$5,063 for bond issuance fee revenue from the California Municipal Finance Authority for the Finance Department's participation in two TEFRA hearings, and appropriate it to Business Expenses in the General Fund (Fund 0100).

Management of the city-wide insurance database transitioned from the Finance Department to Risk Management effective December 1, 2010. A budget adjustment is necessary to reduce service credit revenue in the General Fund in the amount of \$16,059 created from a service credit agreement between the Purchasing Division within the Finance Department and departments outside Finance, and increase revenue in the Risk Management's budget by the same amount.

An adjustment is necessary to increase Temporary Labor expense in the Special Gas Tax Fund (0700) by \$100,000 for work related to Street Maintenance weed abatement. This increase will be funded through a transfer from the Gas Tax Fund (0730).

On June 1, 2010 the City Council of the City of Modesto approved by Resolution 2010-231 the reorganization of the Finance Department. At the time the reorganization was approved, the Fiscal Year 2010-11 budget was pending adoption. This budget adjustment was inadvertently excluded from the adopted budget and is necessary to move funding within the orgs in the General Fund Finance Department, and appropriate \$6,749 from Water Fund (6100) Reserves, to align Finance Divisions expense and revenue budgets as a result of the reorganization.

As part of the budget reductions for FY2010-11, the Tenth Street Place Joint Powers Agreement (JPA) agency approved the elimination of a filled Maintenance Worker position. Due to the City's layoff process the employee remained a City employee until the end of July. The City is assuming responsibility for the July salary expense incurred caused from the layoff process. An adjustment is necessary to appropriate \$8,304 from General Fund Reserves (0100) to increase General Fund Building Services - JPA Forces expense which will then increase the JPA Reimbursement Revenue in Fund 7800. This revenue will be appropriated to Intergovernmental Services for expense associated with the Maintenance Worker's position salary and benefits in July.

The Internal Service Fund (ISF) allocation for the City of Modesto's portion of the 10<sup>th</sup> Street Place assessment was based on an estimated number due to the 10<sup>th</sup> Street Place JPA not having an adopted budget until the end of June. The final adopted budget generated an increase in assessment charges for the City which is being allocated to all funds included in the ISF allocation. An adjustment is necessary to appropriate a total of \$11,769 from the affected fund reserves to accommodate this increase; \$7,098 of the increased expense is for the General Fund (0100).

#### **FIRE**

An adjustment is necessary to recognize \$4,337 in previously unbudgeted revenue that was received in excess of the budgeted amount for Miscellaneous Special Services (X Fest coverage), and appropriate it to Overtime Expense in the Fire Prevention and Emergency Operations organizations in the General Fund (0100).

#### **PARKS, RECREATION AND NEIGHBORHOODS**

During the development of the Fiscal Year 2010-11 budget a service credit agreement was negotiated between Park Services in the General Fund (Fund 0100) and Tenth Street Place JPA City Operations in the Building Services (Fund 7800) for the Grover Landscaping contract for landscaping services at Tenth Street Place. After the adoption, responsibility for a portion of the Grover Landscaping contract for Tenth Street Place shifted from the City of Modesto to Stanislaus County. An adjustment is necessary to reduce service credit revenue in the General Fund (Fund 0100) by \$482 and reduce the corresponding service credit expense in the Building Services fund (Fund 7800).

#### **PUBLIC WORKS/UTILITY PLANNING & PROJECTS**

An adjustment is necessary to move \$6,200 in the Capital Improvement Project -A005, Replace/Update Airfield Windcone in the Special Aviation fund (Fund 6320) from

City Council, February 8, 2011  
Monthly Budget Adjustment Report – December 2010 and January 2011

Engineer/Design/Administration to Contingency expense to cover required corrective work necessary for the completion of this project.

In May 2010 the City received \$3,109,652 in Prop 1B Phase II funding for Street Operations in the Prop 1B-Streets Fund (0710). A budget adjustment is necessary to recognize the revenue in that fund, transfer it to the Special Gas Tax Fund (0700) and establish a new multi-year budget within the Special Gas Tax Fund (0700) and appropriate it to Service Credit expense.



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-35**

**RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF NINE (9) CROWN VICTORIA POLICE INTERCEPTOR VEHICLES FOR THE MODESTO POLICE DEPARTMENT THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, BY “ACCESSING THE TERMS” OF A COMPETITIVELY BID CONTRACT WITH THE CITY OF SAN JOSE THROUGH THEODORE ROBINS FORD, COSTA MESA, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF \$255,612**

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB’s) for new vehicles and heavy equipment, throughout FY 10/11 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The nine (9) Crown Victoria Police Interceptor vehicles for the Modesto Police Department were included in the FY 10/11 new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the Purchasing Division issued a Request for Quote to verify pricing on competitively bid contracts with various government agencies within California and the State of California bid. City staff also requested pricing from the local vendor, Heritage Ford. The local vendor responded that they could not competitively bid the patrol sedans, and

WHEREAS, City staff determined that by “accessing the terms” of a competitively bid contract with the City of San Jose, through Theodore Robins Ford, Costa Mesa, CA, the City will select the bid that best suits the City’s needs at the best value to the City, and

WHEREAS, Theodore Robins Ford provides a ten percent (10%) discount for payments made within twenty days. City staff will ensure that the discount terms are

met, which represents a savings of \$25,561 for a total purchase price including discount of \$230,051, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2010-11 in appropriation units: 7210-480-5814-5524 and 7210-480-5814-5525, and

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases, which meet or exceed \$50,000 for material and equipment or contractual services to be formally bid. Per Modesto Municipal Code Section 8-3.204(d) the Purchasing Manager may determine 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. By “accessing the terms” through the contract with the City of San Jose, the purchase of these vehicles will conform to Modesto Municipal Code Section 8-3.204(d),

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 (9) Crown Victoria Police Interceptor vehicles, for the Modesto Police Department through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the City of San Jose through Theodore Robins Ford, Costa Mesa, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated total cost of \$255,612.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-36**

**RESOLUTION APPROVING NEIGHBORHOOD STABILIZATION PROGRAM  
2 RESALE GUIDELINES FOR THE PROPERTY LOCATED AT 802 KERR  
AVENUE AND PURCHASED WITH NEIGHBORHOOD STABILIZATION  
PROGRAM 1 FUNDS**

WHEREAS, the Neighborhood Stabilization Program 1 (NSP1) property acquisition and rehabilitation activity was designed as a rental housing program with specific areas of the community designated as targeted sites due to the higher number of foreclosures, and

WHEREAS, this designation included the Airport Neighborhood as a targeted area within the NSP1 program, and

WHEREAS, 802 Kerr Avenue was purchased and rehabilitated under the guidelines for the NSP1 program, and

WHEREAS, the NSP1 participating developer has expressed a desire to resell this property to a income-qualified resident, and

WHEREAS, the promotion of homeownership and incentives for the resale of NSP1 funded properties are permissible activities under NSP1, and

WHEREAS, this action is supported by City staff as it would present a unique opportunity for homeownership within this targeted area, and

WHEREAS, the NSP2 program included guidelines to promote homeownership, including a developer fee ranging from \$10,000 to \$20,000 for those participating developers willing to resell properties rather than retaining them for rental income, and

WHEREAS, staff recommends that the resale guidelines from NSP2 be applied to the NSP1 property at 802 Kerr in support of this homeownership opportunity within a targeted NSP area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the NSP2 resale guidelines for the property located at 802 Kerr Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of February, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-37**

**RESOLUTION AFFIRMING THAT THE HOUSING AUTHORITY OF STANISLAUS COUNTY WILL BE SUBJECT TO THE SAME LOAN TERMS AND CONDITIONS AS THE NON-PROFIT DEVELOPERS UNDER BOTH THE NEIGHBORHOOD STABILIZATION PROGRAM 1 AND 2, AND SHALL HAVE THEIR LOANS FORGIVEN IF AFFORDABILITY COVENANTS ARE MET**

WHEREAS, the Neighborhood Stabilization Program (NSP) 1 and 2 are federally funded programs designed to help communities eliminate foreclosures while simultaneously eliminating blight and slum conditions, and

WHEREAS, the City of Modesto has received \$8.1 million in NSP1 funding and \$25 million in funding under NSP2, and

WHEREAS, the City has partnered with 11 non-profit and for-profit developers to purchase and rehabilitate foreclosed properties, and

WHEREAS, the Housing Authority of Stanislaus County is a developer with the City under both NSP1 and NSP2 with a specific allocation of \$2 million in NSP1 and \$6 million in NSP2, and

WHEREAS, the Housing Authority allocations will be utilized to assist those City of Modesto residents in the very low income category, and

WHEREAS, at the time the NSP1 and NSP2 programs were developed it was believed that the Housing Authority fell into the category of a non-profit organization, and

WHEREAS, it has since been determined that the Housing Authority is legally defined as a public entity, and

WHEREAS, it is therefore necessary to clarify that it is the Council's intent to subject the Housing Authority of Stanislaus County to the same loan terms and conditions as those approved by the City Council for non-profit developers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby affirms its intent to subject the Housing Authority of Stanislaus County to the same loan terms and conditions as are in place for non-profit developers under both NSP1 and NSP2.

BE IT FURTHER RESOLVED that this will result in forgiveness of Housing Authority loans in full if the designated affordability periods are maintained.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of February, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-38**

**RESOLUTION APPROVING AUTHORITY FOR THE AIRPORT MANAGER  
TO OFFER PROMOTIONAL AIRPORT HANGAR RENTAL RATES FOR THE  
CALENDAR YEAR 2011 IN ORDER TO INCREASE OCCUPANCY**

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by Resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and

WHEREAS, the economic downturn has impacted local aircraft ownership, which has contributed to a high hangar vacancy rate, and

WHEREAS, the airport has 14 T-hangars that are not leased and there is currently no waiting list, and

WHEREAS, if all vacant T-hangars were leased there would be an increase of approximately \$3,480 per month, less any discounts, and

WHEREAS, new aircraft at Modesto Airport would also increase local revenues through new aircraft taxes paid on planes based in Stanislaus County, increased fuel sales and local aircraft repairs, and

WHEREAS, a promotional discount equivalent to three months of free rent for a new 12-month T-hangar lease is proposed to attract new aircraft from outside the Modesto area, and

WHEREAS, this promotional rate would be extended only to aircraft and tenants that have not been based at Modesto Airport during the past 12 months,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves authority for the Airport Manager to offer promotional airport



hangar rental rates for the calendar year 2011 as vacancies exist and there are eligible applicants.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of February, 2011 by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-39**

**RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION TO  
THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING \$3,481,456  
IN STATE OF GOOD REPAIR FUNDS FOR THE NEW BUS MAINTENANCE  
FACILITY PROJECT**

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

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA for the new Bus Maintenance Facility project, and

WHEREAS, the Bus Maintenance Facility project is eligible to receive up to 80% of its federally reimbursable expenses from State of Good Repair (SGR) funds, and

WHEREAS, the Bus Maintenance Facility project is included in the Federal Transportation Improvement Program (FTIP) adopted by StanCOG, and

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto, and may require the City to provide the local share of the project costs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application on behalf of the City of Modesto with the Federal Transit Administration for \$3,481,456 in SGR funds for the New Bus Maintenance Facility.

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 for awarding a federal assistance grant.


BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents with the FTA on behalf of the City of Modesto.

The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of February, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-40**

**RESOLUTION APPROVING SUBMITTAL OF GRANT AMENDMENTS TO  
THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING LINE  
ITEM BUDGET AMENDMENTS IN MODESTO'S JOB ACCESS AND  
REVERSE COMMUTE GRANT AND NEW FREEDOM GRANT**

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

WHEREAS, the City has provided all annual certifications and assurances to the FTA required for the projects, and

WHEREAS, the City was previously awarded Job Access and Reverse Commute (JARC) and New Freedom grants that now require line item budget amendments, and

WHEREAS, A Memorandum of Understanding between the City of Modesto and StanCOG for the administration of these grants was approved November 9, 2010, and

WHEREAS, the City has been requested by StanCOG to amend the line item budget of the Job Access and Reverse Commute grant, and

WHEREAS, the City has been requested by StanCOG to amend the line item budget of the New Freedom grant, and

WHEREAS, the projects in the Job Access and Reverse Commute and New Freedom programs are included in the Federal Transportation Improvement Program (FTIP) adopted by StanCOG, and

WHEREAS, the line item budget amendments for both grants are shown in the Program of Projects, **attached** hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of line item budget amendments with the FTA for

the Job Access and Reverse Commute assistance grant and the New Freedom grant as authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration.

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

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents with the FTA on behalf of the City of Modesto.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of February, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

**Section 5316 (JARC) and 5317 (New Freedom) Program of Projects (Line-Item Amendment)**

**Job Access Reverse Commute**

<b>FTA Project Description</b>	<b>Total</b>	<b>Local</b>	<b>FEDERAL</b>
Program Administration	\$82,479	\$16,496	\$65,983
Mobility Management	\$265,243	\$53,049	\$212,194
Operating Assistance	\$763,378	\$381,689	\$381,689
<b>Total</b>	<b>\$1,111,100</b>	<b>\$451,234</b>	<b>\$659,866</b>

**New Freedom**

<b>FTA Project Description</b>	<b>Total</b>	<b>Local</b>	<b>FEDERAL</b>
Program Administration	\$37,985	\$7,597	\$30,388
Mobility Management	\$183,115	\$36,623	\$146,492
Operating Assistance	\$254,000	\$127,000	\$127,000
<b>Total</b>	<b>\$475,100</b>	<b>\$171,220</b>	<b>\$303,880</b>

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-41

**RESOLUTION ACCEPTING NEIGHBORHOOD STABILIZATION PROGRAM 3 (NSP3) GRANT AWARD FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); APPROVING NSP3 SUBSTANTIAL AMENDMENT TO THE ANNUAL ACTION PLAN AND ITS SUBMISSION TO HUD; AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN ALL RELATED DOCUMENTS AND APPROVE FUTURE TECHNICAL AMENDMENTS TO NSP3 GRANT PER DIRECTION FROM HUD; AND AUTHORIZING STAFF TO PREPARE SUB-RECIPIENT AGREEMENT WITH HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS TO BE APPROVED BY COUNCIL**

WHEREAS, the City of Modesto received an NSP3 grant award notice from HUD in the amount of \$2,951,549, and

WHEREAS, the City will fund community development activities as described in the NSP3 Substantial Amendment **attached**, and

WHEREAS, the Airport Neighborhood demonstrates the highest indicators among the 14 low-income census tracts as evidenced in the data presented in tables and analyses contained in the NSP3 Substantial Amendment, and

WHEREAS, unlike NSP1 and NSP2, NSP3 is designed to address the unique needs of the Airport Neighborhood through NSP activities that go beyond acquisition and rehabilitation, and

WHEREAS, the grant is proposed to be divided into five (5) activities:

- |                            |             |
|----------------------------|-------------|
| 1. Redevelopment Activity: | \$ 690,662  |
| 2. Land Banking Activity:  | \$1,195,379 |
| 3. Acquisition and Rehab:  | \$ 690,662  |
| 4. Demolition Activity:    | \$ 79,691   |
| 5. Administration:         | \$ 295,155  |

WHEREAS, the proposed activities will be integrated into a comprehensive revitalization strategy to reverse key indicators of persistently high: 1) unemployment and underemployment; 2) vacancy and abandonment; and 3) blight, and

WHEREAS, this proposal was reviewed and approved by the Citizens' Housing and Community Development Committee on January 26, 2011, and

WHEREAS, approval of the proposed action will help the City meet its goal of spending the NSP3 grant in a timely manner,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts a NSP3 grant award from HUD in the amount of \$2,951,549.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves a NSP3 Substantial Amendment to the Annual Action Plan.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign all related documents and approve future technical amendments to NSP3 grant per direction from HUD

BE IT FURTHER RESOLVED, that City staff are authorized to prepare sub-recipient agreement with Housing Authority of the County of Stanislaus to be approved by Council.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside, Muratore

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## 1. NSP3 Grantee Information

NSP3 Program Administrator Contact Information	
Name (Last, First)	Ramírez, Hugo
Email Address	hramirez@modestogov.com
Phone Number	209-577-5368
Mailing Address	P.O. Box 642, Modesto, CA 95353

## 2. Areas of Greatest Need

### Map Submission

The map generated using the HUD NSP3 Mapping Tool for Preparing Action Plan website is included as an attachment. (Neighborhood ID: 3290649)

### Data Sources Used to Determine Areas of Greatest Need

**Describe the data sources used to determine the areas of greatest need.**

#### Modesto

Metropolitan area data for the first half of 2010 indicate that Modesto is the third hardest hit (i.e., third highest foreclosure rate) in the U.S. and the hardest hit in California (RealtyTrac). Also according to this source, 2 of every 3 homes sold in the Modesto metropolitan area in 2010 have been either foreclosed upon or are “short sale” properties. Since the fall of 2006, 21,000 Modesto metropolitan area properties have been lost to foreclosure; approximately 1 in every 8 homes (ForeclosureRadar).

Other realities of the economic recession in Modesto include a 16.4% unemployment rate as of August 2010 – a 1.1 percentage point rise from August 2009 and much higher than the national average of 9.6% as of August 2010 (Bureau of Labor Statistics’ Current Employment Statistics [CES] Survey).

Modesto also has an astoundingly high rate of poverty. An analysis of the country’s 100 largest metropolitan areas, based on recently released data from the 2009 American Community Survey (ACS) indicates that the economic recession is exacerbating the climbing poverty trend in Modesto where the poverty rate is among the highest in the U.S. at 19% – a 3.6 percentage point rise from 2007 to 2009 (Brookings Institution analysis of 2007, 2008, and 2009 American Community Survey data).

#### Areas of Greatest Need

Neighborhood Stabilization Program 3 (NSP3) Need Score is calculated using the following data:

- 1) Unemployment change from March 2005 to March 2010;
- 2) Rate of A) low cost, high leverage loans; B) high cost, high leverage loans; and C) high cost, low leverage loans from 2004-2007; and
- 3) Fall in home value since peak.

Sources: U.S. Census, U.S. Postal Service (USPS), U.S. Bureau of Labor Statistics (BLS) Local Area Unemployment Statistics, Federal Housing Finance Agency (FHFA) Home Price Index, Home Mortgage Disclosure Act (HMDA), Mortgage Bankers Association, RealtyTrac.

The Airport Neighborhood located in (and composing most of) census tract 21.00, one of the City of

Modesto's 14 low-income census tracts (i.e., census tracts with median household incomes that do not exceed 50% of broader Area Median Income [AMI]), scored the highest possible NSP3 Need Score of 20. While 13 of the City of Modesto's 14 low-income census tracts scored 20, the Airport Neighborhood demonstrated to have the highest in the following risk indicators:

A) Percentage of residential addresses vacant 90 or more days (13.7%);

B) Combined percentage of residential addresses vacant 90 or more days and residential addresses classified as no-stat (16.7%); and

C) Estimated percentage of delinquent mortgages (25.7%).

These data are presented in attached tables.

### Determination of Areas of Greatest Need and Applicable Tiers

**Describe how the areas of greatest need were established and whether a tiered approach is being utilized to determine the distribution of funding.**

#### Satisfying the "Deep" or "Strict" Targeting Requirement of NSP3

The determination of the area of greatest need is informed by the rich data available, as well as the recognition that NSP3 funding is insufficient to make the desired impact in a larger geographic area. Land banking, acquisition and rehabilitation, redevelopment, and demolition activities will be integrated into a comprehensive revitalization strategy to reverse key indicators of persistent and extremely high: 1) unemployment and underemployment; 2) vacancy and abandonment; and 3) blight.

Modesto is a geographically expansive city and while high rates of foreclosure and vacancy are, unfortunately, not unique to the Airport Neighborhood, the substantial leveraging of resources – public and private, as well as social (resident leadership and broader community commitment to the neighborhood) – is quite extraordinary. Planned and potential leveraging opportunities include: collaboration with Stanislaus County Department of Planning and Community Development (NSP3) and Redevelopment Agency (Housing Set-Aside) activities in the neighborhood; both City of Modesto and Stanislaus County will collaborate with the Housing Authority of the County of Stanislaus, which will serve as subrecipient (developer and land bank operator); partnerships with financial institutions for Community Reinvestment Act (CRA) activities; and positioning this highly coordinated NSP3 project to be more competitive for YouthBuild, Choice Neighborhood, and other federal grant opportunities.

The economic reality of the Airport Neighborhood is quite distinct from the economic realities in other neighborhoods in Modesto. In addition to the high rate of foreclosure, the degree of blight and abandonment in the Airport Neighborhood is extremely high, as is evident in the data presented in the attached tables and analyses.

Unlike NSP1 and NSP2, NSP3:

- 1) Has been designed to address the unique needs of the Airport Neighborhood through NSP activities that go beyond acquisition and rehabilitation;
- 2) Will leverage substantial resources through unprecedented collaboration with Stanislaus County and its NSP3 and Redevelopment Agency activities;
- 3) Will expand the production capacities of the three major development partners: City of Modesto, Stanislaus County, and the Housing Authority of the County of Stanislaus; and

4) Will create extraordinary opportunity for public-private partnership for the benefit of the residents of the Airport Neighborhood, including vicinity hiring to the maximum extent feasible.

Recognizing the importance of an engaged community in an effective land banking project, NSP3 will create a dedicated position that will carry out several critical functions consistent with the delivery of NSP3 activities, including: liaising with residents and other stakeholders; facilitating vicinity hiring to the maximum extent feasible; and pursuing leveraging opportunities, both public and private. This position will help maintain the momentum of commitment in the neighborhood.

### 3. Definitions and Descriptions

#### Definitions

Term	Definition
Blighted Structure	A structure is blighted when it exhibits objectively determinable signs of deterioration or abandonment to constitute a threat to human health, safety, and/or public welfare; and/or its appearance is inconsistent with the surrounding landscape.
Affordable Rents	Consistent with the U.S. Department of Housing and Urban Development (HUD) definition of affordable housing, the City defines affordable rents (including utilities) as costing no more than 30% of a household's gross monthly income.

#### Descriptions

Term	Definition
Long-Term Affordability	<p>Continued affordability will be ensured through a restrictive affordability period and will be in effect for a period based on the level of assistance consistent with the HOME Investment Partnerships Program regulations of up to 20 years (24 CFR 92.252(a), (c), (e) and (f), and 92.254) and will require covenants to be recorded on the properties with housing end uses. If other sources of funds are used for housing development, covenants longer in duration may be recorded on these properties. Properties for sale will at all times be occupied as the principal residence of the owner and will not be rented, leased, or sold. The covenants and restrictions will run with the land and will be binding on future owners of the property. The City will monitor the properties for owner occupancy, income qualification, and other requirements as applicable on an annual basis.</p> <p>Note: This affordability relates to individuals or families whose incomes do not exceed 120% of Area Median Income (AMI) or, for units originally assisted with funds under the requirements of section 2301(f)(3)(A)(ii) of the original statute of NSP (Housing and Economic Recovery Act of 2008), to remain affordable to individuals and families whose incomes do not exceed 50% of AMI.</p>

Housing Rehabilitation Standards	<p>The City will apply HUD's Housing Quality Standards (HQS) to all rehabilitation activities. HQS consists of the following 13 performance requirements: 1) sanitary facilities; 2) food preparation and refuse disposal; 3) space and security; 4) thermal environment; 5) illumination and electricity; 6) structure and materials; 7) interior air quality; 8) water supply; 9) lead-based paint; 10) access; 11) site and neighborhood; 12) sanitary conditions; and 13) smoke detectors.</p> <p>Additionally, the City will rely on its highly experienced building inspection unit to ensure compliance with rigorous state and local building codes. Note: California Building Code (California Code of Regulations, Title 24, Part 2), effective January 1, 2011, exceeds federal green standards.</p>
Affordable Rental Housing Preference	City of Modesto will establish procedures to create preferences for the development of affordable rental housing with NSP3 funds. This will be achieved through partnership with the Housing Authority of the County of Stanislaus (subrecipient).
Vicinity Hiring	City of Modesto will update its Section 3 certification process to require contractors make good faith efforts to provide to the maximum extent feasible, opportunities to local residents and business concerns and, specifically, promote NSP3 vicinity hiring in the Airport Neighborhood.

**Additional Definitions and Descriptions**

<b>Term</b>	<b>Definition</b>
Foreclosed Upon	<ol style="list-style-type: none"> <li>1. The property is at least 60 days delinquent on its mortgage and the owner has been notified; or</li> <li>2. The property owner is 90 days or more delinquent on tax payments; or</li> <li>3. Under state or local law, foreclosure proceedings have been initiated or completed; or</li> <li>4. Foreclosure proceedings have been completed and title has been transferred to an intermediary aggregator or servicer that is not an NSP grantee, subrecipient, developer, or end user.</li> </ol>
Abandoned	<ol style="list-style-type: none"> <li>1. No mortgage or tax payments have been made by the property owner for at least 90 days; or</li> <li>2. A code enforcement inspection has determined that the property is not habitable and the owner has taken no corrective actions within 90 days of notification of the deficiencies</li> </ol> <p>Note: Section 301 of the Uniform Relocation Act (URA), regarding just compensation, does not apply to voluntary acquisitions.</p>
Homes and Residential Properties	Any type of permanent residential dwelling unit, including detached single family structures, townhouses, condominium units, multifamily rental apartments (covering the entire property), and manufactured homes where treated under state law as real estate (not as personal property).

	Residential properties include all of the above plus vacant land that is currently designated for residential use.
End Use or Re-Use	Disposition or ultimate purposing of property in land banking and redevelopment. For example, two adjacent properties are acquired; one property is vacant land, the other has a blighted structure; land bank demolishes blighted structure – end use may be development of affordable housing on these properties or re-use from housing to mixed-use development project with community facility (NSP3 funds are only for residential development activities but may be combined [on a proportional basis] with other funds that allow for non-residential development activities).
Mixed-Use Development	A type of development that combines residential, commercial, and/or office into one development or building. For example, a mixed-use building could have several floors, with the bottom floor dedicated to retail or office and the remaining floors above for apartments or condominiums (NSP3 funds are only for residential development activities but may be combined [on a proportional basis] with other funds that allow for non-residential development activities).
Acquisition and Rehabilitation (NSP Eligible Use B)	Purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties.
Land Bank (NSP Eligible Use C)	<p>Establish and operate land banks for homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties. Operations of a land bank include maintenance expenses, such as project delivery costs eligible under disposition and interim uses that comply with an eligible activity.</p> <p>Land banked property and demolished property are just interim uses for which end uses must be planned (e.g., housing [redeveloped on the property], sale [or donation] of the property as side lots to low-, moderate-, and middle-income [LMMI] neighbors, etc.)</p> <p>Note: Any type of structure (commercial, industrial, and other types in addition to homes and residential structures) that is blighted may be demolished with NSP funds. In general, demolition must have an end use that benefits low-, moderate-, and middle-income (LMMI) persons.</p> <p>Also, if the land bank is a governmental entity, it may also maintain abandoned or foreclosed property that it does not own, provided it charges the owner of the property the full cost of the service or places a lien on the property for the full cost of the service.</p>
Redevelopment (NSP Eligible Use E)	Redevelop demolished or vacant properties. This activity allows communities to address the broadest range of property types, as it allows for the acquisition and development of any property type (i.e., properties that were once developed or are surrounded by existing development – undeveloped

	or "greenfield" sites are not permitted). This includes commercial or industrial property in addition to all types of residential properties (need not be abandoned or foreclosed upon). However, it must be vacant. New housing construction is only permitted under this activity. Housing rehabilitation is also permitted.
Additional NSP Eligible Use Considerations	Properties that are eligible to be land banked with unknown end uses, or for which the end use is not imminent, should be considered for land banking activity (assuming that these properties have been foreclosed upon). Unlike land banking activity, properties acquired and improved under redevelopment activity must proceed expeditiously to construction. Note: The City is not required to meet the requirements of 42 U.S.C. 5304(d) as implemented at 24 CFR 42.375, which mandates one-for-one replacement of low- and moderate-income dwellings units that are demolished or converted for activities assisted with NSP funds.

#### 4. Low-Income Targeting

##### Low-Income Set-Aside Amount

Enter the low-income set-aside percentage in the first field. The field for total funds set aside will populate based on the percentage entered in the first field and the total NSP3 grant.

<b>Identify the estimated amount of funds appropriated or otherwise made available under the NSP3 to be used to provide housing for individuals or families whose incomes do not exceed 50% of Area Median Income.</b>
Total low-income set-aside <b>percentage</b> (must be no less than 25%): 25.00%
Total funds set aside for low-income households = \$725,000.00

##### Meeting Low-Income Target

<b>Provide a summary that describes the manner in which the low-income targeting goals will be met.</b>
At least \$725,000 will be used for housing individuals and families whose incomes do not exceed 50% of Area Median Income (AMI). Low-income targeting goals will be met primarily through housing development primarily for the creation of affordable rental opportunities (due to persistently and extremely high unemployment and underemployment), as well as affordable homeownership opportunities to the maximum extent feasible.
While the creation of affordable rental opportunities will be highest priority, the City of Modesto also plans to design an innovative and comprehensive homeownership program similar to a lease-to-own program that will provide low-income households with asset-building tools necessary to sustain homeownership.
Given the economy of scale of its production capacity and its extensive experience in affordable housing development and program management, the Housing Authority of the County of Stanislaus will develop,

own, operate, and maintain NSP3 properties. As subrecipient, the Housing Authority of the County of Stanislaus engages contractors and, in consultation with the City of Modesto, may engage developers, particularly City of Modesto-designated Community Housing Development Organizations (CHDOs).

## 5. Acquisition and Relocation

### Demolition or Conversion of LMI Units

Does the grantee intend to demolish or convert any low- and moderate-income dwelling units (i.e., ≤ 80% of Area Median Income)?	(Select One)
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If yes, fill in the table below.

Question	Number of Units
The number of low- and moderate-income dwelling units—i.e., ≤ 80% of Area Median Income—reasonably expected to be demolished or converted as a direct result of NSP-assisted activities.	10
The number of NSP affordable housing units made available to low-, moderate-, and middle-income households—i.e., ≤ 120% of Area Median Income—reasonably expected to be produced by activity and income level as provided for in DRGR, by each NSP activity providing such housing (including a proposed time schedule for commencement and completion).	8
The number of dwelling units reasonably expected to be made available for households whose income does not exceed 50% of Area Median Income.	7

## 6. Public Comment

### Citizen Participation Plan

**Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment or abbreviated plan.**

City of Modesto ensures that all citizens have equal access to information regarding and sufficient notice of the opportunity to comment on this document. In addition to posting this document on the City's website as the materials are developed, published, and submitted to HUD; and publication of notices soliciting public comment in the largest English- and Spanish-language local newspapers – City staff created opportunities to engage English- and Spanish-speaking residents of the area of greatest need (for the purposes of NSP3) in neighborhood meetings in the Airport Neighborhood to solicit input during the development of this document. Consistent with the U.S. Department of Housing and Urban Development (HUD) Notice of Formula Allocations and Program Requirements for Neighborhood Stabilization Program Formula Grants (Docket No. FR-5447-N-01 [NSP3 Notice]), the City has published this document for no less than 15 calendar days of public comment.

### Summary of Public Comments Received.

The summary of public comments received is included as an attachment.



## 7. NSP Information by Activity

Enter each activity name and fill in the corresponding information. If you have fewer than seven activities, please delete any extra activity fields. (For example, if you have three activities, you should delete the tables labeled “Activity Number 4,” “Activity Number 5,” “Activity Number 6,” and “Activity Number 7.” If you are unsure how to delete a table, see the instructions [above](#).)

The field labeled “Total Budget for Activity” will populate based on the figures entered in the fields above it.

Consult the [NSP3 Program Design Guidebook](#) for guidance on completing the “Performance Measures” component of the activity tables below.

<b>Activity Number 1</b>	
<b>Activity Name</b>	Neighborhood Revitalization Strategy Area (NRSA) NSP3 Project
<b>Uses</b>	Select all that apply:
	<input type="checkbox"/> Eligible Use A: Financing Mechanisms
	<input checked="" type="checkbox"/> Eligible Use B: Acquisition and Rehabilitation
	<input checked="" type="checkbox"/> Eligible Use C: Land Banking
	<input checked="" type="checkbox"/> Eligible Use D: Demolition
<input checked="" type="checkbox"/> Eligible Use E: Redevelopment	
<b>CDBG Activity or Activities</b>	24 CFR 570.201
	(a) Acquisition
	(b) Disposition
	(c) Public facilities and improvements
	(e) Public services for housing counseling, but only to the extent that counseling beneficiaries are limited to prospective purchasers or tenants of NSP3 properties
	(i) Relocation
	(n) Direct homeownership assistance to persons whose incomes do not exceed [120]% of median income.
	24 CFR 570.202 Eligible rehabilitation and preservation activities
	24 CFR 570.201 (d) Clearance, for blighted structures only
	24 CFR 570.205 General administration and planning
24 CFR 570.206 Activity delivery costs (including required homebuyer counseling) may be charged to the particular activity performed above and will not count as general administration and planning costs	
24 CFR 570.200(h) Incurrence of pre-award costs	

<p><b>National Objective</b></p>	<p>(Select One)  Low-, Moderate-, and Middle-Income Area Benefit (LMMA), as activities will be carried out in a Neighborhood Revitalization Strategy Area (NRSA); and   Low-Income Housing (LH25) for at least 25% of NSP 3 funds that will be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50% of Area Median Income (AMI).</p>
<p><b>Activity Description</b></p>	<p>Land banking, acquisition and rehabilitation, redevelopment, and demolition activities will be integrated into a comprehensive revitalization strategy to reverse key indicators of persistent and extremely high: 1) unemployment and underemployment; 2) vacancy and abandonment; and 3) blight.</p> <p>City of Modesto (City) will partner with the Housing Authority of the County of Stanislaus (Housing Authority) in the Neighborhood Revitalization Strategy Area (NRSA) NSP3 Project (Project). Stanislaus County (County) will also partner with the Housing Authority to carry out its NSP3 project in the NRSA. This City-County collaboration will bring the NRSA comprehensive plan to scale and will position the NRSA to more effectively secure other federal, state, and private foundation funds for a more robust public-private partnership.</p> <p>All properties will be purchased at a minimum discount of 1% from the current market-appraised value of the property. The current market-appraised value means the value of a property that is established through an appraisal made in conformity with the appraisal requirements of the Uniform Relocation Act (URA) at 49 CFR 24.103 and completed within 60 days prior to an offer made for the property.</p> <p><u>Activities</u></p> <ul style="list-style-type: none"> <li>- Acquisition of eligible properties under land banking, acquisition and rehabilitation, and redevelopment activities;</li> <li>- Rehabilitation of eligible properties under land banking, acquisition and rehabilitation, and redevelopment activities;</li> <li>- Land banking operations will include: maintenance of land-banked properties, property management of rental units (note: City is required by statute to establish procedures to create preferences for the development of affordable rental housing with NSP3 funds); maintenance of its geographic and market information systems; and carrying out ongoing community engagement activities (e.g., outreach, education, consultation, etc.);</li> <li>- Demolition of eligible properties under land banking, acquisition and rehabilitation, demolition, and redevelopment activities;</li> <li>- Development of eligible properties under land banking, acquisition and rehabilitation, and redevelopment activities for eligible end uses <ul style="list-style-type: none"> <li>o Create affordable rental opportunities</li> <li>o Create affordable homeownership opportunities</li> </ul> </li> </ul>

- Stimulate community and economic development opportunities consistent with larger NRSA Plan through potential mixed-use development (NSP3 funds are only for residential development activities but may be combined with other funds that allow for non-residential development activities)
- Reverse the physical decline of properties

The City's efforts in the Airport Neighborhood have helped foster a critical mass of leadership and commitment around community and economic development in the neighborhood. The City has been working diligently since the HUD approved its proposal to designate the Airport Neighborhood a Neighborhood Revitalization Strategy Area (NRSA) on January 27, 2009.

The Airport Neighborhood is uniquely located near the vibrant downtown; to the west, neighbors the world's largest family-owned winery and largest exporter of California wine, E & J Gallo Winery and Gallo Glass Company headquarters and large-scale facilities, respectively; to the north, neighbors one of Modesto's oldest and most affluent neighborhoods, La Loma Neighborhood; to the east neighbors the local airport; and to the south, neighbors the Tuolumne River and the Tuolumne River Regional Park system. The NRSA created an opportunity for these neighbors to partner with the residents of the Airport Neighborhood for the revitalization of their neighborhood.

An engaged community is critical to the success of a land banking and redevelopment project. The City's approach involves building relationships with and among residents to build a sense of community and cultivate effective and sustainable leadership. A community is only as strong as its members' capacities to care for one another. Community capacity-building is place-based and empowers residents to build a sense of community, identify issues that matter most to them, and develop and implement strategies for addressing these issues.

As part of the larger NRSA plan, the Project will further foster a sense of ownership of the neighborhood among its residents. Community input will inform the development of project policies, goals, outreach procedures, evaluation, etc. The Project will promote openness, transparency, and dialogue among residents and between residents and their government. Project will also solicit input from other key stakeholders (e.g., people who work in the area, businesses that operate in the area, faith- or community-based organizations that serve the area, property owners that do not live in the area, etc.) in evaluating properties for land banking and redevelopment activities.

Furthermore, the Project will to the maximum extent feasible create term employment opportunities for residents of the neighborhood through vicinity hiring.

<b>Location Description</b>	<p>In order to optimally leverage City of Modesto and Stanislaus County NSP3 funds and Redevelopment Housing Set-Aside funds (20% of tax increments must be used by redevelopment agencies to increase and improve affordable housing for low- and moderate-income individuals and families), NSP3 activities will be targeted in the Neighborhood Revitalization Strategy Area (see map).</p> <p>Northern boundary: Yosemite Boulevard</p> <p>Eastern boundary: Empire Avenue / Tioga Drive</p> <p>Southern boundary: Hillside Drive / Tuolumne River</p> <p>Western boundary: South Santa Rosa Avenue / South Santa Cruz Avenue</p> <p>Note: The boundaries of the project (i.e., census tract 21.00) extend slightly beyond the above-indicated boundaries. However, most activities will be concentrated within the boundaries indicated above.</p> <p>While County unincorporated area of the Airport Neighborhood is located within the County's Redevelopment Area, City area of the Airport Neighborhood is not located within the City's Redevelopment Area. City is preliminarily planning an expansion of its Redevelopment Area into the City area of the Airport Neighborhood, in order to maximize use of its Redevelopment Housing Set-Aside funds.</p>		
	<b>Budget</b>	<b>Source of Funding</b>	<b>Dollar Amount</b>
		Acquisition and Rehabilitation (NSP Eligible Use B)	\$690,662
		Land Bank (NSP Eligible Use C)	\$1,195,379
		Demolition (NSP Eligible Use D)	\$79,691
Redevelopment (NSP Eligible Use E)		\$690,662	
<b>Total Budget for Activity</b>		<b>\$2,656,394.00</b>	
<b>Performance Measures</b>	<p>Housing Units (50% AMI or below): 7</p> <p>Housing Units (50-120% AMI): 8</p> <p>Instances of Demolition: 10</p> <p>Estimated number of properties needed to make an impact in identified target area (20% of REO in past year): 15</p>		
<b>Projected Start Date</b>	May 2011 (Note: start and end dates will be determined by date HUD signs grant agreement.)		
<b>Projected End Date</b>	May 2014		
<b>Responsible Organization</b>	<b>Name</b>	Housing Authority of the County of Stanislaus	
	<b>Location</b>	1702 Robertson Road Modesto, CA 95351	
	<b>Administrator Contact Info</b>	Borgwardt, Don	

		<p>Housing Development and Construction Supervisor (209) 557-2008 <a href="mailto:dborgwardt@stancoha.org">dborgwardt@stancoha.org</a></p> <p>Fagan, Bill Executive Director (209) 557-2015 <a href="mailto:bill@stancoha.org">bill@stancoha.org</a></p>
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MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-42

**RESOLUTION AMENDING THE FISCAL YEAR 2010/2011 BUDGET TO  
CREATE FIVE MULTI-YEAR ORGANIZATIONS IN FUND 1131 AND TO  
ESTIMATE AND APPROPRIATE \$2,951,549 FROM THE DEPARTMENT OF  
HOUSING & URBAN DEVELOPMENT (HUD) FOR THE NEIGHBORHOOD  
STABILIZATION PROGRAM 3 (NSP3)**

WHEREAS, the City of Modesto received an NSP3 grant award notice from the HUD in the amount of \$2,951,549, and

WHEREAS, the City will fund community development activities as described in the NSP3 Substantial Amendment **attached**, and

WHEREAS, unlike NSP1 and NSP2, NSP3 is designed to address the unique needs of the Airport Neighborhood through NSP3 activities that go beyond acquisition and rehabilitation, and

WHEREAS, the grant is proposed to be divided into five (5) activities:

1. Redevelopment Activity:	\$ 690,662
2. Land Banking Activity:	\$1,195,379
3. Acquisition and Rehab	\$ 690,662
4. Demolition Activity:	\$ 79,691
5. Administration:	\$ 295,155

WHEREAS, the proposed activities will be integrated into a comprehensive revitalization strategy to reverse key indicators of persistently high: 1) unemployment and underemployment; 2) vacancy and abandonment; and 3) blight, and

WHEREAS, this proposal was reviewed and approved by the Citizens' Housing & Community Development Committee on January 26, 2011, and

WHEREAS, approval of the proposed action will help the City meet its goal of spending the NSP3 grant in a timely manner,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2010/2011 budget to create five multi-year organizations in fund 1131, to estimate and appropriate \$2,951,549 from the HUD for NSP3.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 8<sup>th</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside, Muratore

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## 1. NSP3 Grantee Information

NSP3 Program Administrator Contact Information	
Name (Last, First)	Ramírez, Hugo
Email Address	hramirez@modestogov.com
Phone Number	209-577-5368
Mailing Address	P.O. Box 642, Modesto, CA 95353

## 2. Areas of Greatest Need

### Map Submission

The map generated using the HUD NSP3 Mapping Tool for Preparing Action Plan website is included as an attachment. (Neighborhood ID: 3290649)

### Data Sources Used to Determine Areas of Greatest Need

**Describe the data sources used to determine the areas of greatest need.**

#### Modesto

Metropolitan area data for the first half of 2010 indicate that Modesto is the third hardest hit (i.e., third highest foreclosure rate) in the U.S. and the hardest hit in California (RealtyTrac). Also according to this source, 2 of every 3 homes sold in the Modesto metropolitan area in 2010 have been either foreclosed upon or are “short sale” properties. Since the fall of 2006, 21,000 Modesto metropolitan area properties have been lost to foreclosure; approximately 1 in every 8 homes (ForeclosureRadar).

Other realities of the economic recession in Modesto include a 16.4% unemployment rate as of August 2010 – a 1.1 percentage point rise from August 2009 and much higher than the national average of 9.6% as of August 2010 (Bureau of Labor Statistics’ Current Employment Statistics [CES] Survey).

Modesto also has an astoundingly high rate of poverty. An analysis of the country’s 100 largest metropolitan areas, based on recently released data from the 2009 American Community Survey (ACS) indicates that the economic recession is exacerbating the climbing poverty trend in Modesto where the poverty rate is among the highest in the U.S. at 19% – a 3.6 percentage point rise from 2007 to 2009 (Brookings Institution analysis of 2007, 2008, and 2009 American Community Survey data).

#### Areas of Greatest Need

Neighborhood Stabilization Program 3 (NSP3) Need Score is calculated using the following data:

- 1) Unemployment change from March 2005 to March 2010;
- 2) Rate of A) low cost, high leverage loans; B) high cost, high leverage loans; and C) high cost, low leverage loans from 2004-2007; and
- 3) Fall in home value since peak.

Sources: U.S. Census, U.S. Postal Service (USPS), U.S. Bureau of Labor Statistics (BLS) Local Area Unemployment Statistics, Federal Housing Finance Agency (FHFA) Home Price Index, Home Mortgage Disclosure Act (HMDA), Mortgage Bankers Association, RealtyTrac.

The Airport Neighborhood located in (and composing most of) census tract 21.00, one of the City of



Modesto's 14 low-income census tracts (i.e., census tracts with median household incomes that do not exceed 50% of broader Area Median Income [AMI]), scored the highest possible NSP3 Need Score of 20. While 13 of the City of Modesto's 14 low-income census tracts scored 20, the Airport Neighborhood demonstrated to have the highest in the following risk indicators:

A) Percentage of residential addresses vacant 90 or more days (13.7%);

B) Combined percentage of residential addresses vacant 90 or more days and residential addresses classified as no-stat (16.7%); and

C) Estimated percentage of delinquent mortgages (25.7%).

These data are presented in attached tables.

### Determination of Areas of Greatest Need and Applicable Tiers

**Describe how the areas of greatest need were established and whether a tiered approach is being utilized to determine the distribution of funding.**

#### Satisfying the "Deep" or "Strict" Targeting Requirement of NSP3

The determination of the area of greatest need is informed by the rich data available, as well as the recognition that NSP3 funding is insufficient to make the desired impact in a larger geographic area. Land banking, acquisition and rehabilitation, redevelopment, and demolition activities will be integrated into a comprehensive revitalization strategy to reverse key indicators of persistent and extremely high: 1) unemployment and underemployment; 2) vacancy and abandonment; and 3) blight.

Modesto is a geographically expansive city and while high rates of foreclosure and vacancy are, unfortunately, not unique to the Airport Neighborhood, the substantial leveraging of resources – public and private, as well as social (resident leadership and broader community commitment to the neighborhood) – is quite extraordinary. Planned and potential leveraging opportunities include: collaboration with Stanislaus County Department of Planning and Community Development (NSP3) and Redevelopment Agency (Housing Set-Aside) activities in the neighborhood; both City of Modesto and Stanislaus County will collaborate with the Housing Authority of the County of Stanislaus, which will serve as subrecipient (developer and land bank operator); partnerships with financial institutions for Community Reinvestment Act (CRA) activities; and positioning this highly coordinated NSP3 project to be more competitive for YouthBuild, Choice Neighborhood, and other federal grant opportunities.

The economic reality of the Airport Neighborhood is quite distinct from the economic realities in other neighborhoods in Modesto. In addition to the high rate of foreclosure, the degree of blight and abandonment in the Airport Neighborhood is extremely high, as is evident in the data presented in the attached tables and analyses.

Unlike NSP1 and NSP2, NSP3:

- 1) Has been designed to address the unique needs of the Airport Neighborhood through NSP activities that go beyond acquisition and rehabilitation;
- 2) Will leverage substantial resources through unprecedented collaboration with Stanislaus County and its NSP3 and Redevelopment Agency activities;
- 3) Will expand the production capacities of the three major development partners: City of Modesto, Stanislaus County, and the Housing Authority of the County of Stanislaus; and

4) Will create extraordinary opportunity for public-private partnership for the benefit of the residents of the Airport Neighborhood, including vicinity hiring to the maximum extent feasible.

Recognizing the importance of an engaged community in an effective land banking project, NSP3 will create a dedicated position that will carry out several critical functions consistent with the delivery of NSP3 activities, including: liaising with residents and other stakeholders; facilitating vicinity hiring to the maximum extent feasible; and pursuing leveraging opportunities, both public and private. This position will help maintain the momentum of commitment in the neighborhood.

### 3. Definitions and Descriptions

#### Definitions

Term	Definition
Blighted Structure	A structure is blighted when it exhibits objectively determinable signs of deterioration or abandonment to constitute a threat to human health, safety, and/or public welfare; and/or its appearance is inconsistent with the surrounding landscape.
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**Additional Definitions and Descriptions**

<b>Term</b>	<b>Definition</b>
Foreclosed Upon	<ol style="list-style-type: none"> <li>1. The property is at least 60 days delinquent on its mortgage and the owner has been notified; or</li> <li>2. The property owner is 90 days or more delinquent on tax payments; or</li> <li>3. Under state or local law, foreclosure proceedings have been initiated or completed; or</li> <li>4. Foreclosure proceedings have been completed and title has been transferred to an intermediary aggregator or servicer that is not an NSP grantee, subrecipient, developer, or end user.</li> </ol>
Abandoned	<ol style="list-style-type: none"> <li>1. No mortgage or tax payments have been made by the property owner for at least 90 days; or</li> <li>2. A code enforcement inspection has determined that the property is not habitable and the owner has taken no corrective actions within 90 days of notification of the deficiencies</li> </ol> <p>Note: Section 301 of the Uniform Relocation Act (URA), regarding just compensation, does not apply to voluntary acquisitions.</p>
Homes and Residential Properties	Any type of permanent residential dwelling unit, including detached single family structures, townhouses, condominium units, multifamily rental apartments (covering the entire property), and manufactured homes where treated under state law as real estate (not as personal property).

	Residential properties include all of the above plus vacant land that is currently designated for residential use.
End Use or Re-Use	Disposition or ultimate purposing of property in land banking and redevelopment. For example, two adjacent properties are acquired; one property is vacant land, the other has a blighted structure; land bank demolishes blighted structure – end use may be development of affordable housing on these properties or re-use from housing to mixed-use development project with community facility (NSP3 funds are only for residential development activities but may be combined [on a proportional basis] with other funds that allow for non-residential development activities).
Mixed-Use Development	A type of development that combines residential, commercial, and/or office into one development or building. For example, a mixed-use building could have several floors, with the bottom floor dedicated to retail or office and the remaining floors above for apartments or condominiums (NSP3 funds are only for residential development activities but may be combined [on a proportional basis] with other funds that allow for non-residential development activities).
Acquisition and Rehabilitation (NSP Eligible Use B)	Purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties.
Land Bank (NSP Eligible Use C)	<p>Establish and operate land banks for homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties. Operations of a land bank include maintenance expenses, such as project delivery costs eligible under disposition and interim uses that comply with an eligible activity.</p> <p>Land banked property and demolished property are just interim uses for which end uses must be planned (e.g., housing [redeveloped on the property], sale [or donation] of the property as side lots to low-, moderate-, and middle-income [LMMI] neighbors, etc.)</p> <p>Note: Any type of structure (commercial, industrial, and other types in addition to homes and residential structures) that is blighted may be demolished with NSP funds. In general, demolition must have an end use that benefits low-, moderate-, and middle-income (LMMI) persons.</p> <p>Also, if the land bank is a governmental entity, it may also maintain abandoned or foreclosed property that it does not own, provided it charges the owner of the property the full cost of the service or places a lien on the property for the full cost of the service.</p>
Redevelopment (NSP Eligible Use E)	Redevelop demolished or vacant properties. This activity allows communities to address the broadest range of property types, as it allows for the acquisition and development of any property type (i.e., properties that were once developed or are surrounded by existing development – undeveloped

	or “greenfield” sites are not permitted). This includes commercial or industrial property in addition to all types of residential properties (need not be abandoned or foreclosed upon). However, it must be vacant. New housing construction is only permitted under this activity. Housing rehabilitation is also permitted.
Additional NSP Eligible Use Considerations	Properties that are eligible to be land banked with unknown end uses, or for which the end use is not imminent, should be considered for land banking activity (assuming that these properties have been foreclosed upon). Unlike land banking activity, properties acquired and improved under redevelopment activity must proceed expeditiously to construction. Note: The City is not required to meet the requirements of 42 U.S.C. 5304(d) as implemented at 24 CFR 42.375, which mandates one-for-one replacement of low- and moderate-income dwellings units that are demolished or converted for activities assisted with NSP funds.

#### 4. Low-Income Targeting

##### Low-Income Set-Aside Amount

Enter the low-income set-aside percentage in the first field. The field for total funds set aside will populate based on the percentage entered in the first field and the total NSP3 grant.

<b>Identify the estimated amount of funds appropriated or otherwise made available under the NSP3 to be used to provide housing for individuals or families whose incomes do not exceed 50% of Area Median Income.</b>
Total low-income set-aside <b>percentage</b> (must be no less than 25%): 25.00%
Total funds set aside for low-income households = \$725,000.00

##### Meeting Low-Income Target

<b>Provide a summary that describes the manner in which the low-income targeting goals will be met.</b>
At least \$725,000 will be used for housing individuals and families whose incomes do not exceed 50% of Area Median Income (AMI). Low-income targeting goals will be met primarily through housing development primarily for the creation of affordable rental opportunities (due to persistently and extremely high unemployment and underemployment), as well as affordable homeownership opportunities to the maximum extent feasible.
While the creation of affordable rental opportunities will be highest priority, the City of Modesto also plans to design an innovative and comprehensive homeownership program similar to a lease-to-own program that will provide low-income households with asset-building tools necessary to sustain homeownership.
Given the economy of scale of its production capacity and its extensive experience in affordable housing development and program management, the Housing Authority of the County of Stanislaus will develop,

own, operate, and maintain NSP3 properties. As subrecipient, the Housing Authority of the County of Stanislaus engages contractors and, in consultation with the City of Modesto, may engage developers, particularly City of Modesto-designated Community Housing Development Organizations (CHDOs).

## 5. Acquisition and Relocation

### Demolition or Conversion of LMI Units

Does the grantee intend to demolish or convert any low- and moderate-income dwelling units (i.e., ≤ 80% of Area Median Income)?	(Select One)
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If yes, fill in the table below.

Question	Number of Units
The number of low- and moderate-income dwelling units—i.e., ≤ 80% of Area Median Income—reasonably expected to be demolished or converted as a direct result of NSP-assisted activities.	10
The number of NSP affordable housing units made available to low-, moderate-, and middle-income households—i.e., ≤ 120% of Area Median Income—reasonably expected to be produced by activity and income level as provided for in DRGR, by each NSP activity providing such housing (including a proposed time schedule for commencement and completion).	8
The number of dwelling units reasonably expected to be made available for households whose income does not exceed 50% of Area Median Income.	7

## 6. Public Comment

### Citizen Participation Plan

**Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment or abbreviated plan.**

City of Modesto ensures that all citizens have equal access to information regarding and sufficient notice of the opportunity to comment on this document. In addition to posting this document on the City's website as the materials are developed, published, and submitted to HUD; and publication of notices soliciting public comment in the largest English- and Spanish-language local newspapers – City staff created opportunities to engage English- and Spanish-speaking residents of the area of greatest need (for the purposes of NSP3) in neighborhood meetings in the Airport Neighborhood to solicit input during the development of this document. Consistent with the U.S. Department of Housing and Urban Development (HUD) Notice of Formula Allocations and Program Requirements for Neighborhood Stabilization Program Formula Grants (Docket No. FR-5447-N-01 [NSP3 Notice]), the City has published this document for no less than 15 calendar days of public comment.

### Summary of Public Comments Received.

The summary of public comments received is included as an attachment.

## 7. NSP Information by Activity

Enter each activity name and fill in the corresponding information. If you have fewer than seven activities, please delete any extra activity fields. (For example, if you have three activities, you should delete the tables labeled “Activity Number 4,” “Activity Number 5,” “Activity Number 6,” and “Activity Number 7.” If you are unsure how to delete a table, see the instructions [above](#).)

The field labeled “Total Budget for Activity” will populate based on the figures entered in the fields above it.

Consult the [NSP3 Program Design Guidebook](#) for guidance on completing the “Performance Measures” component of the activity tables below.

<b>Activity Number 1</b>	
<b>Activity Name</b>	Neighborhood Revitalization Strategy Area (NRSA) NSP3 Project
<b>Uses</b>	Select all that apply: <input type="checkbox"/> Eligible Use A: Financing Mechanisms <input checked="" type="checkbox"/> Eligible Use B: Acquisition and Rehabilitation <input checked="" type="checkbox"/> Eligible Use C: Land Banking <input checked="" type="checkbox"/> Eligible Use D: Demolition <input checked="" type="checkbox"/> Eligible Use E: Redevelopment
<b>CDBG Activity or Activities</b>	24 CFR 570.201 (a) Acquisition (b) Disposition (c) Public facilities and improvements (e) Public services for housing counseling, but only to the extent that counseling beneficiaries are limited to prospective purchasers or tenants of NSP3 properties (i) Relocation (n) Direct homeownership assistance to persons whose incomes do not exceed [120]% of median income. 24 CFR 570.202 Eligible rehabilitation and preservation activities 24 CFR 570.201 (d) Clearance, for blighted structures only 24 CFR 570.205 General administration and planning 24 CFR 570.206 Activity delivery costs (including required homebuyer counseling) may be charged to the particular activity performed above and will not count as general administration and planning costs 24 CFR 570.200(h) Incurrence of pre-award costs

<p><b>National Objective</b></p>	<p>(Select One)  Low-, Moderate-, and Middle-Income Area Benefit (LMMA), as activities will be carried out in a Neighborhood Revitalization Strategy Area (NRSA); and   Low-Income Housing (LH25) for at least 25% of NSP 3 funds that will be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50% of Area Median Income (AMI).</p>
<p><b>Activity Description</b></p>	<p>Land banking, acquisition and rehabilitation, redevelopment, and demolition activities will be integrated into a comprehensive revitalization strategy to reverse key indicators of persistent and extremely high: 1) unemployment and underemployment; 2) vacancy and abandonment; and 3) blight.</p> <p>City of Modesto (City) will partner with the Housing Authority of the County of Stanislaus (Housing Authority) in the Neighborhood Revitalization Strategy Area (NRSA) NSP3 Project (Project). Stanislaus County (County) will also partner with the Housing Authority to carry out its NSP3 project in the NRSA. This City-County collaboration will bring the NRSA comprehensive plan to scale and will position the NRSA to more effectively secure other federal, state, and private foundation funds for a more robust public-private partnership.</p> <p>All properties will be purchased at a minimum discount of 1% from the current market-appraised value of the property. The current market-appraised value means the value of a property that is established through an appraisal made in conformity with the appraisal requirements of the Uniform Relocation Act (URA) at 49 CFR 24.103 and completed within 60 days prior to an offer made for the property.</p> <p><u>Activities</u></p> <ul style="list-style-type: none"> <li>- Acquisition of eligible properties under land banking, acquisition and rehabilitation, and redevelopment activities;</li> <li>- Rehabilitation of eligible properties under land banking, acquisition and rehabilitation, and redevelopment activities;</li> <li>- Land banking operations will include: maintenance of land-banked properties, property management of rental units (note: City is required by statute to establish procedures to create preferences for the development of affordable rental housing with NSP3 funds); maintenance of its geographic and market information systems; and carrying out ongoing community engagement activities (e.g., outreach, education, consultation, etc.);</li> <li>- Demolition of eligible properties under land banking, acquisition and rehabilitation, demolition, and redevelopment activities;</li> <li>- Development of eligible properties under land banking, acquisition and rehabilitation, and redevelopment activities for eligible end uses <ul style="list-style-type: none"> <li>o Create affordable rental opportunities</li> <li>o Create affordable homeownership opportunities</li> </ul> </li> </ul>



- Stimulate community and economic development opportunities consistent with larger NRSA Plan through potential mixed-use development (NSP3 funds are only for residential development activities but may be combined with other funds that allow for non-residential development activities)
- Reverse the physical decline of properties

The City's efforts in the Airport Neighborhood have helped foster a critical mass of leadership and commitment around community and economic development in the neighborhood. The City has been working diligently since the HUD approved its proposal to designate the Airport Neighborhood a Neighborhood Revitalization Strategy Area (NRSA) on January 27, 2009.

The Airport Neighborhood is uniquely located near the vibrant downtown; to the west, neighbors the world's largest family-owned winery and largest exporter of California wine, E & J Gallo Winery and Gallo Glass Company headquarters and large-scale facilities, respectively; to the north, neighbors one of Modesto's oldest and most affluent neighborhoods, La Loma Neighborhood; to the east neighbors the local airport; and to the south, neighbors the Tuolumne River and the Tuolumne River Regional Park system. The NRSA created an opportunity for these neighbors to partner with the residents of the Airport Neighborhood for the revitalization of their neighborhood.

An engaged community is critical to the success of a land banking and redevelopment project. The City's approach involves building relationships with and among residents to build a sense of community and cultivate effective and sustainable leadership. A community is only as strong as its members' capacities to care for one another. Community capacity-building is place-based and empowers residents to build a sense of community, identify issues that matter most to them, and develop and implement strategies for addressing these issues.

As part of the larger NRSA plan, the Project will further foster a sense of ownership of the neighborhood among its residents. Community input will inform the development of project policies, goals, outreach procedures, evaluation, etc. The Project will promote openness, transparency, and dialogue among residents and between residents and their government. Project will also solicit input from other key stakeholders (e.g., people who work in the area, businesses that operate in the area, faith- or community-based organizations that serve the area, property owners that do not live in the area, etc.) in evaluating properties for land banking and redevelopment activities.

Furthermore, the Project will to the maximum extent feasible create term employment opportunities for residents of the neighborhood through vicinity hiring.

<b>Location Description</b>	<p>In order to optimally leverage City of Modesto and Stanislaus County NSP3 funds and Redevelopment Housing Set-Aside funds (20% of tax increments must be used by redevelopment agencies to increase and improve affordable housing for low- and moderate-income individuals and families), NSP3 activities will be targeted in the Neighborhood Revitalization Strategy Area (see map).</p> <p>Northern boundary: Yosemite Boulevard</p> <p>Eastern boundary: Empire Avenue / Tioga Drive</p> <p>Southern boundary: Hillside Drive / Tuolumne River</p> <p>Western boundary: South Santa Rosa Avenue / South Santa Cruz Avenue</p> <p>Note: The boundaries of the project (i.e., census tract 21.00) extend slightly beyond the above-indicated boundaries. However, most activities will be concentrated within the boundaries indicated above.</p> <p>While County unincorporated area of the Airport Neighborhood is located within the County's Redevelopment Area, City area of the Airport Neighborhood is not located within the City's Redevelopment Area. City is preliminarily planning an expansion of its Redevelopment Area into the City area of the Airport Neighborhood, in order to maximize use of its Redevelopment Housing Set-Aside funds.</p>		
	<b>Budget</b>	<b>Source of Funding</b>	<b>Dollar Amount</b>
		Acquisition and Rehabilitation (NSP Eligible Use B)	\$690,662
		Land Bank (NSP Eligible Use C)	\$1,195,379
		Demolition (NSP Eligible Use D)	\$79,691
Redevelopment (NSP Eligible Use E)		\$690,662	
<b>Total Budget for Activity</b>		<b>\$2,656,394.00</b>	
<b>Performance Measures</b>	<p>Housing Units (50% AMI or below): 7</p> <p>Housing Units (50-120% AMI): 8</p> <p>Instances of Demolition: 10</p> <p>Estimated number of properties needed to make an impact in identified target area (20% of REO in past year): 15</p>		
<b>Projected Start Date</b>	May 2011 (Note: start and end dates will be determined by date HUD signs grant agreement.)		
<b>Projected End Date</b>	May 2014		
<b>Responsible Organization</b>	<b>Name</b>	Housing Authority of the County of Stanislaus	
	<b>Location</b>	1702 Robertson Road Modesto, CA 95351	
	<b>Administrator Contact Info</b>	Borgwardt, Don	

		<p>Housing Development and Construction Supervisor (209) 557-2008 <a href="mailto:dborgwardt@stancoha.org">dborgwardt@stancoha.org</a></p> <p>Fagan, Bill Executive Director (209) 557-2015 <a href="mailto:bill@stancoha.org">bill@stancoha.org</a></p>
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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-043**

**RESOLUTION AMENDING CITY COUNCIL RESOLUTION NO. 2010-344 TO  
SPECIFY THAT THE JENNINGS ADDITION NO. 2 ANNEXATION AREA IS TO  
BE LOCATED IN COUNCIL DISTRICT NO. 2 UPON ANNEXATION**

WHEREAS, on August 4, 2010, the City Council, by Resolution No. 2010-344, approved the filing of the Jennings Addition No. 2 annexation with LAFCO, and

WHEREAS, said Resolution inadvertently omitted to specify the Council District that said annexation would be located in once annexed, and

WHEREAS, the Jennings Addition No. 2 annexation is located south of the existing boundaries of Council District No. 2, and therefore would logically be added to that Council District, and

WHEREAS, the City Council considered said matter at their regularly scheduled meeting of February 22, 2011, 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 Resolution No. 2010-344 be amended to specify that the Jennings Addition No. 2 annexation area be located in Council District No. 2 upon annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-044**

**RESOLUTION AMENDING CITY COUNCIL RESOLUTION NO. 2010-245 TO  
SPECIFY THAT THE KIERNAN BUSINESS PARK EAST ANNEXATION AREA  
IS TO BE LOCATED IN COUNCIL DISTRICT NO. 1 UPON ANNEXATION**

WHEREAS, on June 9, 2010, the City Council, by Resolution No. 2010-245,  
approved the filing of the Kiernan Business Park East annexation with LAFCO, and

WHEREAS, said Resolution inadvertently omitted to specify the Council District  
that said annexation would be located in once annexed, and

WHEREAS, the Kiernan Business Park East annexation is located immediately  
adjacent to the existing boundaries of Council District No. 1, and therefore would  
logically be added to that Council District, and

WHEREAS, the City Council considered said matter at their regularly scheduled  
meeting of February 22, 2011, 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 Resolution No. 2010-245 be amended to specify that the Kiernan Business Park East  
annexation area be located in Council District No. 1 upon annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-045**

**RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH  
DOKKEN ENGINEERING FOR PREPARATION OF THE PLANS  
SPECIFICATIONS & ESTIMATES FOR THE STATE ROUTE 99/PELANDALE  
AVENUE INTERCHANGE RECONSTRUCTION; AND AUTHORIZING THE  
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO  
AGREEMENT**

WHEREAS, the State Route 99/Pelandale Interchange Reconstruction Project is a Caltrans project to address the traffic congestion at the Pelandale Avenue and Highway 99 Interchange, and

WHEREAS, on March 9, 2010, the City Council, by Resolution No. 2010-90, approved an Agreement with Dokken Engineering for preparation of Plans, Specifications and Estimates (PS&E) for the State Route 99/Pelandale Interchange Reconstruction project, and

WHEREAS, staff requested a pre-award audit from the California Department of Transportation (Caltrans) and received a waiver of pre-award audit, and

WHEREAS, on October 25, 2010, staff received a letter from Caltrans requesting revisions to following items in the Agreement:

- The Scope of Services
- The Period of Performance
- The applicable Cost Principles and Administrative Requirements (48 Code of Federal Regulations (CFR), Chapter 1, Part 31, and 49 CFR, Part 18), are not specified.
- The Subcontracting clause
- The Allowable Costs and Payments clause
- The Retention of Records/Audit clause
- The Confidentiality of Data and Equipment

WHEREAS, on November 8, 2010, staff responded by agreeing to make the requested changes to the Agreement,



NOW, THEREFORE, BE RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Agreement with Dokken Engineering to prepare the Plans Specifications and Estimates for the State Route 99/Pelandale Avenue Interchange Reconstruction Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-046**

**A RESOLUTION APPROVING THE PROTECTED-PERMISSIVE TRAFFIC  
SIGNALS REPORT FOR 2010**

WHEREAS, Traffic Engineering staff does not recommend any changes this year,  
and

WHEREAS, the City now has protected-permissive signal phasing at 49  
intersections, and

WHEREAS, protected-permissive phasing provides more important non-tangible  
benefits, such as, reduced driver anxiety and a second chance to turn left during the same  
cycle, and

WHEREAS, staff recommends continuing the use of protected-permissive  
phasing at appropriate locations and monitoring these installations for improvements  
and/or modifications based on periodic technical analysis, and

WHEREAS, all 50 protected-permissive signalized intersections have acceptable  
safety records this reporting cycle, and

WHEREAS, the Economic Development Committee approved this item with the  
removal of protected-permissive operation at Tully Road and Orangeburg Avenue at its  
January 10, 2011, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby approves the Protected-Permissive Traffic Signals Report for 2010.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-047**

**RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT (MID) FOR THE PURPOSE OF OBTAINING PERMISSION TO MAKE IMPROVEMENTS WITHIN MID LATERAL 7 FOR THE PROJECT TITLED “NEW TRAFFIC SIGNAL INSTALLATION-STANDIFORD AVENUE AT HAHN DRIVE AND PRESCOTT ROAD AT CHEYENNE WAY” TO USE CERTAIN REAL PROPERTY LOCATED WITHIN MID RIGHT-OF-WAY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto (Licensee) desires to construct improvements for the project titled “New Traffic Signal Installation-Standiford Avenue at Hahn Drive and Prescott Road at Cheyenne Way,” and

WHEREAS, MID will grant to Licensee, at Licensee’s expense, permission to make improvements within 2,275 square feet of Lateral 7, as described in **Exhibit A** of the License Agreement, as part of the New Traffic Signal Installation project consisting of the installation of conduit and related traffic signal facilities, hereinafter referred to as the “Improvements,” and

WHEREAS, MID requires a License Agreement prior to allowing construction within its right-of-way, and

WHEREAS, this will allow Licensee to use the MID right-of-way for the Improvements at no cost,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a License Agreement between the City of Modesto and Modesto Irrigation District for the purpose of obtaining permission to make improvements within MID Lateral 7 for project titled “New Traffic Signal Installation-Standiford Avenue at

Hahn Drive and Prescott Road at Cheyenne Way” to use certain real property located within MID right-of-way, as described in **Exhibit A** of the License Agreement.

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 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

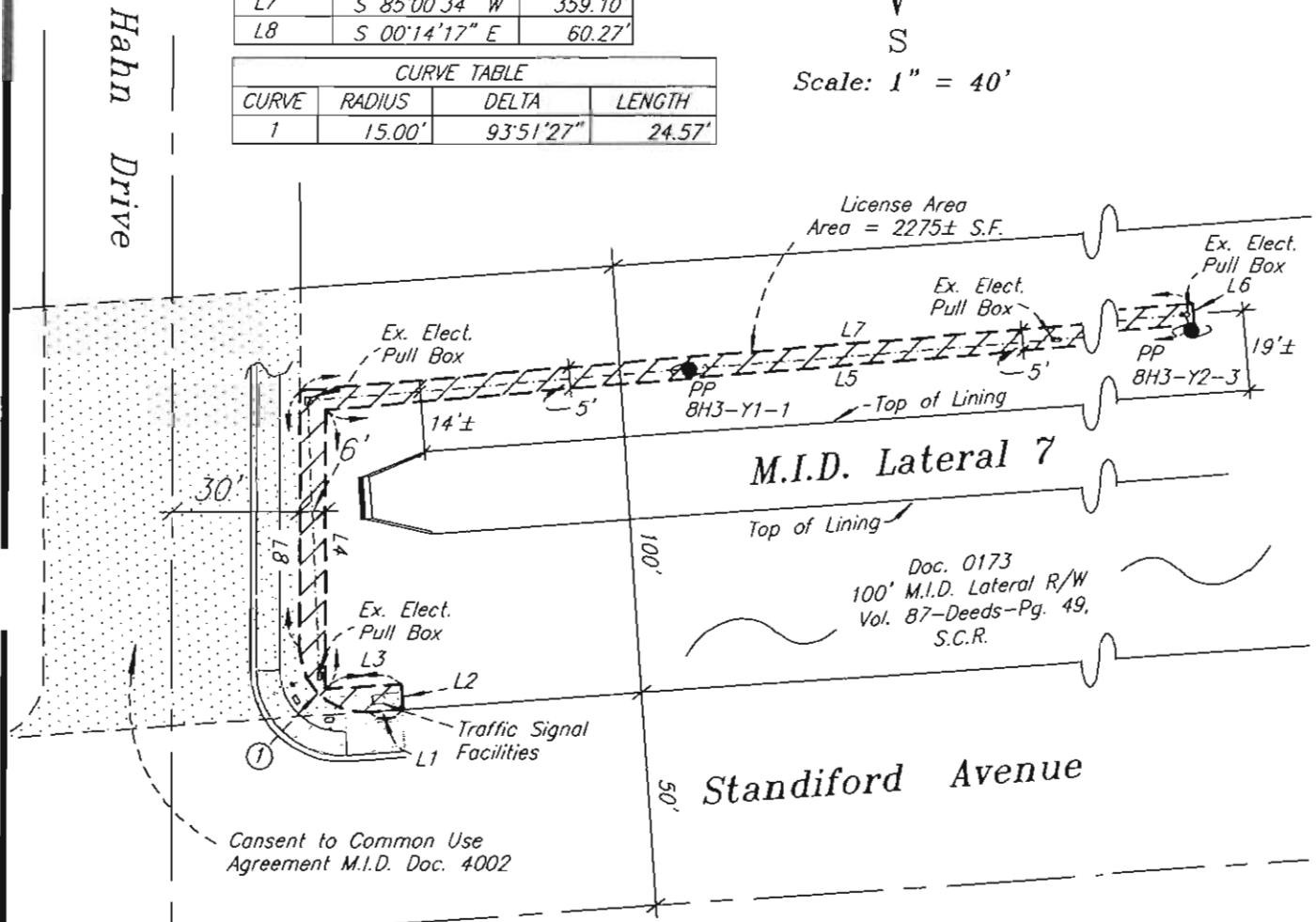
By:   
SUSANA ALCALA WOOD, City Attorney

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 85°54'16" E	8.00'
L2	N 04°05'44" W	6.00'
L3	S 85°54'16" W	17.63'
L4	N 00°14'17" W	65.38'
L5	N 85°00'34" E	353.49'
L6	N 04°59'26" W	5.00'
L7	S 85°00'34" W	359.10'
L8	S 00°14'17" E	60.27'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
1	15.00'	93°51'27"	24.57'



Scale: 1" = 40'



Consent to Common Use Agreement M.I.D. Doc. 4002

Doc. 0173  
100' M.I.D. Lateral R/W  
Vol. 87-Deeds-Pg. 49,  
S.C.R.

Situate in the Southwest Quarter of Section 12,  
Township 3 South, Range 8 East, M.D.B.&M.,  
City of Modesto, County of Stanislaus, State of California



EXHIBIT "A"

Date: Nov. 22, 2010	Dwg By: M. Jones
Scale: 1" = 40'	App. By:
File Name: Hahn Drive License.dwg	

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-048**

**RESOLUTION ACCEPTING STATE OF CALIFORNIA DEPARTMENT OF  
TRANSPORTATION GRANT SECTION 130 FUNDS IN THE AMOUNT OF  
\$476,691; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO EXECUTE THE NECESSARY GRANT DOCUMENTS**

WHEREAS, staff was notified that Section 130 funds may be available for the installation of a railroad pre-traffic signal at 7<sup>th</sup> and B Streets for the Union Pacific Railroad, and

WHEREAS, on August 10, 2010, the City Council, by Resolution No. 2010- 355, directed staff to apply for this grant, and

WHEREAS, staff was successful in obtaining these grant funds, and

WHEREAS, the project is 100% funded with no City match, and

WHEREAS, the grant will upgrade the existing traffic signal system providing ADA Pedestrian Push Buttons and indications, vehicle detection, emergency pre-emption, wiring, curb, gutter, and sidewalk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the State of California Department of Transportation Grant Section 130 funds in the amount of \$476,691.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-049**

**RESOLUTION AMENDING THE FISCAL YEAR 2010/2011 CAPITAL  
IMPROVEMENT PROGRAM BUDGET ACCEPTING THE GRANT FUNDS,  
AND ESTABLISHING ONE NEW CIP PROJECT TITLED, “RAILROAD PRE-  
TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS 7<sup>TH</sup> AND B  
STREETS”**

WHEREAS, staff was notified that this project was successful in receiving  
Section 130 funds in the amount of \$476,691, and

WHEREAS, the project is 100% funded with no City match, and

WHEREAS, the Finance Department will adjust the Fiscal Year 2010/2011  
Capital Improvement (CIP) budget by recognizing the new revenue funds and  
establishing one new CIP project titled, “Railroad Pre-Traffic Signal and Intersection  
Improvements 7<sup>th</sup> and B Streets,”

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby approves amending the Fiscal Year 2010/2011 Capital Improvement  
Program Budget accepting the new revenue funds in the amount of \$476,691, and  
establishing one new CIP project titled, “Railroad Pre-Traffic Signal and Intersection  
Improvements 7<sup>th</sup> and B Streets.”

BE IT FURTHER RESOLVED that the Finance Director, or her 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 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

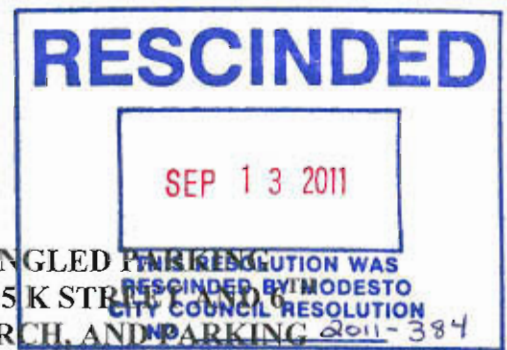
ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-050**

**RESOLUTION APPROVING THE INSTALLATION OF ANGLED PARKING ALONG THE NORTH SIDE OF K STREET BETWEEN 415 K STREET AND 6<sup>TH</sup> STREET FOR NEW BETHANY MISSION BAPTIST CHURCH, AND PARKING ON THE K STREET BRIDGE DECK IN THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 2010-308**

WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angle parking in the City of Modesto, and

WHEREAS, City staff received a request from New Bethany Missionary Baptist Church to install angled parking along the north side of K Street between 415 K Street and 6<sup>th</sup> Street, including the overpass between 415 K Street and 6<sup>th</sup> Street, to provide ample parking spaces for the congregation, and

WHEREAS, staff evaluated the traffic volumes and the speeds for this section of roadway and concluded that angle parking can be accommodated on the north side of K Street between 415 K Street and 6<sup>th</sup> Street, without creating a hazard and without impeding traffic flow, and

WHEREAS, the Economic Development Committee considered the additional angle parking on K Street at its January 10, 2011, meeting and supported staff's recommendation,

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

SECTION 1. ANGLE PARKING. Angle parking in the City of Modesto is hereby established at the following locations:

- Portions of 10<sup>th</sup> Street, between I & K Streets (west side) (diagonal)

- 18<sup>th</sup> Street, between G and H Streets (west side) (diagonal)
- F Street, between 10<sup>th</sup> and 11<sup>th</sup> Streets (south side) (diagonal)
- I Street, between 9<sup>th</sup> and 12<sup>th</sup> Streets (both sides) (diagonal)
- P Street, between 9<sup>th</sup> and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4<sup>th</sup> Street, between E Street and G Street (west side)
- 16<sup>th</sup> Street, between I Street and J Street (east side)
- Elm Street, between Jefferson and Washington Streets (diagonal)
- Jefferson Street, between 8<sup>th</sup> and Laurel Streets (diagonal)
- 13<sup>th</sup> Street, between H and L Streets (east side)
- J Street, between 7<sup>th</sup> Street and 8<sup>th</sup> Street (north side)
- 10<sup>th</sup> Street, between G Street and F Street (east side) (diagonal)
- F Street, between 10<sup>th</sup> Street and 11<sup>th</sup> Street (north side) (diagonal)
- 15<sup>th</sup> Street, between K Street and H Street (east side) (diagonal)
- F Street, between 9<sup>th</sup> Street and 10<sup>th</sup> Street (north side) (diagonal)
- 8<sup>th</sup> Street, between J Street and K Street (east side) (diagonal)
- 8<sup>th</sup> Street, between K Street and L Street (east side) (diagonal)
- Sierra Drive between F Street and 4<sup>th</sup> Street (north side)
- 8<sup>th</sup> Street between L Street and Jefferson Street (east side) (diagonal)
- M Street between 7<sup>th</sup> Street and 8<sup>th</sup> Street (south side) (diagonal)
- 10<sup>th</sup> Street between G Street and I Street (east side) (diagonal)
- Sierra Drive between 6<sup>th</sup> Street and the alley at the west property edge of New Bethany Missionary Baptist Church (diagonal)

- Sierra Drive between 5<sup>th</sup> Street and 6<sup>th</sup> Street (north side) (diagonal)
- 6<sup>th</sup> Street, Sierra Drive to north property line of New Bethany Missionary Baptist Church (west side) (diagonal)
- 13<sup>th</sup> Street between F and G Streets (east side) (diagonal)
- K Street between 415 K Street and 6<sup>th</sup> Street (north side) (diagonal)

SECTION 2. The Director of Community & Economic Development is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 2010-308 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-051**

**RESOLUTION APPROVING AN AGREEMENT FOR DRAINAGE SYSTEM  
MAINTENANCE WITH CALIFORNIA DEPARTMENT OF  
TRANSPORTATION FOR CITY OWNED DRAINAGE MANHOLE WITHIN  
STATE RIGHT-OF-WAY; AND AUTHORIZING THE CITY MANAGER, OR  
HIS DESIGNEE TO EXECUTE THE AGREEMENT**

WHEREAS, Caltrans, the City of Modesto, and Stanislaus County have planned for the widening of Kiernan Avenue (SR 219) as a means of keeping pace with City and regional projected growth, and

WHEREAS, as a condition of Kaiser Development Agreement, the City of Modesto planned intersection improvements at the intersection of Kiernan Avenue (SR 219) and Dale Road, and

WHEREAS, before Caltrans acquired their right-of-way at the Dale and Kiernan intersection the storm drainage improvement for Kaiser Hospital had been constructed, and

WHEREAS, after the original drainage improvements were constructed a PG&E gas line was installed right up to the manhole base preventing its subsequent relocation of the manhole,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Drainage System Maintenance with the California Department of Transportation for City owned drainage manhole with State right-of-way.

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 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-052**

**RESOLUTION APPROVING THE SUBMITTAL OF THE AIRPORT CAPITAL  
IMPROVEMENT PLAN UPDATE TO THE FEDERAL AVIATION  
ADMINISTRATION AND CALTRANS AERONAUTICS**

WHEREAS, Modesto City-County Airport is a commercial service airport that is a part of the federal airport system and is eligible for federal funding, and

WHEREAS, as airport sponsor, the City is eligible for discretionary funding from the Federal Airport Improvement Program (AIP), and

WHEREAS, the Federal Aviation Administration (FAA) requires that the City submit a revised ACIP covering at least the next five years to maintain eligibility for future project funding, and

WHEREAS, in addition to updating cost estimates, the ACIP annual update is intended to reflect ongoing changes in City priorities, airport needs, and/or federal mandates, and

WHEREAS, keeping the ACIP current helps the FAA plan for the airport's long-term funding needs and better distribute the funds on a priority rating, and

WHEREAS, Caltrans uses the ACIP submission to develop the State Capital Improvement Plan (SCIP), and

WHEREAS, the Modesto City-County Airport ACIP update will be focusing on mandated safety and compliance issues (obstruction removal), current infrastructure needs, and planning for future airport needs, and

WHEREAS, the total package of capital improvements submitted to the FAA for the multi-year period ending in 2021 is estimated to cost \$13,080,528, and



WHEREAS, funding for projects that are approved will be borne by the FAA at 95% (\$12,426,500) with the Airport Fund providing the remaining 5% (\$654,028), and

WHEREAS, Passenger Facility Fees will generate most of the revenue for the 5% match, and

WHEREAS, the Airport Advisory Committee, at its December 15, 2010, recommended forwarding this item to Council for consideration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submittal of the Airport Capital Improvement Plan Update, **attached** hereby as **Exhibit A**, to the Federal Aviation Administration and Caltrans Aeronautics.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## Airport Capital Improvement Program (ACIP) Summary, 2011-2021

	<i>Total</i>	<i>FAA (95%)</i>	<i>Sponsor (5%)</i>
2011 (AIP35)			
NW Terminal Apron Rehabilitation	\$575,000	\$546,250	\$28,750
Airport Studies:			
→ Signage & Marking Plan	\$230,000	\$218,500	\$11,500
→ Airfield Utility Study			
→ Airfield Drainage Study			
Aircraft Ramp ADA	\$39,000	\$37,050	\$1,950
Safety Area (A004)	\$60,000	\$57,000	\$3,000
	<hr/>	<hr/>	<hr/>
	\$904,000	\$858,800	\$45,200
2011 (AIP36)			
Environmental NEPA/CEQA - Obstruction Removal	\$380,000	\$361,000	\$19,000
2012 (AIP37)			
Airfield Electrical Improvements	\$263,158	\$250,000	\$13,158
Airfield Drainage Improvements	\$789,474	\$750,000	\$39,474
	<hr/>	<hr/>	<hr/>
2013-2018	<i>Total</i>	<i>FAA (95%)</i>	<i>Sponsor (5%)</i>
<u>Runway 28R Extension, 500'-600'</u>			
2013			
Environmental NEPA/CEQA	\$300,000	\$285,000	\$15,000
2014			
Land Acquisition - Phase I (15)	\$1,875,000	\$1,781,250	\$93,750
2015			
Land Acquisition - Phase 2 (15)	\$1,875,000	\$1,781,250	\$93,750
2016			
Land Acquisition - Phase 3 (13)	\$1,625,000	\$1,543,750	\$81,250
2017			
Relocate Localizer	\$400,000	\$380,000	\$20,000
Relocate Perimeter Road	\$160,000	\$152,000	\$8,000
2018			
Extend Runway/Taxiway 500'	\$1,260,000	\$1,197,000	\$63,000
Pavement Removal	\$11,000	\$10,450	\$550
Replace VASI with PAPI, 10L/28R	\$80,000	\$76,000	\$4,000
	<hr/>	<hr/>	<hr/>
	\$7,586,000	\$7,206,700	\$379,300
2019			
West Ramp Reconstruction (Phase 1)	\$1,052,632	\$1,000,000	\$52,632
2020			
West Ramp Reconstruction (Phase 2)	\$1,052,632	\$1,000,000	\$52,632
2021			
West Ramp Reconstruction (Phase 3)	\$1,052,632	\$1,000,000	\$52,632
	<hr/>	<hr/>	<hr/>
<b>ACIP Total, 2011-2021</b>	<b>\$13,080,528</b>	<b>\$12,426,500</b>	<b>\$654,028</b>
	Total project costs	FAA \$	Sponsor \$

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-053**

**RESOLUTION APPROVING THE SUBMITTAL OF A FEDERAL AIRPORT IMPROVEMENT PROGRAM GRANT APPLICATION IN THE AMOUNT OF \$256,500 TO THE FEDERAL AVIATION ADMINISTRATION FOR DRAINAGE/ELECTRICAL ASSESSMENTS AND A NEW ADA LIFT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE SUBSEQUENT GRANT OFFER ACCEPTANCE AND ANY DOCUMENTS RELATED TO PROJECTS CONTAINED IN THE GRANT**

WHEREAS, Modesto City-County Airport is a commercial service airport that is a part of the Federal airport system and eligible for Federal funding, and

WHEREAS, as airport sponsor, the City is eligible each year for entitlement and discretionary funds from the Airport Improvement Program (AIP), and

WHEREAS, the Federal Aviation Administration (FAA) requests that the City submit a new funding application annually for Modesto City-County Airport capital funding, and

WHEREAS, the local 5% match required for these grants will be paid from Passenger Facility Charges (PFCs) collected by the airlines from enplaning passengers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of a Federal Airport Improvement Program (AIP) Grant Application for \$256,500 to the Federal Aviation Administration for Drainage/Electrical Assessments and a new ADA Lift.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to sign the subsequent grant offer acceptance and any documents related to projects contained in the grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-054**

**RESOLUTION APPROVING THE SECOND AMENDMENT TO AGREEMENT  
WITH LARRY WALKER ASSOCIATES FOR STORM WATER  
MANAGEMENT PLAN WORK IN THE AMOUNT OF \$280,000 WITH A  
TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$580,000**

WHEREAS, the City of Modesto was issued an NPDES permit from the Regional Water Quality Control Board (RWQCB) in 2008, and this permit will expire in 2013, and

WHEREAS, the permit requires annual storm water monitoring and reporting as well as special studies to be performed during the permit cycle, and

WHEREAS, on July 7, 2009, by Resolution No. 2009-287, Council approved an agreement with Larry Walker Associates (LWA) for Storm Water Management Plan (SWMP) work in an amount not to exceed \$300,000, and

WHEREAS, on March 17, 2010, a First Amendment to the Agreement was entered into amending the contractual scope of work in the Standard Agreement for Consultant Services to include groundwater assessment and monitoring well design as required by the Storm Water NPDES permit, and

WHEREAS, LWA has assisted the City with its storm water program and permit compliance for many years and in order to maintain the continuity of the current SWMP, staff requests retention of LWA to continue to perform the tasks currently under way and required under this permit, and

WHEREAS, the Second Amendment would be for LWA to perform the following services through FY11/12: New Development Construction Guidance Manual in accordance with permit requirements, Storm Water Treatment Feasibility Study,

Rockwell Assessment and Storm Water Monitoring, Groundwater well and remote telemetry installation and progress conference call meetings, summaries and reports, and

WHEREAS, funding in the amount of \$280,000 is currently available in the FY11/12 budget for the Storm Water Compliance Branch,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Second Amendment to the Agreement with Larry Walker Associates for Storm Water Management Plan Work in the amount of \$280,000 with a total agreement amount not to exceed \$580,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-055**

**RESOLUTION APPROVING A PIPELINE CROSSING AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY TO ALLOW THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A SEWER PIPELINE CROSSING THE COMPANY'S RIGHT-OF-WAY ON H STREET, IN THE AMOUNT OF \$7,300, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto desires to construct, operate, and maintain a sewer main along H Street between Ninth Street and Eighth Street, and

WHEREAS, the proposed sewer main will cross the active Union Pacific Railroad Company (UPRR) right-of-way, and

WHEREAS, UPRR requires a Pipeline Crossing Agreement prior to the construction of the pipeline within its right-of-way, and

WHEREAS, UPRR also requires a one-time license fee payment of \$7,300 to grant the City of Modesto the right to construct, operate, and maintain the underground sewer main, and

WHEREAS, staff has reviewed the Agreement and recommends City Council approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Pipeline Crossing Agreement with Union Pacific Railroad Company to allow the construction, operation, and maintenance of a sewer pipeline crossing the company's right-of-way on H Street, in the amount of \$7,300.

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 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-056**

**RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH WEST YOST ASSOCIATES, INC. (WEST YOST) FOR ADDITIONAL SERVICES NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR CONSTRUCTABILITY REVIEW/CONSTRUCTION MANAGEMENT SERVICES OF THE PHASE 2 BNR/TERTIARY WASTEWATER TREATMENT FACILITY PROJECT, FOR AN AMOUNT NOT TO EXCEED \$104,965, FOR A MAXIMUM TOTAL AMOUNT OF \$153,965; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO THE AGREEMENT**

WHEREAS, on December 16, 2010, staff recommended to the City Manager that a portion of West Yost's proposed services be approved to complete time-critical segments of the constructability review, and

WHEREAS, on January 4, 2011, the City executed an agreement in the not to exceed amount of \$49,000 with West Yost for constructability review services, and

WHEREAS, to complete the remaining portions of the constructability review and provide bid period services an amendment to the original agreement is recommended, and

WHEREAS, this amendment is recommended to cover the following additional tasks that are not included in the original agreement: 1) Task 1: Part 2 of Biddability / Constructability Review; 2) Task 2: Bid Period Services; and 3) Task 3: Construction Management Work Plan, and

WHEREAS, the total estimated cost to complete these additional tasks is \$104,965, and

WHEREAS, City staff recommends approving an amendment to agreement with West Yost as the City does not have the staffing level or expertise to provide the related services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to Agreement with West Yost Associates, Inc. for additional services not included in the original agreement for Constructability Review/ Construction Management Services of the Phase 2 BNR/Tertiary Wastewater Treatment Facility Project, in the not to exceed amount of \$104,965.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-057**

**RESOLUTION ACCEPTING THE WORK BY DSS COMPANY DBA KNIFE RIVER CONSTRUCTION FOR THE “PELANDALE AVENUE AT SISK ROAD AND SR99 NORTHBOUND ON-RAMP” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$607,819.58**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the “Pelandale Avenue at Sisk Road and SR99 Northbound On-Ramp” project has been completed by DSS Company dba Knife River Construction in accordance with the contract agreement dated June 9, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the “Pelandale Avenue at Sisk Road and SR99 Northbound On-Ramp” project is hereby accepted as complete from said contractor DSS Company dba Knife River Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling \$607,819.58 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

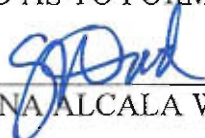
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-058**

**RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,000,000, TO PROVIDE FOR THE FINANCING OF THE GOLDEN VALLEY HEALTH CENTERS**

WHEREAS, pursuant Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act"), certain public agencies (the "Members") have entered into a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement") in order to form the California Municipal Finance Authority (the "Authority"), for the purpose of promoting economic, cultural and community development, and in order to exercise any powers common to the Members, including the issuance of bonds, notes or other evidences of indebtedness, and

WHEREAS, the Authority is authorized to issue and sell revenue bonds for the purpose, among others, of financing or refinancing the construction of capital projects, and

WHEREAS, Golden Valley Health Centers, a non-profit, public benefit corporation organized and existing under the laws of the State of California and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (the "Corporation"), has requested the Authority to issue one or more series of revenue bonds in an aggregate principal amount not to exceed \$5,000,000 (the "Bonds") in part to prepay a taxable bank loan obtained to finance the acquisition of a building located at 1510 Florida Avenue, Modesto, California, for use as a primary care community clinic (the "Project"), which is and will be owned and operated by the Corporation, and

WHEREAS, in order for the interest on the Bonds to be tax-exempt, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), requires that an “applicable elected representative” of the governmental unit, the geographic jurisdiction of which contains the site of facilities to be financed with the proceeds of the Bonds, hold a public hearing on the issuance of the Bonds and approve the issuance of the Bonds following such hearing, and

WHEREAS, the Authority has determined that the City Council is an “applicable elected representative” for purposes of holding such hearing, and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Agreement, and

WHEREAS, notice of such public hearing has been duly given as required by the Code, and the Council has heretofore held such public hearing at which all interested persons were given an opportunity to be heard on all matters relative to the financing of the Project and the Authority’s issuance of the Bonds therefore, and

WHEREAS, it is in the public interest and for the public benefit that the City Council approve the issuance of the Bonds by the Authority for the aforesaid purposes,

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the Council that this resolution constitute approval of the issuance of the Bonds (a) by the “applicable elected representative” of the

governmental unit having jurisdiction over the area in which the Project is to be located in accordance with Section 147(f) of the Code, and (b) by the Council in accordance with Section 4 of the Agreement.

Section 2. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 3. The adoption of this resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, rehabilitation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority or its membership therein.

Section 4. The executing officers, the City Clerk and all other proper officers and officials of the City are hereby authorized and directed to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to affect the purposes of this resolution and the transactions herein authorized.

Section 5. The City Clerk shall forward a certified copy of this resolution to:

Harriet M. Welch, Esq.  
Squire, Sanders & Dempsey LLP  
555 South Flower Street, Suite 3100  
Los Angeles, CA 90071-2300

and to

Brian D. Quint, Esq.  
Quint & Thimmig LLP  
575 Market Street, Suite 3600  
San Francisco, CA 94105-2874

Section 6. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Muratore

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-059**

**RESOLUTION APPROVING A SECOND AMENDED AND RESTATED  
DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE  
REDEVELOPMENT AGENCY OF THE CITY OF MODESTO AND EAH INC.  
FOR THE PROPOSED DEVELOPMENT OF 76 UNITS OF AFFORDABLE  
HOUSING, ALSO KNOWN AS ARCHWAY COMMONS; AND AUTHORIZING  
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT  
AND ANY RELATED DOCUMENTS**

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is carrying out the Redevelopment Plan for the Modesto Redevelopment Project (the "Redevelopment Project"), and

WHEREAS, in conformance with Health and Safety Code Section 33490, the Agency adopted a five-year Implementation Plan (the "Implementation Plan") for the Redevelopment Project, and

WHEREAS, the Agency previously entered into a Disposition and Development Agreement ("Original DDA"), dated June 2, 2009, with EAH, Inc. ("Developer") providing an option for the Developer to either purchase or ground lease from the Agency certain property ("Original Site") for the development of a 150-unit rental housing project (the "Housing Project"), and

WHEREAS, the Agency and Developer subsequently entered into an Amended and Restated Disposition and Development Agreement ("Amended DDA"), dated July 12, 2009, clarifying that the Developer would purchase the Original Site, and making other conforming changes related thereto, and

WHEREAS, in light of current facts, conditions and circumstances, the Agency and Developer have cooperated in the preparation of a Second Amended and Restated Disposition and Development Agreement (the "Second Amended Agreement") to allow

for the development of the Housing Project in two phases, providing that the Developer would purchase a portion of the Original Site (the "Site") and develop the first 76 units of multi-family affordable housing on the Site, and

WHEREAS, the Second Amended Agreement also provides for an increase of \$2 million in Agency assistance to be provided for the entire Housing Project, for a total not to exceed amount of \$8,749,000.00, of which \$7,229,866 (the "Agency Loan") will be provided under the Second Amended Agreement, consisting of three elements, including the previously approved Predevelopment Loan in the amount of \$900,000; a Development Loan, not to exceed \$3,869,000, and a Purchase Loan for the purchase price for the Site in the amount of \$2,460,866, and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000, et seq.) provides in Section 33431 that any sale or lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law, and

WHEREAS, the Community Redevelopment Law further provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the legislative body after a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal, and

WHEREAS, notice of a joint public hearing of the City Council of the City of Modesto and the Agency was published on February 8, 2011, and February 15, 2011, and a joint public hearing was held on February 22, 2011, to consider and act on the sale of the Site pursuant to the Second Amended Agreement, and

WHEREAS, prior to approval of the Existing Disposition and Development Agreement, the Agency prepared a report pursuant to Section 33433 of the Health and Safety Code (the "Original Report"), describing the cost of the Original DDA to the Agency, the value of the property interest to be conveyed, the purchase price and other information required by Health & Safety Code Section 33433, and subsequently prepared a Supplement to the Original Report ("Supplemental Report") addressing the changes made through the Amended DDA, and has also prepared a Second Supplement to the Summary Report ("Second Supplemental Report") addressing the changes made through the Second Amended Agreement, and the Original Report, Supplemental Report and Second Supplemental Report, together with the Second Amended Agreement, was made available to the public for inspection,

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

Section 1. The City Council hereby finds and determines that the sale of the Site to the Developer and development of the Housing Project on the Site as provided for in the Second Amended Agreement will assist in the elimination of blight and will provide housing for very-low and low-income households, and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. This finding is based upon the facts and information contained in

the Original Report, the Supplemental Report and the Second Supplemental Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 2. The City Council hereby finds and determines that the consideration for the Site to be paid by the Developer under the Second Amended Agreement is not less than the fair reuse value at the use and with the covenants and conditions and development costs authorized by the Second Amended Agreement. This finding is based upon the facts and information contained in the Original Report, the Supplemental Report and the Second Supplemental Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 3. The City Council hereby approves the Second Amended Agreement in substantially the form on file with the City Clerk. The City Council further approves and authorizes the sale of the Site to the Developer and the funding of the Agency Assistance, all as provided for under the Second Amended Agreement.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute the Second Amended and Restated Disposition and Development Agreement between the Redevelopment Agency of the City of Modesto and EAH, Inc. for the proposed development of 76 units of affordable housing, also known as Archway Commons.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-060**

**RESOLUTION APPROVING AN AMENDMENT TO THE HOME LOAN AGREEMENT BETWEEN THE CITY OF MODESTO AND EAH, INC. FOR THE PROPOSED DEVELOPMENT OF AFFORDABLE HOUSING UNITS, ALSO KNOWN AS ARCHWAY COMMONS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ANY RELATED DOCUMENTS**

WHEREAS, on November 1, 2007 a Request for Qualifications (RFQ) was released to solicit proposals for either the development of new constructions or the rehabilitation of existing market rate housing to be converted to affordable units for low-income households, and

WHEREAS, proposal were due on January 14, 2008 with a total of eight (8) proposals received. Six (6) projects qualified for funding. Five (5) of the six (6) projects were fully or partially funded, leaving only the Archway Commons project for future review, and

WHEREAS, the CH&CDC review subcommittee met on June 17, 2009, to review the Archway Commons project to provide affordable rental housing to a mix of household types, including single individuals, couples, households with children as well as seniors, and

WHEREAS, Archway Commons is an affordable housing project funded through the RDA's set-aside funds and HOME funds, and

WHEREAS, originally proposed, the project would create 150 affordable housing units, and

WHEREAS, City of Modesto and EAH, Inc. desire that EAH, Inc. continue its efforts to secure and obtain tax credit funding and understand it is necessary to amend the

Agreement to set forth new timelines for development and construction of the Archway Commons project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves this Amendment to the HOME loan agreement between the City of Modesto and EAH, Inc. for the proposed development of affordable housing units, also known as Archway Commons,

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to execute the Agreement and related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-061**

**RESOLUTION APPROVING A DISPOSITION AND DEVELOPMENT  
AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY  
OF MODESTO (RDA) AND AMERICAN BAPTIST HOMES OF THE WEST  
AND SATELLITE HOUSING (DEVELOPER) FOR THE SALE OF REAL  
PROPERTY LOCATED AT 17<sup>TH</sup> & G STREETS ALSO KNOWN AS "TOWER  
PARK" TO THE DEVELOPER FOR THE DEVELOPMENT OF 48  
AFFORDABLE SENIOR HOUSING UNITS**

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency") is carrying out the Redevelopment Plan for the Modesto Redevelopment Project (the "Redevelopment Project"), and

WHEREAS, in conformance with Health and Safety Code Section 33490, the Agency adopted a five-year Implementation Plan (the "Implementation Plan") for the Redevelopment Project, and

WHEREAS, the Agency currently owns that certain real property, consisting of approximately 29,766 square feet, located generally at the southwesterly corner of 17<sup>th</sup> and G Streets in downtown Modesto (APN 106-006-013) (the "Site"), which the Agency acquired for purposes of development of affordable housing opportunities in the Redevelopment Project Area, and

WHEREAS, the Agency desires to enter into a Disposition and Development Agreement ("DDA") with American Baptist Homes of the West and Satellite Housing (collectively, the "Developer") providing for the sale of the Site to the Developer for purposes of development of a 48-unit senior rental housing project (the "Housing Project"), and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) provides in Section 33431 that any sale or



lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law, and

WHEREAS, the Community Redevelopment Law further provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the legislative body after a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal, and

WHEREAS, notice of a joint public hearing of the City Council of the City of Modesto (the "City Council") and the Agency was published on February 8, 2011 and February 15, 2011, and a joint public hearing was held on February 22, 2011, to consider and act on the sale of the Site pursuant to the DDA, and

WHEREAS, the Agency has prepared a report pursuant to Section 33433 of the Health and Safety Code (the "Report"), describing the cost of the DDA to the Agency, the value of the property interest to be conveyed, the purchase price and other information required by said Section 33433, and the Report, together with the DDA, was made available to the public for inspection,

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

Section 1. The City Council hereby finds and determines that the sale of the Site to the Developer and development of the Housing Project on the Site as provided for

in the DDA will assist in the elimination of blight and will provide housing for low-income households, and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. This finding is based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 2. The City Council hereby finds and determines that the consideration for the Site to be paid by the Developer under the DDA is not less than the fair reuse value at the use and with the covenants and conditions and development costs authorized by the DDA. This finding is based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 3. The City Council hereby approves the DDA in substantially the form on file with the City Clerk. The City Council further approves and authorizes the sale of the Site to the Developer as provided for under the DDA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-062**

**RESOLUTION APPROVING A HOME LOAN AGREEMENT BETWEEN THE  
CITY OF MODESTO AND AMERICAN BAPTIST HOMES OF THE WEST AND  
SATELLITE HOUSING IN THE AMOUNT OF \$2.7 MILLION; AND  
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE  
ALL DOCUMENTS RELATED TO THE LOAN AGREEMENT**

WHEREAS, the City of Modesto Redevelopment Agency (RDA) currently owns that certain real property, consisting of approximately 29,766 square feet, located generally at the southwesterly corner of 17th and G Streets in downtown Modesto (APN 106-006-013) (the "Site"), which the RDA acquired for purposes of development of affordable housing opportunities in the Redevelopment Project Area, and

WHEREAS, the RDA desires to enter into a Disposition and Development Agreement ("DDA") with American Baptist Homes of the West and Satellite Housing (collectively, the "Developer") providing for the sale of the Site to the Developer for purposes of development of a 48-unit senior rental housing project (the "Housing Project"), and

WHEREAS, funding for the Housing Project will be through a HOME Investment Partnership Program in the amount of \$2.7 million which will be disbursed on a reimbursement basis,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a HOME Loan Agreement between the City of Modesto and American Baptist Homes of the West and Satellite Housing in the amount of \$2.7 million, for the development of 48 affordable senior housing units.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the loan agreement and all other related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

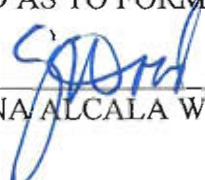
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-063**

**RESOLUTION APPROVING A METHODOLOGY FOR CONSUMPTION  
CALCULATION FOR DETERMINING URBAN WATER USE TARGET AND  
THE ASSOCIATED PER-CAPITA WATER USES, AS REQUIRED BY THE  
STATE WATER CODE, IN THE 2010 URBAN WATER MANAGEMENT PLAN**

WHEREAS, Urban Water Management Plans (UWMP) are required to be updated and submitted to the State Department of Water Resources (DWR) every five years under the Urban Water Management Planning Act (UWMPA), and

WHEREAS, the City of Modesto, by Resolution No. 2010-404, and the Modesto Irrigation District (MID) hired West Yost Associates to develop the 2010 Joint Urban Water Management Plan (2010 UWMP), and

WHEREAS, an UWMP is necessary for water agencies (City/MID) to be eligible for State water management grants and loans, and

WHEREAS, one of the requirements of the UWMP is that the City/MID must implement specific Demand Management Measures (DMMs) that will help achieve per-capita water use targets that reflect a 20% reduction in water use by the year 2020 mandated by the state's Water Conservation Act (Senate Bill X7-7), and

WHEREAS, in October 2010, the DWR released the Final Methodologies for Calculating Baseline and Compliance Urban Per Capita Water Use document describing the methods for determining these targets and three of the four methods allowed for determining the 20% reduction water use target for the year 2020, as well as the Interim 2015 target, and

WHEREAS, West Yost developed a Technical Memorandum which established the base water usage for Modesto's water system and compared water use targets for three of the four methodologies, and

WHEREAS, Modesto's base per-capita water use has been calculated at 285 per-capita-per-day (gpcd) and it is recommended Modesto adopt Methodology Target 1 which provides for the required amount of reduction in per-capita water use to meet the Final 2020 (228 gpcd) and Interim 2015 (256 gpcd) per-capita water use targets,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a methodology of consumption calculation for determining urban water use target and the associated per-capita water uses, as required the State Water Code, in the 2010 Urban Water Management Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-064**

**RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN  
THE CITY OF MODESTO AND THE CALIFORNIA DEPARTMENT OF  
TRANSPORTATION (CALTRANS) FOR ACQUISITION OF RIGHT-OF-WAY  
FOR STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE  
RECONSTRUCTION PROJECT; AND AUTHORIZING THE CITY MANAGER,  
OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the State Route 99/Pelandale Interchange Reconstruction Project is a Caltrans project to address the traffic congestion problem at Pelandale Avenue and Highway 99 Interchange, and

WHEREAS, the City of Modesto is the lead agency for preparation of Plans, Specifications and Estimates (PS&E) and the PS&E's are fifty percent (50%) completed, and

WHEREAS, reconstruction of said interchange will require acquisition of right-of-way for State Highway and related local road purposes, and

WHEREAS, this Cooperative Agreement is required by Caltrans and formalizes the City's Lead Agency status and outlines the agreement between the agencies for acquisition of right-of-way,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Cooperative Agreement between the City of Modesto and the California Department of Transportation for the acquisition of right-of-way for the State Route 99/Pelandale Avenue Interchange Reconstruction Project.

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

BE IT FURTHER RESOLVED the City Manager, or his designee, is hereby authorized to negotiate with Caltrans and execute all documents on behalf of the City for all authority required therefore, and

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to prepare an agreement with the County of Stanislaus under which the City would acquire property within the unincorporated area, and

BE IT FURTHER RESOLVED the City Council agrees to hear Resolutions of Necessity, and take additional actions necessary, should right-of-way negotiations fail to reach a satisfactory agreement between the parties.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of February, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

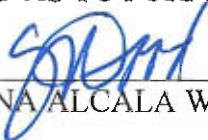
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-065**

**RESOLUTION APPROVING AN AGREEMENT WITH GROVER LANDSCAPE SERVICES, INC, FOR A PERIOD OF FIVE (5) YEARS, IN THE AMOUNT OF \$1,883,743.80, WITH THE OPTION TO NEGOTIATE A FIVE (5) YEAR EXTENSION, AT THE SOLE DISCRETION OF THE CITY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, on March 7, 2006, the City Council, by Resolution No. 2006-134, approved an Agreement with Grover Landscape Services, Inc. to provide landscape maintenance services to various City-owned park sites, and

WHEREAS, the Agreement will expire on March 20, 2011, and

WHEREAS, on September 27, 2010, the Finance Committee directed City staff to enter into a new five-year Agreement with Grover Landscape Services, Inc., and

WHEREAS, staff negotiated an Agreement that is substantially the same as the current Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Grover Landscape Services, Inc., for a period of five (5) years, in the amount of \$1,883,740.80, with the option to negotiate a five (5) year extension, at the sole discretion of the City.

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 22<sup>nd</sup> day of February, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-066

**A RESOLUTION APPROVING THE DESIGNATION OF THE MODESTO  
HISTORIC AMERICAN GRAFFITI CRUISE ROUTE**

WHEREAS, Modesto's cultural art, dining, agriculture and music offerings make it a great destination for travel and tourism, and

WHEREAS, American Graffiti is the one thing that makes Modesto different than any other city in the USA, and

WHEREAS, Modesto and the surrounding Stanislaus County is the one true home of the Graffiti Cruise that began in the late 40s and 50s, and

WHEREAS, the spirit of American Graffiti embraces our small town charm, our rich food industry, our amazing local music scene, our community events and our family values, and

WHEREAS, the Modesto Convention and Visitors Bureau reports that American Graffiti is the most requested theme for tourist information,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the designation of 10<sup>th</sup> and 11<sup>th</sup> Streets, between G and K Streets, and G and K Streets, between 10<sup>th</sup> and 11<sup>th</sup> Streets to be the Modesto Historic American Graffiti Cruise Route.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1<sup>st</sup> day of March, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-067**

**RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF NINE (9) UTILITY TRUCKS FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO THE FOLLOWING COMPANIES: ALBANY FORD, ALBANY, CA FOR SEVEN (7) UTILITY TRUCKS FOR A TOTAL ESTIMATED COST OF \$353,689 AND DOWNTOWN FORD, SACRAMENTO, CA, FOR TWO (2) UTILITY TRUCKS FOR A TOTAL ESTIMATED COST OF \$208,923; AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE PURCHASE ORDERS FOR A TOTAL ESTIMATED COST OF \$562,612**

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 10/11 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The nine (9) utility trucks were included in the FY 10/11 new vehicles and heavy equipment list authorized by the City Manager and all are replacement vehicles, and

WHEREAS, the trucks have been subjected to a thorough evaluation and have met or exceeded the replacement criteria before being placed on the replacement list. Two (2) of the trucks have been deferred for replacement the last two years. Four (4) have been deferred for one year. Five (5) of the trucks fall under the City's compliance program, approved by the California Air Resources Board, requiring a progressive program to remove older diesel trucks from service, and

WHEREAS, the Purchasing Division issued RFB No. 1011-13, for the purchase of nine (9) utility trucks to forty-five (45) prospective bidders posted the bid on the City's website and formally advertised as required by law. Eight (8) of the forty-five (45) prospective bidders were located within Stanislaus County, one of which is a local vendor, and

WHEREAS, RFB's were formally opened in the City Clerk's office. Of the forty-five (45) prospective bidders, eight (8) companies chose to respond; two (2) prospective bidders were located in Stanislaus County. The local vendor chose not to submit a bid at this time. All eight (8) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bids, City staff recommends the award of bid for the purchase of seven (7) utility trucks to Albany Ford, Albany, CA, for the total estimated cost of \$353,689 and two (2) utility trucks to Downtown Ford, Sacramento, CA for the total estimated cost of \$208,923, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2010-11 in appropriation units: 7210-480-5814- 5526, 7210-480-5814-5530, 7210-480-5814-5532, 7210-480-5814-5533, 7210-480-5814-5534, 7210-480-5814-5535, 7210-480-5814-5536, 7210-480-5814-5540, 7210-480-5814-5541, 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 and contract for the purchase of a seven (7) utility trucks to Albany Ford, Albany, CA and two (2) utility trucks to Downtown Ford, Sacramento, CA, for the Public Works Department, Fleet Services Division, conforms to the Modesto Municipal Code,

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 (9) utility trucks for the Public Works Department, Fleet Services Division, to the following companies: Albany Ford, Albany, CA for seven (7) Utility Trucks for a total estimated cost of \$353,689 and

Downtown Ford, Sacramento, CA, for two (2) Utility Trucks for a total estimated cost of \$208,923.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase orders for a total estimated cost of \$562,612.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1<sup>st</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-068**

**RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION AND  
A MITIGATION MONITORING & REPORTING PROGRAM DATED  
DECEMBER 2010, FOR THE PHASE 2 TERTIARY WASTEWATER  
TREATMENT PROJECT, AND ADOPTING A FINDING THAT THE CITY  
COUNCIL HAS REVIEWED AND CONSIDERED AND MADE FINDINGS  
REGARDING THE MITIGATED NEGATIVE DECLARATION  
DOCUMENTATION**

WHEREAS, on March 13, 2007, by Resolution No. 2007-178, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (MEIR) (SCH No. 2006052076) for the Modesto Wastewater Master Plan Update, and

WHEREAS, the Master Plan and MEIR identify certain improvements to be carried out in furtherance of enhanced treatment of wastewater, and

WHEREAS, construction of the Phase 2 Tertiary Wastewater Treatment Project will improve the quality of the effluent discharge and allow the City to discharge to the San Joaquin River and is specifically envisioned by the Master Plan and MEIR, and

WHEREAS, Sections 21157.1 and 21157.5 of the Public Resources Code provide for a lead agency to prepare an Initial Study for any proposed project being carried out subsequent to certification of a MEIR to analyze whether the project may cause any significant effect on the environment, and

WHEREAS, the City's Utility Planning and Projects Department has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) (EA/UP&P No. 2010-13) as provided for by the California Environmental Quality Act (CEQA), and

WHEREAS, in accordance with the CEQA guidelines a 30-day public review period for the proposed IS/MND began on September 20, 2010, and ended on October 20, 2010, and



WHEREAS, staff received one letter commenting on the draft IS/MND, and  
WHEREAS, staff prepared written responses to each individual comment  
contained within the comment letter received, and

WHEREAS, the Mitigation Monitoring & Reporting Program (MMRP) for this  
project is **attached** to this resolution as **Exhibit 1**, and is hereby incorporated by  
reference and made part of this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby approves the IS/MND (EA/UP&P No. 2010-13) and MMRP prepared for  
the Phase 2 Tertiary Wastewater Treatment Project, and based on the substantial evidence  
provided in said IS/MND, a copy of which is **attached** hereto as **Exhibit 2**, and  
incorporated herein by reference, makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 2006052076) as being within the scope of the Master EIR.
2. That all applicable policies, regulations and mitigation measures identified in the MEIR have been applied to the project.
3. That the Statement of Overriding Considerations made pursuant to Public Resources Code Section 21091 and CEQA Guidelines Section 15091 et seq. in connection with adoption of the MEIR and found in Exhibit A to City Council Resolution No. 2007-178 remain in full force and effect and are hereby incorporated by reference into the Resolution. The significant and unavoidable impacts identified in the MEIR and associated with its implementation cannot be avoided or substantially reduced by feasible changes or alterations to the Project, other than by changes or alterations already adopted.
4. That the IS/MND prepared for the proposed project has identified additional potentially significant environmental effects beyond those identified in the MEIR.
5. That prior to the IS/MND release date for public review, feasible mitigation measures were made by or agreed to by the City, which will avoid or mitigate the effects to a point where clearly no significant effect will occur.

6. That there is no substantial evidence, in light of the whole record before the public agency, that the project, as revised, may have a significant effect on the environment.
7. That the IS/MND reflects the independent judgment of the lead agency.
8. That the IS/MND (EA/UP&P No. 2010-13) provides the substantial evidence to support findings 1 through 6, above.

BE IT FURTHER RESOLVED that it hereby adopts the Mitigation Monitoring & Reporting Program dated December 2010, as required by Public Resources Code Section 21081.6 et seq., a copy of which is **attached** and made **Exhibit 1** to this resolution.

BE IT FURTHER RESOLVED that it hereby adopts the IS/MND (EA/UP&P No. 2010-13), a copy of which is on file with the City Clerk and is incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the Utility Planning & Projects Department is the custodian of the documents and other materials that constitute the record of proceedings upon which its decision is based. These records are located at the office of the City of Modesto Utility Planning & Projects Department, Deputy Director, 1010 Tenth Street, Fourth Floor, Modesto, CA 95354.

BE IT FURTHER RESOLVED that the Director of Utility Planning and Projects is hereby authorized and directed to file a Notice of Determination within five (5) business days at the Stanislaus County Clerk's office 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 1<sup>st</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## EXHIBIT 1

### Jennings Road Secondary Wastewater Treatment Plant – Phase 2 Improvements Mitigation Monitoring and Reporting Program (MMRP)

<b>Mitigation Measure</b>	<b>Responsibility</b>	<b>Action(s)</b>	<b>Timing</b>
<p><b>Biology:</b> Pre-construction American Badger den surveys shall be conducted two weeks prior to ground disturbance for the proposed compost facility relocation by a qualified biologist. The surveys shall determine if active dens are present in the Project area in the construction year. If the den is occupied by an adult badger only, the den may be filled when the adult has moved or is temporarily absent. If the den is a natal den, an exclusion zone of 200 feet shall be maintained around the den until the biologist determines that the den has been vacated.</p>	<p>Utility Planning &amp; Projects Department</p>	<p>Retain a qualified biologist and conduct pre-construction survey.</p>	<p>Two weeks prior to construction (ground disturbance)</p>
<p><b>Archaeology:</b> If during the construction of the proposed Project any evidence of prehistoric archaeological resources is uncovered or encountered, all excavations within 10m (30') should be halted long enough to call in a qualified archaeologist to assess the situation and propose appropriate measures.</p>	<p>Utility Planning &amp; Projects Department  and  Construction Contractor Representative</p>	<p>Monitor construction activities and consult a qualified archaeologist as needed / if needed.</p>	<p>Throughout the construction process</p>

---

**Initial Study /  
Mitigated Negative Declaration  
(EA/UP&P No. 2010-13)**

***Project:***  
**Phase 2 Improvements-  
Jennings Road Secondary Wastewater Treatment Plant**

***Lead Agency:***  
**City of Modesto  
P.O. Box 642  
Modesto CA 95353  
Contact: William Wong, P.E.  
Phone: 209.571.5801**

Draft - September 2010

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Attachment 1:    URBEMIS-2007 output for Air Quality analysis

Attachment 2:    WRA Biological Resources Assessment – June 2010

Attachment 3:    Holman & Assoc. Section 106 Cultural Resources Inventory – August 2010

# **City of Modesto Environmental Checklist / Initial Study**

## **Introduction**

This Initial Study has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines, and City of Modesto (City) environmental review policies and procedures. The Initial Study assesses the potential environmental impacts of implementing the proposed Project described below. The Initial Study consists of a completed environmental checklist and a brief explanation of the environmental topics / categories addressed.

## **Project Location and Context**

The City of Modesto is located in Stanislaus County, within California's central San Joaquin Valley. The San Francisco Bay Area is west of Modesto, Sacramento is 70 miles to the north, and the Sierra Nevada mountain range lies to the east.

The proposed Project improvements, as described below, will be constructed at the City's secondary wastewater treatment plant ("Project Site") located west of Jennings Road at the terminus of an access road that is an extension of West Taylor Road. The Project Site lies outside of the incorporated limits of Modesto, approximately 6.5 miles southeast of downtown Modesto and on the east side of the San Joaquin River at 7007 Jennings Road. The City has initiated annexation of the project site and surrounding area. The annexation process is expected to be complete by December 2010.

Exhibit 1 depicts Modesto's regional setting, and Exhibit 2 shows the location of the Project Site in relation to the City of Modesto and the San Joaquin River. Existing adjacent land uses include agriculture and vacant land to the north and east. The San Joaquin River forms the west boundary of the Project Site. An approximately 2,500-acre ranch lies to the south and east. Ranch property is owned by the City and is used for land disposal of treated effluent from the Project Site. Finally, the City will continue to operate the existing green waste processing / storage / sales facility at the Project Site after Project improvements have been constructed and operations begin.

## **Project Description**

### *Background*

The City's wastewater collection, treatment and disposal system includes extensive underground sewer pipes, mains and trunks to collect untreated wastewater from residential, commercial, industrial, civic, institutional and other land uses in the City. The collected wastewater then flows in a combination of gravity and pressurized mains to the primary treatment facility located at the southerly terminus of Sutter Avenue on the north side of the Tuolumne River. After primary treatment, the effluent is pumped in a southwest direction via a 60-inch diameter primary effluent pipeline to the Project Site for further treatment and, ultimately, land and river disposal.

Accordingly, wastewater treatment and disposal capacity is sometimes exceeded during periods of heavy rainfall, and disposal is sometimes limited during dry periods. Disposal capacity is especially important at the Project Site. The City's current National Pollutant Discharge Elimination System permit allows the City to dispose of treated effluent in two ways: through irrigation of agricultural fields ("land disposal"); and, through either seasonal discharge of secondary treated effluent or year-round discharge, up to 4.8 million gallons per day (mgd), of advanced (tertiary) treated effluent into the San Joaquin River. As of the writing of this document, the City is starting up operation of the Phase 1A tertiary project improvements, which will provide 2.3 mgd of tertiary treated effluent. Both land disposal and river discharge are constrained by permit requirements and physical limitations. Therefore, at certain times of the year, the City is required to store treated effluent until full discharge is possible.

#### *Wastewater Master Plan Update and Master EIR*

In March 2007, the Modesto City Council approved the Modesto Wastewater Master Plan Update and, at the same time, certified a Master Environmental Impact Report (Master Plan MEIR) to satisfy the applicable CEQA requirements. The 2007 Master Plan Update identifies a wide range of substantial improvements to both the City's collection and treatment systems. As a result, wastewater rates and capacity charges were increased to fund the identified improvements.

The 2007 Master Plan Update identified a multiple-phase series of projects to occur at the Project Site, which will result in improvements needed to meet both short- and long-term demand for wastewater processing. This Initial Study addresses any new or more significant impacts of the proposed Phase 2 improvements at the Project Site beyond those analyzed in the Master Plan MEIR.

#### *Phase 2 Improvements*

Proposed Phase 2 improvements (Project) will provide for an increase of 12.6 million gallons per day (mgd) of tertiary treatment capacity at the Project Site, for a total capacity of 14.9 mgd. The Project is described in detail, as follows:

All Project facilities will be located at the Project Site. The source water for Phase 2 will be primary effluent from the Sutter Avenue Primary Treatment Facility. Primary effluent will be intercepted upstream of the Phase 1A diversion point, and upstream of the existing secondary treatment system. Flow will be diverted to the Phase 2 facilities at a constant rate. This approach minimizes costs for the treatment facilities by avoiding the need to design for peak flow conditions.

The treatment process for Phase 2 will be the membrane bioreactor (MBR) process – the same process that was constructed for Phase 1A. The MBR process includes two steps. The first step is the activated sludge process, which takes place in the Biological Nutrient Removal (BNR) aeration basins. The BNR aeration basins grow the biomass (bacteria and microorganisms) that provides treatment. The second step is to separate out the solids and clean water from the biomass, which is achieved with membranes. The MBR system will be designed to remove biochemical oxygen demand and nutrients (ammonia and nitrates / nitrites). Filtered water that has passed through the membranes will be disinfected with UV light radiation.



The final effluent will be discharged to the river or used for recycling purposes. A new effluent pump station and pipeline will be installed to convey final effluent from the treatment facilities to the current point of discharge at the San Joaquin River. Space will be reserved for a future recycled water pump station. In addition to the treatment facilities, Phase 2 will include a new operations center to provide space for administrative and operations staff.

There will be a limited amount of site grading for the purpose of raising the Phase 2 site improvements by approximately two feet (from 48' MSL to 50' MSL) in order to avoid the 100-year FEMA flood plain. Finally, the existing approximate 40-acre compost site will be moved to the south – to an immediately adjacent area of the same size and shape – within the boundaries of the same parcels that it presently occupies.

Exhibit 3 presents a preliminary site layout for existing facilities, the proposed Project (Phase 2) improvements highlighted in blue, and subsequent phased improvements. The total estimated Project cost is \$134,300,000.

### **Project Alternatives**

In order to meet the State of California Water Quality Control Board requirements, analysis and discussion of project alternatives must be presented. This section identifies two (2) alternatives to the proposed Project, and discusses the environmental effects associated with the alternatives in relation to impacts identified for the proposed Project. For the purposes of this analysis, the Project alternatives are evaluated to determine the extent to which they attain the basic project objectives, while significantly lessening any adverse environmental impacts of the Project.

The following alternatives are discussed and evaluated in this section:

- Alternative 1 – No Project Alternative Alternative 1 assumes no construction of the Phase 2 Project described above;
- Alternative 2 - Add Nitrification to Current Seasonal Discharges and Expand BNR / Tertiary Treatment Capacity Alternative 2 assumes additional treatment of secondary effluent in order to satisfy the new maximum ammonia limit (0.9 mg/L) for river discharge.

#### **A. Alternative 1 – No Project Alternative**

##### Land Use and Planning / Population and Housing

Section 9 of the Initial Study, below, discusses the potential for land use – related incompatibility impacts resulting from the proposed Project and determines that the Project would have no significant impacts with regard to land use, planning, population or housing. The No Project Alternative would similarly have no such impacts.

The No Project Alternative would be inconsistent with the City of Modesto General Plan and Wastewater Master Plan, which envision implementation of the updated Wastewater Master Plan including construction and operation of the proposed Project. These inconsistencies would constitute significant impacts. In addition, the City of Modesto would be subject to substantial financial penalties due to non-compliance with water quality regulations.

### Biological Resources

The potentially significant impacts to biological resources that would result from construction of the proposed Project would not occur under the Alternative 1 scenario. Therefore, the Project-specific mitigation measure identified in Section 4 of the Initial Study, below, would not be necessary.

### Archaeological / Cultural / Historic Resources

The potentially significant impacts to archaeological, cultural and historic resources that would result from construction of the proposed Project would not occur under the Alternative 1 scenario. Therefore, the Project-specific mitigation measure identified in Section 5 of the Initial Study, below, would not be necessary.

The remaining topics of analysis in the Initial Study, below, do not have potentially significant impacts identified to occur as a result of the proposed Project. The Alternative 1 scenario would also not result in potentially significant impacts associated with these areas of study.

## **B. Alternative 2 – Add Nitrification to Current Seasonal Discharges and Expand BNR / Tertiary Treatment Capacity**

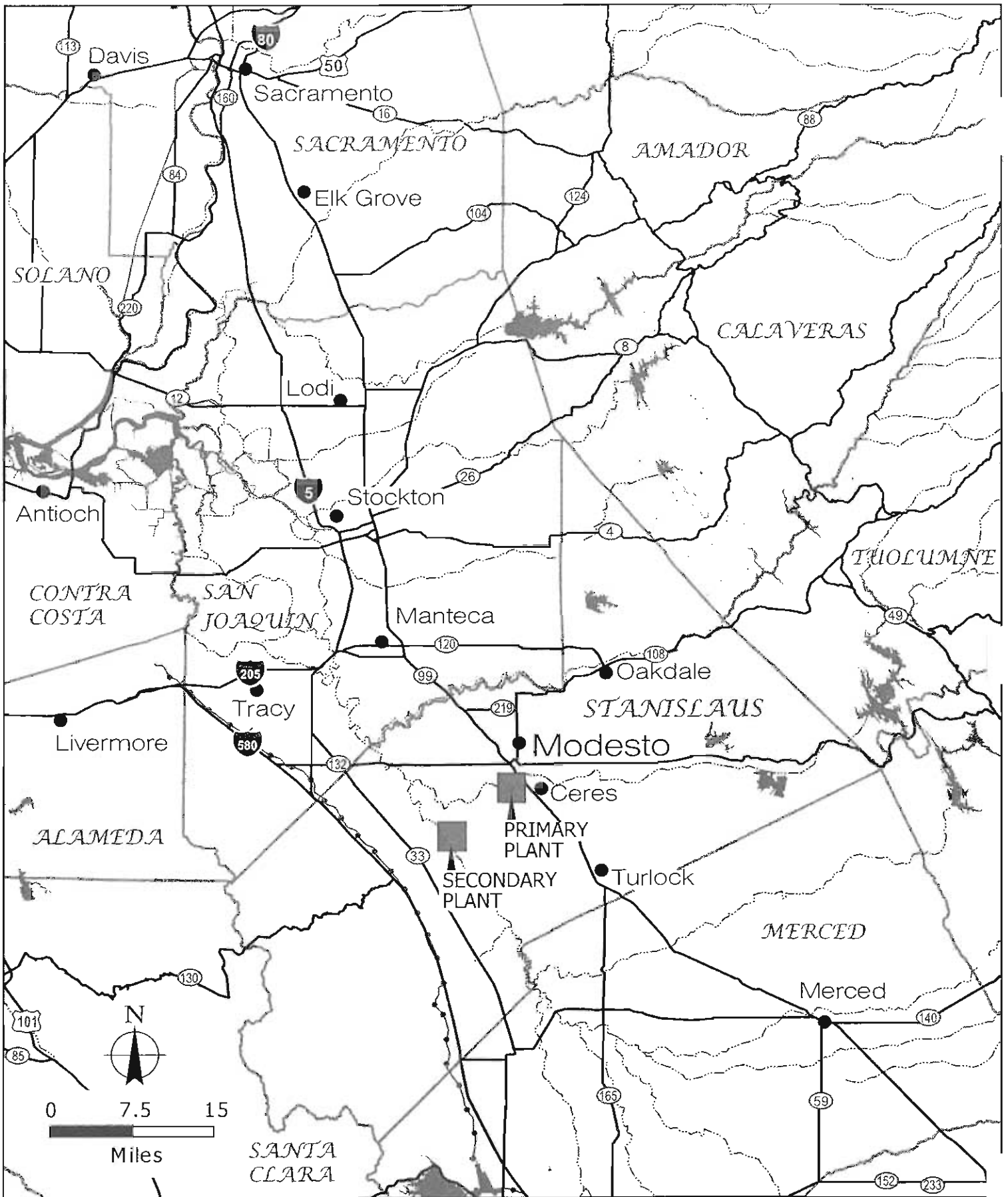
Under the Alternative 2 scenario, the secondary effluent discharged to the river would receive additional treatment to satisfy the new ammonia limit of 0.9 mg/L. For this alternative, the current equivalent annual seasonal discharge flow of 13.2 mgd would be maintained for the entire planning period (2030). The existing dissolved air flotation (DAF) units would be used to remove algae from the pond effluent during "shoulder" months (October, November and May) when algae concentrations are high. The seasonal discharge facilities and the chlorine contact tank currently have a capacity of 70 mgd.

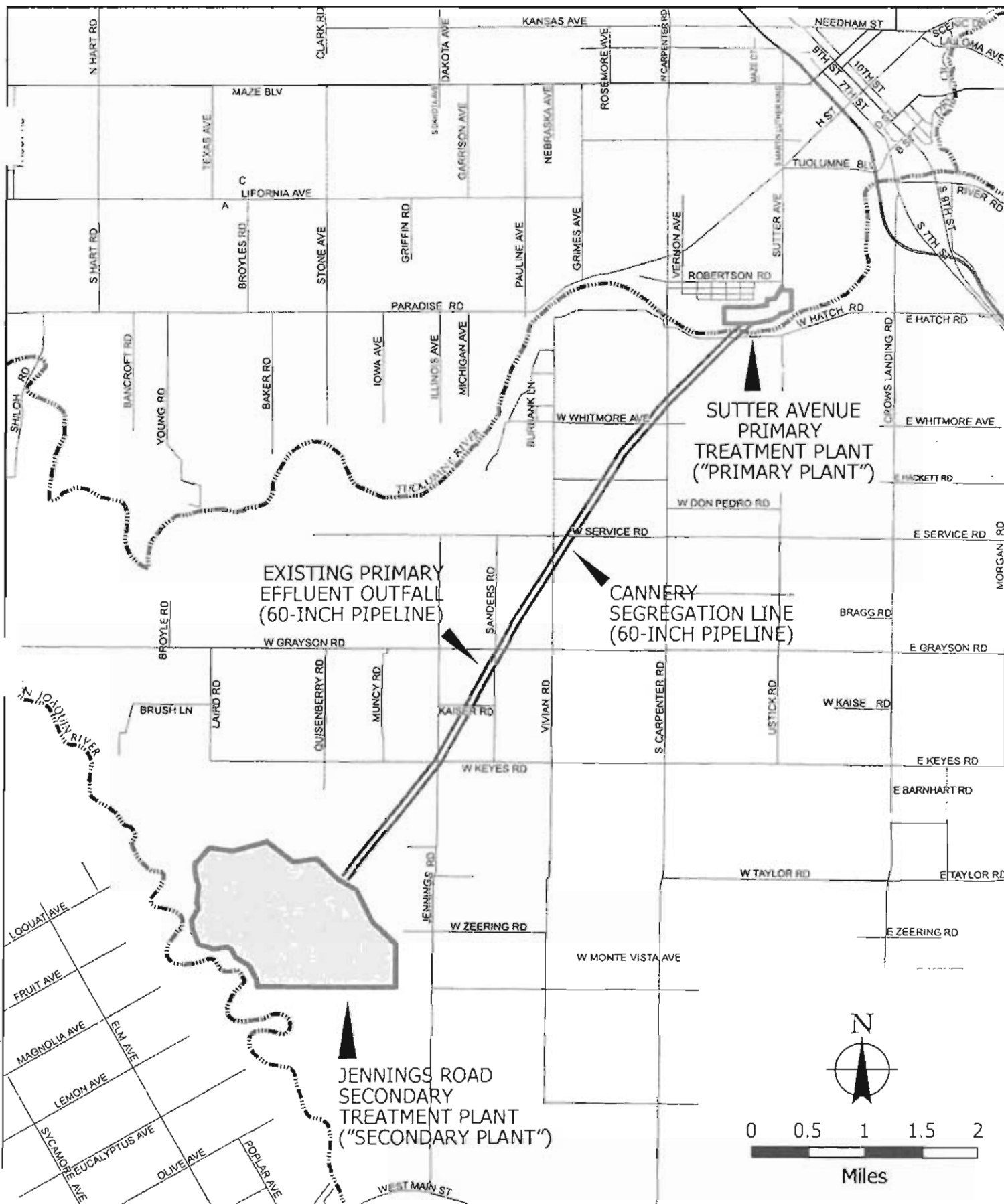
In some years the City has had to discharge at near capacity when river flows are high in order to maintain the overall annual water balance. To retain this flexibility, it was assumed that the nitrification facilities would have the same capacity of 70 mgd. The pond effluent nitrification treatment system would consist of nitrifying trickling filters (NTFs). The feed flow for the nitrification system would normally be directly from the storage ponds. However, in the shoulder months when algae concentrations cause excessive total suspended solids violations, a portion of the pond effluent would be treated with the DAF system prior to the NTFs.

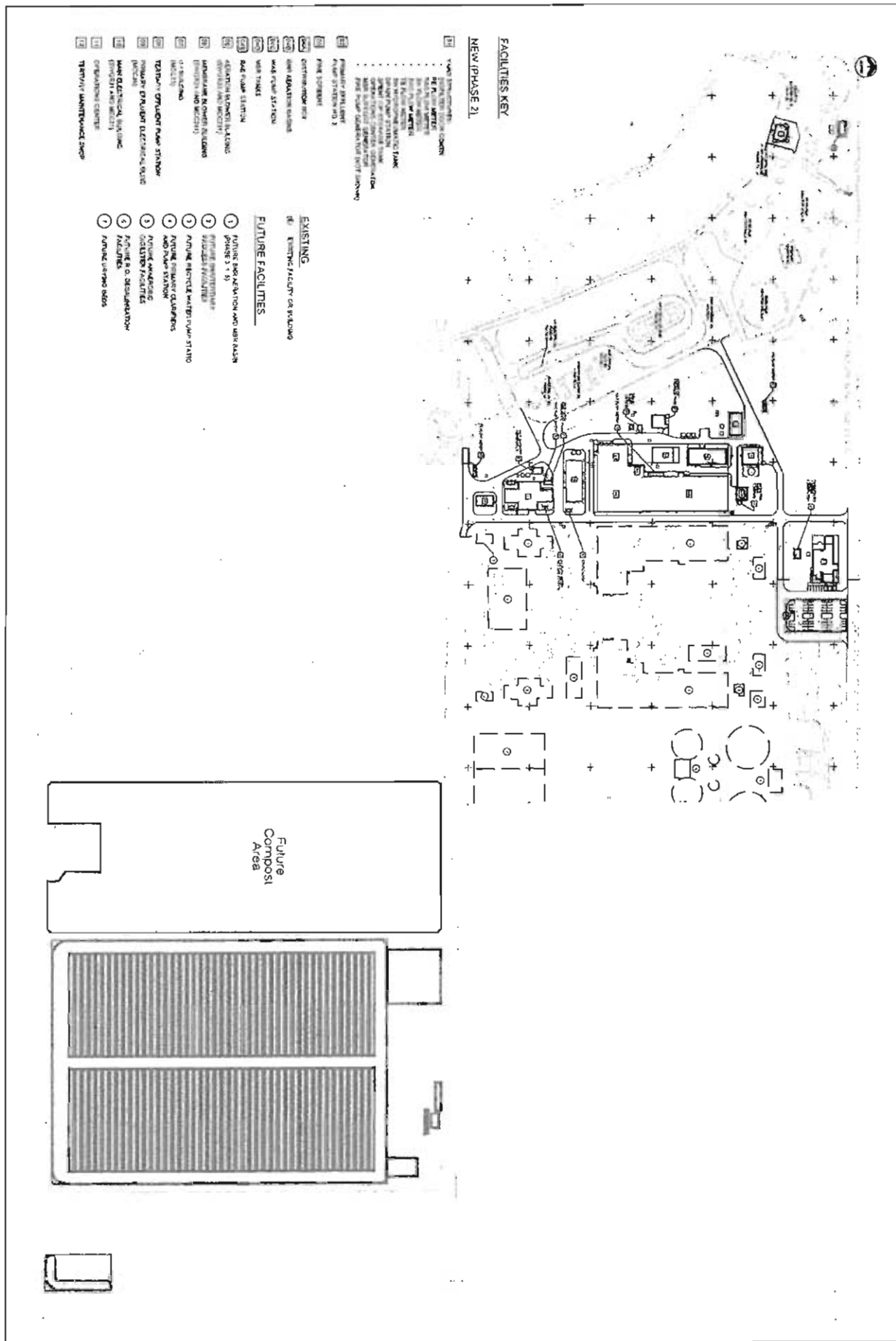
Alternative 2 is similar to the proposed Project in that additional facilities would be constructed to provide expanded tertiary treatment (year-round river discharge would not occur). Therefore, the potential impacts and mitigation measures identified in the Initial Study, below, would be the same under both the Alternative 2 and proposed Project scenarios. The Alternative 2 project, however, would not achieve all objectives of the proposed Project. This alternative is described in detail within the City of Modesto Final Wastewater Treatment Master Plan Supplement (September 2008), which is available at [www.modestoqov.com](http://www.modestoqov.com).

## Project Contact Information and Summary of Details

- A. Project Title: City of Modesto Wastewater Treatment Plant, Phase 2 BNR / Tertiary Treatment Project
- B. Project Location: City of Modesto Jennings Road Secondary Wastewater Treatment Plant (located west of Jennings Road, at the San Joaquin River within unincorporated Stanislaus County, at 7007 Jennings Road)
- C. Project Sponsor / Lead Agency: City of Modesto  
Department: Utility Planning and Projects  
Address: 1010 10<sup>th</sup> Street, Suite 4100  
P.O. Box 642  
Modesto CA 95353  
Project Manager / Contact: William Wong, P.E.  
Phone Number: 209.571.5801  
E-mail address: [wwong@modestoqov.com](mailto:wwong@modestoqov.com)
- D. Current General Plan Designation: Stanislaus County – Agricultural
- E. Current Zoning Classification: Stanislaus County – A-2-40  
(General Agriculture, 40-acre minimum parcel size)
- F. Project Description: (See “Phase 2 Improvements” under “**Project Description**,” above.)
- G. Required Public Agency Approvals:
- City of Modesto (Mitigated Negative Declaration, Improvement Plans)
  - California State Water Resources Control Board approval (probable requirement)
  - U.S. Army Corps of Engineers (Section 404 Permit – probable requirement)
  - California Department of Fish & Game (Streambed Alteration Agreement – probable requirement)
  - Regional Water Quality Control Board (Certification – probable requirement)
  - State Historic Preservation Office (environmental clearance – probable requirement)







**Potentially Affected Topics of Environmental Analysis**

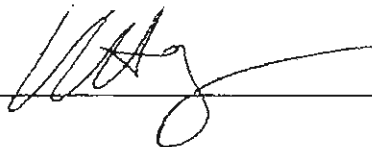
The environmental areas of study checked below would be potentially affected by the subject project, involving at least one impact that is a “potentially significant impact” as indicated by the checklist within this document.

-	Aesthetics and Visual Resources	-	Transportation and Traffic Circulation	-	Air Quality
-	Noise	-	Agricultural Resources	-	Geology, Soils and Mineral Resources
-	Water Supplies	-	Sanitary Sewer System	-	Storm Drainage
-	Flooding and Water Quality	-	Solid Waste	<b>X</b>	Biological Resources
<b>X</b>	Archaeological / Cultural / Historic	-	Parks and Open Space / Recreation	-	Increased Demand for Schools
-	Police and Fire	-	Hazardous Materials	-	Energy
-	Land Use and Planning	-	Climate Change	-	Mandatory Findings of Significance

**Determination** (to be completed by Lead Agency):

On the basis of this initial evaluation:

- I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the Proposed Project COULD HAVE a significant effect on the environment, there will NOT BE a significant effect in this case because revisions in the project have been made by, or agreed to by, the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the Proposed Project MAY HAVE a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.
- I find that the Proposed Project MAY HAVE a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect has been adequately analyzed in an earlier document pursuant to applicable legal standards, and has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An EIR is required, but it must analyze only the effects that remain to be addressed.
- I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and 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:  \_\_\_\_\_

Date: September 8, 2010

Printed Name: William Wong, P.E.

For: City of Modesto



## Initial Study Checklist

### 1. AESTHETICS / VISUAL RESOURCES

#### Environmental Setting

Existing facilities at the Project Site include an administrative building and other maintenance and operations buildings, large clarifiers and pump stations. The portion of the Project Site proposed for Phase 2 facilities is currently vacant. No local or state scenic highways are located in the area.

#### Master Plan MEIR

The Master Plan MEIR notes that the Project Site is surrounded by open agricultural land with the visual character of the site and surrounding area defined as open and flat, with agricultural and related uses. Some of the riparian vegetation along the banks of the San Joaquin River is visible from the Project Site. The Project Site has a minimal visual presence from the nearest public roads in the vicinity, which consist of Jennings Road to the east and Keyes Road to the north. Existing improvements and structures on the Project Site are barely discernable from those of nearby agricultural operations.

#### Project Impacts:

Issue	Potentially Significant Impact	Potentially Significant unless Mitigated	Less Than Significant Impact	No Impact
<i>Would the proposed project:</i>				
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
2) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, historic buildings, or views from a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
4) Create a new source of substantial light or glare that would adversely affect views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

#### Discussion:

- 1) Physical site improvements associated with the Project would not be visually substantial when viewed from public roads or nearby vistas. No new or more significant impacts with regard to aesthetics or visual resources would occur than were identified in the Master Plan MEIR.
- 2) The Project Site is not located near a scenic highway. The Phase 2 improvements would be constructed near the center of the site, as an expansion of the existing facilities, and no new or more significant impacts with regard to scenic resources would occur than were analyzed in the Master Plan MEIR.

- 3) The addition of the proposed Phase 2 improvements would not significantly change the visual character or quality of the plant. The proposed improvements are of the same visual character and basic nature as those of the existing improvements.
- 4) Minimal new sources of lighting would be added to the Project Site as part of proposed improvements. New lights would include exterior lights at operations buildings and equipment control locations.

## 2. AGRICULTURAL RESOURCES

### Environmental Setting

This portion of Stanislaus County is considered prime agricultural land and is characterized by good to excellent soils, with favorable climate conditions and – in most years – available irrigation water. The Project Site is located within an intensively farmed area. However, as shown on Figure IV.B-1 of the Master Plan EIR, the Jennings Road Secondary Wastewater Treatment Plant is designated as “urban and built-up land” by the State of California Department of Conservation.

### Master Plan MEIR

The Master Plan MEIR did not identify any impacts to agricultural resources associated with the proposed Project (construction and operation of Phase 2 facilities), which would serve only to treat existing wastewater volumes and would not increase capacity of the wastewater treatment plant. All mitigation measures identified in the Master Plan MEIR would continue in full force and effect.

### Project Impacts

<b>Issue</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<i>Would the proposed project:</i>				
1) Convert Prime Farmland, or Farmland of Statewide Importance, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
2) Conflict with existing zoning for agricultural use or with an existing Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
3) Involve other changes to the environment which, due to their location or nature, could result in conversion of Prime Farmland, or Farmland of Statewide Importance, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

### Discussion:

The proposed Project is consistent with the Wastewater Master Plan and MEIR. The Project Site is not subject to a Williamson Act Contract. No new or more significant impacts with regard to agricultural resources would occur than were identified in the Master Plan MEIR.

### 3. AIR QUALITY

#### Environmental Setting

The San Joaquin Valley Unified Air Pollution Control District area air basin includes of a number of moderately sized urban areas distributed across the central San Joaquin Valley. In general, air quality in the central valley is poor, but it has improved over the last 20 years or so, largely due to increasingly strict emission controls on vehicles.

Mobile sources are a major air pollution source in Modesto. Traffic along SR-99 and the other major roads throughout the region routinely emit Reactive Organic Gasses, Nitrogen Oxide, and Carbon Monoxide. On- and off-road vehicles are also a major source of respirable particulate matter and emissions from train operations are also a factor. Dust blowing from agricultural operations, construction sites, and other sources is a major contributor to particulates.

The Master Plan MEIR notes that some of the major sources of air emissions from the City's wastewater treatment system include fugitive emissions of volatile organic compounds, odors, toxic emissions from diesel-powered emergency generators, toxic emissions from burning natural gas for boilers to heat digesters, and routine emissions of chlorines and sulphur dioxide as a result of chlorination and de-chlorination to treat effluent at the Project Site.

In terms of sensitive receptors, there are certain land uses (such as schools, hospitals, nursing homes, etc.) that provide services to concentrations of population groups that are particularly susceptible to respiratory distress as compared to the general population. No sensitive receptors exist within proximity to the Project site.

#### Conformity Requirements

Under Section 176(c)(1) of the federal Clean Air Act (CAA), federal agencies that "engage in, support in any way or provide financial assistance for, license or permit, or approve any activity" must demonstrate that such actions do not interfere with state and local plans to bring an area into attainment with the National Ambient Air Quality Standards (NAAQS) (42 USC Section 7506(c)).

The program by which a federal agency determines that its action would not obstruct or conflict with air quality attainment plans is called "general conformity." The implementing regulations for general conformity are found in the Code of Federal Regulations, title 40, part 51, subpart W and part 93, subpart B. In addition, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has adopted the federal general conformity regulations as Rule 9110.

Under the general conformity regulations, both the direct and indirect emissions associated with a federal action must be evaluated. Subpart W defines direct emissions as:

*[T]hose emissions of a criteria pollutant or its precursors that are caused or initiated by the Federal action and occur at the same time and place as the action. (40 CFR Section 51.852)*

Indirect emissions are defined as:

*[T]hose emissions of a criteria pollutant or its precursors that:*

*(1) Are caused by the Federal action, but may occur later in time and/or may be farther removed in distance from the action itself but are still reasonably foreseeable; and*

*(2) The Federal agency can practicably control and will maintain control over due to a continuing program responsibility of the Federal agency. (40 CFR Section 51.852)*

Project funding sources may include SRF Funding (State Revolving Loan Fund). Since this program is partially funded by the USEPA, the Project would be subject to the conformity requirements of the Clean Air Act (CAA) Amendments. A conformity determination is required for each criteria pollutant or precursor where the total of direct and indirect emissions of the criteria pollutant or precursor in a federal nonattainment or maintenance area would equal or exceed specified annual emission rates (referred to as “de minimis” thresholds).

Current Air Quality

The Project is located in the San Joaquin Valley Air Basin (SJVAB). Table 1 shows the current attainment designation of the SJVAB for the National Ambient Air Quality Standards. The SJVAB is designated as nonattainment (serious) for ozone and nonattainment for PM<sub>2.5</sub>. The basin is subject to approved maintenance plans for carbon monoxide and PM<sub>10</sub>; therefore, the general conformity regulations also apply for these pollutants. The relevant de minimis thresholds for the SJVAB are also shown.

**Table 1. Air Basin Attainment Status and Relevant “de minimis” Thresholds**

<b>Pollutant</b>	<b>Federal Standard Designation</b>	<b>"De Minimis" Threshold</b>
Ozone	Nonattainment	NO <sub>x</sub> : 50 tons/year VOC: 50 tons/year
PM <sub>10</sub>	Attainment	100 tons/year
PM <sub>2.5</sub>	Nonattainment	Direct Emissions: 100 tons/year SO <sub>2</sub> : 100 tons/year NO <sub>x</sub> : 100 tons/year VOC/Ammonia: 100 tons/year
Carbon monoxide	Attainment/Unclassified	100 tons/year
Nitrogen dioxide	Attainment/Unclassified	N.A.
Sulfur dioxide	Attainment/Unclassified	N.A.
<p>Note: The term VOC (Volatile Organic Compounds) is synonymous with ROG (Reactive Organic Gases” used by the URBEMIS-2007 program. Both terms refer to hydrocarbon compounds that contribute to ozone formation.</p> <p>Source: Donald Ballanti, 2010</p>		

Master Plan MEIR

The Master Plan MEIR identified a number of significant air quality-related impacts and mitigation measures. These include:

- Impact G.1 identified a significant and unavoidable impact with regard to emissions of criteria pollutants during construction of master plan wastewater improvements that would contribute to existing violations of ambient air quality standards in the region. Mitigation Measure G.1 requires that the contractor for each component of project construction prepare an air quality compliance plan prior to commencement of construction activities in order to meet Regulation VIII of the San Joaquin Valley Air Pollution Control District (SVJAPCD). A number of specific dust reduction measures shall also be followed during construction activities, including but not limited to reducing

vehicle speeds on unpaved roads to 15 mph maximum, installation of wheel washers for trucks exiting construction areas, installation of windbreaks, and use of electrically powered equipment where feasible. Even with strict adherence to Mitigation Measure G.1, impacts would remain significant and unavoidable.

- Impact G.2 noted that emissions of criteria pollutants during operations of wastewater system improvements would contribute to existing violations of regional ambient air quality standards. Mitigation Measure G.2 requires that the City abide by air quality permits issued by the SJVAPCD for operation of digester gas burning equipment. Even with strict adherence to Mitigation Measure G.2, this impact would remain significant and unavoidable.
- Impact G.5 identified a significant cumulative impact from Master Plan updates to the wastewater system that would accommodate growth in Modesto that would result in direct and cumulatively considerable air quality impacts. Mitigation Measure G.5 notes that mitigation measures contained in the Modesto Urban Area General Plan would reduce carbon monoxide and particulate matter, but not to a less-than-significant level. As a result, Mitigation Measure G.5 would be significant and unavoidable.
- Impact G.6 noted cumulative considerable increased air pollutants for which the San Joaquin Valley is designated a non-attainment area. Adherence to Mitigation Measure G.1 would help in minimizing air pollution, but not to a less-than-significant level. As a result, Impact G.6 would be significant and unavoidable.

The proposed project is required to adhere to these mitigation measures and current SJVAPCD air quality regulations.

Project Impacts

<b>Issue</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<i>Would the proposed project:</i>				
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
2) 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"/>	<b>X</b>
3) 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"/>	<b>X</b>
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
5) Create objectionable odors that would affect a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

Discussion:

- 1) Proposed Project improvements would be consistent with the improvements generally identified in the Master Plan and analyzed in the Master Plan MEIR. Although the proposed Project improvements would contribute to cumulatively considerable air emissions in a non-attainment air basin, these impacts were analyzed in the Master Plan MEIR. No new or more significant impacts beyond those analyzed in the Master Plan MEIR would result from Project-related construction or facilities operation.
- 2) Construction of Project-related improvements would increase dust and would also result in construction-related air emissions for construction equipment. Adherence to Mitigation Measure G.1 would reduce these short-term impacts, but not to a less-than-significant level. Violation of air quality standards was identified as a significant and unavoidable impact in the Master Plan MEIR.

Air Quality Conformity Review

Conformity applies to both construction and operation of the proposed Project.

*Construction.* Combustion emissions from construction equipment and vehicles (i.e., heavy equipment and delivery/haul trucks, worker commute vehicles) would be generated during project construction. The URBEMIS-2007 construction module was used to estimate emissions over a 36-month construction period (arbitrarily taken as beginning January 1, 2011). The URBEMIS-2007 program utilizes EMFAC-2007 emission factors for on-road vehicle emissions, OFFROAD-2007 emission factors for off-road equipment, and U.S. Environmental Protection Agency (U.S. EPA) emission factors for fugitive dust. To include all construction activities, construction was defined as grading, as this construction phase can account for truck hauling, fugitive emissions and employee trips. Truck trip and equipment usage inputs were based on estimated monthly truck deliveries and hours of operation for equipment to be used during construction. Default equipment and vehicle populations for Stanislaus County were assumed. The URBEMIS-2007 output is Attachment 1 to this document.

The analysis assumed compliance with SJVAPCD Regulation VIII (Fugitive PM10 Prohibitions). Compliance with Regulation VIII is required. The following measures were included as mitigating factors in the URBEMIS-2007 analysis. The following factors are included in Mitigation Measure G.1 contained in the Master EIR.

- Apply soil stabilizers to inactive areas.
- Replace ground cover in disturbed areas quickly.
- Water exposed surfaces twice daily.
- Stabilize soil in equipment loading/unloading areas.
- Reduce speed on unpaved roads to less than 15 miles per hour.
- Manage haul road dust by watering twice daily.

Maximum annual construction emissions in tons per year are shown in Table 2 along with the “de minimis” thresholds established in the General Conformity Rule. Construction emissions shown in Table 2 are substantially below the “de minimis” thresholds for all pollutants and precursors established for the region by the Federal CAA conformity rules. Project construction would not interfere with attainment of the National Ambient Air Quality Standards and would not require a conformity determination.

**Table 2. Maximum Annual Construction Emissions**

<b>Pollutant/Precursors</b>	<b>Project Emission (Tons/Year)</b>	<b>De Minimis Threshold (Tons/Year)</b>
Ozone- VOC	1.16	50
Ozone- NO <sub>x</sub>	9.45	50
PM <sub>10</sub>	1.88	100
PM <sub>2.5</sub> - Direct	0.75	100
PM <sub>2.5</sub> - SO <sub>2</sub>	0.01	100
PM <sub>2.5</sub> - NO <sub>x</sub>	9.45	100
PM <sub>2.5</sub> - VOC/Ammonia	1.16	100
Carbon Monoxide	4.87	100

Source: Donald Ballanti, 2010

*Operation.* Operational air emissions would be limited. The expanded treatment plant would require additional deliveries of chemical to the facility, totaling about 6-10 additional deliveries per year. The project would require six new employees. Three new standby diesel generators would be located on site, each operating about less than 15 hours per year for testing and maintenance.

Operational emissions from new vehicle travel and area sources were estimated using the URBEMIS-2007 program. Emissions from diesel backup generators were calculated by multiplying estimates annual fuel consumption by emission factors developed by the U.S.E.P.A. using a spreadsheet.<sup>1</sup> The URBEMIS-2007 and spreadsheet output are attached.

Annual operations in tons per year are shown in Table 3 along with the “de minimis” thresholds established in the General Conformity Rule. Operational emissions shown in Table 3 are substantially below the “de minimis” thresholds for all pollutants and precursors established for the region by the Federal CAA conformity rules. Project operation would not interfere with attainment of the National Ambient Air Quality Standards and would not require a conformity determination.

<sup>1</sup> U.S. Environmental Protection Agency, Compilation of Air Pollutant Emission Factors, Fifth Edition, AP-42, Chapter 3.3.

**Table 3. Annual Operational Emissions**

<b>Pollutant/Precursors</b>	<b>Project Emission (Tons/Year)</b>	<b>De Minimis Threshold (Tons/Year)</b>
Ozone- VOC	0.07	50
Ozone- NO <sub>x</sub>	0.29	50
PM <sub>10</sub>	0.03	100
PM <sub>2.5</sub> - Direct	0.02	100
PM <sub>2.5</sub> - SO <sub>2</sub>	0.01	100
PM <sub>2.5</sub> - NO <sub>x</sub>	0.29	100
PM <sub>2.5</sub> - VOC/Ammonia	0.07	100
Carbon Monoxide	0.66	100

Source: Donald Ballanti, 2010

The proposed Project would be consistent with the improvements analyzed in the Master Plan MEIR and no new or more significant impacts will result beyond those previously analyzed in the Master Plan MEIR. Emissions from the Project would also not exceed “de minimus” air quality emissions as established by the EPA.

- 3) The Master Plan MEIR noted that implementation of the Wastewater Master Plan would result in cumulatively considerable air pollutant emissions, because planned upgrades to the wastewater system would both accommodate additional growth in the Modesto planning area and would increase air pollutants in a non-attainment air basin. Impacts associated with Project construction and operation are consistent with those analyzed in the Master Plan MEIR.
- 4, 5) The Project Site is located in a largely rural area with few residents nearby. In addition, there are no sensitive receptors within the Project site boundaries or in the general vicinity. No impacts with regard to objectionable odors will result.

#### **4. BIOLOGICAL RESOURCES**

(Note: This section of the Initial Study is based on a Biological Resources Assessment for the Project site that was prepared by WRA biological consultants dated June 2010. This report is Attachment 2 to this document and is incorporated by reference into this document.)

##### Environmental Setting

Special-status wildlife species. Fifty-one special status species of wildlife have been recorded or potentially occur in the vicinity of the Project area based on their geographical distribution. Appendix A summarizes the potential for each of these species to occur in the Project area. One special status wildlife species, the state-threatened Swainson’s Hawk, was observed in the Project area during the site assessment. Six of special status wildlife species have a high potential to occur in the Project area, and seven special status wildlife species have a moderate potential to occur in the Project area. The remaining 37 species are not expected to occur in the Project area due to unsuitable habitat conditions. Special status wildlife species that were observed, or have a moderate or high potential to occur in the Project Area are discussed below.



*Pallid bat (Antrozous pallidus)*, CDFG Species of Special Concern. The pallid bat is found in a variety of low elevation habitats throughout California. It selects a variety of day roosts including rock outcrops, mines, caves, hollow trees, buildings, and bridges. Night roosts are usually found under bridges, but also in caves, mines, and buildings. Pallid bats are sensitive to roost disturbance. Unlike most bats, pallid bats primarily feed on large ground-dwelling arthropods, and many prey are taken on the ground). The vacant ranch house located in the southern portion of the Project area may provide potential, but somewhat disturbed, roost habitat for this species; therefore, there is a moderate potential for occurrence for this bat.

*American Badger (Taxidea taxus)*, CDFG Species of Special Concern. Badgers occur in drier open stages of most scrub, forest, and herbaceous habitats where friable soils and prey populations are present. The open spray field south of the compost facility provides suitable habitat for this species; therefore, there is a high potential for American Badger to occur in the Project area.

*White-faced Ibis (Plegadis chihi)*, CDFG Species of Concern. This species is a year-round resident and breeder within the San Joaquin Valley and a local breeder throughout northeastern California. Ibis inhabit primarily freshwater wetlands, especially cattail (*Typha* spp.) and bulrush (*Scirpus* spp.) marshes, although it feeds in flooded hay meadows, agricultural fields, and estuarine wetlands. Nests are located in emergent vegetation or low trees and shrubs over shallow water; sometimes on small islands. White-faced Ibis are not likely to nest in or near the Project area; however, there is a high potential for this species to occur in the Project area because the spray field provides suitable foraging habitat.

*Ferruginous Hawk (Buteo regalis)*, CDFG Species of Special Concern; USFWS Bird of Conservation Concern. The Ferruginous Hawk is a winter visitor to open terrain from grasslands to deserts. Grassland and arid areas of California, Arizona, and New Mexico are used heavily where prairie dogs, lagomorphs, or pocket gophers (*Thomomys* spp.) are abundant. There is a moderate potential for wintering Ferruginous Hawks to forage in the spray field of the Project area.

*Swainson's Hawk (Buteo swainsoni)*, State Threatened. Swainson's Hawk is an uncommon breeding resident and migrant in the Central Valley. In California's Central Valley Swainson's Hawks typically nest at edge of narrow bands of riparian vegetation, in isolated oak woodland, in lone trees, and in trees associated with roads, farmyards, as well as in adjacent urban residential areas. Where this species overlaps with Red-tailed Hawks, Swainson's will nest in smaller trees in smaller stands than do Red-tails.

Swainson's Hawks forage in open stands of grass-dominated vegetation, sparse shrublands, and small, open woodlands. In many parts of their range, hawks have adapted well to foraging in agricultural areas, such as row, grain, and hay crop agriculture. Prey are both numerous and conspicuous at and immediately following harvest. They are also attracted to alfalfa fields where flood irrigation is common and their prey take refuge along field margins, and to burning fields, where prey are forced to evacuate.

The trees associated with the ranch house provide potential nesting habitat, and the existing spray field south of the compost facility provides suitable foraging habitat. Two Swainson's Hawks were observed soaring over the Project area on May 13, 2010. These individuals appeared to be foraging over a field being disked immediately north of the Project Area. The presence of documented nests within two miles of the Project area, and the observation of birds in the immediate area, suggest that the 40-acre spray field is likely used by foraging Swainson's Hawks.

*Northern Harrier (Circus cyaneus)*, CDFG Species of Special Concern. Northern Harrier populations have decreased in recent decades but can be locally abundant where suitable habitat exists free of disturbance. Destruction of wetland habitat, native grassland, moist meadows, and burning and disking of nesting areas during early stages of breeding cycle, are major causes of their decline. Northern Harriers frequent meadows, grasslands, open rangelands, desert sinks, and fresh and saltwater emergent wetlands. Open areas of tall, dense grasses, moist or dry shrubs, and edges are used for nesting, cover, and feeding. The spray field in the Project area is considered high-quality foraging habitat for the Northern Harrier. Grazing and spraying probably discourage this species from nesting in the Project area.

*White-tailed Kite (Elanus leucurus)*, CDFG Fully Protected Species. Kites occur in low elevation grassland, agricultural, wetland, oak woodland, and savannah habitats. Riparian zones adjacent to open areas are also used. Vegetative structure and prey availability seem to be more important than specific associations with plant species or vegetative communities. Lightly grazed or ungrazed fields generally support large prey populations and are often preferred to other habitats. Kites primarily feed on small mammals, although, birds, reptiles, amphibians, and insects are also taken. Nest trees range from single isolated trees to trees within large contiguous forests. Preferred nest trees are extremely variable, ranging from small shrubs (less than 10 ft. tall), to large trees (greater than 150 ft. tall) (Dunk 1995). There is a high potential for this species to occur in the Project Area because the trees associated with the ranch house provide suitable nesting habitat, and the spray field provides foraging habitat.

*Prairie Falcon (Falco mexicanus)*, CDFG Species of Special Concern. This is an uncommon resident and migrant that ranges from southeastern deserts northwest along the Coast Ranges and Sierra Nevada. It occurs in many habitats, but typically is associated with grasslands, savannahs, rangeland, agricultural areas, and desert scrub. This falcon typically nests on cliffs. Prairie Falcon is likely to forage in the spray field of the Project area.

*Golden Eagle (Aquila chrysaetos)*, CDFG Fully Protected Species. Golden Eagle is found in open and semi-open areas from sea level to 3600 m elevation, in habitats including tundra, shrublands, grasslands, mixed woodlands, and coniferous forests. Golden Eagle is usually found in mountainous areas, but it also nests in wetland, riparian and estuarine habitats. This large raptor typically nests in large isolated trees or cliffs. Golden Eagle forages over large areas, feeding primarily on ground squirrels, rabbits, large birds, and carrion. Golden Eagles do not nest in or near the Project area; however, the spray field provides suitable foraging habitat in winter.

*Long-billed curlew (Numenius americanus)*, CDFG Species of Concern, USFWS Bird of Conservation Concern. Coastal estuaries, open grasslands, and croplands are used in winter while upland shortgrass prairies and wet meadows are used for nesting. Curlews do not nest in or near the Project area; however, there is a high potential for occurrence in the Project area because the spray field provides suitable foraging habitat in winter and during migration.

*Short-eared owl (Asio flammeus)*, CDFG Species of Special Concern. The short-eared owl typically is found in tall grasslands and emergent wetlands. There is a moderate potential for the Short-eared Owl to occur in the Project area because the spray field provides potentially suitable foraging habitat for this species. The field is generally unsuitable for nesting due to grazing activities and effluent spraying.

*Burrowing Owl (Athene cunicularia)*, CDFG Species of Special Concern; USFWS Bird of Conservation Concern. The burrowing owl typically favors flat, open grassland or gentle slopes and sparse-shrub land ecosystems. These owls prefer annual or perennial grasslands, typically with sparse or nonexistent tree or shrub canopies; however, they also colonize debris piles and old pipes. In California, burrowing owls are found in close association with California ground squirrels. Burrowing owls exhibit high site fidelity and usually use the abandoned burrows of ground squirrels for shelter and nesting. Ground squirrel burrows may be present or become established along fencelines and access roads within the Project area. Effluent spraying may discourage roosting or nesting in the field south of the compost facility; therefore, there is a moderate potential for occurrence in the Project area.

*Loggerhead Shrike (Lanius ludovicianus)*, CDFG Species of Special Concern, USFWS Bird of Conservation Concern. The loggerhead shrike is a common resident and winter visitor in lowlands and foothills throughout California. It prefers open habitats with scattered trees, shrubs, posts, fences, utility lines or other perches. Nests are usually built on a stable branch in a densely-foliaged shrub or small tree and are usually well-concealed. The highest densities occur in open-canopied valley foothill hardwood, valley foothill hardwood-conifer, valley foothill riparian pinyon-juniper, juniper, and desert riparian habitats. While this species eats mostly Arthropods, they also take amphibians, small to medium-sized reptiles, small mammals and birds, and is also known to scavenge on carrion. There is a high potential for this species to occur in the Project area because the trees associated with the ranch house provide suitable nesting habitat, and the spray field provides foraging habitat.

*Tricolored blackbird (Agelaius tricolor)*, CDFG Species of Special Concern, USFWS Bird of Conservation Concern. The tricolored blackbird is common locally in the Central Valley and along coastal California. This species breeds near fresh water, preferably in emergent wetland with tall, dense cattails or tules, but also in thickets of willow, blackberry, wild rose, tall herbs. It feeds in grassland and cropland habitats. This species is highly colonial; nesting habitat must be large enough to support a minimum of 30 pairs. There is a moderate potential for Tricolored Blackbirds to occur in the Project area because the spray field provides potential foraging habitat; however, nesting habitat is not present.

Two Federally listed species that are documented to occur elsewhere in Stanislaus County, but are unlikely to occur in the Project area include the San Joaquin Kit Fox and Giant Garter Snake. These species are discussed below.

*San Joaquin Kit Fox (Vulpes macrotis mutica)* Federally Endangered. The San Joaquin Kit Fox (SJKF) is found in the San Joaquin Valley and in surrounding foothills of the Coast Ranges, Sierra Nevada, and Tehachapi Mountains, from southern Kern County north to Contra Costa; Alameda and San Joaquin counties to the west; and near La Grange, Stanislaus County to the east.

The SJKF occurs in grasslands, scrublands, vernal pool areas, alkali meadows and playas, and an agricultural matrix of row crops, irrigated pastures, orchards, vineyards, and grazed annual grasslands. Habitats with loose-textured soils (Grinnell et al. 1937, Hall 1946, Egoscue 1962) that are suitable for constructing dens are preferred. Dens are generally located in open areas with grass or scattered brush. Preferred sites are relatively flat, well drained terrain.

In the northern portion of their range, SJKF primarily prey on California Ground Squirrels, Cottontails (*Sylvilagus auduboni*), Black-tail Jackrabbits (*Lepus californicus*), pocket mice (*Perognathus* spp.), and kangaroo rats (*Dipodomys* spp.). Opportunistically taken prey include ground-nesting birds, reptiles, and insects.

Loss, fragmentation, and degradation of habitat by agricultural, urban, and industrial development suppress SJKF populations. Livestock grazing is not thought to be detrimental to SJKF. In some areas, livestock grazing may benefit SJKF by reducing shrub cover and maintaining grassland habitat.

Habitat fragmentation is a serious threat to this species. Isolation of populations and social groups through habitat degradation and barriers to movement, such as aqueducts and busy highways, can limit dispersal to and habitation of existing and former lands. Fragmentation also leads to inbreeding depression in populations, as well as making populations more susceptible to extinction from droughts, flooding, fire, and periodic declines in prey abundance. Increasing populations of coyotes, red foxes, and feral dogs can contribute to increased mortality of SJKF.

SJKF are unlikely to occur in the Project area because prey and potential dens are not present in the developed areas and compost facility. In addition, effluent spraying in the field creates poor habitat conditions for burrowing mammals, reducing both prey availability and potential den sites. The Project area provides dispersal habitat for the rare SJKF that is moving through the area.

*Giant Garter Snake (Thamnophis gigas), State Threatened Species, Federal Threatened Species.* This endemic species of snake is found only in the Sacramento and San Joaquin Valleys. The giant garter snake prefers freshwater marshes and low gradient streams, but has adapted to drainage channels and irrigation ditches. The giant garter snake inhabits agricultural wetlands and other waterways such as irrigation and drainage canals, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands in the Central Valley.

The Giant Garter Snake is unlikely to occur in the Project area because the site does not contain aquatic habitat typical of this species. In addition, the Project area does not contain suitable upland habitat adjacent to aquatic areas.

Special-Status Plant Species. Based upon a review of the resources and databases, thirteen special status plant species have been documented or may occur in the vicinity of the Project area. The Project area has the potential to support none of these species. Appendix A of Attachment \_\_\_ summarizes the potential for occurrence for each special status plant species occurring in the vicinity of the Project area. These species are unlikely or have no potential to occur in the Project area due to unsuitable habitat conditions.

Wetlands and Other Waters. The Project area was surveyed to determine if any wetlands and waters potentially subject to jurisdiction by the Corps, RWQCB, or CDFG were present. The assessment was based primarily on the presence of wetland plant indicators, but may also include any observed indicators of wetland hydrology or wetland soils. Any potential wetland areas were identified as areas dominated by plant species with a wetland indicator status<sup>2</sup> of

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<sup>2</sup> OBL = Obligate, always found in wetlands (> 99% frequency of occurrence); FACW = Facultative wetland, usually found in wetlands (67-99% frequency of occurrence); FAC = Facultative, equal occurrence in wetland or non-wetlands (34-66% frequency of occurrence).

OBL, FACW, or FAC as given on the U.S. Fish and Wildlife Service List of Plant Species that Occur in Wetlands. Evidence of wetland hydrology can include direct evidence (primary indicators), such as visible inundation or saturation, surface sediment deposits, algal mats and drift lines, or indirect indicators (secondary indicators), such as oxidized root channels. Some indicators of wetland soils include dark colored soils, soils with a sulfidic odor, and soils that contain redoximorphic features as defined by the Corps Manual (Field Indicators of Hydric Soils in the United States).

The preliminary waters assessment was based primarily on the presence of unvegetated, ponded areas or flowing water, or evidence indicating their presence such as a high water mark or a defined drainage course. Collection of additional data will be necessary to prepare a delineation report suitable for submission to the Corps.

#### Master Plan MEIR

The Master Plan MEIR contains a number of impacts and mitigation measures regarding biological resources. Applicable impacts and mitigation measures include:

- Impact E.2 found a potentially significant impact with respect to occupied burrowing owl habitat. Mitigation Measures E.2.1 and E.2.2 would reduce impacts to burrowing owl to a less-than-significant level by requiring avoidance of occupied areas, compensation for loss of habitat and limitations on disturbances of occupied burrows during the nesting season.
- Impact E.3 identified a potentially significant impact with respect to disturbance to nesting raptors, including but not limited to eagles, hawks and owls. Construction of Project improvements during the nesting season could loss of fertile eggs or nestlings, or could otherwise lead to nest abandonment. Mitigation Measure E.3.1 requires scheduling of construction to avoid nest impacts. Mitigation Measure E.3.2 allows removal of trees if not occupied by active raptor nests and with the approval of the California Department of Fish and Game. It also requires completion of pre-construction surveys to ensure that no raptor nest would be disturbed.
- Impact E.6 identified a potentially significant impact with respect to the incidental loss of Swainson's Hawk fertile eggs or nestlings that could lead to abandonment of nests. Mitigation Measure E.6a requires preconstruction surveys and, if nests are found, consultation is required with California Department of Fish & Game staff to minimize nest disturbance. Mitigation Measure E.6b requires preparation and approval of a Management Authorization for removal of any nests if avoidance of such nests are not feasible.
- Impact E.7 identified a potentially significant impact with respect to regulated habitats on or adjacent to the Jennings Road plant. Mitigation Measure E.7 requires preconstruction surveys for special-status species.
- Impact E.11 identified a potentially significant cumulative impact with regard to loss of Swainson's Hawk and Burrowing Owl habitat. Adherence to Mitigation Measures E. 2, 5 and 6 will reduce this impact to a less-than-significant level. These measures require avoidance of construction or disturbance to Burrowing Owl habitat.

The proposed Project would be required to adhere to these biological resource mitigation measures.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
<i>Would the proposed project:</i>				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies and regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
3) 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 wetland, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
4) 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"/>	<b>X</b>
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"/>	<b>X</b>
6) 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"/>	<b>X</b>

Discussion:

- (1) A majority of the Project area is comprised the of Jennings Road treatment plant and an agricultural spray field, neither of which are considered sensitive habitats under CEQA standards of significance as set forth in the Master EIR. The potential presence of Swainson's Hawk is considered high due to observations of foraging hawks in the vicinity and the documented occurrence of nest sites within two miles. The approximately 40-acre spray field represents potential Swainson's Hawk foraging habitat. Because the proposed Project includes the establishment of a similar-sized spray field at the current compost facility, there will be no loss of foraging habitat. No new or more significant impacts to Swainson's Hawk foraging habitat than analyzed in the 2006 Master EIR are anticipated as a result of the proposed Project.

Swainson's Hawk, White-tailed Kite, Burrowing Owl and Loggerhead Shrike may be disturbed by Project construction activities or the resulting loss of foraging or nesting habitat. Likewise, bird species that nest in trees, shrubs, or on the ground, may be disturbed by Project Area construction activities in the vicinity of nest sites. Disturbance of birds could result in nest abandonment, which constitutes "take" under the Migratory Bird Treaty Act. Potential impacts to breeding birds could occur during construction as a result of tree and shrub removal, ground disturbance, or equipment movement. Construction impacts to nesting birds would be considered a potential significant impact.

The Wastewater Master Plan Update EIR (Turnstone Consulting 2007) provides mitigation measures that will reduce project-related impacts to nesting birds to less-than-significant levels. The Project proponent will adhere to the following adopted Mitigation Measures:

- E.2.1. Avoidance of Burrowing Owls
- E.2.2. Compensation for loss of Burrowing Owl habitat
- E.3.1. Avoidance of breeding raptors.
- E.3.2. Pre-construction breeding raptor surveys
- E.6a. Pre-construction surveys for nesting Swainson's Hawk
- E.6b. Removal of Swainson's Hawk nest trees

American Badger may be disturbed by construction activities associated with relocation of the compost facility to the existing spray field. Direct mortality of individuals and active dens could occur during grading activities, resulting in a potentially significant impact not previously analyzed in the Master Plan EIR. The following measure shall be implemented to reduce this impact to a less-than-significant level.

**Mitigation Measure BIO-1.** Pre-construction American Badger den surveys shall be conducted two weeks prior to ground disturbance for the proposed compost facility relocation by a qualified biologist. The surveys shall determine if active dens are present in the Project area in the construction year. If the den is occupied by an adult badger only, the den may be filled when the adult has moved or is temporarily absent. If the den is a natal den, an exclusion zone of 200 feet shall be maintained around the den until the biologist determines that the den has been vacated.

- (2, 3) Proposed Phase 2 improvements are located within upland portions of the Jennings Road site. No wetlands or other waters exist. No new or more severe impacts would result with respect to wetlands than have been previously analyzed in the Master EIR.

- (4) The wastewater treatment plant is surrounded by fencing to provide security. Therefore, existing wildlife migration patterns would not be impacted. The proposed Phase 2 Project is not located near by creeks, streams or other bodies of water that would interfere with fish migration patterns. No new or more severe impacts would result with respect to this topic than have been previous analyzed in the Master EIR document.
- (5) The proposed Project would not conflict with any local policies or ordinances that have been established to protect biological resources.
- (6) Based on information included in the Master Plan Master EIR, the Jennings Road wastewater treatment plant is not included within a Habitat Conservation Plan, Natural Community Conservation Plan area or similar habitat conservation plan area.

## **5. ARCHAEOLOGICAL / CULTURAL / HISTORIC RESOURCES**

(Note: This section of the Initial Study is based on a cultural resources reconnaissance of the Project site completed by Holman & Associates in August, 2010. The resulting report is Attachment 3 to this document, and is incorporated by reference into this Initial Study.)

### Environmental Setting

#### *Background*

The Project site is located on the vast flood plain of the San Joaquin River in the lower or northern San Joaquin Valley. A generally hot and dry plain, though also quite fertile, riparian corridors in the valley have always been the focus of human occupation and use for the obvious reason that fresh water is reliably available. The river naturally meanders unless controlled artificially, and the Project vicinity contains numerous lower wetter zones and sloughs created by meanders the river later abandoned. Generally the region is quite flat, with low marshy spots and rare high spots left from natural levee build up. Though the area, particularly the WWTP, has been altered by construction of elevated water control levees, elevation remains relatively low, at about 40-50 feet above mean sea level, with constructed high spots reaching over 50 feet and a slight natural rise to the northeast, where Phase 2 work is proposed. Natural high spots are also nearby, and would have been locations for prehistoric habitation. The recorded prehistoric site location was on one of these higher spots along one of the channels of Horseshoe Slough, an historic name for one of the larger cut-off oxbows.

Native soil in the Project vicinity is a dark grey brown sandy silt with occasional rounded pebbles, alluvially deposited in layers by the river and more than 20 feet thick (Kleinfelder 2007). Open surface soil within the WWTP is much lighter, a very pale tan. Aboriginally this location would have been poor in lithic resources used by prehistoric people for tools, cooking stones, etc., the only source being cobbles and boulders in the riverbeds. The WWTP area would have been a border or transition zone from the marshy areas and oxbows along the San Joaquin River out to a broad grassy flood plain. Along the streams and rivers, willow trees would be and still dominate, along with sycamore and cottonwood, with few, if any, trees on the open plain. Marshlands along the rivers were much more extensive than currently, the courses of the rivers were changed by floods, and occasionally much of the valley would become a vast lake.



The modern WWTP resembles in some aspects the area prehistorically, in that there are levees, but man-made, and expanses of both permanent water (but water in the treatment ponds is constantly active) and seasonal water in the storage ponds. The entire landscape of the WWTP is artificial, but is a manipulation of the pre-existing conditions, where a low marshy area has been reformed and bounded for the plant. Vegetation is nearly completely lacking on the WWTP property proper, but there are groves of trees at the western margins near the San Joaquin and City-owned property to the south and east is currently grass-covered rangeland and hayfields. The offices, shops, and treatment facilities are clustered at the northeast off Jennings Road, the "treatment area," with numerous buildings, tanks, pump stations, filter facilities, etc., accessible by paved and/or graveled roads. The treatment area stands a bit above the surrounding terrain and looks artificially raised. The landscape drops off to the south into City-owned "ranch" property used for land discharge, and to the west and southwest into the treatment and storage ponds. Levees separating the ponds are raised and in some places reinforced. The roadways, including the route to the existing effluent pump station and discharge point, are also raised and graveled or asphalt paved. The discharge station surmounts a higher flood control levee that protects the entire WWTP.

Being a natural low marsh, gradually rising to the east away from the river and subject to flooding, the WWTP property saw little if any development prior to establishment of the treatment facility in 1969. The earliest maps of the area, General Land Office plats, show labeled "Low Land" and do not even show the actual course of the San Joaquin River at the time (GLO 1853-1854). Later GLO plats also show no development in the area (1853-1868; 1870), though by 1868 Jennings Road exists (Brotherton 1982), and by 1870 there is a road shown running from the north to the approximate location of the WWTP (GLO 1870). By 1941, topographic maps show "Jennings School" southwest of the modern treatment plant (USACE 1941), but no apparent improvements in the now-labeled Horseshoe Slough to the west, which is still an undulating landscape of labyrinthine former river channels and natural levees. What is later labeled the "Westport Drain" is shown as a westward extension of Lateral 3. The flood control levee west of the WWTP is also in place by 1941. The 1953 topographic map does not label the school location and shows a different configuration of buildings; the Westport Drain is labeled north of the plant (USGS 1953). The 1969 topographic map shows "Sewage Disposal Ponds" in place, the current Treatment Ponds, and the first buildings in the treatment area, as well as the eastern margin road turning west and running to the current outflow area, where two buildings are also shown. So, by 1969, extensive grading, leveling, and excavations had taken place at the WWTP, including probable removal of the southern portion of prehistoric site CA-STA-164. The array of ponds and levees (Treatment Ponds #1, #2, #3, and Storage Pond #2) has remained in place since 1969, with the addition of northerly Storage Pond #1 later (the photoinspected 1976 revision (see Map 1) does not show Storage Pond #1 yet in place).

Throughout the Early American Period and to today, the environs of the Project site have been sparsely populated and utilized for agriculture and livestock raising, with elaborate systems built to get rid of water when needed and to provide water when needed as well. Drains, laterals, levees, ponds, and raised roadways highlight the otherwise flat landscape.

#### Master Plan MEIR

Section IV, L, of the Master Plan MEIR found that historic and archaeological impacts resulting from implementation of the Master Plan would be less-than-significant. No historic buildings or structures exist within the boundaries of sites associated with both existing and future Master Plan improvements. However, pursuant to a wastewater Master Plan EIR prepared in 1997, a potentially significant impact in terms of an archaeological site was identified (CA-STA-164) at the Project site. This area was excavated in 1984.

The City of Modesto General Plan contains a requirement for pre-construction survey prior to construction within any archaeological resource study area. This mitigation measure will apply to the proposed Project.

Project Impacts

<b>Issue</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<i>Would the proposed project:</i>				
1) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- 1) No structures exist on the Project Site, so there will be no impacts with regard to historic resources.
- 2-4) The Area of Potential Effects (APE) for proposed Phase 2 improvements is separable into three zones; see Maps 2, 3 and 4 for locations and enumeration of proposed Phase 2 facilities. At the northwest, amongst existing facilities in a completely developed area, two Phase 2 elements are widely separated from other proposed Phase 2 facilities: a new / enlarged primary effluent pump station within an existing pump station (Facility #02), and a new electrical master control building (#09); these two have little potential to affect historic properties (see Map 3).

Central to the Phase 2 improvements are 14 other facilities, east of the existing treatment and other facilities and recently constructed Phase 1A features; this is the "main Phase 2 APE." See Maps 2, 3, and 4. Grouped together as "Yard Structures" under #01 are 12 smaller items, generally located within or adjacent to other facilities; these include five flow meter locations, two tanks, three generators, biofilter odor control, and a drain pump station.

Proposed major Project facilities include:

- 1. A new Operations Center adjacent to the access road, with a parking lot to the immediate east (#11);
- 2. A Fine Screens facility (#03);

3. Five facilities grouped under #04, with a Distribution Box (#04A), Biological Nutrient Removal basins (#04B), a Waste Activated Sludge pump (#04C), Membrane Bioreactor tanks (#04D), and a Return Activated Sludge pump (#04E);
4. An Aeration Blower Building (#05);
5. A Membrane Blower Building (#06);
6. A UV Building (#07)
7. A Tertiary Effluent Pump Station (#08);
8. The Main Electrical Building (#10);
9. The Tertiary Maintenance Shop (#12);

The Operations Center would be in the northwesterly portion of the existing composting facility. The other facilities would be west of the existing compost area. The new Phase 2 facilities (other than #02 and #09, in the already paved zone) would all be connected by paved roads and pads, and roads at the west and southwest would connect with recently built Phase 1A facilities (see Maps 3 and 4).

The existing community composting facilities front on the WWTP entry road from Jennings Road, occupying approximately 40 acres. The composting facility would be moved southeast onto approximately 40 acres of land of adjacent City property currently leased as a hayfield (see Maps 2 and 4). Part of Phase 2 work, relocation of the compost facilities would affect approximately 80 acres of land as the existing and new compost fields and three buildings would be demolished or moved (one is a trailer) to the southeast. Public access would be maintained on existing roads except around the new composting location, where access would switch to the south directly off Jennings Road. Southeast of the new compost facility a landscaped earthen berm would be constructed to shield the compost area from public view. The areas currently occupied and proposed for the relocated compost facilities are east and southeast, respectively, of the main Phase 2 APE, all of which would require minimal grading beyond surface clearing and minor trenching for utilities and drainage. The cleared northern composting portion would subsequently be used for Phases 3-5 improvements and Regionalization expansion of the WWTP.

The expanded 36-inch Tertiary Effluent (TE) outfall discharge pipeline is the third Phase 2 APE zone. It would run approximately 11,265 feet/2.13 miles/3.43 kilometers from the southwest corner of the main Phase 2 facilities area along the eastern border of the Recirculation Channel and then turn directly west, paralleling a drainage channel, roadway, and ditch, to the existing discharge pump station near the eastern bank of the San Joaquin River (Maps 1 and 2). The route parallels that established for the Phase 1A outfall line but is not on precisely the same alignment. The existing Recirculation Channel on the east and Drainage Channel on the south are contained by levees, with a service road on the outer levee. The new TE line would run outside (east and south of) the service road and also outside trenches and other features, angling north at the end to meet the existing Discharge Station (as shown on the Overall Site Plan, Map 2). The temporary surface Phase 1A outfall line—planned as 18 inches but currently a 12-inch line—is proposed to be removed when the new larger discharge line is in service.

Though covering a sizable number of acres, the Phase 2 improvements would not require extensive or deep excavations, with the exception of the new 36-inch TE pipeline. A majority of the proposed facilities would be located on the ground surface, connected by pipes that often would also be on the surface or even elevated and the facilities would be clustered onto slightly raised pads of concrete/asphalt surrounded by a large paved area and accessed from existing facilities. The new Operations Center

would also be located on paved surface roads. All areas where Phase 2 wastewater treatment facilities would be constructed, including the TE line, are previously and highly disturbed, including the current compost facility. The main Phase 2 facilities APE is basically flat and entirely cleared, with the exception of the existing compost facility. The smaller separate APE at the northwest is completely developed and either paved or covered by structures. No native vegetation or topsoil was visible except along the TE pipe route, and there it was all significantly disturbed by previous WWTP construction and use.

The existing compost area would be cleared and the materials there, stacked in long north/south windrows, would be moved to the southeast and the windrows recreated in east/west rows. The scale, shop, and other buildings and trailer would be moved to the north end of the new facility, where a new large paved area will be created, as would a paved road around the facility (see Map 4). The landscaped earthen berm slated for southeast of the new composting area would be created with soil taken from the nearest excavations needed for Phase 2 work. The proposed new composting location is currently covered by thick grasses, cut by a few shallow trenches and low windrows to control irrigation water, having been used for years for pasture and hayfield. There are no structures in this area and the south side is fenced parallel to a farm road running from Jennings Road west to the abandoned farmhouse complex. The separate "Future Compost Location" shown on the Site Plan (Map 2) is not part of Phase 2 work.

The TE pipeline route would be excavated for the new 36-inch pipe. The trench is proposed to be 60 inches/152 cm deep and 48 inches/123 cm wide, and backfilled upon completion. Trenching along the route, which is both disturbed and not currently smooth, would disturb the adjacent lineal zone, but except for the trench itself, should not move heretofore undisturbed soils. The existing discharge outflow facility at the southwest of the WWTP would not be enlarged for Phase 2, but trench excavation would reach right to its southern side.

Staging and materials storage areas for Phase 2 work would be located in areas already disturbed and/or paved, including the by-then cleared existing compost area. Access for equipment would be from Jennings Road on the existing WWTP access, and existing or newly created and paved roads would be used for moving equipment and materials.

All Phase 2 work is proposed, therefore, for areas that were previously highly disturbed by construction, subsequent changes and upgrades and operations of the WWTP, with the exception of the proposed new compost area, which has been trenched and leveled but has not sustained significant subsurface disturbance. The WWTP was constructed prior to CEQA historic resources preservation processes, and most of the area is not reported to have been specifically surveyed or evaluated for the initial construction.

Although no archaeological or historic resources were found within the Project development impact zones, it is possible that subsurface deposits may exist or that evidence of such resources has been obscured by more recent natural or cultural factors. Archaeological and historic resources and human remains are protected from unauthorized disturbance by State law, and supervisory and construction personnel should therefore be made aware of the possibility of encountering archaeological items or materials in this sensitive zone.

In this area, the most common and recognizable evidence of prehistoric archaeological resources are deposits of shell and/or bones, usually in fragments, and usually in a darker fine-grained soil (midden). Chert, obsidian and other stone flakes left from manufacturing stone tools (or the tools themselves), ground stone (mortars, pestles, grinding slabs, arrowheads and spear points) and other artifacts (shell beads, bone tools, etc.) are other relatively common examples. Historic materials older than 45 years (bottles, artifacts, privy and disposal pits, structural remains, etc.) may also have scientific / cultural significance and should be more readily identified. The Modesto General Plan contains a requirement for pre-construction survey prior to construction within any archaeological resource study area.

**Mitigation Measure 3.** If during the construction of the proposed Project any such evidence is uncovered or encountered, all excavations within 10m (30') should be halted long enough to call in a qualified archaeologist to assess the situation and propose appropriate measures.

*Native American Tribal Consultation*

As part of the cultural resource reconnaissance completed by Holman & Associates, a Native American Tribal Consultation has been completed and is included in Attachment 2 of this Initial Study.

## **6. GEOLOGY, SOILS, AND MINERAL RESOURCES**

### Environmental Setting

Soils in the Modesto area generally consist of alluvial materials deposited from the Sierra Nevada via rivers, streams and creeks onto the valley floor. Based on information contained in the Master Plan EIR, the two soil types in the Modesto area consist of the Hanford-Tujunga Association and the Modesto-Chular Association.

No known or active earthquake faults are found in the Modesto planning area. The Project Site is flat and does not contain any steep slopes that could result in landslide hazard. Based on research conducted for the Master Plan MEIR, the Project Site contains no known mineral resources.

### Master Plan MEIR

The Master Plan MEIR determined that all impacts related to geology, seismic hazards, soil hazards and landslides to be less-than-significant. All wastewater improvements will be constructed to current building and seismic standards to ensure that only less-than-significant impacts would occur with regard to seismic ground shaking. In addition, wastewater improvements will be designed and engineered based on site-specific geotechnical soils reports.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
b. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
c. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
d. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
2) Result in substantial soil erosion or loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
3) 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"/>	<b>X</b>
4) Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2008), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
6) Result in the loss of availability of a known mineral resource of value either locally, regionally or statewide?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

Discussion:

- 1) Based on information and analysis contained in the Master Plan MEIR, impacts from seismic action would be less-than-significant in the worst-case scenario. The Project Site is not near any known active earthquake faults, and all site improvements would be constructed to meet applicable code requirements related to seismic safety. Because the site is flat, there would be no impacts from landslides. Therefore, no new or more significant impacts with regard to seismic activity have been identified than were analyzed in the Master Plan MEIR.
- 2) Wind-related soil erosion impacts are discussed in the Air Quality section of this report. No new or more significant impacts regarding erosion have been identified beyond those analyzed in the Master Plan MEIR.

- 3, 4) No impacts related to unstable soils or other soil hazards are anticipated to result from the Project. All construction would be carried out in accordance with current seismic and geotechnical standards to ensure that hazards from lateral spreading, subsidence or collapse are minimized or eliminated entirely. No landslide hazards are expected as the Project Site is flat. No new soils hazards – related impacts have been identified beyond those analyzed in the Master Plan MEIR.
- 5) The Project involves upgrades to the City’s Secondary wastewater treatment plant and no septic tanks are proposed.
- 6) The Master Plan MEIR does not indicate that significant deposits of minerals exist within or near the Project Site, so no impacts to mineral resources would occur.

## 7. HAZARDS AND HAZARDOUS MATERIALS

### Master Plan MEIR

The Master Plan MEIR notes that hazardous materials are present at the WWTP project site, including chlorine gas used to disinfect effluent and sulphur dioxide used to dechlorinate effluent prior to discharge into the San Joaquin River. Diesel fuel is also stored and used at the plant to power back-up generators.

### Project Impacts

<b>Issue</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<i>Would the proposed project:</i>				
1) 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"/>	<b>X</b>
2) 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"/>	<b>X</b>
3) Emit hazardous emissions or handle hazardous materials, substances, or waste within one-half mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
4) 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 environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
5) 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"/>	<b>X</b>

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
6) 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"/>	<b>X</b>
7) 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"/>	<b>X</b>
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fire, including where wildlands are adjacent to urbanized areas or where housing is intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

Discussion:

- 1) There would be no impact with regard to transport, use or disposal of hazardous materials, since the proposed Project would not significantly increase the amount of hazardous materials used or stored at the Project Site. Transport, storage, use and handling of hazardous materials are regulated by local, state and federal agencies. Therefore, no new or more significant impacts with regard to transport, use, storage or disposal of hazardous materials have been identified than were analyzed in the Master Plan MEIR.
- 2) No significant increase in the amount of potentially hazardous materials used or emitted at the Project Site is expected. No new or more significant impacts with regard to release of hazardous materials have been identified than were analyzed in the Master Plan MEIR.
- 3) No schools exist or are planned within one-quarter mile of the Project Site.
- 4) The Project Site is not listed by the State of California Department of Toxic Substances Control as an identified hazardous site.
- 5, 6) The Project Site is not located near any public airport or private airstrip. No impacts to such facilities will occur.
- 7) The proposed Project would include construction of improvements at an existing wastewater treatment plant. No emergency evacuation plan would be affected because no public or private roadways would be blocked. No impacts would therefore result.
- 8) Minimal above-ground improvements would be constructed in conjunction with the Project, and no residential land uses will be established.



## 8. HYDROLOGY AND WATER QUALITY

### Environmental Setting

The Modesto area is located in the San Joaquin Valley, a relatively flat topographical trough. The primary sources of surface water in the Valley consist of rainfall and snowmelt from the Sierra Nevada mountain range to the east, supplemented with runoff from the coastal range that forms the western boundary of the Valley. In general, runoff flows from east to west via the San Joaquin, Kings, Merced, Tuolumne and Stanislaus Rivers into the San Francisco Bay through the inland delta.

The Project site is located east of and adjacent to the San Joaquin River, although no creeks or streams cross the site. Stormwater generated on site is directed to the on-site recirculation channel of the secondary treatment system, where it combines with wastewater effluent transported to the site from the primary treatment plant and is routed through the on-site treatment system. Once treated, stormwater runoff is discharged into the San Joaquin River or applied to adjacent lands.

The Project site is designated as being within a Zone B of the applicable FEMA Flood Insurance Rate Map (Zone B is described as the area between the limits of the 100-year and 500-year flood elevations). The Project site is located above the Turlock groundwater sub-basin.

### Master Plan MEIR

The Master Plan MEIR identified the following impacts and mitigation measures with regard to hydrology and water quality.

- Impact D.1 identified an impact with regard to soil erosion and/or release of chemicals as a result of excavation and construction activities. These activities would result in degradation of water quality in nearby surface water and groundwater. Mitigation Measure D.1 requires that the City prepare a Stormwater Pollution Prevention Plan (SWPPP) that would reduce impacts to surface water to a less-than-significant level. The SWPPP should include Best Management Practices to minimize construction-related pollutants, a monitoring program and other items.
- Impacts D.3 and D.4 were identified as significant and unavoidable impacts and would occur if the rate of overall wastewater upgrades does not match the projected growth of Modesto. In this event, there would be incremental increases in operation-period surface water quality degradation due to a deficit in the effluent disposal system and excessive pollutant loading.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
<i>Would the proposed project:</i>				
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
2) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
3) 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 that would result in substantial erosion or siltation, either on-site or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
4) 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 that would result in flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
5) Create or contribute runoff water that 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"/>	<b>X</b>
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
7) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
8) Place within a 100-year flood hazard area structures that would impede or redirect river flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
9) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a levee or dam failure incident?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
10) Inundation by seiche, tsunami or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

Discussion:

- 1, 6) One of the objectives of the Project is to improve the quality of wastewater discharge by installing tertiary treatment facilities at the Project Site. No new or more significant impacts related to water quality standards have been identified than were analyzed in the Master Plan MEIR. A Stormwater Pollution Prevention Plan would be prepared as part of the Project to minimize construction and post-construction water quality impacts.
- 2) The Project would require minimal amounts of water and will provide additional flows for land and river discharge.
- 3, 4) A limited amount of additional impervious surface would be added to the Project Site, in order to accommodate some of the physical improvements and structures. Because drainage on the Project Site is recirculated back into the wastewater treatment stream there would not be any resulting significant impacts related to this issue. No new or more significant impacts with regard to drainage have been identified than were analyzed in the Master Plan MEIR.
- 5) The additional incremental stormwater runoff resulting from Project development would be accommodated within the existing wastewater treatment system. No new or more significant impacts with regard to water quality standards have been identified than were analyzed in the Master Plan MEIR.
- 7-9) The Project does not include any residential component. Certain limited areas on the Project Site would be graded with imported fill in order to raise those areas out of any identified flood hazard areas.
- 10) Physical improvements associated with Project development could be damaged in the unlikely event of catastrophic dam failure. Upstream dams include La Grange Dam, Don Pedro Dam, New Melones Dam, New Exchequer Dam and Pine Flat Dam. Many of the Project improvements will be underground or would otherwise suffer minimal damage in the event of inundation.

## **9. LAND USE AND PLANNING / POPULATION AND HOUSING**

### Environmental Setting

The Project Site is located within unincorporated Stanislaus County and is surrounded by lands designated by regulatory land use plans and used for agricultural purposes. No occupied residences exist on or near the Project site.

### Master Plan MEIR

No significant land use impacts were identified in the Master Plan MEIR with regard to land use. The Master Plan MEIR identified less-than-significant impacts related to population and housing. Therefore, no mitigation measures are included in the Master Plan MEIR.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
<i>Would the proposed project:</i>				
1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
2) 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"/>	<b>X</b>
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
4) 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"/>	<b>X</b>
5) Displace substantial numbers of existing housing units, necessitating construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
6) Displace substantial numbers of people, necessitating construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

Discussion:

- 1-3) The Project Site is far removed from any communities. No division or disruption would occur. The Project is consistent with applicable local land use regulatory policies. The Project Site is not located within a habitat conservation plan area or natural community conservation plan area. (See section 4.f. of this Initial Study.)
- 4-6) The Master Plan MEIR notes that adoption of the Master Plan Update by the City would be growth-inducing, because implementation of the updated Master Plan would allow the City to treat and dispose of greater quantities of treated wastewater and thus serve a larger population. Because the proposed Project improvements are consistent with the Master Plan Update and associated growth-inducing impacts (including air quality and other transportation-related) are also similar, no new or more significant growth-inducing impacts have been identified beyond those analyzed in the Master Plan MEIR.

Project development would have no impact relative to displacement of people or housing units, because no housing exists on or near the Project Site. No new or more significant impacts would result than were identified in the Master Plan MEIR.

## 10. GENERATION OF NOISE

### Environmental Setting

The Master Plan MEIR notes that noise sources in the vicinity of the Project Site include noises generated by the plant itself, the relatively lightly traveled nearby roads, and agricultural uses on surrounding properties.

### Master Plan MEIR

No significant noise impacts were identified in the Master Plan MEIR.

### Project Impacts

<b>Issue</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<i>Would the proposed project:</i>				
1) Generate, or expose persons to, noise levels in excess of standards established in the City's General Plan or noise ordinance, or the applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
2) Expose persons to, or result in generation of, excessive ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
3) Result in a substantial permanent increase in ambient noise levels in the Project vicinity above those existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
4) Result in a substantial temporary increase in ambient noise levels in the Project vicinity above those noise levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
5) 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, 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"/>	<b>X</b>
6) 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"/>	<b>X</b>

### Discussion:

- 1-3) There are limited numbers of sensitive noise receptors near the project site. Operation of the proposed Project facilities would likely result in minimal increases in the ambient noise level. No new or more significant permanent noise impacts would be realized beyond those analyzed in the Master Plan MEIR.

4-6) Similar to items 1-3, above, there would be short-term noise generated by construction of the Project facilities, but said facilities would either be located near the central portion of the Project Site or near the southern agricultural spray fields, so that no sensitive noise receptors would be impacted. The Project Site is not located near any public or private airports or airstrips and no such impacts would occur.

## 11. PUBLIC SERVICES (POLICE, FIRE, SCHOOLS)

### Environmental Setting

The following agencies provide essential services to the community:

- Fire Protection. Fire protection services for the Project Site are provided by the Mountain View and Westport Fire Protection Districts.
- Police Protection. Police protection is provided by the Stanislaus County Sheriff.

### Master Plan MEIR

The Master Plan MEIR identifies impacts to community services, including police, fire, and schools, as less-than-significant. No mitigation measures were included in the Master Plan MEIR.

### Project Impacts

<b>Issue</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<i>Would the proposed project:</i>				
Result in substantial adverse physical impacts associates with the provision of new or physically altered governmental facilities, the 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 following public services?				
1) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
2) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
3) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
4) Parks or other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

### Discussion:

The Master Plan MEIR found impacts related to public services, including police, fire, schools, and solid waste collection to be less-than-significant. Because the Project would not include habitable structures that would increase calls for service, increased school capacity, or generate any significant solid waste, no direct impacts to public services would be attributable.

## 12. PARKS AND OPEN SPACE / RECREATION

### Environmental Setting

The Project site is occupied by the Jennings Road Secondary Treatment Plant and contains no city or regional parks.

### Master Plan MEIR

The topic of Parks and Recreation was not addressed in the Master Plan MEIR.

### Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
<i>Would the proposed project:</i>				
1) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
2) Include, or necessitate construction of, new recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

### Discussion:

The Project does not include any residential uses or habitable structures and will not increase the need for additional park facilities.

## 13. TRANSPORTATION / TRAFFIC CIRCULATION

### Environmental Setting

The Project site is served by Jennings Road, a secondary roadway located within unincorporated Stanislaus County. The Jennings Road Plant includes a paved parking lot for employees and visitors, as well as other unpaved areas that could provide overflow parking, if needed.

### Master Plan MEIR

The Master Plan MEIR identified one significant and unavoidable impact with regard to transportation and traffic circulation. This impact, as identified in the City of Modesto Urban Area General Plan, is: cumulatively considerable traffic impacts related to growth in Modesto caused by implementation of Wastewater Master Plan improvements.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
<i>Would the proposed project:</i>				
1) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
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"/>	<b>X</b>
3) 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"/>	<b>X</b>
4) 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"/>	<b>X</b>
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
6) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
7) Conflict with adopted policies, plans, or programs that support alternative transportation (e.g., bus turnouts / mass transit, non-motorized transportation plans)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

Discussion:

- 1, 2) The proposed Project would not include any aspects that would result in significant local or regional traffic volume generation. Operations related to Project site function would be largely mechanized and maintained by current employees on site. No new or more significant traffic-related impacts are anticipated beyond those that were analyzed in the Master Plan MEIR.
- 3) The proposed Project would have no impact on air traffic patterns, as it only involves upgrades to the existing wastewater treatment plant.
- 4) Project improvements would not include any facilities that might result in a traffic design hazard.
- 5) Development resulting from Project implementation would not block any public rights-of-way or other emergency access routes.



- 6) No impacts to parking requirements or facilities are anticipated as a result of Project improvements. Any additional employee parking demand resulting from the Project would be accommodated within existing employee parking areas.
- 7) The proposed Project site would not be accessed by the general public. Bicycle parking areas for employees are available, and would remain available after Project construction occurs and operations begin.

**14. UTILITIES AND SERVICE SYSTEMS (WATER, WASTEWATER, STORM DRAINAGE, ENERGY)**

Environmental Setting

The Project Site is currently served by the following service providers:

- Water supply – City of Modesto
- Wastewater collection and treatment – City of Modesto
- Solid Waste service – Amador Valley Industries
- Electrical and natural gas – PG&E
- Communications – AT&T

Master Plan MEIR

The Master Plan MEIR contains the following significant impacts and mitigation measures with regard to utilities and service systems.

- Impacts 7.1A and 7.1B identified significant impacts with regard to the lack of a water system on the Project site and constraints on water supply. These impacts were reduced to less-than-significant levels by adherence to Mitigation Measures 7.1.1 through 7.1.8. These measures require incorporation of water conservation features into the Project, designing and constructing water systems to meet DSRSD engineering standards, construction of a new water reservoir on the site, issuance of a will-serve water service letter from DSRSD, and appropriate phasing of the water system and similar elements.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
<i>Would the proposed project:</i>				
1) Exceed Regional Water Quality Control Board wastewater treatment requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
2) Require or result in the construction of new water or wastewater treatment facilities, or expansion of existing facilities, that would result in significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
3) Require or result in the construction of new storm water drainage facilities, or expansion of existing facilities, that would result in significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
4) Have sufficient water supplies available to serve the project from existing water entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>	<input type="checkbox"/>
5) Result in a determination by the City of Modesto that it has adequate capacity to serve the Project's demand in addition to the City's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
6) 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"/>	<b>X</b>
7) Comply with federal, state, and local laws and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

Discussion:

The proposed Project would not require significant amounts of water and would not generate wastewater. The purpose of the Project is to upgrade the City's wastewater treatment and disposal system to accommodate expected future wastewater flows. No new or more significant impacts regarding utilities have been identified than were analyzed in the Master Plan MEIR.

**15. CLIMATE CHANGE**

Environmental Setting

In 2006, the California Legislature passed the Global Warming Solutions Act, also known as Assembly Bill 32 (AB32). AB32 requires the California Air Resources Board (CARB) to design and implement emission limits, regulations and other measures to reduce state-wide greenhouse gas (GHG) emissions to 1990 levels by 2020, which would result in an approximate 25% reduction. CARB staff has subsequently identified 44 strategies, intended to reduce GHG emissions, dealing with transportation, agriculture, educational and commercial segments of the California economy. To date, no specific standards of significance for GHG emissions have been adopted as part of the CEQA process.

GHGs are gasses that trap heat into the atmosphere and that are major contributors to global climate change. Global climate change is characterized as the change in the earth's average weather patterns that is generally recognized by scientists to be affected by human activities such as automobile use, electrical power generation, and similar activities. Principal GHGs include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons and water vapor.

Master Plan MEIR

The topic of Climate Change was not addressed in the Master Plan MEIR.

Project Impacts

Issue	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
<i>Would the proposed project:</i>				
1) 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"/>	<b>X</b>
2) 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"/>	<b>X</b>

Discussion:

The proposed Project would result in short-term construction emissions from vehicles and construction equipment. Traffic-related GHG emissions resulting from operation of Project infrastructure would be minimal due to the mechanized nature of Project improvements. Any impacts relative to greenhouse gas emissions and overall climate change that result from short-term Project construction activities and long-term traffic volumes / trip generation would be less than significant.

With regard to on-going operation of project facilities after construction, there would be no additional greenhouse gas emissions generated and no climate change-related impacts as compared to the “no project” scenario. The Project does not create additional capacity at the wastewater treatment plant – it simply adds capacity to *treat* the existing wastewater flows. If the Project were not constructed, the wastewater would continue to undergo primary and secondary treatment, and tertiary treatment capacity would be limited. With the Project, however, a much larger portion of the existing wastewater flows would undergo the tertiary treatment process. Finally, there is no Sustainable Communities Strategy in place at this time. For all of these reasons, no Climate Change-related impacts can be anticipated.

**16. MANDATORY FINDINGS OF SIGNIFICANCE**

1) *Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of or restrict the range of a rare or endangered plant or animal species, or eliminate important examples of the major periods of California history or prehistory?*

No. Potential impacts related to substantial reduction of fish or wildlife species or their respective habitats, reduce the range or number of endangered plant or animal species or eliminate examples of major periods in California’s history or prehistory on the Project Site have been analyzed and mitigated in the Master Plan MEIR. The proposed Project would cause no new or substantially more significant impacts on biological or cultural resources beyond those identified in the Master Plan MEIR.

2) *Does the Project have impacts that are individually limited, but that are 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/or the effects of probable future projects)?*

No. The Master Plan MEIR found cumulatively considerable impacts with regard to loss of prime farmland, loss of Swainson's Hawk habitat, loss of Burrowing Owl habitat, additional air pollutant emissions and increased noise. The proposed Project would not result in additional or more significant cumulative impacts than those previously analyzed in the Master Plan MEIR.

3) *Does the Project have environmental effects that would cause substantial adverse effects on humans, either directly or indirectly?*

No. No such impacts were discovered in the course of preparing this Initial Study.

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## **Initial Study Preparers**

Brad Wall, AICP, Principal Planner – City of Modesto  
Jerry Haag, Urban Planner  
Jeff Dreier, Senior Wildlife Ecologist / Principal – WRA  
Matthew R. Clark, M.A., RPA, Senior Archaeologist – Holman & Associates  
Don Ballanti (Air Quality analysis)

## **Agencies and Organizations Consulted**

The following agencies, organizations and individuals were contacted in the course of preparing this Initial Study:

William Wong, P.E., Senior Civil Engineer – City of Modesto  
Pete Kambel, Assistant Civil Engineer – City of Modesto  
Carollo Engineers

## **References**

City of Modesto Wastewater Master Plan Update Master EIR  
(SCH# 2006052076; Turnstone Consulting, December 2006)

**Attachment No. 1**

**URBEMIS-2007 Output for Air Quality Analysis**

## Urbemis 2007 Version 9.2.4

## Combined Annual Emissions Reports (Tons/Year)

File Name:

Project Name: Modesto WWTP Phase 2 Construction

Project Location: Stanislaus County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

## CONSTRUCTION EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10 Dust</u>	<u>PM10 Exhaust</u>	<u>PM10</u>	<u>PM2.5 Dust</u>	<u>PM2.5 Exhaust</u>	<u>PM2.5</u>	<u>CO2</u>
2011 TOTALS (tons/year unmitigated)	1.16	9.45	4.87	0.00	5.21	0.50	5.71	1.09	0.46	1.55	1,118.50
2011 TOTALS (tons/year mitigated)	1.16	9.45	4.87	0.00	1.38	0.50	1.88	0.29	0.46	0.75	1,118.50
Percent Reduction	0.00	0.00	0.00	0.00	73.50	0.00	67.03	73.45	0.00	51.53	0.00
2012 TOTALS (tons/year unmitigated)	0.80	6.65	3.31	0.00	5.23	0.32	5.54	1.09	0.29	1.38	915.64
2012 TOTALS (tons/year mitigated)	0.80	6.65	3.31	0.00	1.38	0.32	1.70	0.29	0.29	0.58	915.64
Percent Reduction	0.00	0.00	0.00	0.00	73.51	0.00	69.31	73.45	0.00	57.99	0.00
2013 TOTALS (tons/year unmitigated)	0.18	1.34	0.90	0.00	5.22	0.07	5.30	1.09	0.07	1.16	209.01
2013 TOTALS (tons/year mitigated)	0.18	1.34	0.90	0.00	1.38	0.07	1.45	0.29	0.07	0.36	209.01
Percent Reduction	0.00	0.00	0.00	0.00	73.56	0.00	72.53	73.54	0.00	69.21	0.00





Phase Assumptions

Phase: Fine Grading 1/1/2011 - 12/31/2011 - Year 1

Total Acres Disturbed: 2

Maximum Daily Acreage Disturbed: 2

Fugitive Dust Level of Detail: Default

20 lbs per acre-day

On Road Truck Travel (VMT): 184.75

Off-Road Equipment:

- 1 Cranes (399 hp) operating at a 0.43 load factor for 5.1 hours per day
- 1 Excavators (168 hp) operating at a 0.57 load factor for 5.7 hours per day
- 1 Graders (174 hp) operating at a 0.61 load factor for 1.2 hours per day
- 2 Off Highway Trucks (479 hp) operating at a 0.57 load factor for 7.8 hours per day
- 1 Other Equipment (190 hp) operating at a 0.62 load factor for 2.1 hours per day
- 1 Other Material Handling Equipment (191 hp) operating at a 0.59 load factor for 1.7 hours per day
- 1 Plate Compactors (8 hp) operating at a 0.43 load factor for 4.5 hours per day
- 5 Pumps (53 hp) operating at a 0.74 load factor for 7.5 hours per day
- 1 Rollers (95 hp) operating at a 0.56 load factor for 2 hours per day
- 1 Rubber Tired Dozers (357 hp) operating at a 0.59 load factor for 1.2 hours per day
- 1 Scrapers (313 hp) operating at a 0.72 load factor for 2.5 hours per day
- 2 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 8.5 hours per day
- 1 Water Trucks (189 hp) operating at a 0.5 load factor for 3 hours per day

Phase: Fine Grading 1/1/2012 - 12/31/2012 - Year 2

Total Acres Disturbed: 2

Maximum Daily Acreage Disturbed: 2

Fugitive Dust Level of Detail: Default

20 lbs per acre-day

On Road Truck Travel (VMT): 213.82

Off-Road Equipment:

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1 Cranes (399 hp) operating at a 0.43 load factor for 5.1 hours per day  
1 Excavators (168 hp) operating at a 0.57 load factor for 6 hours per day  
3 Off Highway Trucks (479 hp) operating at a 0.57 load factor for 5.7 hours per day  
1 Other Equipment (190 hp) operating at a 0.62 load factor for 2.9 hours per day  
1 Other Material Handling Equipment (191 hp) operating at a 0.59 load factor for 0.7 hours per day  
1 Plate Compactors (8 hp) operating at a 0.43 load factor for 3.2 hours per day  
2 Pumps (53 hp) operating at a 0.74 load factor for 7.1 hours per day  
3 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 5 hours per day  
1 Water Trucks (189 hp) operating at a 0.5 load factor for 1.8 hours per day

Phase: Fine Grading 1/1/2013 - 12/31/2013 - Year 3

Total Acres Disturbed: 2

Maximum Daily Acreage Disturbed: 2

Fugitive Dust Level of Detail: Default

20 lbs per acre-day

On Road Truck Travel (VMT): 41.99

Off-Road Equipment:

1 Graders (174 hp) operating at a 0.61 load factor for 0.6 hours per day  
1 Off Highway Trucks (479 hp) operating at a 0.57 load factor for 2.7 hours per day  
1 Other Equipment (190 hp) operating at a 0.62 load factor for 1.1 hours per day  
1 Pavers (100 hp) operating at a 0.62 load factor for 0.2 hours per day  
1 Plate Compactors (8 hp) operating at a 0.43 load factor for 0.6 hours per day  
1 Pumps (53 hp) operating at a 0.74 load factor for 6 hours per day  
1 Rollers (95 hp) operating at a 0.56 load factor for 1.2 hours per day  
1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 3.7 hours per day  
1 Water Trucks (189 hp) operating at a 0.5 load factor for 1.5 hours per day

Construction Mitigated Detail Report:

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## CONSTRUCTION EMISSION ESTIMATES Annual Tons Per Year, Mitigated

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10 Dust</u>	<u>PM10 Exhaust</u>	<u>PM10</u>	<u>PM2.5 Dust</u>	<u>PM2.5 Exhaust</u>	<u>PM2.5</u>	<u>CO2</u>
2011	1.16	9.45	4.87	0.00	1.38	0.50	1.88	0.29	0.46	0.75	1,118.50
Fine Grading 01/01/2011-12/31/2011	1.16	9.45	4.87	0.00	1.38	0.50	1.88	0.29	0.46	0.75	1,118.50
Fine Grading Dust	0.00	0.00	0.00	0.00	1.37	0.00	1.37	0.29	0.00	0.29	0.00
Fine Grading Off Road Diesel	1.11	8.80	4.07	0.00	0.00	0.48	0.48	0.00	0.44	0.44	958.62
Fine Grading On Road Diesel	0.04	0.62	0.19	0.00	0.00	0.02	0.03	0.00	0.02	0.02	96.70
Fine Grading Worker Trips	0.02	0.03	0.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	63.18
2012	0.80	6.65	3.31	0.00	1.38	0.32	1.70	0.29	0.29	0.58	915.64
Fine Grading 01/01/2012-12/31/2012	0.80	6.65	3.31	0.00	1.38	0.32	1.70	0.29	0.29	0.58	915.64
Fine Grading Dust	0.00	0.00	0.00	0.00	1.38	0.00	1.38	0.29	0.00	0.29	0.00
Fine Grading Off Road Diesel	0.74	5.99	2.69	0.00	0.00	0.29	0.29	0.00	0.27	0.27	756.55
Fine Grading On Road Diesel	0.04	0.64	0.20	0.00	0.00	0.02	0.03	0.00	0.02	0.02	112.34
Fine Grading Worker Trips	0.01	0.02	0.41	0.00	0.00	0.00	0.00	0.00	0.00	0.00	46.75
2013	0.18	1.34	0.90	0.00	1.38	0.07	1.45	0.29	0.07	0.36	209.01
Fine Grading 01/01/2013-12/31/2013	0.18	1.34	0.90	0.00	1.38	0.07	1.45	0.29	0.07	0.36	209.01
Fine Grading Dust	0.00	0.00	0.00	0.00	1.38	0.00	1.38	0.29	0.00	0.29	0.00
Fine Grading Off Road Diesel	0.16	1.22	0.62	0.00	0.00	0.07	0.07	0.00	0.06	0.06	156.88
Fine Grading On Road Diesel	0.01	0.11	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	22.06
Fine Grading Worker Trips	0.01	0.01	0.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30.07

Construction Related Mitigation Measures

The following mitigation measures apply to Phase: Fine Grading 1/1/2011 - 12/31/2011 - Year 1

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For Soil Stabilizing Measures, the Apply soil stabilizers to inactive areas mitigation reduces emissions by:

PM10: 84% PM25: 84%

For Soil Stabilizing Measures, the Replace ground cover in disturbed areas quickly mitigation reduces emissions by:

PM10: 5% PM25: 5%

For Soil Stabilizing Measures, the Water exposed surfaces 2x daily watering mitigation reduces emissions by:

PM10: 55% PM25: 55%

The following mitigation measures apply to Phase: Fine Grading 1/1/2012 - 12/31/2012 - Year 2

For Soil Stabilizing Measures, the Apply soil stabilizers to inactive areas mitigation reduces emissions by:

PM10: 84% PM25: 84%

For Soil Stabilizing Measures, the Replace ground cover in disturbed areas quickly mitigation reduces emissions by:

PM10: 5% PM25: 5%

For Soil Stabilizing Measures, the Water exposed surfaces 2x daily watering mitigation reduces emissions by:

PM10: 55% PM25: 55%

The following mitigation measures apply to Phase: Fine Grading 1/1/2013 - 12/31/2013 - Year 3

For Soil Stabilizing Measures, the Apply soil stabilizers to inactive areas mitigation reduces emissions by:

PM10: 84% PM25: 84%

For Soil Stabilizing Measures, the Replace ground cover in disturbed areas quickly mitigation reduces emissions by:

PM10: 5% PM25: 5%

For Soil Stabilizing Measures, the Water exposed surfaces 2x daily watering mitigation reduces emissions by:

PM10: 55% PM25: 55%

**Attachment No. 2**

**WRA Biological Resources Assessment – June 2010**

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# Modesto Wastewater Phase 2 Improvements Project Biological Resource Assessment Report

STANISLAUS COUNTY, CALIFORNIA

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June 11, 2010



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Appendix A- Potential for Special Status Plant and Wildlife Species to Occur in the Project Area

## 1.0 INTRODUCTION

On May 13, 2010, WRA, Inc. performed an assessment of biological resources at the approximately 80-acre City of Modesto Waste Water Treatment Plant Phase 2 project location (Project Area) in Stanislaus County, California. The purpose of the assessment was to gather information necessary to complete a review of biological resources under the California Environmental Quality Act (CEQA). This report describes the results of the site visit, which assessed the Project Area for the (1) potential to support special status species; and (2) presence of other sensitive biological resources protected by local, state, and federal laws and regulations. If special status species were observed during the site visit, they were recorded. Specific findings on the habitat suitability or presence of special status species or sensitive habitats may require that protocol level surveys be conducted. This report also contains an evaluation of potential impacts to special status species and sensitive biological resources that may occur as a result of the proposed project and potential mitigation measures to compensate for those impacts.

A biological assessment provides general information on the potential presence of sensitive species and habitats. The biological assessment is not an official protocol level survey for listed species that may be required for project approval by local, state, or federal agencies. This assessment is based on information available at the time of the study and on site conditions that were observed on the date of the site visit.

## 2.0 REGULATORY BACKGROUND

The following sections explain the regulatory context of the biological assessment, including applicable laws and regulations that were applied to the field investigations and analysis of potential project impacts.

### 2.1 Special Status Species

Special status species include those plants and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed and proposed species. In addition, California Department of Fish and Game (CDFG) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern, sensitive species included in USFWS Recovery Plans, and CDFG special status invertebrates are all considered special status species. Although CDFG Species of Special Concern generally have no special legal status, they are given special consideration under the California Environmental Quality Act (CEQA). In addition to regulations for special status species, most birds in the United States, including non-status species, are protected by the Migratory Bird

Treaty Act of 1918. Under this legislation, destroying active nests, eggs, and young is illegal. Plant species on California Native Plant Society (CNPS) Lists 1 and 2 are also considered special status plant species and must be considered under CEQA. CNPS List 3 plants have little or no protection under CEQA, but are included in this analysis for completeness.



## Critical Habitat

Critical habitat is a term defined and used in the Federal Endangered Species Act as a specific geographic area that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection. The FESA requires federal agencies to consult with the USFWS to conserve listed species on their lands and to ensure that any activities or projects they fund, authorize, or carry out will not jeopardize the survival of a threatened or endangered species. In consultation for those species with critical habitat, federal agencies must also ensure that their activities or projects do not adversely modify critical habitat to the point that it will no longer aid in the species' recovery. In many cases, this level of protection is similar to that already provided to species by the FESA "jeopardy standard." However, areas that are currently unoccupied by the species but which are needed for the species' recovery, are protected by the prohibition against adverse modification of critical habitat.

## **2.2 Sensitive Biological Communities**

Sensitive biological communities include habitats that fulfill special functions or have special values, such as wetlands, streams, and riparian habitat. These habitats are protected under federal regulations (such as the Clean Water Act), state regulations (such as the Porter-Cologne Act, the CDFG Streambed Alteration Program, and CEQA), or local ordinances or policies (City or County Tree Ordinances, Special Habitat Management Areas, and General Plan Elements).

## Waters of the United States

The U.S. Army Corps of Engineers (Corps) regulates "Waters of the United States" under Section 404 of the Clean Water Act. "Waters of the U.S." are defined broadly as waters susceptible to use in commerce, including interstate waters and wetlands, all other waters (intrastate waterbodies, including wetlands), and their tributaries (33 CFR 328.3). Potential wetland areas, according to the three criteria used to delineate wetlands stated in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987), are identified by the presence of (1) hydrophytic vegetation, (2) hydric soils, and (3) wetland hydrology. Areas that are inundated for sufficient duration and depth to exclude growth of hydrophytic vegetation are subject to Section 404 jurisdiction as "other waters" and are often characterized by an ordinary high water mark (OHWM). Other waters, for example, generally include lakes, rivers, and streams. The placement of fill material into "Waters of the U.S." (including wetlands) generally requires an individual or nationwide permit from the Corps under Section 404 of the Clean Water Act.

## Waters of the State

The term "Waters of the State" is defined by the Porter-Cologne Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." The Regional Water Quality Control Board (RWQCB) protects all waters in its regulatory scope, but has special responsibility for wetlands, riparian areas, and headwaters. These waterbodies have high resource value, are vulnerable to filling, and are not systematically protected by other programs. RWQCB jurisdiction includes "isolated" wetlands and waters that may not be regulated by the Corps under Section 404. "Waters of the State" are regulated by the RWQCB under the State Water Quality Certification Program which regulates discharges of fill and dredged material under Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act. Projects that require a Corps permit, or fall under other federal jurisdiction, and have the potential to impact "Waters of the

State,” are required to comply with the terms of the Water Quality Certification determination. If a proposed project does not require a federal permit, but does involve dredge or fill activities that may result in a discharge to “Waters of the State,” the RWQCB has the option to regulate the dredge and fill activities under its state authority in the form of Waste Discharge Requirements.

#### Streams, Lakes, and Riparian Habitat

Streams and lakes, as habitat for fish and wildlife species, are subject to jurisdiction by CDFG under Sections 1600-1616 of California Fish and Game Code. Alterations to or work within or adjacent to streambeds or lakes generally require a 1602 Lake and Streambed Alteration Agreement. The term stream, which includes creeks and rivers, is defined in the California Code of Regulations (CCR) as follows: “a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation” (14 CCR 1.72). In addition, the term stream can include ephemeral streams, dry washes, watercourses with subsurface flows, canals, aqueducts, irrigation ditches, and other means of water conveyance if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife (CDFG ESD 1994). Riparian is defined as, “on, or pertaining to, the banks of a stream;” therefore, riparian vegetation is defined as, “vegetation which occurs in and/or adjacent to a stream and is dependent on, and occurs because of, the stream itself” (CDFG ESD 1994). Removal of riparian vegetation also requires a Section 1602 Lake and Streambed Alteration Agreement from CDFG.

#### Other Sensitive Biological Communities

Other sensitive biological communities not discussed above include habitats that fulfill special functions or have special values. Natural communities considered sensitive are those identified in local or regional plans, policies, regulations, or by the CDFG. CDFG ranks sensitive communities as “threatened” or “very threatened” and keeps records of their occurrences in its Natural Diversity Database. Sensitive plant communities are also identified by CDFG on their *List of California Natural Communities Recognized by the CNDDDB*. Impacts to sensitive natural communities identified in local or regional plans, policies, regulations or by the CDFG or USFWS must be considered and evaluated under CEQA (California Code of Regulations: Title 14, Div. 6, Chap. 3, Appendix G). Specific habitats may also be identified as sensitive in City or County General Plans or ordinances.

### **3.0 METHODS**

On May 13, 2010, the Project Area was traversed on foot and vehicle to determine (1) plant communities present within the Project Area, (2) if existing conditions provided suitable habitat for any special status plant or wildlife species, and (3) if sensitive habitats are present. All plant and wildlife species encountered were recorded, and are summarized in Appendix A.

#### **3.1 Biological Communities**

Biological communities present in the Project Area were classified based on existing plant community descriptions described in the *Preliminary Descriptions of the Terrestrial Natural Communities of California* (Holland 1986). However, in some cases it is necessary to identify variants of community types or to describe non-vegetated areas that are not described in the

literature. Biological communities were classified as sensitive or non-sensitive as defined by CEQA and other applicable laws and regulations.

### *3.1.1 Non-sensitive Biological Communities*

Non-sensitive biological communities are those communities that are not afforded special protection under CEQA, and other state, federal, and local laws, regulations and ordinances. These communities may, however, provide suitable habitat for some special status plant or wildlife species and are identified or described in Section 4.1.1 below.

### *3.1.2 Sensitive Biological Communities*

Sensitive biological communities are defined as those communities that are given special protection under CEQA and other applicable federal, state, and local laws, regulations and ordinances. Applicable laws and ordinances are discussed above in Section 2.0. Special methods used to identify sensitive biological communities are discussed below.

## Wetlands and Waters

The Project Area was surveyed to determine if any wetlands and waters potentially subject to jurisdiction by the Corps, RWQCB, or CDFG were present. The assessment was based primarily on the presence of wetland plant indicators, but may also include any observed indicators of wetland hydrology or wetland soils. Any potential wetland areas were identified as areas dominated by plant species with a wetland indicator status<sup>1</sup> of OBL, FACW, or FAC as given on the U.S. Fish and Wildlife Service List of Plant Species that Occur in Wetlands (Reed 1988). Evidence of wetland hydrology can include direct evidence (primary indicators), such as visible inundation or saturation, surface sediment deposits, algal mats and drift lines, or indirect indicators (secondary indicators), such as oxidized root channels. Some indicators of wetland soils include dark colored soils, soils with a sulfidic odor, and soils that contain redoximorphic features as defined by the Corps Manual (Environmental Laboratory, 1987) and Field Indicators of Hydric Soils in the United States (NRCS, 2002).

The preliminary waters assessment was based primarily on the presence of unvegetated, ponded areas or flowing water, or evidence indicating their presence such as a high water mark or a defined drainage course. Collection of additional data will be necessary to prepare a delineation report suitable for submission to the Corps.

## Other Sensitive Biological Communities

The Project Area was evaluated for the presence of other sensitive biological communities, including riparian areas, sensitive plant communities recognized by CDFG. If present in the Project Area, these sensitive biological communities were mapped and are described in the Section 4.1.2 below.

---

<sup>1</sup> OBL = Obligate, always found in wetlands (> 99% frequency of occurrence); FACW = Facultative wetland, usually found in wetlands (67-99% frequency of occurrence); FAC = Facultative, equal occurrence in wetland or non-wetlands (34-66% frequency of occurrence).

## 3.2 Special Status Species

### 3.2.1 Literature Review

Potential occurrence of special status species in the Project Area was evaluated by first determining which special status species occur in the vicinity of the Project Area through a literature and database search. Database searches for known occurrences of special status species focused on the county level. The following sources were reviewed to determine which special status plant and wildlife species have been documented to occur in the vicinity of the Project Area:

- California Natural Diversity Database records (CNDDDB) (CDFG 2010)
- USFWS quadrangle species lists (USFWS 2010)
- CNPS Electronic Inventory records (CNPS 2010)
- CDFG publication "California's Wildlife, Volumes I-III" (Zeiner et al. 1990)
- CDFG publication "Amphibians and Reptile Species of Special Concern in California" (Jennings and Hayes 1994)
- CDFG publication "California Bird Species of Special Concern" (Shuford and Gardali 2008)
- A Field Guide to Western Reptiles and Amphibians (Stebbins, R.C. 2003)
- Fairy Shrimps of California's Puddles, Pools and Playas (Eriksen and Belk 1999)
- Recovery plan for upland species of the San Joaquin Valley, California (USFWS 1998)
- Modesto Wastewater Master Plan Update DEIR (Turnstone Consulting 2006)

### 3.2.2 Site Assessment

A site visit was made to the Project Area to search for suitable habitats for species identified in the literature review as occurring in the vicinity. The potential for each special status species to occur in the Project Area was then evaluated according to the following criteria:

1) No Potential. Habitat on and adjacent to the site is clearly unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime).

2) Unlikely. Few of the habitat components meeting the species requirements are present, and/or the majority of habitat on and adjacent to the site is unsuitable or of very poor quality. The species is not likely to be found on the site.

3) Moderate Potential. Some of the habitat components meeting the species requirements are present, and/or only some of the habitat on or adjacent to the site is unsuitable. The species has a moderate probability of being found on the site.

4) High Potential. All of the habitat components meeting the species requirements are present and/or most of the habitat on or adjacent to the site is highly suitable. The species has a high probability of being found on the site.

5) Present. Species is observed on the site or has been recorded (i.e. CNDDDB, other reports) on the site recently.

The site assessment is intended to identify the presence or absence of suitable habitat for each special status species known to occur in the vicinity in order to determine its potential to occur in the Project Area. The site visit does not constitute a protocol-level survey and is not intended to determine the actual presence or absence of a species; however, if a special status species is observed during the site visit, its presence will be recorded and discussed. Appendix B presents the evaluation of potential for occurrence of each special status plant and wildlife species known to occur in the vicinity of the Project Area with their habitat requirements, potential for occurrence, and rationale for the classification based on criteria listed above. Recommendations for further surveys are made in Section 5.0 below for species with a moderate or high potential to occur in the Project Area.

## 4.0 RESULTS

The proposed project improvements will be constructed at the City' of Modesto's secondary wastewater treatment plant located west of Jennings Road at the terminus of an access road that is an extension of West Taylor Road. The Site address is 7007 Jennings Road. The Project Site lies outside of the incorporated limits of Modesto, approximately 6.5 miles southeast of downtown Modesto and on the east side of the San Joaquin River.

The proposed project includes the installation of the Phase 2 equipment on existing developed lands. There will be a limited amount of site grading for the purpose of raising the site improvements by approximately two feet (from 48' MSL to 50' MSL) in order to avoid the 100-year FEMA flood plain. Finally, the existing approximate 40-acre compost site will be moved to the south – to an immediately adjacent area of the same size and shape – within the boundaries of the same two parcels that it presently occupies.

Existing land uses adjacent to the Project Area include agricultural and vacant lands to the north and east. An approximately 2,500-acre ranch including approximately 40 acres associated with this project, lies south and east of the Project Area. The ranch property is owned by the City and is used for land disposal of treated effluent from the plant. The following sections present the results and discussion of the biological assessment within the Project Area.

### 4.1 Biological Communities

Non-sensitive biological communities in the Project Area include an approximately 40-acre spray field that also is used for hay production and grazing. The remainder of the Project Area consists of existing developed land within the wastewater treatment facility, and the compost facility. No sensitive biological communities are found in the Project Area. Descriptions for each biological community are contained in the following sections.

#### 4.1.1 *Non-sensitive biological communities*

##### Wastewater Spray Field

Although not described in the literature, the approximately 40-acre wastewater spray field is also used for agricultural activities, specifically hay production and associated discing, and grazing. Plant species observed in the ruderal herbaceous community along the field edges in the Project Area include mustard (*Brassica* sp.), thistles (*Cirsium* sp.), Harding grass (*Phalaris* sp.) and filaree

(*Erodium* sp.). No wildlife species were observed in the wastewater spray field portion of the Project Area; however, Swainson's Hawks likely forage in this area.

#### 4.1.2 Sensitive Biological Communities

No sensitive biological communities were observed in the Project Area.

## 4.2 Special Status Species

### 4.2.1 Plants

Based upon a review of the resources and databases given in Section 3.2.1, thirteen special status plant species have been documented or may occur in the vicinity of the Project Area. The Project Area has the potential to support none of these species. Appendix A summarizes the potential for occurrence for each special status plant species occurring in the vicinity of the Project Area. These species are unlikely or have no potential to occur in the Project Area due to unsuitable habitat conditions.

### 4.2.2 Wildlife

Fifty-one special status species of wildlife have been recorded or potentially occur in the vicinity of the Project Area based on their geographical distribution. Appendix A summarizes the potential for each of these species to occur in the Project Area. One special status wildlife species, the state-threatened Swainson's Hawk, was observed in the Project Area during the site assessment. Six of special status wildlife species have a high potential to occur in the Project Area, and seven special status wildlife species have a moderate potential to occur in the Project Area. The remaining 37 species are not expected to occur in the Project Area due to unsuitable habitat conditions. Special status wildlife species that were observed, or have a moderate or high potential to occur in the Project Area are discussed below.

**Pallid bat (*Antrozous pallidus*), CDFG Species of Special Concern, WBWG High Priority.** The pallid bat is found in a variety of low elevation habitats throughout California. It selects a variety of day roosts including rock outcrops, mines, caves, hollow trees, buildings, and bridges. Night roosts are usually found under bridges, but also in caves, mines, and buildings. Pallid bats are sensitive to roost disturbance. Unlike most bats, pallid bats primarily feed on large ground-dwelling arthropods, and many prey are taken on the ground (Zeiner, et al. 1990). The vacant ranch house located in the southern portion of the Project Area may provide potential, but somewhat disturbed, roost habitat for this species; therefore, there is a moderate potential for occurrence for this bat.

**American Badger (*Taxidea taxus*), CDFG Species of Special Concern.** Badgers occur in drier open stages of most scrub, forest, and herbaceous habitats where friable soils and prey populations are present. The open spray field south of the compost facility provides suitable habitat for this species; therefore, there is a high potential for American Badger to occur in the Project Area.

**White-faced Ibis (*Plegadis chihii*), CDFG Species of Concern.** This species is a year-round resident and breeder within the San Joaquin Valley and a local breeder throughout northeastern California. Ibis inhabit primarily freshwater wetlands, especially cattail (*Typha* spp.) and bulrush (*Scirpus* spp.) marshes, although it feeds in flooded hay meadows, agricultural fields, and estuarine wetlands. Nests are located in emergent vegetation or low trees and shrubs over shallow water;

sometimes on ground on small islands (Ryder and Manry 1994). White-faced Ibis are not likely to nest in or near the Project Area; however, there is a high potential for this species to occur in the Project Area because the spray field provides suitable foraging habitat.

**Ferruginous Hawk (*Buteo regalis*), CDFG Species of Special Concern; USFWS Bird of Conservation Concern.** The Ferruginous Hawk is a winter visitor to open terrain from grasslands to deserts. Grassland and arid areas of California, Arizona, and New Mexico are used heavily where prairie dogs, lagomorphs, or pocket gophers (*Thomomys* spp.) are abundant (Bechard and Schmutz 1995). There is a moderate potential for wintering Ferruginous Hawks to forage in the spray field of the Project Area.

**Swainson's Hawk (*Buteo swainsoni*), State Threatened.** Swainson's Hawk is an uncommon breeding resident and migrant in the Central Valley. In California's Central Valley Swainson's Hawks typically nest at edge of narrow bands of riparian vegetation, in isolated oak woodland, in lone trees, and in trees associated with roads, farmyards, as well as in adjacent urban residential areas. Where this species overlaps with Red-tailed Hawks, Swainson's will nest in smaller trees in smaller stands than do Red-tails (England et al. 1997).

Swainson's Hawks forage in open stands of grass-dominated vegetation, sparse shrublands, and small, open woodlands. In many parts of their range, hawks have adapted well to foraging in agricultural areas, such as row, grain, and hay crop agriculture. Prey are both numerous and conspicuous at and immediately following harvest. They are also attracted to alfalfa fields where flood irrigation is common and prey take refuge along field margins, and to burning fields, where prey are forced to evacuate (England et al. 1997).

The trees associated with the ranch house provide potential nesting habitat, and the existing spray field south of the compost facility provides suitable foraging habitat. Two Swainson's Hawks were observed soaring over the Project Area on May 13, 2010. These individuals appeared to be foraging over a field being disced immediately north of the Project Area. The presence of documented nests within two miles of the Project Area (CDFG 2010), and the observation of birds in the immediate area, suggest that the 40-acre spray field is likely used by foraging Swainson's Hawks.

**Northern Harrier (*Circus cyaneus*), CDFG Species of Special Concern.** Northern Harrier populations have decreased in recent decades but can be locally abundant where suitable habitat exists free of disturbance. Destruction of wetland habitat, native grassland, moist meadows, and burning and disking of nesting areas during early stages of breeding cycle, are major causes of their decline (Remsen 1978). Northern Harriers frequent meadows, grasslands, open rangelands, desert sinks, and fresh and saltwater emergent wetlands. Open areas of tall, dense grasses, moist or dry shrubs, and edges are used for nesting, cover, and feeding. The spray field in the Project Area is considered high-quality foraging habitat for the Northern Harrier. Grazing and spraying probably discourage this species from nesting in the Project Area.

**White-tailed Kite (*Elanus leucurus*), CDFG Fully Protected Species.** Kites occur in low elevation grassland, agricultural, wetland, oak woodland, and savannah habitats. Riparian zones adjacent to open areas are also used. Vegetative structure and prey availability seem to be more important than specific associations with plant species or vegetative communities. Lightly grazed or ungrazed fields generally support large prey populations and are often preferred to other habitats. Kites primarily feed on small mammals, although, birds, reptiles, amphibians, and insects are also taken.

Nest trees range from single isolated trees to trees within large contiguous forests. Preferred nest trees are extremely variable, ranging from small shrubs (less than 10 ft. tall), to large trees (greater than 150 ft. tall) (Dunk 1995). There is a high potential for this species to occur in the Project Area because the trees associated with the ranch house provide suitable nesting habitat, and the spray field provides foraging habitat.

**Prairie Falcon (*Falco mexicanus*), CDFG Species of Special Concern.** This is an uncommon resident and migrant that ranges from southeastern deserts northwest along the Coast Ranges and Sierra Nevada. It occurs in many habitats, but typically is associated with grasslands, savannahs, rangeland, agricultural areas, and desert scrub. This falcon typically nests on cliffs. Prairie Falcon is likely to forage in the spray field of the Project Area.

**Golden Eagle (*Aquila chrysaetos*), CDFG Fully Protected Species.** Golden Eagle is found in open and semi-open areas from sea level to 3600 m elevation, in habitats including tundra, shrublands, grasslands, mixed woodlands, and coniferous forests. Golden Eagle is usually found in mountainous areas, but it also nests in wetland, riparian and estuarine habitats (Kochert et al., 2002). This large raptor typically nests in large isolated trees or cliffs. Golden Eagle forages over large areas, feeding primarily on ground squirrels, rabbits, large birds, and carrion. Golden Eagles do not nest in or near the Project Area; however, the spray field provides suitable foraging habitat in winter.

**Long-billed curlew (*Numenius americanus*), CDFG Species of Concern, USFWS Bird of Conservation Concern.** Coastal estuaries, open grasslands, and croplands are used in winter while upland shortgrass prairies and wet meadows are used for nesting. Curlews do not nest in or near the Project Area; however, there is a high potential for occurrence in the Project Area because the spray field provides suitable foraging habitat in winter and during migration.

**Short-eared owl (*Asio flammeus*), CDFG Species of Special Concern.** The short-eared owl typically is found in tall grasslands and emergent wetlands. There is a moderate potential for the Short-eared Owl to occur in the Project Area because the spray field provides potentially suitable foraging habitat for this species. The field is generally unsuitable for nesting due to grazing activities and effluent spraying.

**Burrowing Owl (*Athene cunicularia*), CDFG Species of Special Concern; USFWS Bird of Conservation Concern.** The burrowing owl typically favors flat, open grassland or gentle slopes and sparse-shrub land ecosystems. These owls prefer annual or perennial grasslands, typically with sparse or nonexistent tree or shrub canopies; however, they also colonize debris piles and old pipes. In California, burrowing owls are found in close association with California ground squirrels. Burrowing owls exhibit high site fidelity and usually use the abandoned burrows of ground squirrels for shelter and nesting. Ground squirrel burrows may be present or become established along fencelines and access roads within the Project Area. Effluent spraying may discourage roosting or nesting in the field south of the compost facility; therefore, there is a moderate potential for occurrence in the Project Area.

**Loggerhead Shrike (*Lanius ludovicianus*), CDFG Species of Special Concern, USFWS Bird of Conservation Concern.** The loggerhead shrike is a common resident and winter visitor in lowlands and foothills throughout California. It prefers open habitats with scattered trees, shrubs, posts, fences, utility lines or other perches. Nests are usually built on a stable branch in a densely-foliaged shrub or small tree and are usually well-concealed. The highest densities occur in open-



canopied valley foothill hardwood, valley foothill hardwood-conifer, valley foothill riparian pinyon-juniper, juniper, and desert riparian habitats. While this species eats mostly Arthropods, they also take amphibians, small to medium-sized reptiles, small mammals and birds, and is also known to scavenge on carrion. There is a high potential for this species to occur in the Project Area because the trees associated with the ranch house provide suitable nesting habitat, and the spray field provides foraging habitat.

**Tricolored blackbird (*Agelaius tricolor*), CDFG Species of Special Concern, USFWS Bird of Conservation Concern.** The tricolored blackbird is common locally in the Central Valley and along coastal California. This species breeds near fresh water, preferably in emergent wetland with tall, dense cattails or tules, but also in thickets of willow, blackberry, wild rose, tall herbs. It feeds in grassland and cropland habitats. This species is highly colonial; nesting habitat must be large enough to support a minimum of 30 pairs. There is a moderate potential for Tricolored Blackbirds to occur in the Project Area because the spray field provides potential foraging habitat; however, nesting habitat is not present.

#### 4.2.3 *Listed Species Found Elsewhere in Stanislaus County that are Unlikely to Occur in Project Area*

Federally listed species that are documented to occur elsewhere in Stanislaus County, but are unlikely to occur in the Project Area include the San Joaquin Kit Fox and Giant Garter Snake. These species are discussed below.

**San Joaquin Kit Fox (*Vulpes macrotis mutica*) Federally Endangered.** The San Joaquin Kit Fox (SJKF) is found in the San Joaquin Valley and in surrounding foothills of the Coast Ranges, Sierra Nevada, and Tehachapi Mountains, from southern Kern County north to Contra Costa; Alameda and San Joaquin counties to the west; and near La Grange, Stanislaus County to the east.

The SJKF occurs in grasslands, scrublands, vernal pool areas, alkali meadows and playas, and an agricultural matrix of row crops, irrigated pastures, orchards, vineyards, and grazed annual grasslands (USFWS 1998). Habitats with loose-textured soils (Grinnell et al. 1937, Hall 1946, Egoscue 1962) that are suitable for constructing dens are preferred. Dens are generally located in open areas with grass or scattered brush. Preferred sites are relatively flat, well drained terrain (USFWS 1998, Roderick and Mathews 1999).

In the northern portion of their range, SJKF primarily prey on California Ground Squirrels, Cottontails (*Sylvilagus auduboni*), Black-tail Jackrabbits (*Lepus californicus*), pocket mice (*Perognathus* spp.), and kangaroo rats (*Dipodomys* spp.) (Hall 1983, USFWS 1998). Opportunistically taken prey include ground-nesting birds, reptiles, and insects (Laughrin 1970).

Loss, fragmentation, and degradation of habitat by agricultural, urban, and industrial development suppress SJKF populations. Livestock grazing is not thought to be detrimental to SJKF (Morrell 1975, Orloff et al. 1986). In some areas, livestock grazing may benefit SJKF by reducing shrub cover and maintaining grassland habitat.

Habitat fragmentation is a serious threat to this species. Isolation of populations and social groups through habitat degradation and barriers to movement, such as aqueducts and busy highways, can limit dispersal to and habitation of existing and former lands. Fragmentation also leads to

inbreeding depression in populations, as well as making populations more susceptible to extinction from droughts, flooding, fire, and periodic declines in prey abundance. Increasing populations of coyotes, red foxes, and feral dogs can contribute to increased mortality of SJKF.

SJKF are unlikely to occur in the Project Area because prey and potential dens are not present in the developed areas and compost facility. In addition, effluent spraying in the field creates poor habitat conditions for burrowing mammals, reducing both prey availability and potential den sites. The Project Area provides dispersal habitat for the rare SJKF that is moving through the area.

**Giant Garter Snake (*Thamnophis gigas*), State Threatened Species, Federal Threatened Species.** This endemic species of snake is found only in the Sacramento and San Joaquin Valleys. The giant garter snake prefers freshwater marshes and low gradient streams, but has adapted to drainage channels and irrigation ditches. The giant garter snake inhabits agricultural wetlands and other waterways such as irrigation and drainage canals, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands in the Central Valley.

The Giant Garter Snake is unlikely to occur in the Project Area because the site does not contain aquatic habitat typical of this species. In addition, the Project does not contain suitable upland habitat adjacent to aquatic areas.

## 5.0 SUMMARY AND RECOMMENDATIONS

No sensitive plant communities were identified within the Project Area. No special status plant species are expected to occur in the Project Area due to poor habitat conditions. Fourteen special status wildlife species have a moderate or high potential to occur within the Project Area. The following sections present recommendations for future studies and/or measures to avoid or reduce impacts to these species and sensitive habitats.

### 5.1 Biological Communities

Most of the Project Area is comprised of developed areas and an agricultural field used for effluent spraying. There are no sensitive biological communities within the Project Area.

### 5.2 Special Status Plant Species

Of the 13 special status plant species known to occur in the vicinity of the Project Area, none were determined to have the potential to occur in the Project Area. Most of the species found in the review of background literature occur in high quality native habitats that do not exist within the Project Area.

### 5.3 Special Status Wildlife Species

Of the 51 special status wildlife species known to occur in the vicinity of the Project Area, 14 were determined to have the potential to occur in the Project Area. Most of the species found in the review of background literature occur in habitats not found in the Project Area. Habitat suitability for grassland-associated species in the Project Area is reduced due to effluent spraying, agriculture (field crops and grazing), and annual discing.

This assessment determined that 12 bird species may use portions of the Project Area for breeding and/or foraging. It is recommended that pre-construction breeding bird surveys be conducted within 30 days of ground disturbance to avoid disturbance to active nests, eggs, and/or young of nesting birds. It is also recommended that any trees and shrubs in or adjacent to the Project Area that are proposed for removal and that could be used as nesting sites by Swainson's Hawk, White-tailed Kite, and Loggerhead Shrike be removed during the non-breeding season (September through February).

Grassland habitat (spray field) within the Project Area may be considered potential Swainson's Hawk foraging habitat. Loss of foraging habitat within 10 miles of a documented nest site is considered a potentially significant impact under CEQA. The Project Area is within 2 miles of a documented Swainson's Hawk nest site. The proposed project includes the establishment of an approximately 40-acre spray field at the existing compost facility. This measure will reduce potential project-related impacts to the Swainson's Hawk foraging habitat to less-than-significant levels.

The proposed demolition of the ranch house may impact potential bat roosts. To avoid impacts to roosting bats, it is recommended that demolition be scheduled for September or October, which is after the breeding season, but prior to bats entering hibernation. As an alternative, pre-demolition bat roost surveys can be conducted to determine if roosting bats are present. If bats are present, demolition should be scheduled for September-October; if bat roosts are not present, demolition activities may be conducted at any time (assuming birds are not nesting in or on the structure).

Pre-construction American Badger den surveys are recommended prior to ground disturbance to avoid potential impacts to the American Badger. These surveys can be conducted concurrently with those of breeding birds. If an active den is observed, it should be avoided until the badger has left the site.

## **6.0 POTENTIAL IMPACTS AND MITIGATION**

The proposed project involves construction of new wastewater treatment facilities in an existing developed area, and the relocation of a wastewater spray field and compost facility. The compost facility will be relocated to the existing spray field, while the former compost facility will be converted to a spray field of similar size.

Most of the Project Area is comprised of developed areas and an agricultural spray field, which are not considered sensitive habitats under CEQA. The potential presence of Swainson's Hawk is considered high due to observations of foraging hawks in the vicinity, and the documented occurrence of nest sites within two miles. The approximately 40-acre spray field represents potential Swainson's Hawk foraging habitat. Because the proposed Project includes the establishment of a similar-sized spray field at the current compost facility, there will be no loss of foraging habitat. No significant impacts to Swainson's Hawk foraging habitat are anticipated as a result of the proposed project. Potentially significant impacts as a result of the project and mitigation measures are discussed below.

## 6.1 Potentially Significant Impacts

### 6.1.1 Construction Impacts to Nesting Birds

Swainson's Hawk, White-tailed Kite, Burrowing Owl and Loggerhead Shrike may be disturbed by construction activities or the resulting loss of foraging or nesting habitat. Likewise, bird species that nest in trees, shrubs, or on the ground, may be disturbed by Project Area construction activities in the vicinity of nest sites. Disturbance of birds could result in nest abandonment, which constitutes "take" under the Migratory Bird Treaty Act. Potential impacts to breeding birds could occur during construction as a result of tree and shrub removal, ground disturbance, or equipment movement. Construction impacts to nesting birds would be considered a potential significant impact.

### 6.1.2 Construction Impacts to Roosting Bats

Roosting bats may be disturbed by demolition of the ranch building. Disturbance of bats during the breeding season (April through August) or hibernation period (November through March) could result in maternity or hibernation roost abandonment, which would be considered a potential significant impact.

### 6.1.3 Construction Impacts to American Badger

American Badger may be disturbed by construction activities associated with relocation of the compost facility to the existing spray field. Direct mortality of individuals and active dens could occur during grading activities, resulting in a potential significant impact.

## 6.2 Mitigation Measures

### 6.2.1 Avoidance of Nesting Birds

The Modesto Wastewater Master Plan Update DEIR (Turnstone Consulting 2006) provides mitigation measures that will reduce project-related impacts to nesting birds to less-than-significant levels. The project proponent will adhere to the following adopted Mitigation Measures:

- E.2.1. Avoidance of Burrowing Owls
- E.2.2. Compensation for loss of Burrowing Owl habitat
- E.3.1. Avoidance of breeding raptors.
- E.3.2. Pre-construction breeding raptor surveys
- E.6a. Pre-construction surveys for nesting Swainson's Hawk
- E.6b. Removal of Swainson's Hawk nest trees

### 6.2.2 Avoidance of Bat Roosts

Pre-construction bat roost surveys within the ranch building will be conducted by a qualified biologist two weeks prior to building demolition. The survey will determine if any bat roosts are present in the building. If present, establishment of a temporary protective buffer will avoid impacts to an active roost. Alternatively, the demolition can be conducted outside of the bat breeding and hibernation period (September and October), thereby avoiding the need for roost surveys. Implementation of this measure will reduce potential impacts to roosting bats to a less-than-significant level.

### 6.2.3 Avoidance of Active American Badger Dens

Pre-construction American Badger den surveys will be conducted two weeks prior to ground disturbance by a qualified biologist. The surveys will determine if active dens are present in the Project Area in the construction year. If the den is occupied by an adult badger only, the den may be filled when the adult has moved or is temporarily absent. If the den is a natal den, an exclusion zone of 200 feet shall be maintained around the den until the biologist determines that the den has been vacated. Implementation of this measure will reduce potential impacts to American Badger to a less-than-significant level.

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**APPENDIX A**

**POTENTIAL FOR SPECIAL STATUS PLANT AND WILDLIFE SPECIES TO OCCUR IN THE  
PROJECT AREA**



**Appendix A.** Special status animal and plant species that may occur, or are known to occur in Stanislaus County and their potential to occur in the Project Area. List compiled from California Department of Fish and Game (CDFG) Natural Diversity Data Base and USFWS Species List search of Stanislaus County, and a review of other CDFG lists and publications (Jennings and Hayes 1994; Zeiner et al. 2000; Shuford and Gardali 2008).

SPECIES	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS FOR FURTHER ACTION
<b>MAMMALS</b>				
Pallid Bat <i>Antrozous pallidus</i>	SSC	Roosts in outcrops, caverns, hollow trees, buildings, and bridges.	<b>Moderate Potential.</b> Suitable roost habitat may be present in ranch house proposed for demolition; may occasionally forage over the Project Area.	Conduct pre-demolition bat roost survey (Section 6.2.2)
Townsend's Big-eared Bat <i>Corynorhinus townsendii</i>	SSC	Caverns and buildings.	<b>Unlikely.</b> Suitable roost habitat is not present; may occasionally forage over the Project Area.	No further action recommended.
Western Small-footed Myotis <i>Myotis ciliolabrum</i>	WBWG	Wide range of habitats are used; most are arid, wooded and brushy uplands near water. Seeks cover in caves, buildings, mines, and crevices. Prefers open stands in forests and woodlands. Requires drinking water. Feeds on a wide variety of small flying insects.	<b>Unlikely.</b> Occurs in western margins of County; individuals may occasionally wander from populations to the west, but a roosting colony is unlikely to be established in the Project Area.	No further action recommended.
Long-eared Myotis <i>Myotis evotis</i>	WBWG	Found in brush, woodland and forest habitats from sea level to 9000 feet. Prefers coniferous woodlands and forests. Nursery colonies in buildings, crevices, spaces under bark, and snags. Caves used primarily as night roosts.	<b>Unlikely.</b> Occurs in western margins of County. Typical wooded habitat is not present in the Project Area.	No further action recommended.

SPECIES	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS FOR FURTHER ACTION
Fringed Myotis <i>Myotis thysanodes</i>	WBWG	Associated with a wide variety of habitats including mixed coniferous-deciduous forest and redwood/sequoia groves. Buildings, mines and large snags are important day and night roosts.	<b>Unlikely.</b> Occurs in western margins of County. Typical wooded habitats are not present in the Project Area.	No further action recommended.
Long-legged Myotis <i>Myotis volans</i>	WBWG	Generally associated with woodlands and forested habitats. Large hollow trees, rock crevices and buildings are important day roosts. Other roosts include caves, mines and buildings.	<b>Unlikely.</b> Occurs in western margins of County. Typical wooded habitats are not present in the Project Area.	No further action recommended.
Western Mastiff Bat <i>Eumops perotis</i>	SSC	Found in a wide variety of open, arid and semi-arid habitats. Distribution appears to be tied to large rock structures which provide suitable roosting sites, including cliff crevices and cracks in boulders.	<b>Unlikely.</b> Roost structures are not present in the Project Area; may occasionally forage over the site.	No further action recommended.
Western Red Bat <i>Lasiurus blossevillii</i>	SSC, WBWG	This species is typically solitary, roosting primarily in the foliage of trees or shrubs. Day roosts are commonly in edge habitats adjacent to streams or open fields, in orchards, and sometimes in urban areas. There may be an association with intact riparian habitat (particularly willows, cottonwoods, and sycamores).	<b>Unlikely.</b> Suitable roost trees are not present in the Project Area; probably forages in the area.	No further action recommended.

SPECIES	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS FOR FURTHER ACTION
Hoary Bat <i>Lasiurus cinereus</i>	WBWG	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding. Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.	<b>Unlikely.</b> Suitable roost trees are not present in the Project Area; probably forages in the area.	No further action recommended.
Riparian (=San Joaquin Valley) Woodrat <i>Neotoma fuscipes riparia</i>	FE, SSC	Riparian areas along the San Joaquin, Stanislaus, and Tuolumne Rivers. Need areas with mix of brush and trees. Need suitable nesting sites in trees, snags or logs.	<b>Not Present.</b> Riparian vegetation is not present in the Project Area.	No further action recommended.
Riparian Brush Rabbit <i>Sylvilagus bachmani riparius</i>	FE, SE	Riparian areas on the San Joaquin River in northern Stanislaus County. Dense thickets of wild rose, willows, and blackberries.	<b>Not Present.</b> Riparian vegetation is not present in the Project Area.	No further action recommended.
American Badger <i>Taxidea taxus</i>	SSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Requires friable soils and open, uncultivated ground. Preys on burrowing rodents.	<b>High Potential.</b> Likely occurs in spray field south of existing compost facility.	Conduct pre-construction potential den search in spray field (Section 6.2.3).
San Joaquin Kit Fox <i>Vulpes macrotis mutica</i>	FE, ST	Found in annual grasslands or grassy open stages of vegetation dominated by scattered brush, shrubs, and scrub.	<b>Unlikely.</b> May rarely disperse through Project Area. Surrounding intensive agriculture dominated by orchards and other irrigated land probably limits habitat suitability.	No further action recommended.

SPECIES	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS FOR FURTHER ACTION
<b>BIRDS</b>				
White-faced Ibis <i>Plegadis chihi</i>	SSC	Forages in shallow wetlands and flood-irrigated alfalfa fields	<b>High Potential.</b> Likely forages in spray field south of existing compost facility; no suitable nesting habitat in Project Area.	No further action recommended. Project results in small area of temporary impact to foraging habitat.
Ferruginous Hawk <i>Buteo regalis</i>	BCC	Winter visitor. Frequents open grasslands, sagebrush flats, desert scrub, low foothills surrounding valleys, and fringes of pinyon-juniper habitats.	<b>Moderate Potential.</b> May forage in spray field south of existing compost facility. No suitable nesting habitat.	No further action recommended.
Swainson's Hawk <i>Buteo swainsoni</i>	ST	Summer resident. Typical habitat is open desert, grassland, or cropland containing scattered, large trees or small groves.	<b>Present.</b> Observed foraging over Project Area during May 13, 2010 site visit. Probably forages in spray field south of existing compost facility. Trees associated with unoccupied ranch house may provide suitable nest sites. Nearest documented occurrence is a nest located approximately two miles west of the Project Area (CDFG 2010).	Implement measures E.6a and E.6b from the Modesto Wastewater Master Plan Update DEIR.
Northern Harrier <i>Circus cyaneus</i>	SSC	Forages in open to herbaceous stages of many habitats. Nests on ground in shrubby vegetation, usually near wet areas.	<b>High Potential.</b> Likely forages in spray field south of existing compost facility; potential for nesting is reduced due to spraying activity and grazing.	Conduct pre-construction breeding raptor survey (Measure E.3.2 in Modesto Wastewater Master Plan Update DEIR.

SPECIES	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS FOR FURTHER ACTION
White-tailed Kite <i>Elanus leucurus</i>	CFP	Forages in open to herbaceous stages of many habitats. Nests in shrubs and trees adjacent to grasslands.	<b>High Potential.</b> Likely forages in spray field south of existing compost facility. Trees associated with unoccupied ranch house may provide suitable nest sites.	Conduct pre-construction breeding raptor survey (Measure E.3.2 in Modesto Wastewater Master Plan Update DEIR.
Prairie Falcon <i>Falco mexicanus</i>	BCC, SSC	Associated primarily with perennial grasslands, savannahs, and rangeland.	<b>Moderate Potential.</b> Probably occurs as a winter visitor and migrant; no nesting habitat.	No further action recommended.
Golden Eagle <i>Aquila chrysaetos</i>	BCC, CFP	Rolling foothills mountain areas, sage-juniper flats, desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	<b>Moderate Potential.</b> May occur as a winter visitor and migrant; no nesting habitat.	No further action recommended.
Bald Eagle <i>Haliaeetus leucocephalus</i>	SE, CFP	Frequents ocean shores, lake margins, and rivers for both nesting and wintering. Requires large bodies of water, or free-flowing rivers with abundant fish and adjacent snags or other perches. Most nests are located within 1 mile of water. Nests in large, old-growth, or dominant live tree with open branchwork. Roosts communally in winter.	<b>Unlikely.</b> May occasionally visit site in winter; no nesting habitat.	No further action recommended.
Mountain Plover <i>Charadrius montanus</i>	SSC	Winter visitor. Frequents plowed fields, and open plains with low, herbaceous or scattered shrub vegetation.	<b>Unlikely.</b> May rarely occur in spray field during migration.	No further action recommended.

SPECIES	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS FOR FURTHER ACTION
Long-billed Curlew <i>Numenius americanus</i>	BCC, SSC	Forages in annual grassland, shallow wetlands and flood-irrigated alfalfa fields	<b>High Potential.</b> Likely forages in spray field south of compost facility.	No further action recommended. Project results in small area of temporary impact to foraging habitat.
Black Tern <i>Chlidonias niger</i>	SSC	Uses fresh emergent wetlands, lakes, ponds, moist grasslands, and agricultural fields.	<b>Unlikely.</b> May rarely forage in spray field south of compost facility.	No further action recommended.
Western Yellow-billed Cuckoo <i>Coccyzus americanus occidentalis</i>	FC, SE, BCC	Riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	<b>Not Present.</b> Typical riparian habitat not present in Project Area.	No further action recommended.
Short-eared Owl <i>Asio flammeus</i>	SSC	Found in open, treeless areas with elevated sites for perches, and dense vegetation for roosting and nesting.	<b>Moderate Potential.</b> Most likely occurs in winter in spray field south of compost facility.	No further action recommended.
Western Burrowing Owl <i>Athene cunicularia hypugea</i>	SSC	Nests and forages in low-growing grasslands that support burrowing mammals. May also use artificial structures for roosting and nesting.	<b>Moderate Potential.</b> Suitable foraging habitat present in spray field south of compost facility. California Ground Squirrels were not observed during the site visit; however, burrows may be present along field edges where irrigation may be limited.	Implement measures E.2.1 and E.2.2 from the Modesto Wastewater Master Plan Update DEIR.

SPECIES	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS FOR FURTHER ACTION
Loggerhead Shrike <i>Lanius ludovicianus</i>	SSC	Prefers open habitats with scattered shrubs, posts, or other perches.	<b>High Potential.</b> Likely forages in spray field south of existing compost facility. Trees associated with unoccupied ranch house may provide suitable nest sites.	Conduct pre-construction breeding survey (Measure E.3.2 in Modesto Wastewater Master Plan Update DEIR).
Yellow Warbler <i>Dendroica petechia</i>	SSC	Associated with riparian forest and willow thickets.	<b>Not Present.</b> Typical riparian habitat not present in Project Area.	No further action recommended.
Yellow-breasted Chat <i>Icteria virens</i>	SSC	Summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses. Nests in low, dense riparian, consisting of willow, blackberry, wild grape; forage and nest within 10 feet of ground.	<b>Not Present.</b> Typical riparian habitat not present in Project Area.	No further action recommended.
Tricolored Blackbird <i>Agelaius tricolor</i>	SSC	Breeds near freshwater marsh with dense emergent vegetation near trees and shrubs. Nests in stands of cattails or bulrushes, occasionally uses willows, thistles, mustard, and blackberry shrubs.	<b>Moderate Potential.</b> Likely forages in spray field south of existing compost facility. Typical nesting habitat is not present in the Project Area. Documented to occur within 2 miles of the Project Area to the north and south (CDFG 2010).	No further action recommended. Project results in small area of temporary impact to foraging habitat.
Modesto Song Sparrow <i>Melospiza melodia mailliardi</i>	SSC	Associated with emergent freshwater marshes dominated by tules and cattails, and riparian willow thickets (Grinnell and Miller 1944).	<b>Unlikely.</b> Typical emergent wetland habitat is not present in the Project Area.	No further action recommended.

SPECIES	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS FOR FURTHER ACTION
<b>REPTILES</b>				
Western Pond Turtle <i>Clemmys marmorata</i>	SSC	Occurs in perennial ponds, lakes, rivers, and streams with suitable basking habitat and submerged shelter.	<b>Unlikely.</b> Aquatic habitat is not present in Project Area. Spray field south of compost facility probably does not provide suitable nesting habitat due to wet soil conditions.	No further action recommended.
Coast Horned Lizard <i>Phrynosoma coronatum frontale</i>	SSC	Inhabits open country, especially sandy areas, washes, flood plains and wind-blown deposits in a wide variety of habitats.	<b>Unlikely.</b> Few records in northern Stanislaus County (Jennings and Hayes 1994). Agricultural and other ground disturbance impacts have reduced habitat suitability.	No further action recommended.
Blunt-nosed Leopard Lizard <i>Gambelia sila</i>	FE, SE	Resident of sparsely-vegetated alkali and desert scrub habitats, in areas of low topographic relief. Seeks cover in mammal burrows under shrubs or structures.	<b>Not Present.</b> No records in northern Stanislaus County (USFWS 1998).	No further action recommended.
California Legless Lizard <i>Anniella pulchra</i>	SSC	Found primarily in areas with moist, sandy or loose organic soils or where there is plenty of leaf litter.	<b>Unlikely.</b> Few records in northern Stanislaus County (Jennings and Hayes 1994). Arid conditions, agricultural activities and other ground disturbance likely preclude presence.	No further action recommended.
San Joaquin Whipsnake <i>Masticophis flagellum ruddocki</i>	SSC	Occurs in open, dry, vegetative associations with little or no tree cover.	<b>Not Present.</b> No records in northern Stanislaus County (Jennings and Hayes 1994).	No further action recommended.



SPECIES	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS FOR FURTHER ACTION
Giant Garter Snake <i>Thamnophis gigas</i>	FT, ST	Marshes, sloughs, ponds, canals, ditches, and rice fields. Requires emergent vegetation, basking areas, and flood refugia.	Unlikely. Typical aquatic habitat is not present in Project Area.	No further action recommended. Project will avoid aquatic and upland habitat that may be used by this species.
<b>AMPHIBIANS</b>				
California Tiger Salamander <i>Ambystoma californiense</i>	FT, SSC	Generally found in grasslands with ground squirrel burrows for summer estivation, and seasonal pools for breeding.	Not Present. Project Area consists of hardscape and spray fields, which provide poor upland habitat.	No further action recommended.
Western Spadefoot <i>Scaphiopus hammondi</i>	SSC	Temporary rainpools in grasslands containing small mammal burrows and/or friable soils for subterranean estivation.	Not Present. Conversion to agriculture and other ground disturbance have resulted in poor habitat conditions.	No further action recommended.
Foothill Yellow-legged Frog <i>Rana boylei</i>	SSC	Partly-shaded, shallow streams and riffles with a rocky substrate in a variety of habitats.	Not Present. Stream habitat is not present.	No further action recommended.
California Red-legged Frog <i>Rana aurora draytonii</i>	FT, SSC	Associated with perennial to intermittent ponds, slow, low-gradient streams, and wetlands.	Not Present. Probably extirpated from valley floor. Project will not impact aquatic habitat.	No further action recommended.
<b>FISH</b>				
San Joaquin Roach <i>Lavinia symmetricus ssp.</i>	SSC	Usually associated with small, warm intermittent streams.	Not Present. The Project Area does not contain stream habitat.	No further action recommended.

SPECIES	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS FOR FURTHER ACTION
Sacramento Splittail <i>Pogonichthys macrolepidotus</i>	SSC	Endemic to the lakes and rivers of the Central Valley, but now confined to the Sacramento Delta, Suisun Bay and associated marshes. Occurs in slow-moving river sections and dead end sloughs. Requires flooded vegetation for spawning and foraging for young. Splittail are primarily freshwater fish, but are tolerant of moderate salinity and can live in water where salinity levels reach 10-18 parts per thousand.	<b>Not Present.</b> The Project Area does not contain aquatic habitat..	No further action recommended.
Steelhead - Central Valley ESU <i>Oncorhynchus mykiss irideus</i>	FT	Populations in the Sacramento and San Joaquin Rivers and their tributaries. Adults migrate upstream to spawn in cool, clear, well-oxygenated streams. Juveniles remain in fresh water for 1 or more years before migrating downstream to the ocean .	<b>Not Present.</b> Suitable aquatic habitat is not present in the Project Area.	No further action recommended.
Chinook Salmon - Central Valley fall/late fall-run ESU <i>Oncorhynchus tshawytscha</i>	FC, SSC	Populations spawning in the Sacramento and San Joaquin Rivers and their tributaries. Adults migrate upstream to spawn in cool, clear, well-oxygenated streams. Juveniles remain in fresh water for 1 or more years before migrating downstream to the ocean.	<b>Not Present.</b> Suitable aquatic habitat is not present in the Project Area.	No further action recommended.

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**INVERTEBRATES**

SPECIES	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS FOR FURTHER ACTION
Conservancy fairy shrimp <i>Branchinecta conservatio</i>	FE	Vernal pools. Usually requires at least 49 days of inundation to reach maturation; as little as 19 days if conditions are optimal.	<b>Not Present.</b> Suitable vernal pool and seasonal wetland habitat are not present in the Project Area.	No further action recommended.
longhorn fairy shrimp <i>Branchinecta longiantenna</i>	FE	Vernal pools. Usually requires at least 43 days of inundation to reach maturation; as little as 23 days if conditions are optimal.	<b>Not Present.</b> Suitable vernal pool and seasonal wetland habitat are not present in the Project Area.	No further action recommended.
vernal pool fairy shrimp <i>Branchinecta lynchi</i>	FT	Vernal pools. Usually requires at least 41 days of inundation to reach maturation; as little as 18 days if conditions are optimal.	<b>Not Present.</b> Suitable vernal pool and seasonal wetland habitat are not present in the Project Area.	No further action recommended.
vernal pool tadpole shrimp <i>Lepidurus packardii</i>	FE	Vernal pools. Typically requires 7 weeks to reach maturity.	<b>Not Present.</b> Suitable vernal pool and seasonal wetland habitat are not present in the Project Area.	No further action recommended.
valley elderberry longhorn beetle <i>Desmocerus californicus dimorphus</i>	FT	Elderberry shrubs required for reproduction and foraging.	<b>Not Present.</b> Elderberry shrubs are not present in the Project Area.	No further action recommended.
<b>PLANTS</b>				
Alkali milk-vetch <i>Astragalus tener var tener</i>	1B	Found on playas and valley foothill grassland on clay; blooms March-June.	<b>Unlikely.</b> Playa-like habitats and seasonal wetlands are not present in the Project Area.	No further action recommended.
Heartscale <i>Atriplex cordulata</i>	1B	Generally found in saline or alkaline soils associated with chenopod scrub and valley foothill grasslands. Blooms May-October.	<b>Unlikely.</b> Chenopod scrub or valley and foothill grasslands are not present in the Project Area.	No further action recommended.

SPECIES	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS FOR FURTHER ACTION
Brittlescale <i>Atriplex depressa</i>	1B	Chenopod scrub, playas, and valley foothill grassland on alkaline or clay soils.	<b>Unlikely.</b> Chenopod scrub or valley and foothill grasslands are not present in the Project Area.	No further action recommended.
San Joaquin spearscale <i>Atriplex joaquiniana</i>	1B	Generally found in alkaline soils associated with chenopod scrub and valley foothill grasslands. Blooms April-September.	<b>Unlikely.</b> Chenopod scrub or valley and foothill grasslands are not present in the Project Area.	No further action recommended.
vernal pool smallscale <i>Atriplex persistens</i>	1B	Alkaline vernal pools.	<b>Not Present.</b> Vernal pools are not present in the Project Area.	No further action recommended.
Hispid bird's-beak <i>Cordylanthus mollis</i> ssp <i>hispidus</i>	1B	Occurs in alkaline playas and meadows. Blooms June-September.	<b>Unlikely.</b> Alkaline playas and meadows are not present in the Project Area.	No further action recommended.
Hospital Canyon larkspur <i>Delphinium californicum</i> ssp <i>interius</i>	1B	Found in cismontane woodland. Blooms April-June.	<b>Not Present.</b> Cismontane woodland is not present in the Project Area.	No further action recommended.
Four-angled spikerush <i>Eleocharis quadrangulata</i>	2	Freshwater marshes; blooms July-September.	<b>Unlikely.</b> Slough near pipeline route may provide marginal habitat.	No further action recommended.
Delta button-celery <i>Eryngium racemosum</i>	SE, 1B	Occurs in vernal mesic clay depressions; blooms June-August.	<b>Unlikely.</b> Seasonal wetlands are not present in the Project Area.	No further action recommended.
Diamond-petaled California poppy <i>Eschscholzia rhombipetala</i>	1A	Clay soils in valley foothill grassland. Blooms March-April.	<b>Unlikely.</b> Valley foothill grassland is not present in the Project Area.	No further action recommended.
prostrate navarretia <i>Navarretia prostrata</i>	1B	Alkaline soils in grassland or vernal pools.	<b>Unlikely.</b> Vernal pools and grassland habitats are not present.	No further action recommended.
Slender-leaved pondweed <i>Potamogeton filiformis</i>	2	Shallow freshwater wetlands. Blooms May-July.	<b>Unlikely.</b> Slough near pipeline route may provide marginal habitat.	No further action recommended.

SPECIES	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE	RECOMMENDATIONS FOR FURTHER ACTION
Sanford's arrowhead <i>Sagittaria sanfordii</i>	1B	Standing or slow-moving freshwater ponds, marshes, and ditches.	Unlikely. Slough near pipeline route may provide marginal habitat.	No further action recommended.

STATUS:

- FE Federal Endangered
- FT Federal Threatened
- FC Federal Candidate for Listing
- FPE Federal Proposed Endangered
- SE State Endangered
- ST State Threatened
- CFP CDFG Fully Protected Species
- SSC CDFG Species of Special Concern
- WBWG Western Bat Working Group
- 1A CNPS plants presumed extinct in California
- 1B CNPS plants rare, threatened, or endangered in California and elsewhere
- 2 CNPS plants rare, threatened, or endangered in California, but more common elsewhere

**Attachment No. 3**

**Holman & Assoc.  
Section 106 Cultural Resources Inventory – August 2010**

SECTION 106 CULTURAL RESOURCES INVENTORY FOR THE  
CITY OF MODESTO PHASE 2 BNR/TERTIARY  
WASTEWATER TREATMENT PROJECT,  
STANISLAUS COUNTY, CALIFORNIA

by

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July 2010

Report Completed For

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## INTRODUCTION AND PROJECT SUMMARY

During May and June 2010 Holman & Associates Archaeological Consultants (H&A) conducted historic resources research including a recent archaeological records search, field reconnaissance, and potential impacts assessment for proposed Phase 2 improvements at the City of Modesto's Jennings Road Wastewater Treatment Plant (WWTP) in unincorporated Stanislaus County. This work was authorized by and completed for Mr. Jerry Haag, Urban Planner, of Berkeley. Phase 2 WWTP improvements are part of wastewater treatment improvements to be completed under the City's Wastewater Treatment Master Plan (WWTMP), as described and analyzed in the Environmental Impact Report (EIR) for the multi-year project (Turnstone Consulting 2007). Phase 1 was originally two subphases, 1A and 1B; Phase 1B was later combined into Phase 2 due to a slowdown in growth of treatment capacity demand. Phase 1A was funded and completed by the City in 2009. Phase 1A historic resources inventory and impacts assessment focusing on archaeological resources were conducted under the California Environmental Quality Act (CEQA) (Clark 2008); historic architectural resources were not addressed under CEQA as Phase 1A did not effect standing structures.

Modesto's WWTP Phase 2 improvements will utilize funds from the State Revolving Fund (SRF), administered through the State Water Resources Control Board (SWRCB). Because this involves Federal funds, SRF-funded projects come under provisions of the National Historic Preservation Act of 1966 (NHPA), specifically the requirements of NHPA Section 106, the regulations for which are set forth in 36 CFR Part 800 ("106 Regulations"). NHPA compliance responsibility has been delegated by the Federal government to the SWRCB. Section 106 compliance will be overseen by the SWRCB Section 106 Compliance Officer in Sacramento. As per 106 Regulations (§ 800.4(b)(1)), background and site-specific research done for the Phase 1A CEQA work is also utilized here.

This research and report are the initial steps of Section 106 compliance for Phase 2. Presented here are the context of Phase 2 projects with regard to Section 106 compliance, including: an overall description of the wastewater treatment plant; Phase 2 goals; regulatory context; the geographic, biophysical, cultural/ethnographic, historic, and archaeological contexts; methods and results of initial archaeological and historic properties research, including records search and field survey; determination of the Area of Potential Effects (APE); record of consultation required under 106 Regulations, with results; assessment of archaeological potential in the APE; and, an assessment of the potential for Phase 2 projects to affect potential historic properties.

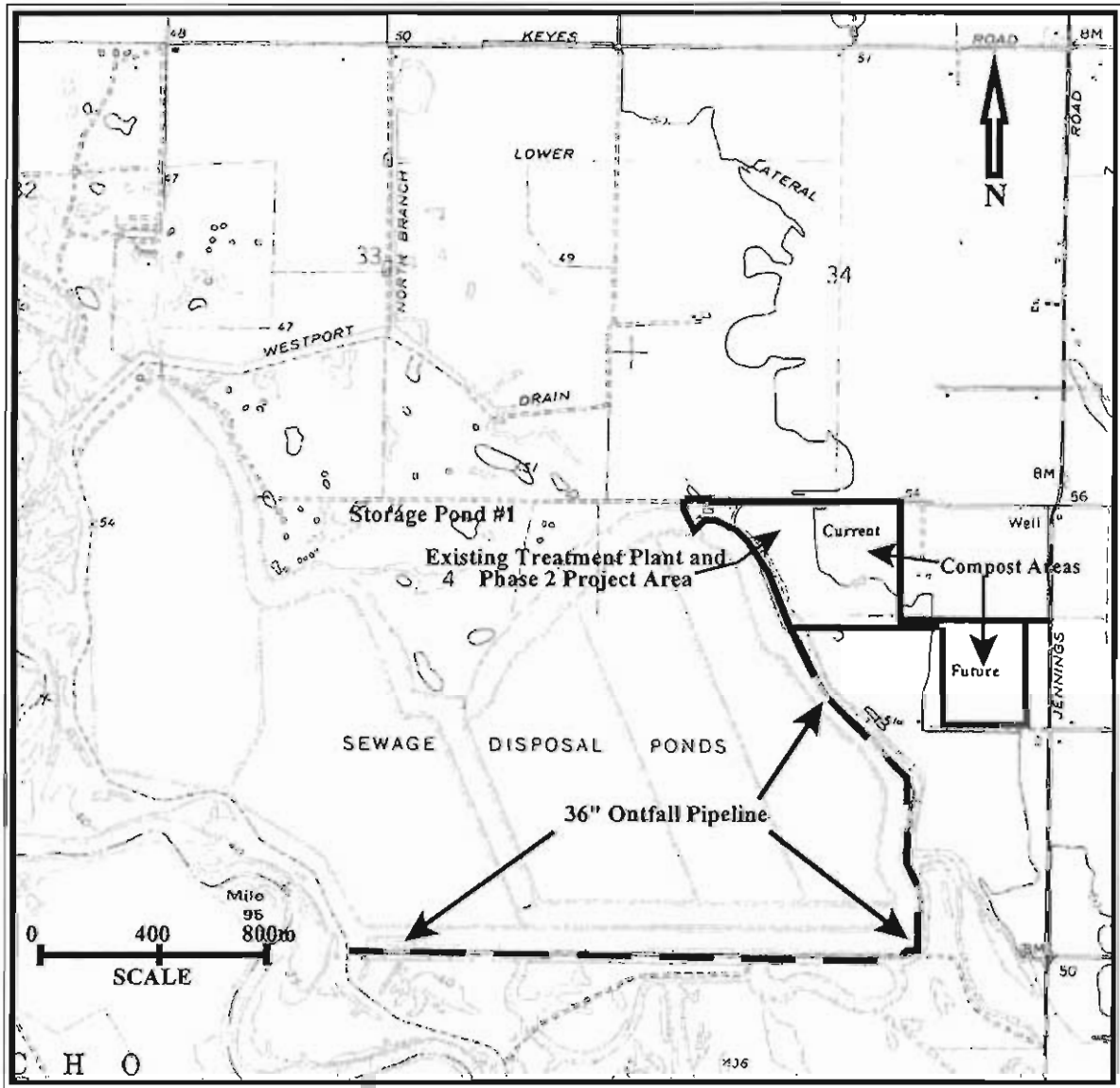
Phase 1A WWTP improvements were in and near existing treatment facilities in an already completely altered area near Jennings Road, excepting a new outfall surface pipeline from the treatment area to the existing outfall on the San Joaquin River southwest of the treatment and storage ponds. Phase 2 comprises 16 separate elements to upgrade secondary treatment at the WWTP and one for disposal, an upgrade of the effluent discharge outfall line to a 36-inch buried pipeline. The 14 elements directly for treatment upgrade are generally east of Phase 1A, but two small impact areas are amongst pre-Phase 1A WWTP facilities to the northwest. Another element of Phase 2, relocation of the onsite community compost facilities, while not directly related to treatment upgrades, is needed to provide space for this and subsequent upgrade phases. This will move the

compost facilities to 40 grassy acres southeast of the existing facility (see Location, Project, and APE Maps). Considerable excavations and other disturbances to surface and subsurface will be required for Phase 2, with potential to encounter and adversely affect historic, cultural, and archaeological resources within the impact zones, if any exist, and therefore this research and impact assessment was required under Section 106

The 2008 CEQA archaeological records search revealed a significant apparently Late Period prehistoric Native American site within the WWTP property (CA-STA-164), near the west-center of the array of treatment and storage ponds. This site was not affected by Phase 1A. The WWTP treatment facilities area had not been specifically inspected for archaeological resources prior to the Phase 1A study, but the storage pond and levees around the prehistoric site had been intensively surveyed and site boundaries defined by trenching and archaeological test excavations; no historic resources were found outside that defined boundary. Part of the route for the Phase 1A outfall pipeline, approximately the southerly half, had been previously surveyed, as had the effluent outfall pump station and discharge location, both with negative results for cultural resources. Several other surveys in the immediate vicinity of the WWTP had also been negative.

Field reconnaissance of the Phase 1A impact zones did not discover indications of historic resources; these zones were previously thoroughly disturbed, at least on the surface. Phase 1A surface reconnaissance around existing facilities coincided with the locations of the two small Phase 2 elements northwest of the larger proposed "main" Phase 2 elements, and with the route of the proposed Phase 2 discharge pipeline. All Phase 2 APEs were field surveyed for this report.

The proposed Phase 2 construction on the WWTP should be able to go forward without adversely affecting significant cultural resources or any historic properties, subject to the proviso recommended at the end of this report, which should be incorporated into permit conditions.



**Map 1: Modesto WWTP Phase 2 BNR/Tertiary Wastewater Project Location**  
 (USGS "Brush Lake" 7.5 minute topographic quadrangle, photorev. 1976)

## **THE PROJECT AREA**

### **Location**

The City of Modesto is located in the lower San Joaquin Valley, on the north bank of the Tuolumne River. The Phase 2 wastewater treatment improvements at the Jennings Road Wastewater Treatment Plant will take place within the existing City of Modesto treatment facility, which is about 6½ miles/10.5 km outside city limits to the southwest and adjacent to the San Joaquin River. Primary wastewater treatment is done at the Sutter Avenue Primary Treatment Plant in the City; primary-treated effluent is sent to the WWTP for secondary treatment and discharge; Phase 2 will provide tertiary treatment at the facility. The WWTP was built in 1969 and now includes several treatment and storage ponds to the south and west of the until recently relatively small treatment facilities area at the northeast entry road. See Map 1 for the location of the WWTP.

The Project Area is contained on the US Geological Survey “Brush Lake” 7.5 minute topographic quadrangle, a portion of which is reproduced here as Map 1. The WWTP treatment facilities are contained in the northwest quarter of Section 3, Township 5 South, Range 8 East. The discharge pipeline winds southward to the boundary of Section 3 to proceed directly westward along the boundary of Section 4 to discharge on the east side of the San Joaquin River. The WWTP area appears to have been only partially surveyed into the township-and-range system, with the formerly marshy “lowland” west of Horseshoe Slough excluded, but also not included in a Spanish/Mexican era land grant (GLO 1853-1854).

### **Biophysical Description**

Cultural, archaeological, and/or historic resources likely to exist on the Project Area are a product of the interaction of human behaviors with the physical environment—i.e, adaptations made to utilize resources to allow human use and occupation of the location. To find, understand the genesis and uses, and interpret the meanings of cultural resources in the Project Area, knowing the past and present environmental and cultural context is essential. Following is a basic description of the natural setting, current conditions, and cultural past of the Project Area.

The WWTP is located on the vast flood plain of the San Joaquin River in the lower or northern San Joaquin Valley. A generally hot and dry plain, though also quite fertile, riparian corridors in the valley have always been the focus of human occupation and use for the obvious reason that fresh water is reliably available. The river naturally meanders unless controlled artificially, and the project vicinity contains numerous lower wetter zones and sloughs created by meanders the river later abandoned. Generally the region is quite flat, with low marshy spots and rare high spots left from natural levee build up. Though the area, particularly the WWTP, has been altered by construction of elevated water control levees, elevation remains relatively low, at about 40-50 feet MSL, with constructed high spots reaching over 50 feet and a slight natural rise to the northeast, where Phase 2 work is concentrated. Natural high spots are also nearby, and would have been loci for prehistoric habitation. The recorded prehistoric site location was on one of these higher spots along one of the channels of Horseshoe Slough, an historic name for one of the larger cut-off oxbows.

Native soil in the Project vicinity is a dark grey brown sandy silt with occasional rounded pebbles, alluvially deposited in layers by the river and more than 20 feet thick (Kleinfelder 2007). Open surface soil within the WWTP is much lighter, a very pale tan. Aboriginally this location would have been poor in lithic resources used by prehistoric people for tools, cooking stones, etc., the only source being cobbles and boulders in the river beds. The WWTP area would have been a border or transition zone from the marshy areas and oxbows along the San Joaquin River out to a broad grassy flood plain. Along the streams and rivers, willow trees would be and still dominate, along with sycamore and cottonwood, with few if any trees on the open plain. Marshlands along the rivers were much more extensive than currently, the courses of the rivers were changed by floods, and occasionally much of the valley would become a vast lake.

The modern WWTP resembles in some aspects the area prehistorically, in that there are levees, but artificial, and expanses of both permanent water (but water in the treatment ponds is constantly active) and seasonal water in the storage ponds. The entire landscape of the WWTP is artificial, but is a manipulation of the pre-existing conditions, where a low marshy area has been reformed and bounded for the plant. Vegetation is nearly completely lacking on the WWTP property proper, but there are groves of trees at the western margins near the San Joaquin and City-owned property to the south and east is currently grass-covered rangeland and hayfields. The offices, shops, and treatment facilities are clustered at the northeast off Jennings Road, the "treatment area," with numerous buildings, tanks, pump stations, filter facilities, etc., accessible by paved and/or graveled roads. The treatment area stands a bit above the surrounding terrain and looks artificially raised. The landscape drops off to the south into City-owned "ranch" property used for land discharge, and to the west and southwest into the treatment and storage ponds. Levees separating the ponds are raised and in some places reinforced. The roadways, including the route to the existing effluent pump station and discharge point, are also raised and graveled or asphalt paved. The discharge station surmounts a higher flood control levee that protects the entire WWTP.

Being a natural low marsh, gradually rising to the east away from the river and subject to flooding, the WWTP property saw little if any development prior to establishment of the treatment facility in 1969. The earliest maps of the area, General Land Office plats, show labeled "Low Land" and do not even show the actual course of the San Joaquin River at the time (GLO 1853-1854). Later GLO plats also show no development in the area (1853-1868; 1870), though by 1868 Jennings Road exists (Brotherton 1982), and by 1870 there is a road shown running from the north to the approximate location of the WWTP (GLO 1870). By 1941, topographic maps show "Jennings School" southwest of the modern treatment plant (USACE 1941), but no apparent improvements in the now-labeled Horseshoe Slough to the west, which is still an undulating landscape of labyrinthine former river channels and natural levees. What is later labeled the "Westport Drain" is shown as a westward extension of Lateral 3. The flood control levee west of the WWTP is also in place by 1941. The 1953 topographic map does not label the school location and shows a different configuration of buildings; the Westport Drain is labeled north of the plant (USGS 1953). The 1969 topographic map shows "Sewage Disposal Ponds" in place, the current Treatment Ponds, and the first buildings in the treatment area, as well as the eastern margin road turning west and running to the current outflow area, where two buildings are also shown. So, by 1969, extensive grading, leveling, and excavations had taken place at the WWTP, including probable removal of the southern portion of prehistoric site CA-STA-164. The array of ponds and levees (Treatment Ponds

#1, #2, #3, and Storage Pond #2) has remained in place since 1969, with the addition of northerly Storage Pond #1 later (the photoinspected 1976 revision [Map 1] does not show Storage Pond #1 yet in place).

Throughout the Early American Period and to today, the environs of the WWTP have been sparsely populated and utilized for agriculture and livestock raising, with elaborate systems built to get rid of water when needed and to provide water when needed as well. Drains, laterals, levees, ponds, and raised roadways punctuate the otherwise flat landscape.

### Ethnographic Sketch

The Northern Valley Yokuts owned the Project vicinity when the Spanish invaded California. While not untouched by the Spanish/Mexican colonization and missionization of Native Californians, and certainly European disease and the influx of refugee Indians had impacts, the Yokuts were far enough removed from the first Europeans to be relatively intact well into the late nineteenth century. The coming of the Americans and then the Gold Rush devastated their culture and people however, as gold-seekers swept across the San Joaquin Valley to the foothills and Sierra. As a consequence, though Spanish chroniclers and soldiers recorded some information, the Americans were not interested in knowing about or converting the natives, so by the time anthropologists and linguists began to gather data, the Yokuts pre-contact culture was mostly gone. The aboriginal Northern Valley Yokuts remain one of the least known groups in California.

The three main sources of information on the pre-contact Northern Valley Yokuts are the early twentieth century compendium by Kroeber (1925), the mid-century *Handbook of the Yokuts Indians* by Latta (1949, revision issued 1977), and the later summary by Wallace in the 1978 California volume of the *Handbook of North American Indians*, where much of Kroeber's and Latta's information is reiterated (Wallace 1978). Kroeber provides four long chapters on the Yokuts, contending they are "unique" in that they were "divided into true tribes" (1925:474), and saying that 40 tribes are locatable and providing maps. However, he goes on "In the northern part of the Yokuts areas the map is, however, blank except for a few names of groups of uncertain situation and doubtful affinities (1925:474) and "The extinction of the northern valley tribes prevents their being included in the following account of Yokuts life..." (1925:492). While Kroeber was certainly wrong in other instances in asserting that particular Californian groups were extinct, in this case if taken to mean that the pre-contact aboriginal lifestyle of the Northern Valley Yokuts was no longer available for study, he appears to be correct. Wallace begins his chapter on the Northern Valley Yokuts with the same lament: "No large section of California is so little known ethnographically as the lower or northern San Joaquin valley. ...due to their rapid disappearance as a result of disease, missionization, and the sudden overrunning of their country by American miners and settlers during the gold rush years" (Wallace 1978:462). This paucity of ethnographic information applies to the Phase 2 Project vicinity; ethnohistoric village locations are unknown or at best uncertain.

Some information is presented in these sources, but much is generic, presented in couched terms assuming that Yokuts lifeways followed general "California patterns" and observations made not only elsewhere in California but often worldwide. So, for example, on tribes living on a broad grassy, flood plain cut by major but few minor watercourses and subject to widespread flooding,

Wallace notes “Most settlements, at least the principal ones, sat perched on top of low mounds, on or near the banks of large watercourses...” Unsubstantiated statements are also offered: “Originally the Northern Valley Yokuts were not prone to warfare and the various tribes lived in peace with one another...” (both Wallace 1978: 466). Nevertheless, these resources are the best available, and are not much amendable, which is one reason that archaeological data from the area is of particular significance.

## **AREA OF POTENTIAL EFFECTS (APE) DESIGNATION**

The APE for Phase 2 improvements at the WWTP is separable into three zones; see Maps 2, 3 and 4 for locations and enumeration of proposed Phase 2 facilities. At the northwest, amongst existing facilities in a completely developed area, two Phase 2 elements are rather widely separated from other Phase 2 facilities: a new/enlarged primary effluent pump station within an existing pump station (Facility #02) , and a new electrical master control building (#09); these two have little potential to affect historic properties (see Map 3).

Central to the Phase 2 improvements are 14 other facilities, east of the existing treatment and other facilities and recently constructed Phase 1A features; this is the “main Phase 2 APE.” See Maps 2, 3, and 4. Grouped together as “Yard Structures” under #01 are 12 smaller items, often located within or adjacent to other facilities; these include five flow meter locations, two tanks, three generators, biofilter odor control, and a drain pump station.

Major new facilities include:

- a new Operations Center adjacent to the access road, with a parking lot to the immediate east (#11);
- a Fine Screens facility (#03);
- five facilities grouped under #04, with a Distribution Box (#04A), Biological Nutrient Removal basins (#04B), a Waste Activated Sludge pump (#04C), Membrane Bioreactor tanks (#04D), and a Return Activated Sludge pump (#04E);
- an Aeration Blower Building (#05);
- a Membrane Blower Building (#06);
- a UV Building (#07)
- a Tertiary Effluent Pump Station (#08);
- the Main Electrical Building (#10);
- the Tertiary Maintenance Shop (#12);

The Operations Center will be in the northwesterly portion of the existing composting facility. The other facilities will be west of the existing compost area. The new Phase 2 facilities (other than #02 and #09, in the already paved zone) will all be connected by paved roads and pads, and roads at the west and southwest will connect with recently built Phase 1A facilities (see Maps 3 and 4).

The existing community composting facilities front on the WWTP entry road off Jennings Road, east of the existing older and newer Phase 1A facilities, occupying approximately 40 acres. The composting facility will be moved southeast onto ~40 acres of adjacent City property currently leased as a hayfield (Maps 2 and 4). Part of Phase 2 work, relocation of the compost facilities will

affect about 80 acres as the existing and new compost fields and three buildings will be demolished or moved (one is a trailer) to the southeast. Public access will be maintained on existing roads except around the new composting location, where access will be switched to the south directly off Jennings Road. Southeast of the new compost facility a landscaped earthen berm will be constructed to shield the compost area from public view. The areas currently occupied and proposed for the relocated compost facilities are east and southeast, respectively, of the main Phase 2 APE, all of which will require little grading beyond surface clearing and minor trenching for utilities and drainage. The cleared northern composting portion will subsequently be used for Phases 3-5 improvements and Regionalization expansion of the WWTP.

The expanded 36 inch Tertiary Effluent (TE) outfall discharge pipeline is the third Phase 2 APE zone. It will run about 11,265 feet/2.13 miles/3.43 kilometers from the southwest corner of the main Phase 2 facilities area along the eastern border of the Recirculation Channel and then turn directly west, paralleling a drainage channel, roadway, and ditch, to the existing discharge pump station near the eastern bank of the San Joaquin River (Maps 1 and 2). The route parallels that established for the Phase 1A outfall line but is not on exactly the same alignment. The existing Recirculation Channel on the east and Drainage Channel on the south are contained by levees, with a service road on the outer levee. The new TE line will run outside (east and south of) the service road and also outside trenches and other features, angling north at the end to meet the existing Discharge Station (as shown on the Overall Site Plan, Map 2). The temporary surface Phase 1A outfall line—planned as 18 inches but currently a 12 inch line—will be removed when the new larger discharge line is in service.

## **PROJECT IMPACTS**

Though covering a goodly number of acres, the Phase 2 improvements will not require very extensive or deep excavations, with the exception of the new 36 inch TE pipeline. Most of the new facilities will be on the surface, connected by pipes that often will also be on the surface or even elevated, and the facilities will be clustered onto slightly raised pads of concrete/asphalt surrounded by a large paved area and accessed from existing facilities and the new Operations Center on paved surface roads. All areas where Phase 2 wastewater treatment facilities will be constructed, including the TE line, are previously and highly disturbed, including the current compost facility. The main Phase 2 facilities APE is basically flat and entirely cleared, with the exception of the existing compost facility. The smaller separate APE at the northwest is completely developed and either paved or covered by structures. No native vegetation or topsoil was visible except along the TE pipe route, and there it was all extremely disturbed by previous WWTP construction and use.

The existing compost area will be cleared and the materials there, stacked in long north/south windrows, will be moved to the southeast and the windrows recreated, this time as east/west lines. The scale, shop, and other buildings and trailer will be moved to the north end of the new facility, where a new large paved area will be created, as will a paved road around the facility (Map 4). The landscaped earthen berm slated for southeast of the new composting area will be created with soil taken from the nearest excavations needed for Phase 2 work. The proposed new composting location is currently covered by very thick grasses, cut by a few shallow trenches and low windrows to control irrigation water, having been used for years for pasture and hayfield. There are no



structures in this area and only the south side is fenced parallel to a farm road running from Jennings Road west to the abandoned farmhouse complex. The separate "Future Compost Location" shown on the Site Plan (Map 2) is not part of Phase 2 work.

The 3.43 km long TE pipeline route will be excavated for the new 36-inch pipe. The trench will be 60 inches/152 cm deep and 48 inches/123 cm wide, and backfilled upon completion. Trenching along the route, which is both disturbed and not currently smooth, will disturb the adjacent lineal zone, but except for the trench itself, should not move heretofore undisturbed soils. The existing discharge outflow facility at the southwest of the WWTP will not be enlarged for Phase 2, but trench excavation will reach right to its southern side.

Staging and materials storage areas for Phase 2 work will be in areas already disturbed and/or paved, including the by-then cleared existing compost area. Access for equipment will be from Jennings Road on the existing WWTP access, and existing or newly created and paved roads will be used within the APEs for moving equipment and materials.

All Phase 2 work is proposed, therefore, for areas previously highly disturbed by construction, subsequent changes and upgrades, and operations of the WWTP, with the exception of the proposed new compost area, which has been trenched and leveled but not sustained significant subsurface disturbance. The WWTP was constructed prior to CEQA historic resources preservation processes, and most of the area is not reported to have been specifically surveyed or evaluated for the initial construction. It cannot be presumed that if archaeological materials were discovered during construction the finds would have been reported and evaluated, as the significant prehistoric site within the WWTP was clearly impacted. But, by 1983, when CEQA preservation requirements were routinely incorporated in such public projects, the area now Storage Pond #1 was proposed and CEQA compliance required historic resources preservation research, resulting in the discovery, recording, and evaluative testing of prehistoric site CA-STA-164. At that time the entire area of Storage Pond #1 was surveyed for archaeological resources, and prior to that the road on what would be the southern boundary of Sections 3 and 4 (if those extended that far), the location of the existing outfall discharge area, the road and levee just to the north, and other areas around the WWTP had also been surveyed. As the existing access road and office/treatment area parking would have been utilized for Storage Pond #1 archaeological work, and for access to survey the southern roads/levee, and the other adjacent zones surveyed, it is reasonably implicit that had archaeological materials been present they would have been discovered (and, Phase 1A impact zones were surveyed for this previously, with that data incorporated into this report).

## RESEARCH METHODS AND RESULTS

### Archaeological Records Search

Cultural resources research for 2008 Phase 1A improvements at the Jennings Road Wastewater Plant began with an archaeological and historic resources records search; that report is relied upon here, as no construction or other historic preservation work has taken place within the area encompassed. The records search was conducted ably and thoroughly by the staff of the Central California Information Center (CCIC) of the California Historical Resources Information System (CHRIS) at California State University, Stanislaus on 11 June 2008. The records search revealed that portions of the WWTP property had been covered and reported in formal surveys, several other surveys were reported in the environs, and a significant prehistoric archaeological site was recorded on the property, P-50-000249/CA-STA-164. The majority of the WWTP has not been surveyed—understandable as most of the property is constantly covered by water—and the treatment area had not been formally surveyed or reported. About half of the route of the proposed new Phase 1A outfall pipeline has been surveyed, as has the terminus where the existing outfall discharge will be connected to the new Phase 2 pipe, and several small areas in the immediate vicinity have also been surveyed.

The earliest reported formal archaeological survey in the vicinity of the WWTP vicinity was by Chavez (1976), and included the straight-line road now marking the southern boundary of the WWTP property, which would also be the southern boundary of Sections 3 and 4 if those extended the full mile of a standard section. This is more than half of the proposed new Phase 2 outfall pipeline route; no resources were recorded. In a survey not reported formally to the CCIC, STA-164, the “Horseshoe Slough Site,” was recorded first also in 1976. The City of Modesto already owned the property, but the tenant, one Floyd Husk, apparently “knew that there was a site in the area excavated for the sewage pond” (Napton, Vaille, and Moore 1976:2), and apparently informed local archaeologists. Husk reported artifacts and human skeletal materials were found at the site, which had been impacted when the wastewater ponds were constructed in 1969: “The site is named after a series of channels called Horseshoe Slough which has since been destroyed by the Sewage Disposal Project” (Napton, Vaille, and Moore 1976:6). The site was described as a concentration of shell, scattered bone, ash, and artifacts in a medium light brown sandy midden soil. None of the Phase 2 work will be in the area where the site was recorded.

Napton returned to survey what is now the southern half of Storage Pond #1 in 1983, conducting a phase two subsurface reconnaissance in the vicinity of STA-164, defining the northerly site perimeters via a series of backhoe trenches, and finding site materials in the levee separating Storage Pond #1 from the channel between Storage Pond #2 and Treatment Pond #3 (Napton 1983) (see Map 2). The following spring evaluative test excavations were conducted at the site, demonstrating its significance as an archaeological resource (Napton 1984) and to the local Yokuts Native American community (Heath 1984). Also in 1984 Napton surveyed the northern half of Storage Pond #1, not reporting any archaeological indicators (Napton 1984a).

In 1986 Werner surveyed a number of discontinuous tracts along the lower San Joaquin River and tributaries prior to Corps of Engineers channel clearing work, the subject areas being high spots

formed by natural levees at curves in the river (Werner 1986). This survey covered the existing outfall discharge area at the WWTP and included at least seven other small tracts near the treatment plant; no archaeological resources were reported in any of those areas. Finally, a 1997 report by Peak covered the levee and road just north of the discharge station, beginning less than 75 m from the Phase 1A and Phase 2 improvements, also with negative results (Peak 1997).

The records search results also included copies of pertinent historic maps (GLO 1853-1854, 1853-54a, 1853-1868, 1870; USACE 1941; USGS 1953, 1969), providing historic context for the project vicinity, and a portion of the *Annals of Stanislaus County, Volume 1, River Towns and Ferries* (Brotherton 1982). These maps and the County history illustrate that the WWTP vicinity was not developed and remained a relatively untouched marshy channel and natural levee area until the treatment plant was started in 1969.

The CCIC records search for this project is #7082N. A copy of this report will be submitted for inclusion in the permanent archives of the CHRIS.

### **Field Reconnaissance**

The treatment area for the Phase 1A improvements at the WWTP was surveyed on foot by two H&A archaeologists, with special attention not only to the proposed locations of the Phase 1A improvements, but also to surrounding areas that appeared slightly less disturbed and afforded better surface visibility. The proposed route and terminus of the proposed new Phase 1A 18 inch outfall pipeline was also inspected. All areas within the WWTP bounds were found to be completely disturbed, and though some areas of native soils were visible, these too were obviously completely disturbed. With the exception of the terminus of the Discharge Station, south of and below the current road, the entire Phase 1A project impacts zone was raised on fill and the former Horseshoe Slough channels and natural levees could not be detected at all. Clearly construction of Storage Pond #1 and adjacent facilities completely changed the contours and highly altered the environment in the vicinity of STA-164. No evidence of archaeological resources was found anywhere in the Phase 1A impact zones.

For Phase 2, with the exception of the completely built environment of the small Phase 2 APE section at the northwest, the entire APE was again surveyed on foot on 13 May and 11 June 2010. This proved a fruitless exercise as all impact zones other than the proposed relocation area for the compost facility were completely disturbed and mostly often covered by WWTP and compost facility features. The main Phase 2 APE west of the current compost facility was cleared ground for the most part, the darker topsoil having been removed to expose a very light tan fine-grained clayey sand containing probable native small rounded pebbles and abundant imported angular construction gravels and rock. The area on the access road where the new Operations Center is proposed was part of the ongoing composting facility and completely covered by residues and several large piles of compost. The remainder of the existing composting facility afforded no opportunity to view native topsoil or undisturbed surfaces, being covered by the north/south windrows up to two meters high.

Field survey for the proposed new composting location was restricted to walking the perimeter roadsides and following one slightly less completely vegetated low berm across the area west to east. This field was covered by thickly grown grasses and other forbs, mostly blown down to horizontal across the surface, completely obscuring the soil. The location proposed for the landscaped berm at the southeast was also covered by thick grass except along the sides of the existing farm road, where medium dark sandy-silty-clayey soil was mixed with imported fill and gravels.

The route of the proposed 36 inch Phase 2 TE pipeline was also surveyed and found to be completely disturbed for the entire route, traversing tumbled piles of soil, ditches, several elevated roadways, some level but entirely grass-covered areas, and running along the straight east to west ditch south of the road on the Drainage Channel levee (see Map 2). The relatively shallow drainage ditches and other trenches along this route are periodically cleared by re-excavation, with spoils dumped on the shoulders, which at least afforded the occasional chance to observe likely native topsoil, but most of the piles were covered by thick annual grasses of Eurasian origin.

No evidence of archaeological or historic resources was discovered by field survey.

## **SECTION 106 CONSULTATION**

Mandatory Section 106 consultation was initiated for the Modesto Phase 2 Wastewater Treatment Project. "Consultation" is defined in the 106 regulations (§800.16(f)) and requirements of the process are furnished (§800.2(a)(4)); both are meant to involve the public and interested parties. The public will be informed and involved through the City's regular public notification processes. There are two broad groups of consulting parties required, the first defined by the regulations at §800.2(c)(1-4) as statutory "interested parties," which include the State Office of Historic Preservation (SHPO), and Indian tribes that may attach traditional religious or cultural significance to historic properties that may be affected. Other parties that may participate include those with legal or economic interests, and parties concerned with effects on historic properties, such as local and wider historical societies and interest groups.

As per the Section 106 regulations (§ 800.2 (c)(2)(b)), Holman & Associates conducted consultation with interested parties. State-recognized Native American representatives were solicited early in the process for information and comments on the Phase 2 projects. These parties were supplied with maps showing the Project Area/APE and asked to comment and consult on any knowledge or concerns they may have on cultural resources.

### **Native American Consultation**

Recognized Native American tribes and individual representatives were solicited for information and comments on the Phase 2 projects. The California Native American Heritage Commission was contacted by letter dated 10 May 2010, with a USGS topographic quadrangle/Project Area map provided, and requested to conduct a search of the Sacred Lands files and provide the current list of Northern Valley Yokuts "Native American Contacts" for Stanislaus County. The NAHC responded in a letter dated 03 June 2010 that "A record search of the sacred lands file has failed to indicated the presence of Native American cultural resources in the

immediate project area.” A list of five Native American representative individuals and groups was provided, one from the Northern Valley Yokuts Tribe, three from the Southern Sierra Miwuk Nation, and one from the Tule River Indian Tribe. These five were contacted by letter sent via First Class Certified Mail on 08 June 2010, providing the topographic/Project Area map of the Phase 2 vicinity and a brief summary of the records search results, pointing out that “There are no known Native American sites in the current Project Area , but there is one on the [former] east bank of the San Joaquin River about 1½ miles to the east.” See the Appendix for copies of letters and (lack of) responses.

Native American representatives were invited to participate in the consultation process and requested to “Please review the enclosed map to locate any Native American cultural resources not identified but known to you, or anyone you may know, that may be affected by the Project. Please notify us if you have any information, recommendations, or concerns.” ... Your input and any recommendations you make will be given due consideration. We request that you address this matter and provide a written response within 15 days of this letter arriving, which we will incorporate into our documentation.” Contact information was provided for responses in writing by mail, fax, or email, as well as for responses by telephone. All letters were picked up by the intended recipients, as confirmed by USPS records.

The following Native American contacts were sent letters:

Katherine Erolinda Perez, North Valley Yokuts Tribe, Linden, CA; confirmed delivery 10 June 2010.

Les James, Spiritual Leader, Southern Sierra Miwuk Nation, Mariposa, CA; confirmed delivery 22 June 2010.

Jay Johnson, Spiritual Leader, Southern Sierra Miwuk Nation, Mariposa, CA; confirmed delivery 14 June 2010.

Anthony Brochini, Chairperson, Southern Sierra Miwuk Nation, Mariposa, CA; confirmed delivery 22 June 2010.

Ryan Garfield, Chairperson, Tule River Indian Tribe, Porterville, CA; confirmed delivery 10 June 2010.

As of this writing, 20 July 2010, no responses have been received from the Native American representatives.

## RESULTS AND RECOMMENDATIONS

### Finding: No Historic Properties Affected

No evidence of archaeological resources was found in the APEs for the City of Modesto Phase 2 BNR/Tertiary Wastewater Treatment Project, either by archival research or by field survey. Parts of the APEs had been previously surveyed, some as long ago as 1976, when presumably the area was at least somewhat less disturbed, with the same results, and as recently as 2008 as well as in June 2010. It appears very unlikely that Phase 2 work will encounter or adversely affect archaeological resources or other historic properties.

The Modesto Phase 2 BNR/Tertiary Wastewater Treatment Project has been analyzed and evaluated for NHPA Section 106 compliance. Under the Section 106 regulations, none of the Project Areas of Potential Effects contain historic properties that could be affected. A determination that the Phase 2 Project will result in “No Historic Properties Affected” as per §800.4(d)(1) is fully justified.

However, a prehistoric archaeological site considered significant under both California Register and National Register of Historic Places criteria does or did exist within the WWTP. It is not near any proposed Phase 2 improvements, but does demonstrate that such resources are or could be found in the vicinity. As discussed, it cannot be assumed that archaeological resources elsewhere on the property will have been reported if encountered by previous WWTP work or earlier alterations to the Project Area, but portions of the facility and environs have been surveyed and no other sites are reported. There is also no evidence that significant historic resources later than the prehistoric exist within the Phase 2 APEs. This does not mean, however, that such resources cannot exist in those areas.

### Recommendations

The Phase 2 projects should not encounter or effect archaeological resources or other historic properties. However, there is at least one significant site nearby, so the potential for such resources must be recognized, and the following recommendation is made in light of Section 106 regulations re “Post-review Discoveries” (§800.13). That section requires “actions to be taken when historic properties are discovered during the implementation of an undertaking...” If and when “...historic properties are likely to be discovered ... a process to resolve any adverse effects ... shall [be in place] to make reasonable efforts to avoid, minimize or mitigate adverse effects...”

For the City of Modesto WWTP Phase 2 Project, in the event that undetected, buried, or previously unrecognized archaeological deposits or artifacts of any kind are inadvertently exposed during any construction activity, whether within or outside defined Areas of Potential Effects, work should cease in the immediate area and a qualified archaeologist should be notified as soon as possible to document the find, assess its significance, and recommend further treatment. Construction and potential effects in such zones should not recommence without the approval of the Project archaeologist and the SWRCB Section 106 Compliance Officer.

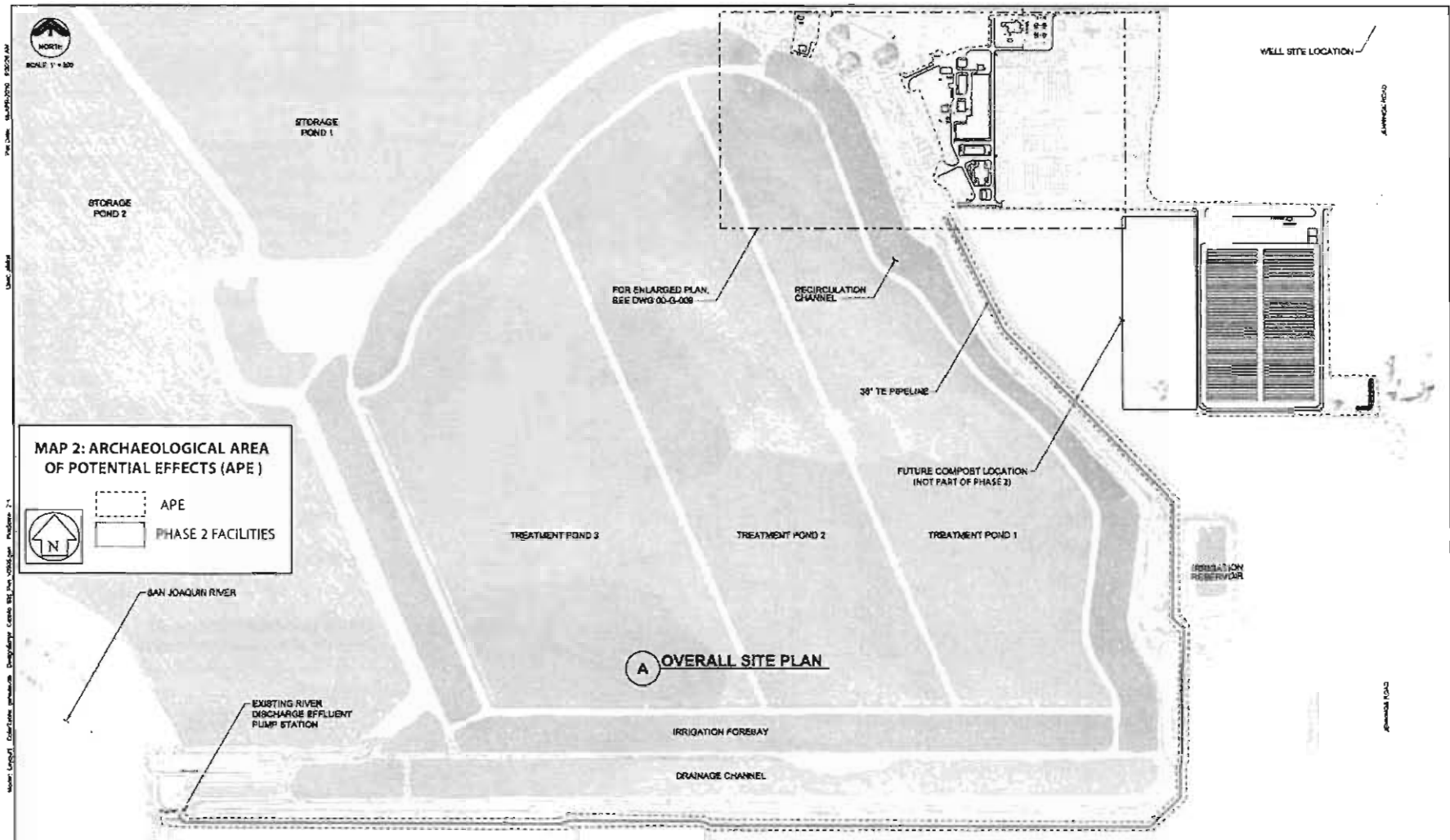
In this area, the most common and recognizable evidence of prehistoric archaeological resources are deposits of shell and/or bones, usually in fragments, and usually in a darker fine-grained soil (midden); obsidian, chert, basalt, and other stone flakes left from manufacturing stone tools, or the tools themselves, or ground stone (mortars, pestles, grinding slabs, arrowheads and spear points), other artifacts (shell beads, bone tools, etc.), and human burials, often as dislocated or fragmented bones. Historic materials older than 45 years—bottles, artifacts, privy and disposal pits, structural remains, etc.—may also be “historic properties” within the meaning of the 106 Regulations and could have scientific and cultural significance and should be more readily identified. If during the proposed Phase 2 construction project any such evidence is uncovered or encountered, all excavations within 10 meters/30 feet should be halted long enough to call in a qualified archaeologist to assess the situation and propose appropriate measures.

## REFERENCES




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- Chavez, David  
1976 *An Archaeological Reconnaissance of the Robert's Ferry Reservoir and Water Extraction and Conveyance Systems, Stanislaus County, California Phase II*. Report on file, Central California Information Center, California Historical Resources Information System, California State University, Stanislaus; File Number ST-809.
- Clark, Matthew R.  
2008 *Archaeological Reconnaissance and Initial Cultural Resources Evaluation for Phase 1A Improvements at the City of Modesto Jennings Road Wastewater Treatment Plant, Stanislaus County, California*. Report on file, Central California Information Center, California Historical Resources Information System, California State University, Stanislaus.
- General Land Office (GLO; US Department of the Interior)  
1853-1854 Plat of Township 4S/Range 8E. Map on file, Central California Information Center, California Historical Resources Information System, California State University, Stanislaus; Map #44-242.  
1853-1845a Plat of Township 4S/Range 9E. Map on file, Central California Information Center, California Historical Resources Information System, California State University, Stanislaus; Map #44-244.  
1853-1868 Plat of Township 5S/Range 8E. Map on file, Central California Information Center, California Historical Resources Information System, California State University, Stanislaus; Map #44-321.  
1870 Plat of Township 4S/Range 8E. Map on file, Central California Information Center, California Historical Resources Information System, California State University, Stanislaus; Map #44-243.
- Heath, Urion  
1984 *Official Native American Monitoring Report of Modesto Archaeological Site (CA-STA-164)*. Report on file, Central California Information Center, California Historical Resources Information System, California State University, Stanislaus; File Number ST-867.
- Kleinfelder, Inc.  
2007 *Geotechnical Services Report and Geologic/Seismic Hazards Assessment: Proposed Tertiary Wastewater Treatment Facility Jennings Road Wastewater Treatment Plant, City of Modesto, Stanislaus County, California*. Report Prepared for Carollo Engineers, Walnut Creek, CA.
- Kroeber, Alfred L.  
1925 *Handbook of California Indians*. Bureau of American Ethnology Bulletin 78. (1976 reprinted edition, Dover Publications, New York).
- Latta, Frank F.  
1977 *Handbook of the Yokuts Indians*. [2<sup>nd</sup> ed., rev. and enlarged] Bear State Books, Santa Cruz, CA.
- Napton, L. Kyle  
1983 *Cultural Resource Reconnaissance of the City of Modesto Wastewater Treatment and Disposal Project, Stanislaus County, California*. Report on file, Central California Information Center, California Historical Resources Information System, California State University, Stanislaus; File Number ST-892.



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- 1984 *Archaeological Test Excavations of CA-STA-0164 (Horseshoe Slough), City of Modesto Wastewater Treatment Expansion, Stanislaus County, California.* Report on file, Central California Information Center, California Historical Resources Information System, California State University, Stanislaus; File Number ST-893.
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- Peak & Associates, Inc.
- 1997 *Cultural Resources Assessment within Reclamation Districts 2063 and 2091 Stanislaus and Merced Counties, California (SJ 15) For: Cultural Resource Inventory and Evaluation for the U.S. Army Corps of Engineers Sacramento District PL 84-99 Levee Rehabilitation on the Feather, Bear, Sacramento and San Joaquin River Systems DACW05-97-P-0385.* Report on file, Central California Information Center, California Historical Resources Information System, California State University, Stanislaus; File Number ST-3248.
- Turnstone Consulting
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- U.S. Army Corps of Engineers (USACE)
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- United State Geological Survey (USGS)
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- Wallace, William J.
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- 1986 *Cultural Resources Survey Report Lower San Joaquin River and Tributaries Channel Clearing (1986).* Report on file, Central California Information Center, California Historical Resources Information System, California State University, Stanislaus; File Number ST-839.



**MAP 2: ARCHAEOLOGICAL AREA OF POTENTIAL EFFECTS (APE)**

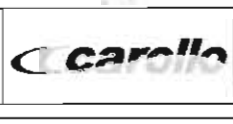

 APE  
 PHASE 2 FACILITIES

**90% SUBMITTAL  
NOT FOR CONSTRUCTION**

DESIGNED BY	DR
DRAWN BY	AL
CHECKED BY	DR
DATE	MARCH 2019

PROJECT NO: 00-G-008

PROJECT NUMBER	
DATE	
DESCRIPTION	



CITY OF MODESTO

**PHASE 2 BNR/TERTIARY WASTEWATER TREATMENT PROJECT**

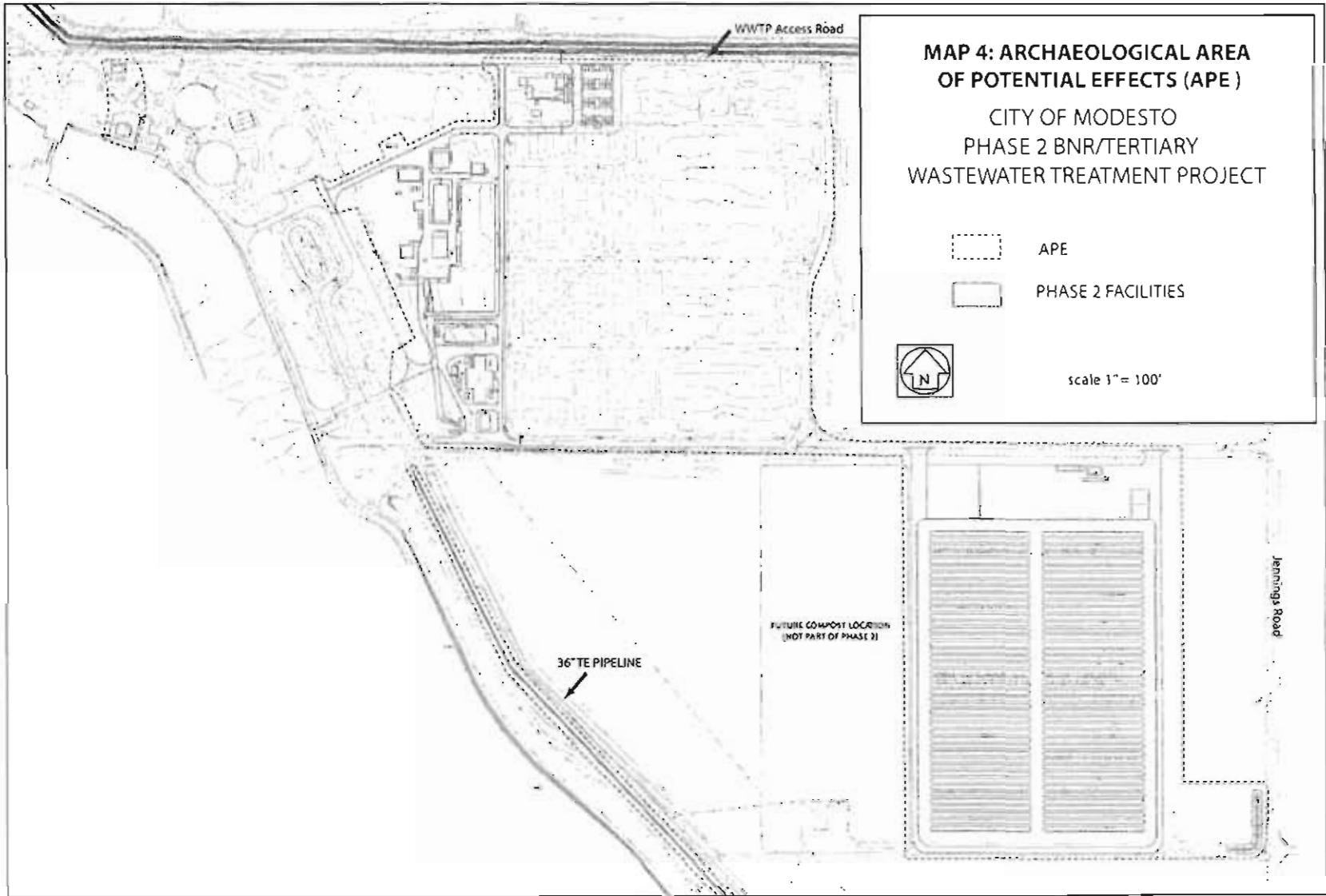
GENERAL

**OVERALL SITE PLAN**

VERIFY SCALES	JOB NO.
MAP AS SHOWN ON	0027-11
ORIGIN, DRAWING	DRAWING NO.
0	00-G-008
IF NOT SHOWN ON	SHEET NO.
THIS SHEET, USE	OF 000
LOCAL MEASUREMENTS	

DATE PLOTTED: 03/20/19 10:27 AM  
 USER: jh  
 PLOTTER: HP DesignJet T1100e  
 PLOTTER MODEL: 1100e





CITY OF MODESTO PHASE 2 BNR/TERTIARY WASTEWATER PROJECT

APPENDIX:

NATIVE AMERICAN CONSULTATION DOCUMENTS

Letter to Native American Heritage Commission  
25 May 2010

Heritage Commission Response Letter and Contact List  
03 June 2010

Sample Consultation Solicitation Letter and Map  
08 June 2010



**holman & ASSOCIATES**  
Archaeological Consultants  
"SINCE THE BEGINNING"

3615 FOLSOM ST. SAN FRANCISCO,  
CALIFORNIA 94110 415/550-7286

Debbie Pilas-Treadway  
Native American Heritage Commission  
915 Capitol Mall, Room 364  
Sacramento, CA 95814

25 May 2010

Dear Ms. Pilas-Treadway,

Holman & Associates is conducting consultation with Native Americans for the "City of Modesto Phase 2 BNR/Tertiary Wastewater Treatment Project," outside the City of Modesto at the Jennings Road Water Quality Control Plant in unincorporated Stanislaus County. The Project Area is within **Section 3, Township 5 South/Range 8 East**, and on the USGS "Brush Lake" 7.5 minute topographic quadrangle, a portion of which is supplied as Map 1. There are no known Native American sites in the current Project Area, but there is one on the east bank of the San Joaquin River about 1½ miles to the west. Please review the Sacred Lands File for any Native American cultural resources that may be within or adjacent to the study area. Please notify us if you have any information or concerns.

The Project Area is in the ethnohistoric territory of the Northern Valley Yokuts. We also request the **current list of Native American representatives, individuals, and groups** who are recognized representatives of the Northern Valley Yokuts or for Stanislaus County, whichever is more appropriate, who wish to be contacted regarding cultural resources. To reach me, please call or fax to my home office number (650-726-6269) or use email to [MRCCRM@comcast.net](mailto:MRCCRM@comcast.net), not the main office number (above), unless you can't reach me or would like to talk to Miley about the project.

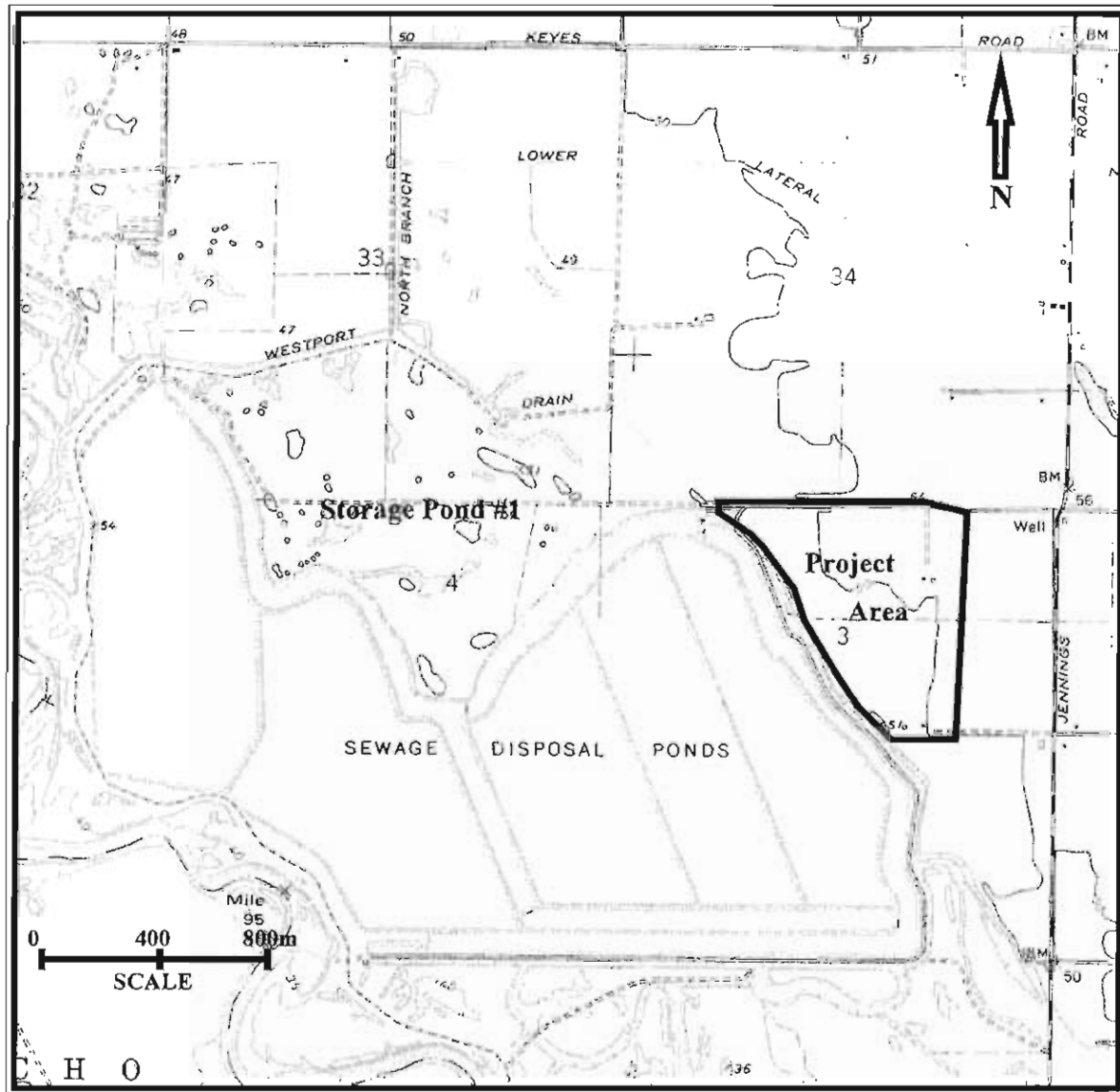
**PLEASE FAX RESULTS TO 650-726-6269.**

We look forward to hearing from you.

Cordially yours,

Matthew R. Clark, RPA  
Senior Associate

enc: Map 1, Brush Lake 7.5 min. topo w/ Project Area



**Map 1:** Modesto Jennings Road Phase 2 BNR/Tertiary Wastewater Project Location  
(USGS "Brush Lake" 7.5 minute topographic quadrangle, photorev. 1976)

**NATIVE AMERICAN HERITAGE  
COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
Fax (916) 657-5390



June 3, 2010

Mathew Clark  
Holman & Associates  
3615 Folsom St.  
San Francisco, CA 94110

Sent by Mail  
Number of Pages: 2

RE: City of Modesto Phase 2 Wastewater Treatment Plant, Stanislaus County

Dear Mr. Clark:

A record search of the sacred lands file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4040.

Sincerely,

A handwritten signature in cursive script that reads "Katy Sanchez".

Katy Sanchez  
Program Analyst

for



## Native American Contact List

Stanislaus County

June 1, 2010

Tule River Indian Tribe  
Ryan Garfield, Chairperson

P.O. Box 589  
Porterville, CA 93258  
chairman@tulerivertribe-nsn.

(559) 781-4271

(559) 781-4610 FAX

Yokuts

Southern Sierra Miwuk Nation  
Les James, Spiritual Leader

PO Box 1200  
Mariposa, CA 95338  
209-966-3690

Miwok

Pauite

Northern Valley Yokut

Southern Sierra Miwuk Nation  
Jay Johnson, Spiritual Leader

5235 Allred Road  
Mariposa, CA 95338

209-966-6038

Miwok

Pauite

Northern Valley Yokut

North Valley Yokuts Tribe

Katherine Erolinda Perez

PO Box 717  
Linden, CA 95236

(209) 887-3415

Ohlone/Costanoan

Northern Valley Yokuts

Bay Miwok

Southern Sierra Miwuk Nation  
Anthony Brochini, Chairperson

P.O. Box 1200  
Mariposa, CA 95338

tony\_brochini@nps.gov

209-379-1120

209-628-0085 cell

Miwok

Pauite

Northern Valley Yokut

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed City of Modesto Phase 2 BNR/Tertiary Wastewater Treatment Project; Stanislaus County.



**holman** & ASSOCIATES  
Archaeological Consultants  
"SINCE THE BEGINNING"

3615 FOLSOM ST. SAN FRANCISCO,  
CALIFORNIA 94110 415/550-7286

Les James, Spiritual Leader  
Southern Sierra Miwuk Nation  
P.O. Box 1200  
Mariposa, CA 95338

08 June 2010

Dear Mr. James,

Holman & Associates is conducting NHPA Section 106 consultation with Native Americans for the "City of Modesto Phase 2 BNR/Tertiary Wastewater Treatment Project," outside the City of Modesto at the Jennings Road Water Quality Control Plant in unincorporated Stanislaus County. The Project Area is within Section 3, Township 5 South/Range 8 East, and on the USGS "Brush Lake" 7.5 minute topographic quadrangle, a portion of which is supplied as Map 1. There are no known Native American sites in the current Project Area, but there is one on the east bank of the San Joaquin River about 1½ miles to the west. Please review the Project vicinity for any Native American cultural resources that may be within or adjacent to the Project.

We are contacting you and other Native American representatives designated for Stanislaus County by the NAHC. We invite your participation in the consultation process. The NAHC has searched the Sacred Lands files for properties of importance to Native Americans, finding none in or near this Project. Please review the enclosed map to locate any Native American cultural resources not identified but known to you, or anyone you may know, that may be affected by the Project. Please notify us if you have any information, recommendations, or concerns.

Your input and any recommendations you make will be given due consideration. We request that you address this matter and provide a written response within 15 days of this letter arriving, which we will incorporate into our documentation.

To reach us, please call or fax to my home office number (650-726-6269) or use my email ([mrcerm@comcast.net](mailto:mrcerm@comcast.net)), not the main office number, unless you can't reach me or would like to talk to Miley Holman about the project. Please send your written response by mail to the address above.

We look forward to hearing from you.

Cordially yours,

Matthew R. Clark, RPA  
Senior Associate

enc: Map 1, Brush Lake 7.5 min. topo w/ Project Area

**City of Modesto**  
**Jennings Road Secondary Wastewater Treatment Plant - Phase 2**

**Final Initial Study / Mitigated Negative Declaration**  
**Public Review Comment Responses and Minor Edits**  
December 2010

1. The City of Modesto received an undated comment letter, regarding the subject project, from the State Water Resources Control Board (Board). A copy of the Board's comment letter is attached to this document. The individual comments cited by the Board are shown below in standard text, and the City's responses are shown following, in *italics*.

Board comment 1: Please provide the State Water Board with the Preliminary Waters Assessment and include it as an attachment to the IS/MND.

Response:

*There is no separate Preliminary Waters Assessment (PWA) document. The description of the PWA in the IS/MND, and in the full Biological Assessment Report attached thereto, refers to the assessment of the presence or absence of wetlands and "waters of the U.S." in the Project area that was completed as part of the overall biological resource assessment.*

Board comment 2: Page 3 of the IS/MND states that "A new effluent pump station and pipeline will be installed to convey final effluent from the treatment facilities to the current point of discharge at the San Joaquin River." Please clarify if there will be any work in the river or a change in the point of discharge.

Response:

*The Project does not contemplate construction of any improvements or other work within the San Joaquin River. The existing point of discharge would remain, as the new effluent pipeline would connect to the existing outfall prior to discharge.*

Board comment 3: Page 26 of the IS/MND states that "The proposed Phase 2 Project is not located nearby any creeks, streams or other bodies of water that would interfere with fish migration patterns." Please provide a brief discussion with substantial evidence that documents why there will be no impacts to special status fish species due to an increase in capacity and effluent discharged to the San Joaquin River.

Response:

*While the project site in general is located near the San Joaquin River, the actual Phase 2 improvements would be more than 6,600 feet from the river (this measurement is shown on an attached exhibit). Upon completion and operation of the Project, the City would treat an increased volume of wastewater from secondary to tertiary levels, compared to pre-project conditions, and the additional wastewater volume would meet the discharge requirements of the City's existing NPDES permit. The Project would not have any impacts to special status fish species as compared to the 'no project' scenario.*

Board comment 4: Page 31 of the IS/MND states that “In addition, wastewater improvements will be designed and engineered based on site-specific geotechnical soils reports.” Please include the geotechnical soils report in the IS/MND.

Response:

*The geotechnical soils report for the project site is attached.*

Board comment 5: Page 35 of the IS/MND states that “Impacts D.3 and D.4 were identified as significant and unavoidable impacts and would occur if the rate of overall wastewater upgrades does not match the projected growth of Modesto. In this event, there would be incremental increases in operation-period surface water quality degradation due to a deficit in the effluent disposal system and excessive pollutant loading.” Please elaborate on this statement and explain if this Project will still result in significant unavoidable impacts to the environment. Discuss whether there are other remaining significant and unavoidable impacts to the environment from this Project. If there is a significant unavoidable impact from this Project, then an Environmental Impact Report (EIR) must be prepared instead of an IS/MND.

Response:

*The proposed Project will not result in any significant and unavoidable impacts. As operation of the proposed Phase 2 improvements will actually result in improved surface water quality in the San Joaquin River, the proposed Project will serve to mitigate MEIR impacts D.3 and D.4. Furthermore, Modesto’s population growth assumed within the Master Plan and MEIR has not been realized, due at least in part to the recent economic downturn, resulting in reduced significance associated with these impacts. Finally, recently-completed projects including DAF in 2008 and Phase 1A in 2010 also result in improved surface water quality.*

*Significant and unavoidable impacts that might occur from completion of the overall Master Plan project are described within the previously-certified Wastewater Master Plan Update Master EIR. Subsequent to completion of the IS/MND for the proposed Project, the City Council will adopt a Resolution that re-states and re-adopts the statement of overriding considerations.*

Board comment 6: Page 37 of the IS/MND states that “A Stormwater Pollution Prevention Plan would be prepared as part of the Project to minimize construction and post-construction water quality impacts.” Please provide examples of best management practices to be included in the Stormwater Pollution Prevention Plan.

Response:

*Stormwater that falls on the Project site will be collected and pumped into the wastewater treatment ponds / recirculation channel*

Board comment 7: Please include a flood plain map in the IS/MND.

Response:

*The Project site flood plain map panels are attached.*

Board comment 8: Page (of) 4 of the Biological Resource Assessment Report attached to the IS/MND states that "Collection of additional data will be necessary to prepare a delineation report suitable for submission to the Corps." Please forward a copy of the wetland delineation report to the State Water Board.

Board comment 9: When the City receives the wetland verification from the United States Army Corps of Engineers, please provide a copy of the verification letter to the State Water Board.

Response:

*At such time that a wetland delineation is prepared, the City will forward a copy to the State Water Board. Similarly, a copy of the ACOE wetland verification will also be sent when it is available.*

Board comment 10: Submit to the State Water Board a copy of the Master Plan Update EIR, since the IS/MND refers to mitigation measures from the Master Plan EIR.

Response:

*The Wastewater Master Plan Update Master EIR is available at the City's website, located here: [http://www.modestogov.com/pwd/docs/reports/wastewater/wwmp/Draft\\_WWMP\\_EIR.pdf](http://www.modestogov.com/pwd/docs/reports/wastewater/wwmp/Draft_WWMP_EIR.pdf)*

2. City staff-initiated minor corrections and modifications are described below. These changes and modifications are hereby incorporated by reference into the Initial Study document.

City staff-initiated edit 1: Clarify that the proposed Project is described within the MEIR

*The proposed Project is described in the City of Modesto Wastewater Master Plan Update Master EIR (December 2006). The MEIR notes, on Page III-1, that "The Proposed Project analyzed by the MEIR is the program of facility improvements proposed in the Wastewater Master Plan..." The Master Plan describes the proposed project components on pages 8-13 through 8-20, and elsewhere as well.*

*Page III-3 of the MEIR identifies project objectives, including "To increase effluent disposal capacity by upgrading from secondary treatment to tertiary treatment, enabling the City to dispose...to the San Joaquin River year-round." The proposed Project is included within the description of "Jennings Road Secondary Treatment Plant Modifications," which is shown among pages III-35 through III-41 of the MEIR. The details shown on the Project site plan (Exhibit 3) are a refinement of those shown on Figure III-15 of the MEIR, and the physical location of the Project site is consistent between those two exhibits. The Project-related level of wastewater treatment remains unchanged from that assumed in the MEIR.*



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Division of Financial Assistance

1001 I Street - Sacramento, California 95814 • (916) 341-5700 FAX (916) 341-5707  
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120  
Internet Address: <http://www.waterboards.ca.gov>



Arnold Schwarzenegger  
Governor

Mr. William Wong, P.E.  
Utility Planning and Projects Department  
City of Modesto  
P.O. Box 642  
Modesto, CA 95353

Dear Mr. Wong:

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (IS/MND) FOR CITY OF MODESTO (CITY); PHASE 2 IMPROVEMENTS—JENNINGS ROAD SECONDARY WASTEWATER TREATMENT PLANT (PROJECT); STANISLAUS COUNTY; STATE CLEARINGHOUSE NO. 2010092082

We understand the City is pursuing Clean Water State Revolving Fund (CWSRF No. C-06-5175-210) financing for this Project. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information and comments (beginning on page 2) for the California Environmental Quality Act (CEQA) document prepared for the Project.

We would appreciate notice of any hearings or meetings held regarding the environmental review of the Project, and look forward to receiving the final IS/MND. Following the City's CEQA process, please provide the following documents applicable to the Project: (1) Two copies of the draft and final IS/MND, (2) the resolution adopting the final IS/MND and a Mitigation Monitoring and Reporting Program (MMRP), and making CEQA findings, (3) all comments received during the review period and the City's response to those comments, and (4) a date-stamped copy of the Notice of Determination filed with the County Clerk and with the Governor's Office of Planning and Research.

The CWSRF Program is partially funded by the United States Environmental Protection Agency (USEPA) and requires additional "CEQA-Plus" environmental documentation and review. Three information sheets are included that further explain the environmental review process and additional federal requirements of the CWSRF Program. In addition, an environmental evaluation form is included for the City to complete and submit to the State Water Board Project Manager, Mr. Kyle Woodriddle. The State Water Board can consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to State Water Board approval of a CWSRF financing commitment. For further information on the CWSRF Program environmental review requirements please contact Ms. Michelle Lobo at (916) 341-6983.

It is important to note that prior to a CWSRF financing commitment, projects are subject to the provisions of the federal Endangered Species Act and must obtain approval from the United States Fish and Wildlife Service (USFWS), and/or National Marine Fisheries Service (NMFS) for any potential effects to special-status species. Please be advised that the State Water Board can consult with the USFWS, and/or NMFS on behalf of the City regarding all federal special-status species the Project has the potential to impact if the Project is to be funded under the CWSRF Program.

*California Environmental Protection Agency*



Recycled Paper

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act. The State Water Board has been delegated responsibility for carrying out the requirements of Section 106 under a Nationwide Programmatic Agreement executed for the CWSRF Program by the USEPA, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers.

As stated above, the State Water Board has responsibility for ensuring compliance with Section 106 and the State Water Board Cultural Resources Officer (CRO) consults directly with the California State Historic Preservation Officer (SHPO). SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant for projects having potential impacts to cultural resources. Please contact the State Water Board CRO, Ms. Cookie Hirn at 916-341-5690, to find out more about the requirements and questions on how to begin the Section 106 compliance process.

Following are my specific comments on the draft IS/MND:

1. Please provide the State Water Board with the Preliminary Waters Assessment and include it as an attachment to the IS/MND.
2. Page 3 of the IS/MND states that "A new effluent pump station and pipeline will be installed to convey final effluent from the treatment facilities to the current point of discharge at the San Joaquin River." Please clarify if there will be any work in the river or a change in the point of discharge.
3. Page 26 of the IS/MND states that "The proposed Phase 2 Project is not located near by creeks, streams or other bodies of water that would interfere with fish migration patterns." Please provide a brief discussion with substantial evidence that documents why there will be no impacts to special status fish species due to an increase in capacity and effluent discharged to the San Joaquin River.
4. Page 31 of the IS/MND states that "In addition, wastewater improvements will be designed and engineered based on site-specific geotechnical soils reports." Please include the geotechnical soils report in the IS/MND.
5. Page 35 of the IS/MND states that "Impacts D.3 and D.4 were identified as significant and unavoidable impacts and would occur if the rate of overall wastewater upgrades does not match the projected growth of Modesto. In this event, there would be incremental increases in operation-period surface water quality degradation due to a deficit in the effluent disposal system and excessive pollutant loading." Please elaborate on this statement and explain if this Project will still result in significant unavoidable impacts to the environment. Discuss whether there are other remaining significant and unavoidable impacts to the environment from this Project. If there is a significant unavoidable impact from this Project, then an Environmental Impact Report (EIR) must be prepared instead of an IS/MND.
6. Page 37 of the IS/MND states that "A Stormwater Pollution Prevention Plan would be prepared as part of the Project to minimize construction and post-construction water quality impacts." Please provide examples of best management practices to be included in the Stormwater Pollution Prevention Plan.



7. Please include a flood plain map in the IS/MND.
8. Page of 4 of the Biological Resource Assessment Report attached to the IS/MND states that "Collection of additional data will be necessary to prepare a delineation report suitable for submission to the Corps." Please forward a copy of the wetland delineation report to the State Water Board.
9. When the City receives the wetland verification from the United States Army Corps of Engineers, please provide a copy of the verification letter to the State Water Board.
10. Submit to the State Water Board a copy of the Master Plan Update EIR, since the IS/MND refers to mitigation measures from the Master Plan EIR.

The State Water Board has no further comments on the draft IS/MND at this time. Thank you for the opportunity to review the City's environmental document. If you have any questions or concerns, please contact me at (916) 341-6983, or by email at [MLobo@waterboards.ca.gov](mailto:MLobo@waterboards.ca.gov).

Sincerely,



Michelle Lobo  
Environmental Scientist

Enclosures (4)

cc: State Clearinghouse w/o enclosures  
(Re: SCH# 2010092062)  
P.O. Box 3044  
Sacramento, CA 95812-3044









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Modesto, CA  
95354

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kleinfelder.com

File No. 101730.G01  
April 6, 2009

Mr. Jean Marc Petite  
Carollo Engineers  
2700 Ygnacio Valley Road  
Walnut Creek, CA 94598

**Subject: Preliminary Soil Borings  
Phase 2 Tertiary Wastewater Treatment Facility  
Jennings Road Wastewater Treatment Plant  
City of Modesto  
Stanislaus County, California**

Dear Mr. Petite:

This letter presents a summary of preliminary soil borings drilled for Phase 2 of the Tertiary Wastewater Treatment Facility (WWTF) additions to the City of Modesto Jennings Road Wastewater Treatment Plant in Stanislaus County, California. The Phase 2 Tertiary WWTF will consist of numerous structures east of the Phase 1 Tertiary WWTF structures currently under construction and west of the Co-Composting Facility.

The purpose of drilling the preliminary soil borings was to assess if the soils encountered at the Phase 2 site are similar to the soils encountered at the Phase 1 site. Reference is made to Kleinfelder's geotechnical services report dated July 1, 2008 which was prepared for the Phase 1 construction. A site plan and Logs of Borings B-1 through B-6 are attached with this letter.

The preliminary borings were located in open areas between compost stockpiles present throughout the surface of the area. The majority of the open areas around the compost stockpiles was extremely wet due to recent rain and/or sprinkler watering of the compost stockpiles. The surface at the boring locations was overlain with approximately 6 inches of aggregate base at boring B-1 and between approximately 6 and 12 inches of organic compost material mixed with soil at the remainder of the boring locations.

The subsurface conditions were preliminarily investigated on March 11 and 12, 2009 by drilling six borings to depths of approximately 25 to 26½ feet below existing ground surface. The borings were drilled using a truck-mounted drill rig equipped with 8-inch diameter hollow stem auger. Penetration tests were performed at depth intervals varying from approximately 2 to 5 feet.

In general, the near-surface soils encountered in the six borings drilled were relatively consistent with the soils encountered in the borings drilled for the Phase 1 construction. However, based on blow count data, the soils encountered in the six borings drilled at the proposed Phase 2 site appear to be slightly more dense overall than the soils encountered at the Phase 1 site. There were still layers of loose sand encountered within approximately 10 to 15 feet of the surface but they appear to not be as extensive as at the Phase 1 site. The soils encountered varied considerably, generally consisting of loose to dense silty and relatively "clean" sands and stiff to very-stiff sandy silts and sandy clays to the maximum depth explored. The relatively "clean" sands generally became more predominate below depths of approximately 10 to 15 feet. Caving of the sandy soils below groundwater prevented sampling in several locations.

The borings were checked for the presence of groundwater during and immediately following drilling operations. Groundwater was encountered between depths of 8 to 10 feet in borings B-1 through B-4 and boring B-6. Boring B-5 was drilled farther east, and more clayey soils were encountered, with groundwater at a depth of approximately 15 feet. The borings were backfilled immediately after drilling which did not allow time for groundwater levels to stabilize.

In our opinion, since the soil conditions encountered in the borings drilled at the Phase 2 site are relatively similar to the soil conditions encountered at the Phase 1 site, for preliminary design purposes, the conclusions and recommendations contained in our geotechnical report for the Phase 1 construction can be assumed for the proposed Phase 2 structures. As noted, it appears that slightly more dense soil conditions may be present beneath portions of the proposed Phase 2 construction area. Therefore, it is possible that some Phase 2 structures could be located in areas of more dense soils where mitigation of liquefaction by overexcavating and recompacting existing soils, as required for Phase 1, may not be required. This will be evaluated when the additional drilling is performed at the specific proposed structure locations. In addition, mud-rotary and cone penetration test drilling is planned to evaluate the liquefaction potential of the subsurface soils.

We trust this letter presents the preliminary information requested. Once the specific structure locations and grades are determined, we will proceed with drilling the remainder of the soil borings planned for the site. At that time, a more detailed

geotechnical report will be provided similar to that provided for the Phase 1 construction.

We have prepared this letter in substantial accordance with the generally accepted geotechnical engineering practice as it exists in the site area at the time of our investigation. No warranty is expressed or implied. If you have any questions about this letter or the project, please contact us.

Sincerely,

**KLEINFELDER WEST, INC.**



Steven R. Davis, C.E.G., No. 1471  
Senior Engineering Geologist

Reviewed by:



Carl Henderson, Ph.D., C.E., No. 71115  
Science and Engineering Group Manager



SRD:lr

Attachments: Site Plan  
Logs of Borings

ACCESS FROM JENNINGS ROAD

SEWAGE  
SAMPLING  
POINT

POLED FILM  
REACTOR NO. 1 (B)

POLED FILM  
REACTOR (B)

POLED FILM  
REACTOR NO. 2 (B)

POLED FILM  
REACTOR NO. 3 (B)

PHASE 1  
PHASE 1A

PHASE 1  
PHASE 1B

PHASE 1  
CONSTRUCTION  
AREA

PHASE 1  
PHASE 1A

PHASE 1  
PHASE 1B

B-1

B-2

B-3

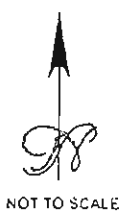
B-4

B-5

B-6

PROPOSED PHASE 2  
CONSTRUCTION AREA

⊕ B-1 DENOTES NUMBERS AND APPROXIMATE  
LOCATIONS OF BORINGS DRILLED FOR  
THIS INVESTIGATION



www.Kleinfelder.com

Project Number: 101730.G01
Graphic Date: 4/3/09
Graphic By: G. GOMEZ
Checked By:
File Name: MOD9D004.fh11

BORING LOCATION MAP  
PHASE 2 TERTIARY WWTF  
JENNINGS ROAD WWTP  
CITY OF MODESTO  
MODESTO, CALIFORNIA

Plate
1
Copyright © 2009 Kleinfelder

# UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D2488)

	MAJOR DIVISIONS		GRAPHIC LOG		TYPICAL DESCRIPTIONS
<b>COARSE GRAINED SOILS</b> <small>(More than half of material is larger than the #200 sieve)</small>	<b>GRAVELS</b> <small>(More than half of coarse fraction is larger than the #4 sieve)</small>	<b>CLEAN GRAVELS WITH &lt;5% FINES</b>	Cu ≥ 4 and 1 ≤ Cc ≤ 3	GW	WELL-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE OR NO FINES
			Cu < 4 and/or 1 < Cc < 3	GP	POORLY-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE OR NO FINES
			Cu ≥ 4 and 1 ≤ Cc ≤ 3	GW-GM	WELL-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE FINES
		<b>GRAVELS WITH 5 to 12% FINES</b>	Cu ≥ 4 and 1 ≤ Cc ≤ 3	GW-GC	WELL-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE CLAY FINES
			Cu < 4 and/or 1 < Cc < 3	GP-GM	POORLY-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE FINES
			Cu < 4 and/or 1 < Cc < 3	GP-GC	POORLY-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE CLAY FINES
		<b>GRAVELS WITH &gt;12% FINES</b>		GM	SILTY GRAVELS, GRAVEL-SILT-SAND MIXTURES
				GC	CLAYEY GRAVELS, GRAVEL-SAND-CLAY MIXTURES
				GC-GM	CLAYEY GRAVELS, GRAVEL-SAND-CLAY-SILT MIXTURES
	<b>SANDS</b> <small>(More than half of coarse fraction is smaller than the #4 sieve)</small>	<b>CLEAN SANDS WITH &lt;5% FINES</b>	Cu ≥ 6 and 1 ≤ Cc ≤ 3	SW	WELL-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE OR NO FINES
			Cu < 6 and/or 1 < Cc < 3	SP	POORLY-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE OR NO FINES
		<b>SANDS WITH 5 to 12% FINES</b>	Cu ≥ 6 and 1 ≤ Cc ≤ 3	SW-SM	WELL-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE FINES
			Cu ≥ 6 and 1 ≤ Cc ≤ 3	SW-SC	WELL-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE CLAY FINES
			Cu < 6 and/or 1 < Cc < 3	SP-SM	POORLY-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE FINES
		<b>SANDS WITH &gt;12% FINES</b>	Cu < 6 and/or 1 < Cc < 3	SP-SC	POORLY-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE CLAY FINES
			SM	SILTY SANDS, SAND-GRAVEL-SILT MIXTURES	
			SC	CLAYEY SANDS, SAND-GRAVEL-CLAY MIXTURES	
			SC-SM	CLAYEY SANDS, SAND-SILT-CLAY MIXTURES	
<b>FINE GRAINED SOILS</b> <small>(More than half of material is smaller than the #200 sieve)</small>	<b>SILTS AND CLAYS</b> <small>(Liquid limit less than 50)</small>		ML	INORGANIC SILTS AND VERY FINE SANDS, SILTY OR CLAYEY FINE SANDS, SILTS WITH SLIGHT PLASTICITY.	
			CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS	
			CL-ML	INORGANIC CLAYS-SILTS OF LOW PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS	
	<b>SILTS AND CLAYS</b> <small>(Liquid limit greater than 50)</small>		OL	ORGANIC SILTS & ORGANIC SILTY CLAYS OF LOW PLASTICITY	
			MH	INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SAND OR SILT	
			CH	INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS	
	OH	ORGANIC CLAYS & ORGANIC SILTS OF MEDIUM-TO-HIGH PLASTICITY			

USCS (2488) ST09G019.GPJ 4/6/09













**UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D2488)**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 MODESTO, CALIFORNIA

 PLATE  
  
**2**

 Drafted By: G. GOMEZ      Project No.: 101730.G01  
 Date: 4/6/2009              File Number: ST09G019

## LOG SYMBOLS

	BULK / BAG SAMPLE	-4	PERCENT FINER THAN THE NO. 4 SIEVE (ASTM Test Method C 136)
	MODIFIED CALIFORNIA SAMPLER (2-1/2 inch outside diameter)	-200	PERCENT FINER THAN THE NO. 200 SIEVE (ASTM Test Method C 117)
	CALIFORNIA SAMPLER (3 inch outside diameter)	LL	LIQUID LIMIT (ASTM Test Method D 4318)
	STANDARD PENETRATION SPLIT SPOON SAMPLER (2 inch outside diameter)	PI	PLASTICITY INDEX (ASTM Test Method D 4318)
	CONTINUOUS CORE	TXCU	CONSOLIDATED UNDRAINED TRIAXIAL COMPRESSION (EM 1110-1-1906)
	SHELBY TUBE	EI	EXPANSION INDEX (UBC STANDARD 18-2)
	ROCK CORE	COL	COLLAPSE POTENTIAL
	WATER LEVEL (level where first encountered)	UC	UNCONFINED COMPRESSION (ASTM Test Method D 2166)
	WATER LEVEL (level after completion)	MC	MOISTURE CONTENT (ASTM Test Method D 2216)
	SEEPAGE		

### GENERAL NOTES

1. Lines separating strata on the logs represent approximate boundaries only. Actual transitions may be gradual.
2. No warranty is provided as to the continuity of soil conditions between individual sample locations.
3. Logs represent general soil conditions observed at the point of exploration on the date indicated.
4. In general, Unified Soil Classification System designations presented on the logs were evaluated by visual methods. Where laboratory tests were performed, the designations reflect the laboratory test results.



**LOG KEY**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 MODESTO, CALIFORNIA

PLATE

3

Drafted By: G. GOMEZ      Project No.: 101730.G01  
 Date: 4/6/2009              File Number: ST09G019

Surface Conditions: Dir/Gravel road

Groundwater: Groundwater encountered at a depth of about 8 feet below existing site grade.

Method: Truck mounted drill rig equipped

Equipment: With 8 inch diameter hollow stem auger

Date Completed: 3/11/2009

Logged By: AA

Total Depth: 25 feet

Boring Diameter: 8 inches

Depth (feet)	Sample Type	Sample No.	FIELD						LABORATORY			Other Tests	Graphic Log	DESCRIPTION	
			Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquio Limit	Plasticity Index	Passing #4 Sieve (%)	Passing #200 Sieve (%)					
0															AGGREGATE BASE - Gray-brown, moist
5		1-2-1	16												(SM) SILTY SAND - Brown, moist, medium dense, fine grained
10		1-5-1	27												Gray-brown
15		1-10-1	13												(ML) SANDY SILT - Brown, very moist
20		1-15-1	37												(SM) SILTY SAND - Brown, wet, medium dense, fine grained
25		1-20-1	22												(SP) SAND - Gray, wet, dense, with silt, fine grained
															(SM) SILTY SAND - Gray, wet, fine grained
															(ML) SANDY SILT - Brown, wet
															(SM) SILTY SAND - Brown, wet, fine grained
															Completed at a depth of 25 feet below existing site grade.

P:\LOG\_2009\1\MS PER 8 INCHES ST09G019.GPJ 4/8/09



Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 4/6/2009 File Number: ST09G019

**LOG OF BORING B-1**  
**PHASE 2 TERTIARY WWTF**  
**JENNINGS ROAD WWTP**  
**CITY OF MODESTO**  
**MODESTO, CALIFORNIA**

PLATE  
 1 of 1  
**4**



Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 8 feet below existing site grade.

Method: Truck mounted drill rig equipped

Equipment: With 8 inch diameter hollow stem auger

Date Completed: 3/11/2009

Logged By: AA

Total Depth: 26.5 feet

Boring Diameter: 8 inches

Depth (feet)	Sample Type	FIELD				LABORATORY				Other Tests	Graphic Log	DESCRIPTION
		Sample No.	Blows/foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)			
0												Compost/soil
5		2-2-1	26									(ML) SANDY SILT - Dark brown, moist, very stiff, fine sand
5		2-5-1	26									Brown
5												Gray
10		2-10-1	21									(SP) SAND - Brown, wet, medium dense, with silt, fine to medium grained
15		2-15-1	31									(SP) SAND - Gray, wet, medium dense, fine to medium grained
20		2-20-1	37									Dense
20												Gray-brown
25		2-25-1	38									
												Completed at a depth of 26.5 feet below existing site grade.

P:\LOG\_2007\ST09G019.GPJ 4/6/09



**LOG OF BORING B-2**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTF  
 CITY OF MODESTO  
 MODESTO, CALIFORNIA

PLATE  
1 of 1

5

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 4/6/2009 File Number: ST09G019

Surface Conditions: Compost Date Completed: 3/11/2009

Groundwater: Groundwater encountered at a depth of about 8 feet below existing site grade. Logged By: AA

Method: Truck mounted drill rig equipped Total Depth: 25 feet

Equipment: With 8 inch diameter hollow stem auger Boring Diameter: 8 inches

Depth (feet)	FIELD						LABORATORY			Graphic Log	DESCRIPTION	
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (lbf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)			Passing #200 Sieve (%)
0												Compost/soil
3-2-1		22										(SM) SILTY SAND - Brown, moist, medium dense, fine grained
5												Reddish brown
3-5-1		33										
10												(ML) SANDY SILT - Gray, wet, very stiff
3-10-1		19										
15												(SM) SILTY SAND - Brown, wet, medium dense, fine to medium grained
3-15-1		25										
20												
25												Completed at a depth of 25 feet below existing site grade.

P:\LOG\_2001\...MS PER 8 INCHES STO9G019.GPJ 4/6/09



Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 4/6/2009 File Number: STO9G019

**LOG OF BORING B-3**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 MODESTO, CALIFORNIA

PLATE  
 1 of 1  
**6**

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 8 feet below existing site grade.

Method: Truck mounted drill rig equipped

Equipment: With 8 inch diameter hollow stem auger

Date Completed: 3/11/2009

Logged By: AA

Total Depth: 26.5 feet

Boring Diameter: 8 inches

Depth (feet)	Sample Type	Sample No.	FIELD				LABORATORY				Other Tests	Graphic Log	DESCRIPTION
			Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)	Passing #200 Sieve (%)			
0													Compost/soil
4-2-1		4-2-1	14										(ML) SANDY SILT - Brown, moist, stiff, fine sand
5													Gray, very stiff
4-5-1		4-5-1	25										Brown
10													(SM) SILTY SAND - Brown, wet, loose, fine grained
4-10-1		4-10-1	10										(ML) SANDY SILT - Gray, wet, stiff
15													(SM) SILTY SAND - Gray, wet, fine grained
4-15-1		4-15-1	12										(ML) SANDY SILT - Gray, wet, stiff
20													(SM) SILTY SAND - Gray, wet, medium dense, fine grained
4-20-1		4-20-1	25										
25													
4-25-1		4-25-1	16										
												Completed at a depth of 26.5 feet below existing site grade.	

P-LOG 2006 1.2 WS PER 8 INCHES ST09G019.GPJ 4/6/09



**LOG OF BORING B-4**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 MODESTO, CALIFORNIA

PLATE  
 1 of 1  
**7**

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 4/6/2009 File Number: ST09G019

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 15 feet below existing site grade.

Method: Truck mounted drill rig equipped

Equipment: With 8 inch diameter hollow stem auger

Date Completed: 3/12/2009

Logged By: AA

Total Depth: 26.5 feet

Boring Diameter: 8 inches

Depth (feet)	Sample Type	FIELD				LABORATORY				Other Tests	Graphic Log	DESCRIPTION
		Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)			
												Compost/soil
5	5-1-1	11										(ML) SANDY SILT - Brown, moist, medium dense, very fine grained sand
10	5-5-1	21										(SM) SILTY SAND - Gray-brown, moist, loose, fine grained
15	5-10-1	12										(CL) SANDY LEAN CLAY - Gray-brown, moist, medium stiff
20	5-15-1	25										(ML) SANDY SILT - Brown, wet, medium dense (SP) SAND - Gray, wet, medium dense, fine grained (SM) SILTY SAND - Brown, medium dense, fine grained
25	5-20-1	13										(CL) SANDY LEAN CLAY - Gray, wet, medium stiff
26.5	5-25-1	44										(SP) POORLY GRADED SAND - Gray, wet, medium dense, fine to medium grained
Completed at a depth of 26.5 feet below existing site grade.												



**LOG OF BORING B-5**  
**PHASE 2 TERTIARY WWTF**  
**JENNINGS ROAD WWTP**  
**CITY OF MODESTO**  
**MODESTO, CALIFORNIA**

**PLATE**  
1 of 1

**8**

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 4/6/2009 File Number: STO9G019

P:\LOG\_2009\...\_PWS PER 8 INCHES STO9G019.GPJ 4/6/09

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 10.5 feet below existing site grade.

Method: Truck mounted drill rig equipped

Equipment: With 8 inch diameter hollow stem auger

Date Completed: 3/19/2009

Logged By: AA

Total Depth: 26.5

Boring Diameter: 8 inches

Depth (feet)	FIELD						LABORATORY			Graphic Log	DESCRIPTION	
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)			Passing #200 Sieve (%)
0												Compost/soil
5		6-1-1	24									(ML) SANDY SILT - Gray-brown, moist, medium dense, fine grained sand
10		6-5-1	20									(CL) SANDY LEAN CLAY - Reddish, moist, medium stiff
15		6-10-1	14									(SP) POORLY GRADED SAND - Gray, wet, medium dense, fine to coarse grained (CL) SANDY LEAN CLAY - Gray, moist, medium stiff
20		6-15-1	26									(SP) POORLY GRADED SAND - Gray, wet, medium dense, fine to coarse grained
25		Packed										
26.5		Packed										
											Completed at a depth of 26.5 below existing site grade.	



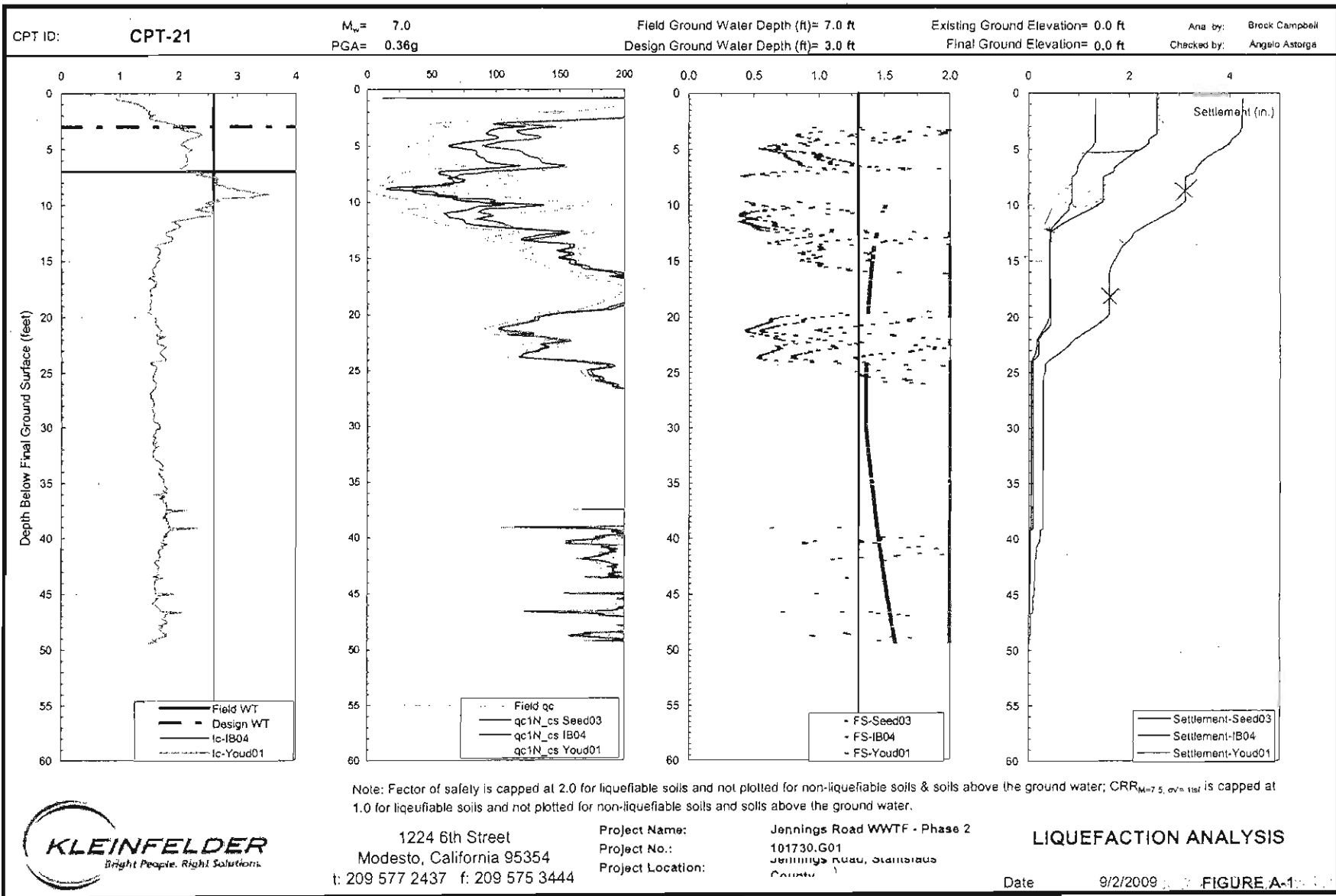
LOG OF BORING B-6  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 MODESTO, CALIFORNIA

PLATE  
 1 of 1  
 9

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 4/6/2009 File Number: STO9G019

P:\LOG\_2009\...WS PER 6 INCHES STO9G019.GPJ 4/6/09

In-situ conditions





Modesto Wastewater Treatment Facility  
Jennings Rd (Modesto, California)

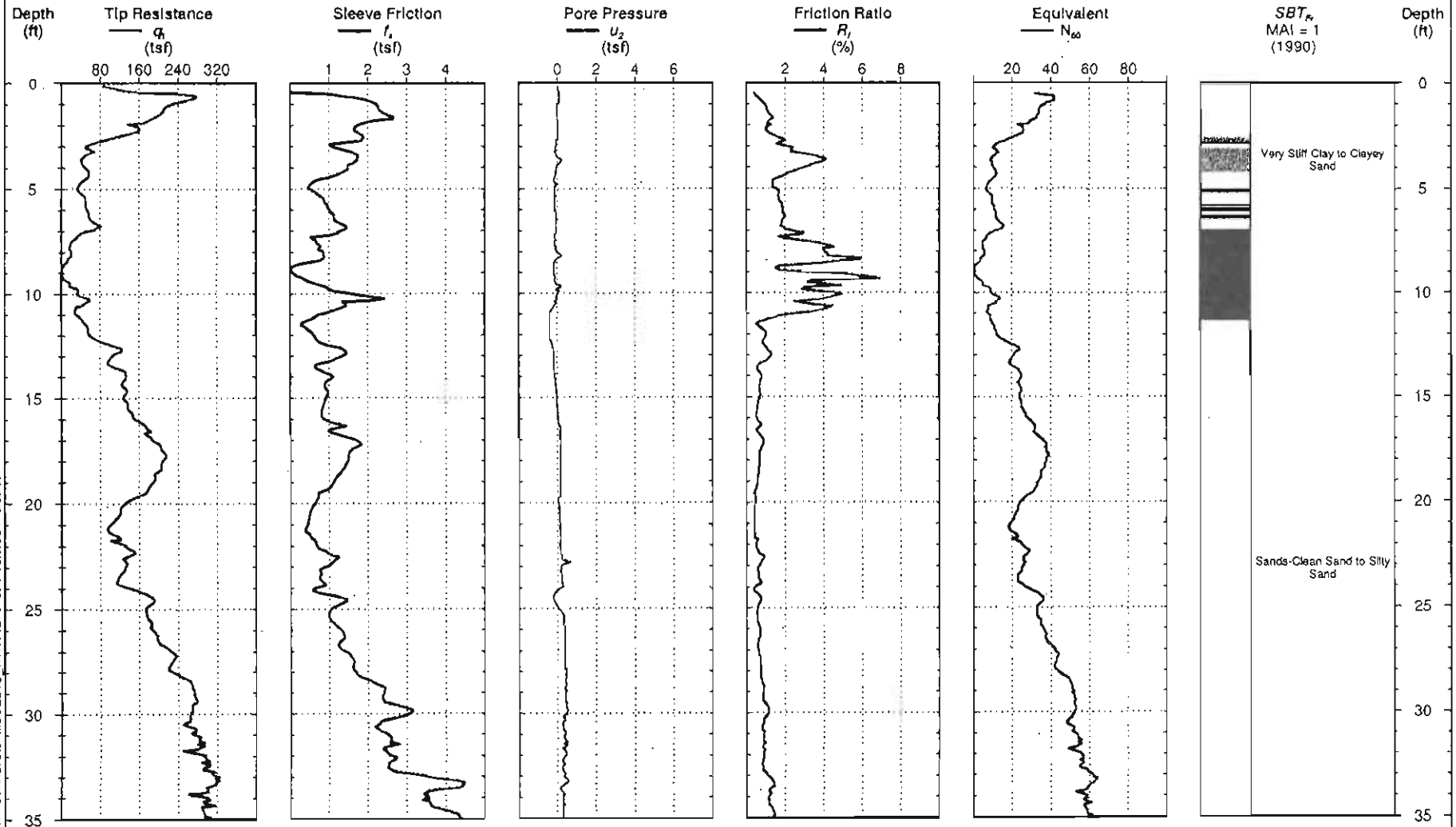
# Cone Penetration Test

## CPT-21

Date: Aug. 25, 2009  
Estimated Water Depth:  
Rig/Operator: AH | RCJT

Northing:  
Easting:  
Elevation:

Total Depth: 49.9 ft  
Termination Criteria: Target Depth  
Cone Size: 1.75"



CPT REPORT - STANDARD MODESTO.WWTF.GPJ CPT V3.0.GDT 8/25/09

## CPT-21

### A-27



Modesto Wastewater Treatment Facility  
Jennings Rd (Modesto, California)

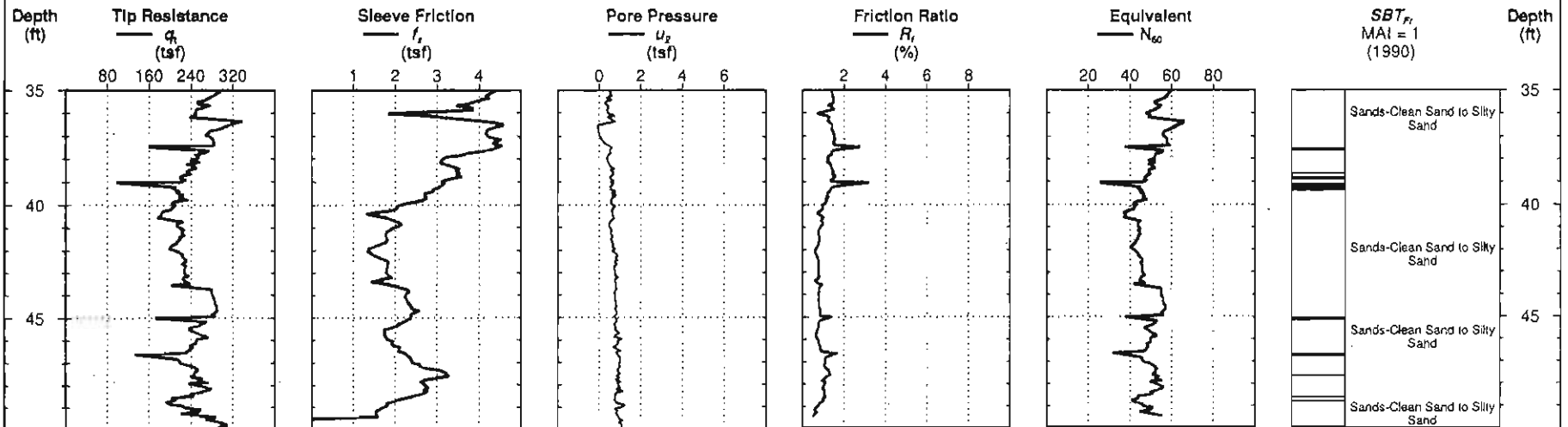
# Cone Penetration Test

## CPT-21

Date: Aug. 25, 2009  
Estimated Water Depth:  
Rig/Operator: AH | RCJT

Northing:  
Easting:  
Elevation:

Total Depth: 49.9 ft  
Termination Criteria: Target Depth  
Cone Size: 1.75"



CPT REPORT - STANDARD MODESTO\_WWTP.GPJ CPT V3.0.GDT 8/25/09

## CPT-21

### A-27





Modesto Wastewater Treatment Facility  
Jennings Rd (Modesto, California)

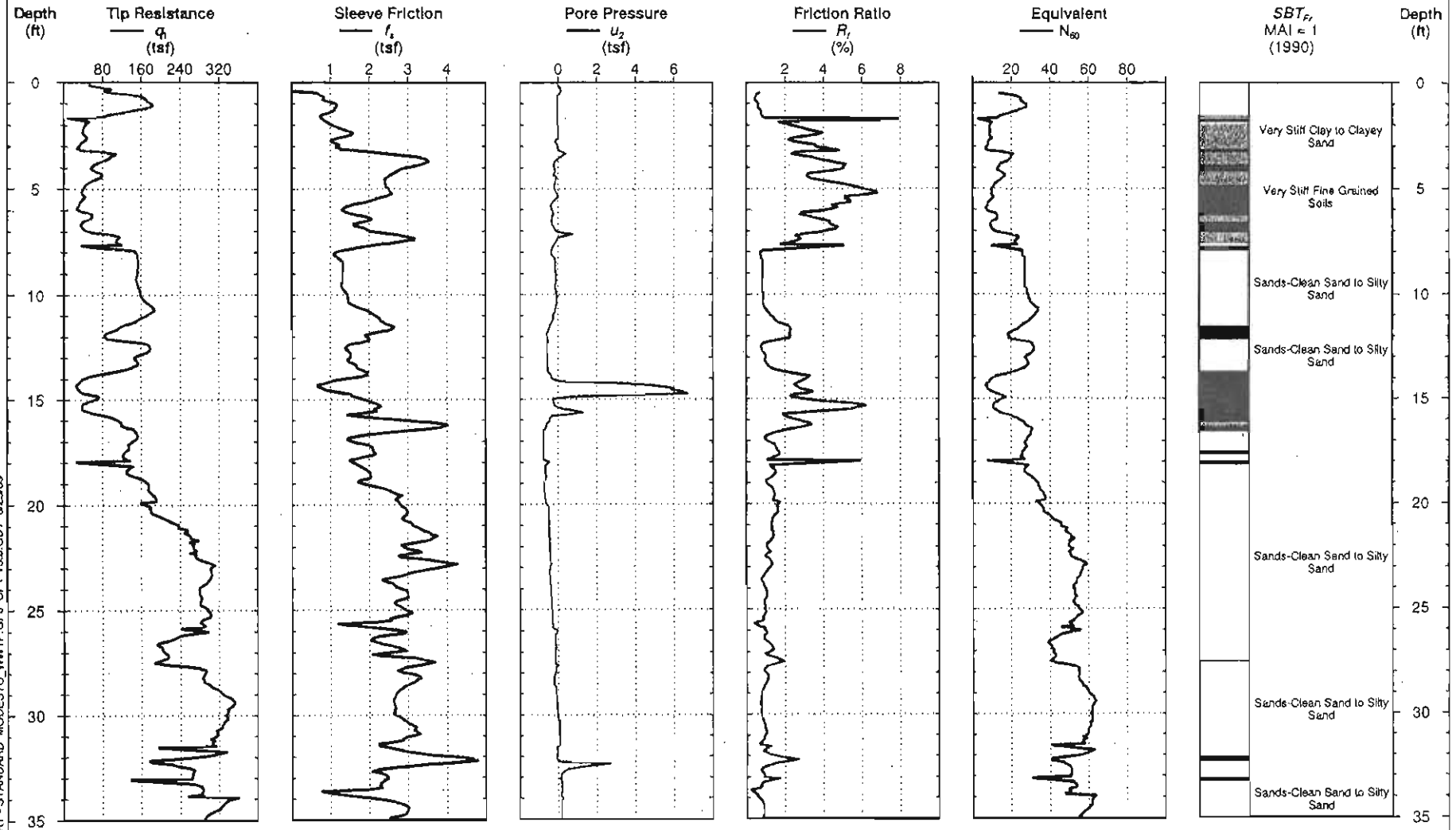
# Cone Penetration Test

# CPT-22

Date: Aug. 25, 2009  
Estimated Water Depth:  
Rig/Operator: JT | AHRC

Northing:  
Easting:  
Elevation:

Total Depth: 50.0 ft  
Termination Criteria: Target Depth  
Cone Size: 1.75"



CPT REPORT - STANDARD MODESTO\_WWTP.GPJ\_CPT\_V3.0.GDT 825508

# CPT-22

**DIRECT SENSING**

Modesto Wastewater Treatment Facility  
Jennings Rd (Modesto, California)

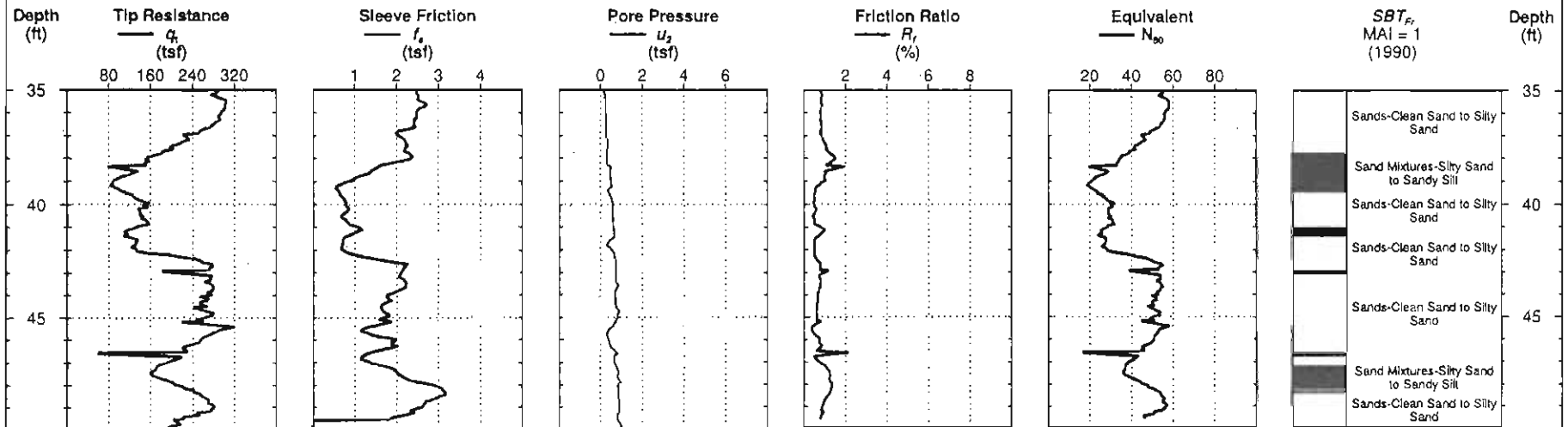
# Cone Penetration Test

## CPT-22

Date: Aug. 25, 2009  
Estimated Water Depth:  
Rig/Operator: JT | AHRC

Northing:  
Easting:  
Elevation:

Total Depth: 50.0 ft  
Termination Criteria: Target Depth  
Cone Size: 1.75"



## CPT-22

### A-28



Modesto Wastewater Treatment Facility  
Jennings Rd (Modesto, California)

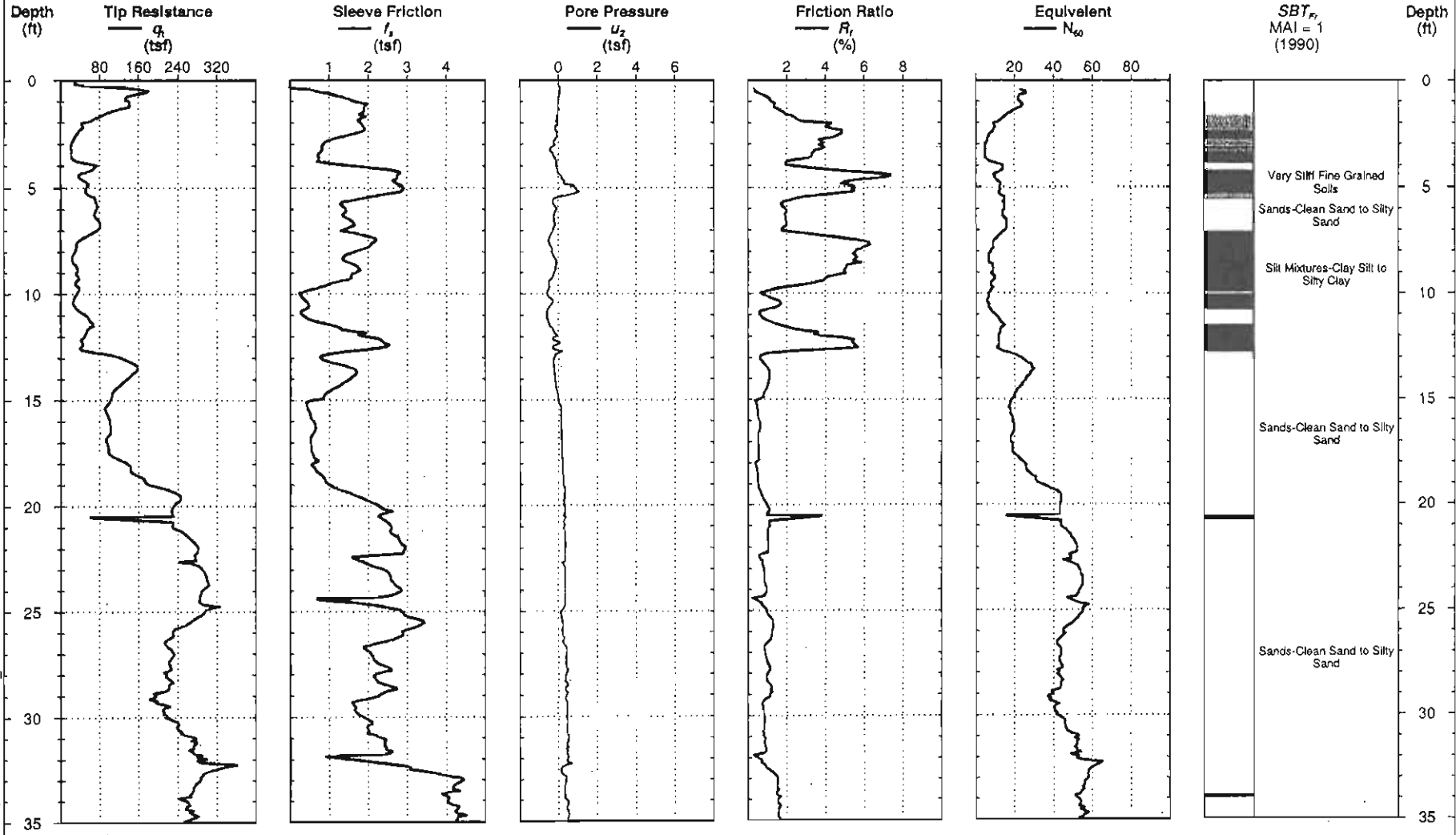
# Cone Penetration Test

# CPT-23

Date: Aug. 25, 2009  
Estimated Water Depth:  
Rlg/Operator: JT | AHRC

Northing:  
Easting:  
Elevation:

Total Depth: 49.9 ft  
Termination Criteria: Target Depth  
Cone Size: 1.75"



CPT REPORT - STANDARD - MODESTO - WWTP.GPJ CPT V3.0.GDT 8/25/09

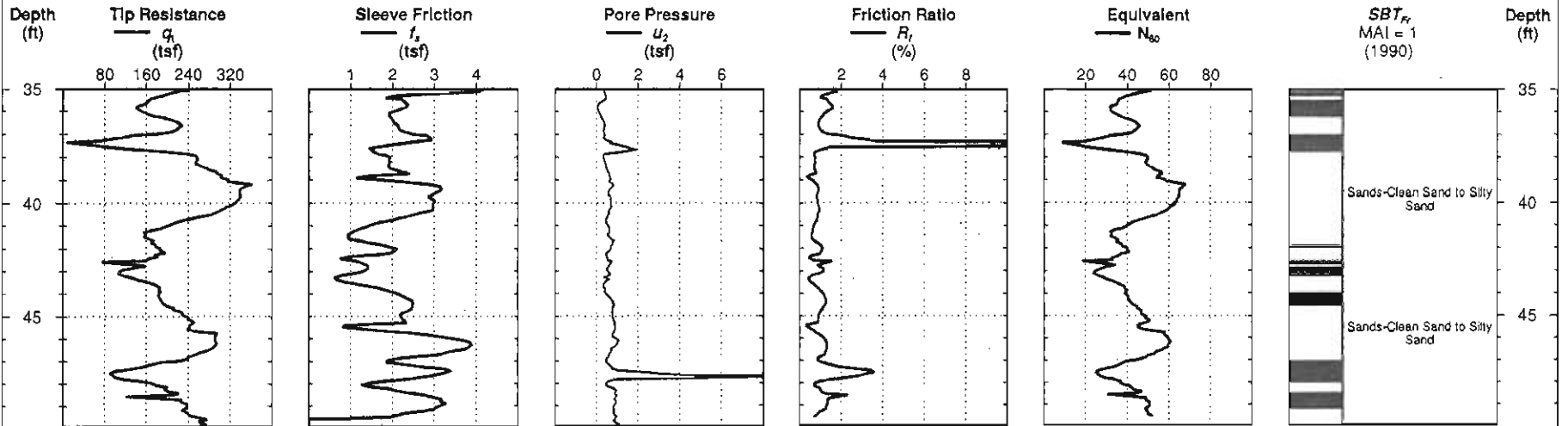
# CPT-23

# A-29

Date: Aug. 25, 2009  
Estimated Water Depth:  
Rig/Operator: JT | AHRC

Northing:  
Easting:  
Elevation:

Total Depth: 49.9 ft  
Termination Criteria: Target Depth  
Cone Size: 1.75"



# SBT Material Graphics



1- Sensitive, Fine Grained Soils



2- Organic Soils, Peats



3- Clays-Clay to Silty Clay



4- Silt Mixtures-Clay Silt to Silty Clay



5- Sand Mixtures-Silty Sand to Sandy Silt



6- Sands-Clean Sand to Silty Sand



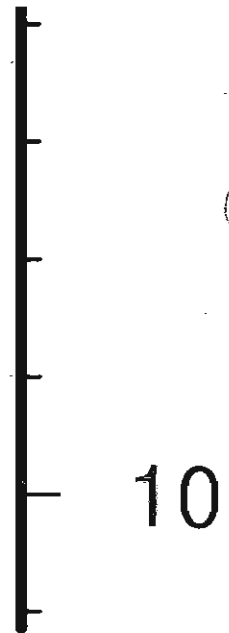
7- Gravelly Sand to Sand



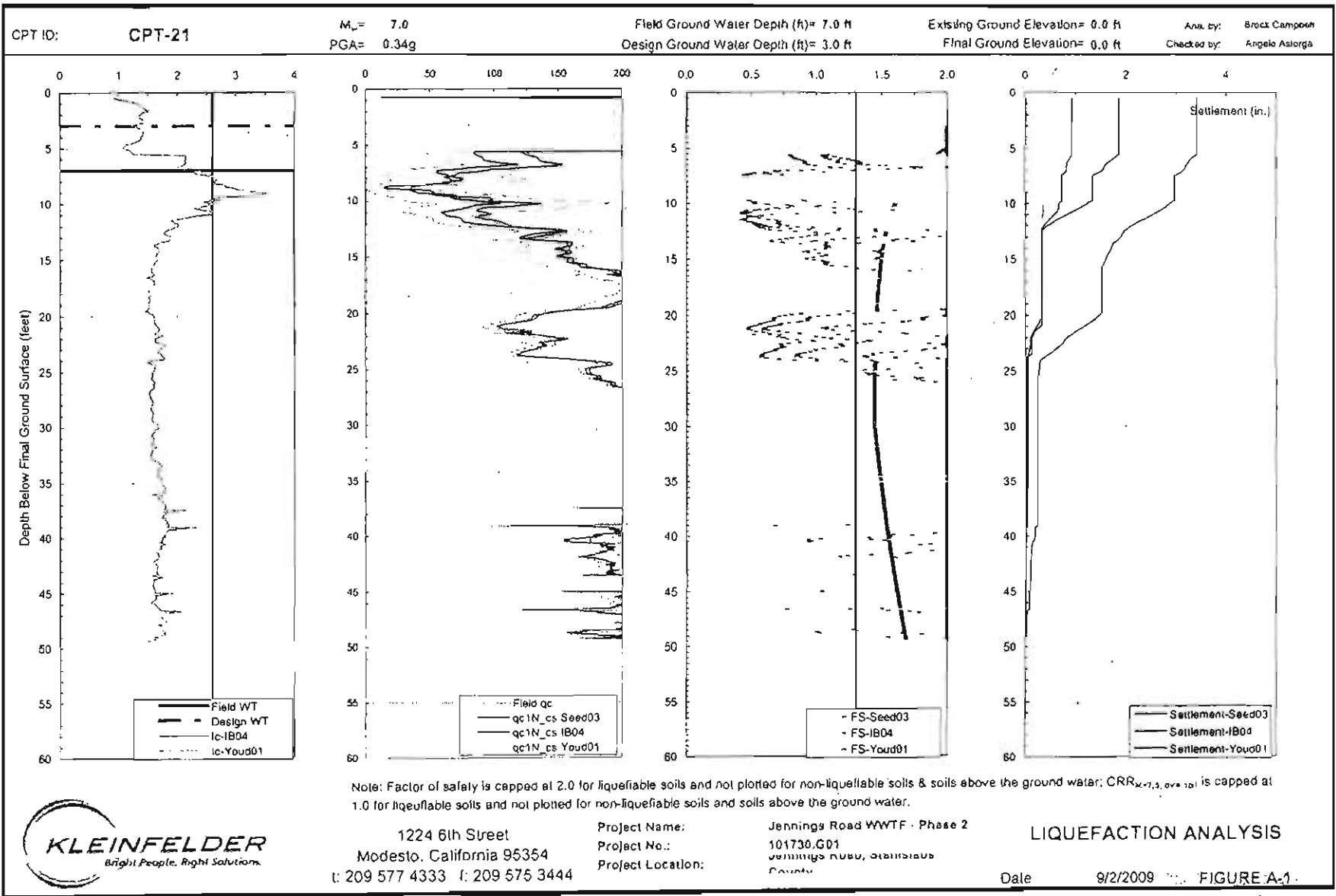
8- Very Stiff Clay to Clayey Sand



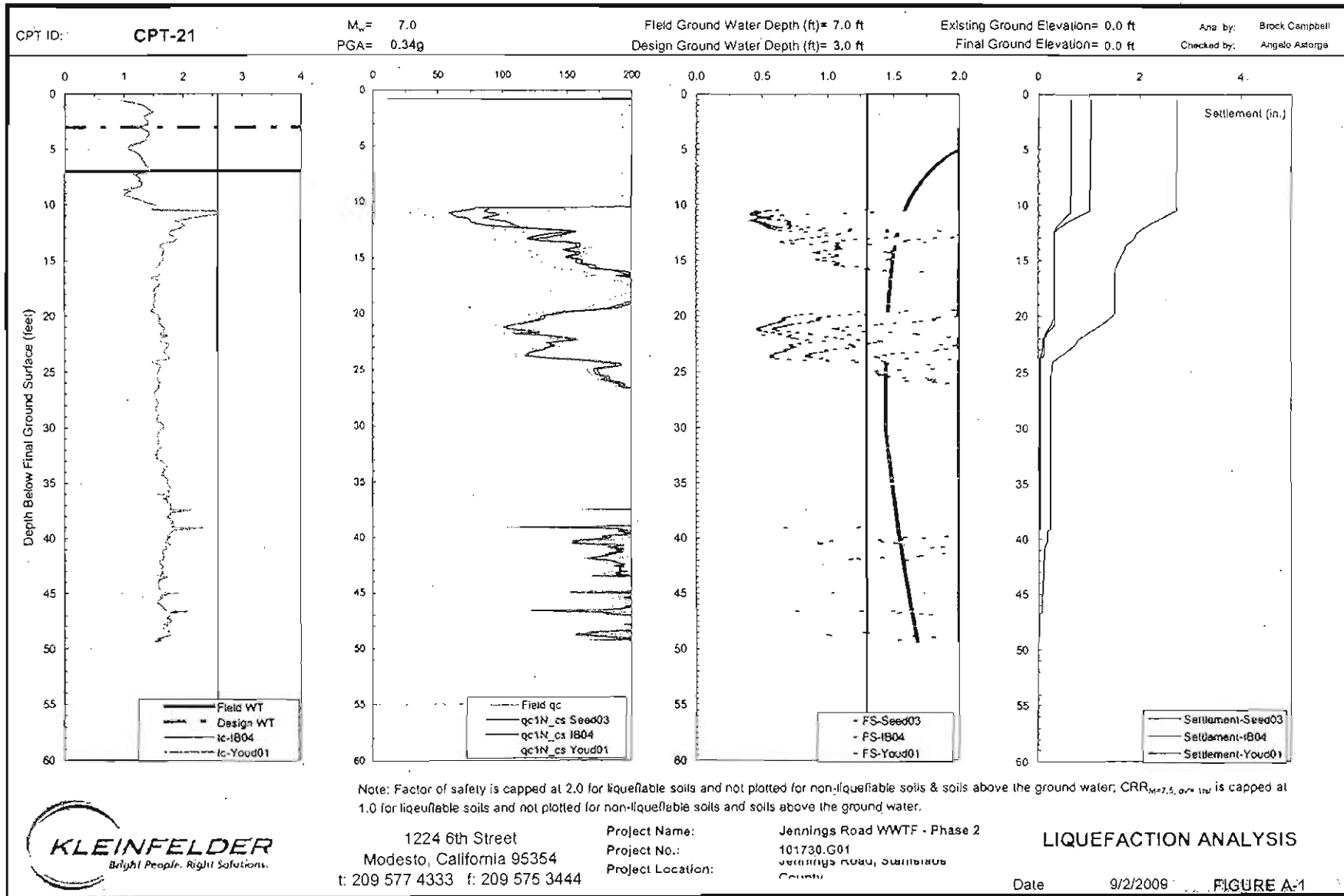
9- Very Stiff Fine Grained Soils



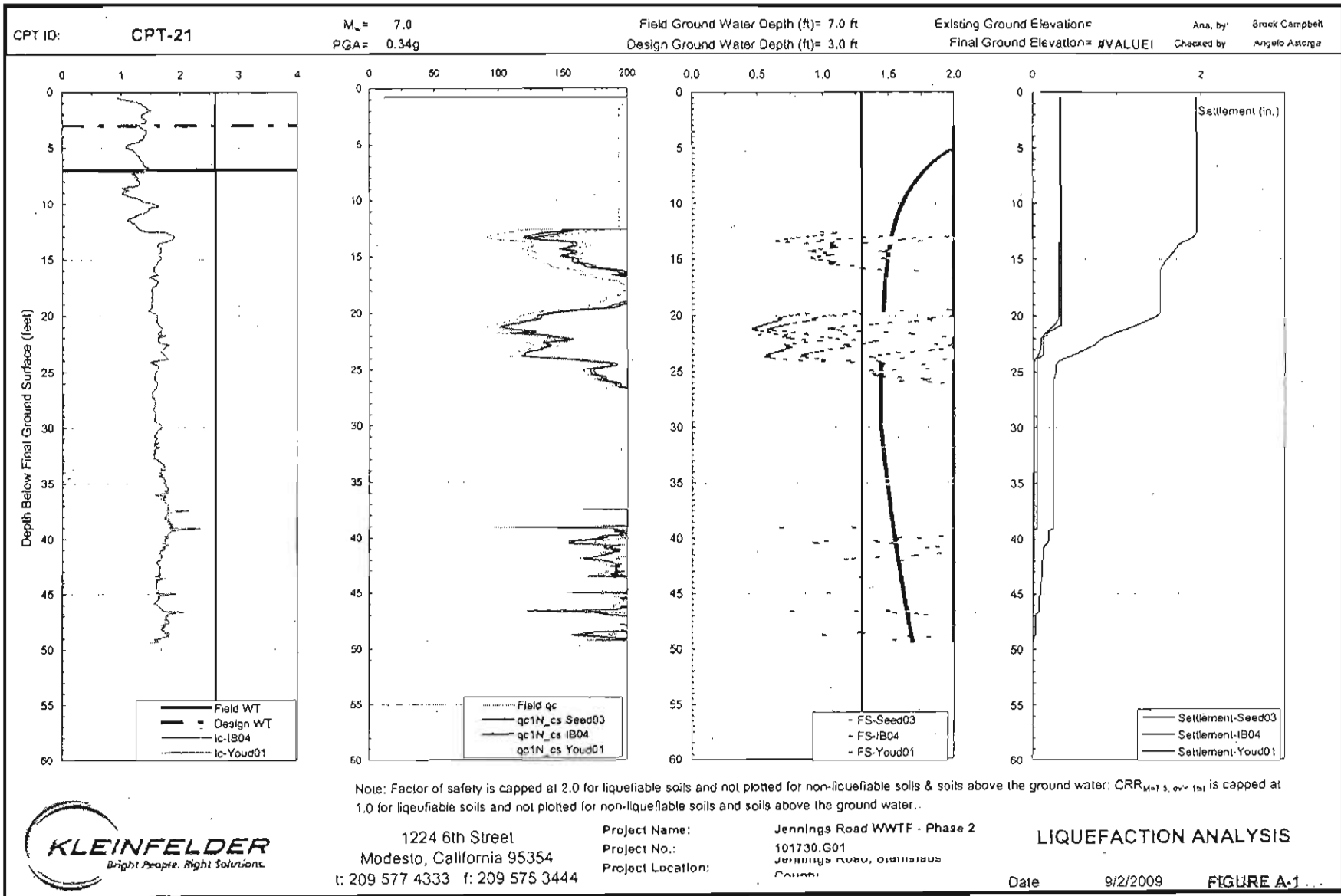
5 ft of overexcavation + recompaction



10.0 ft of overexcavation and recompaction

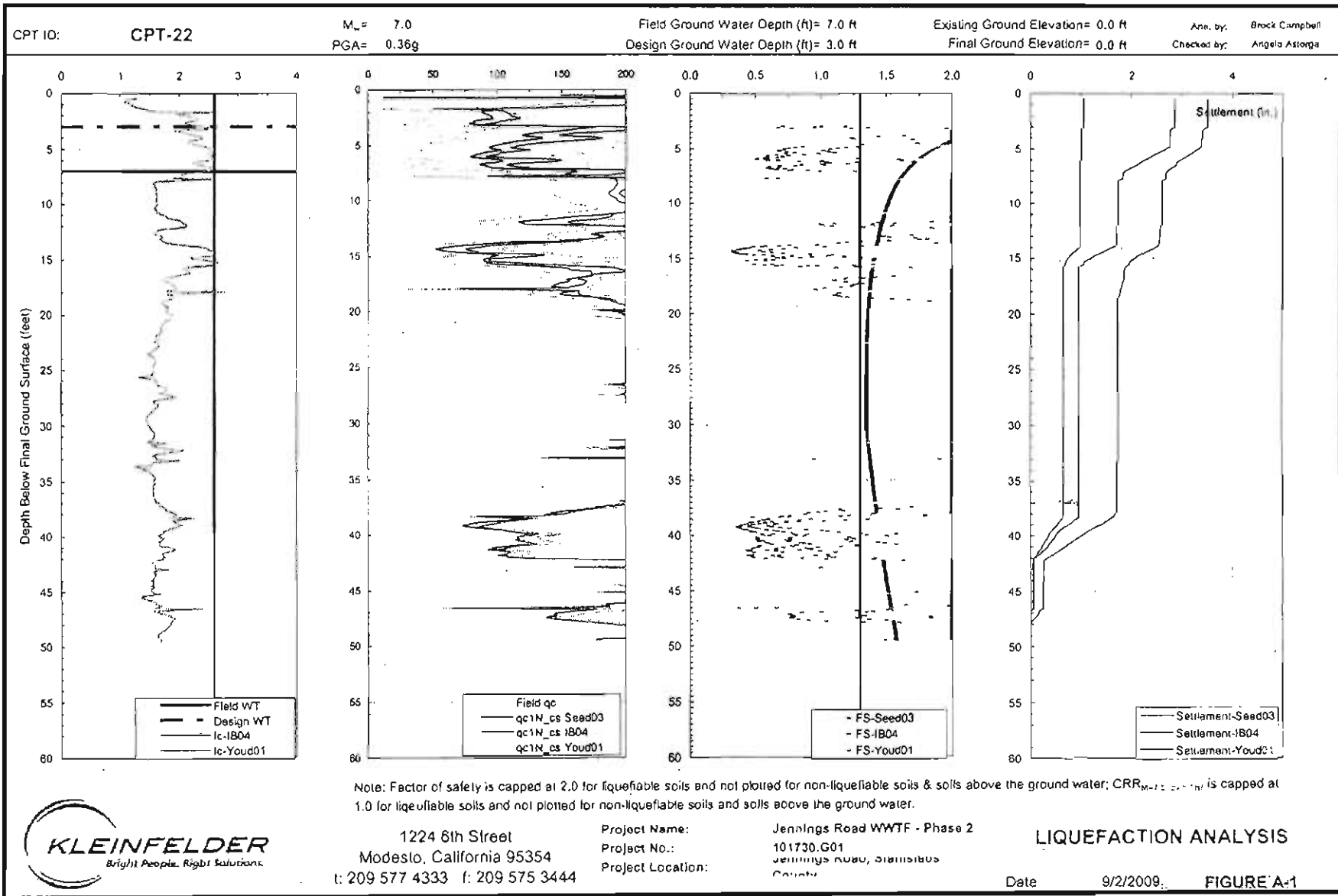


12.1 ft of overexcavation + recompaction

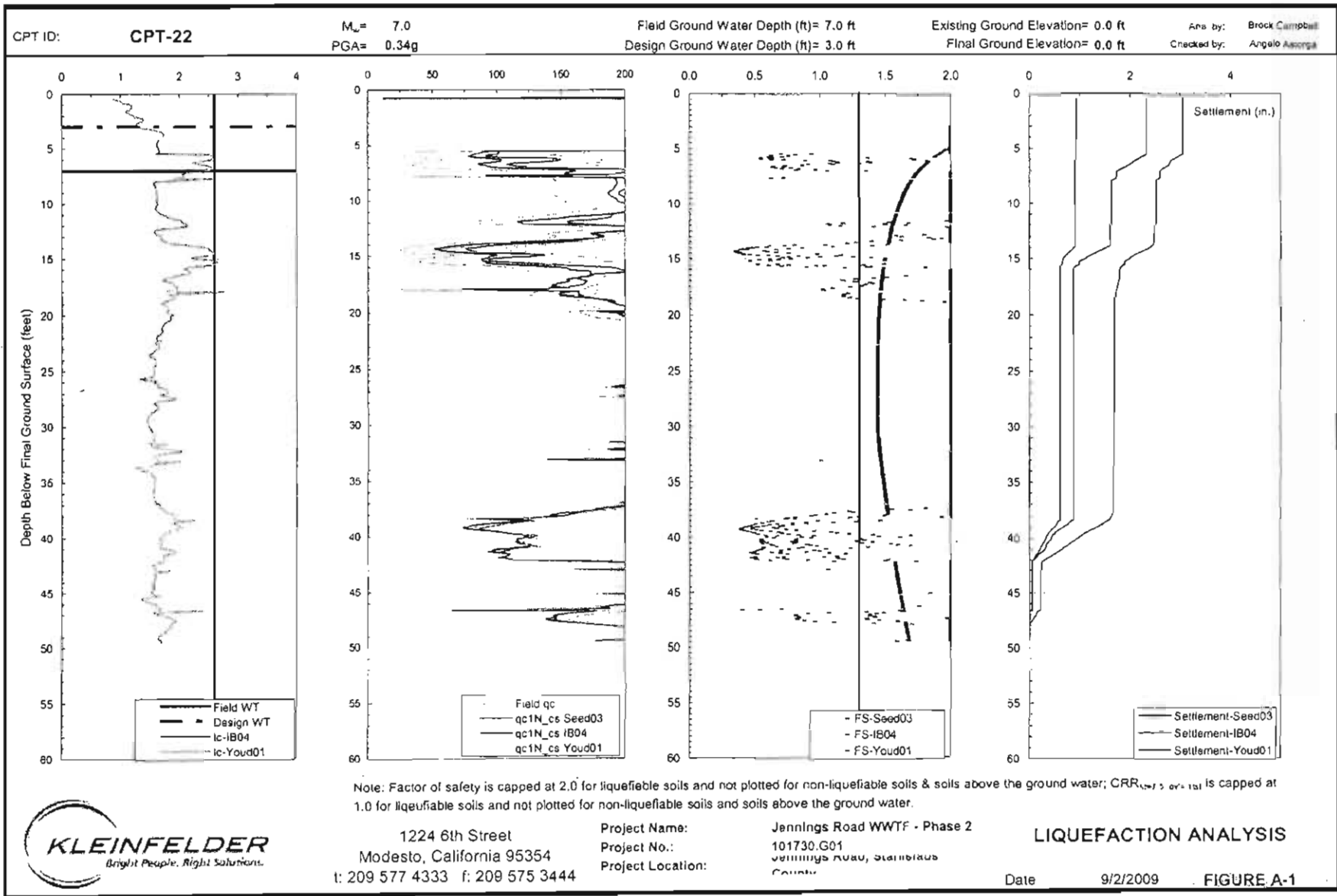




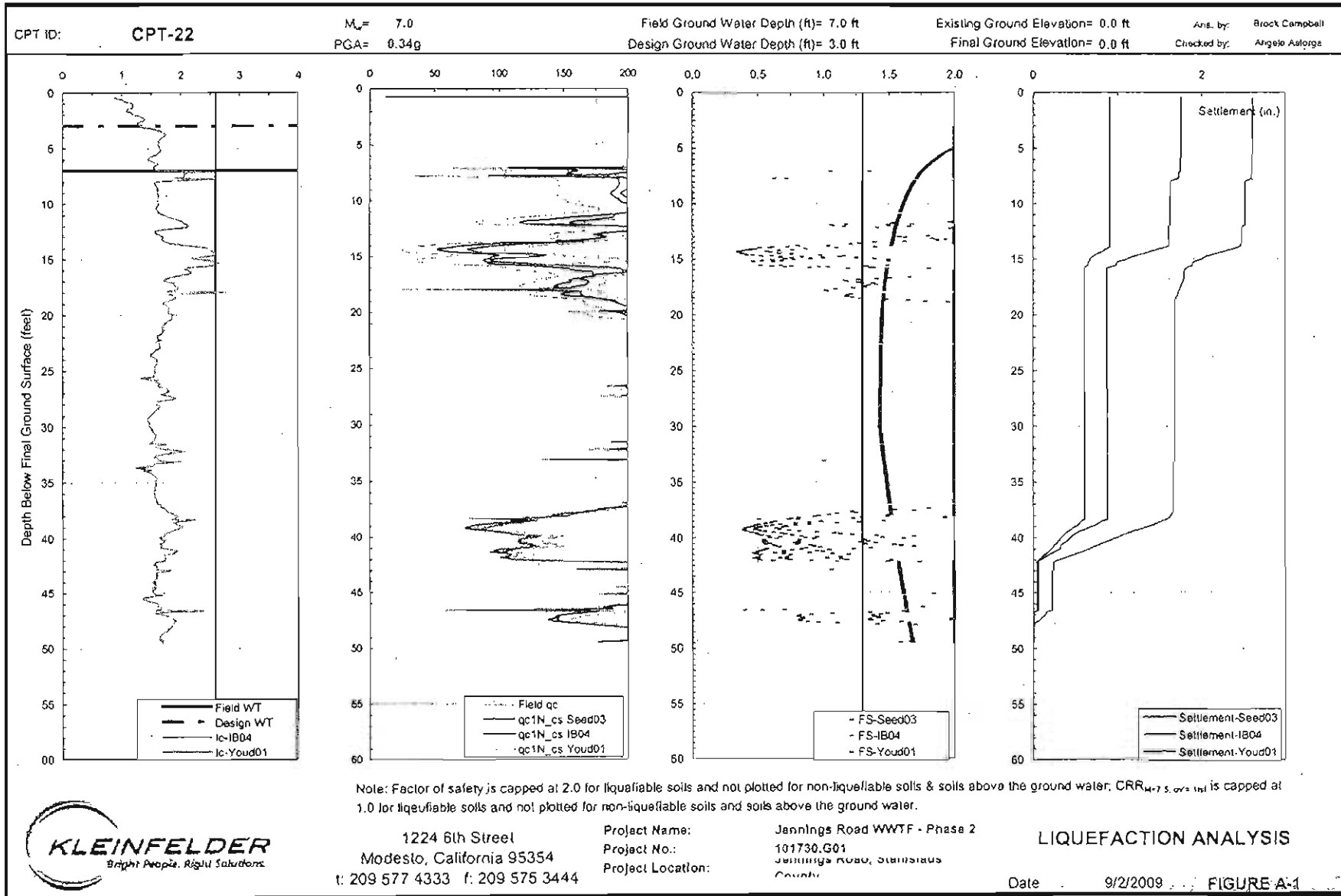
In-situ conditions



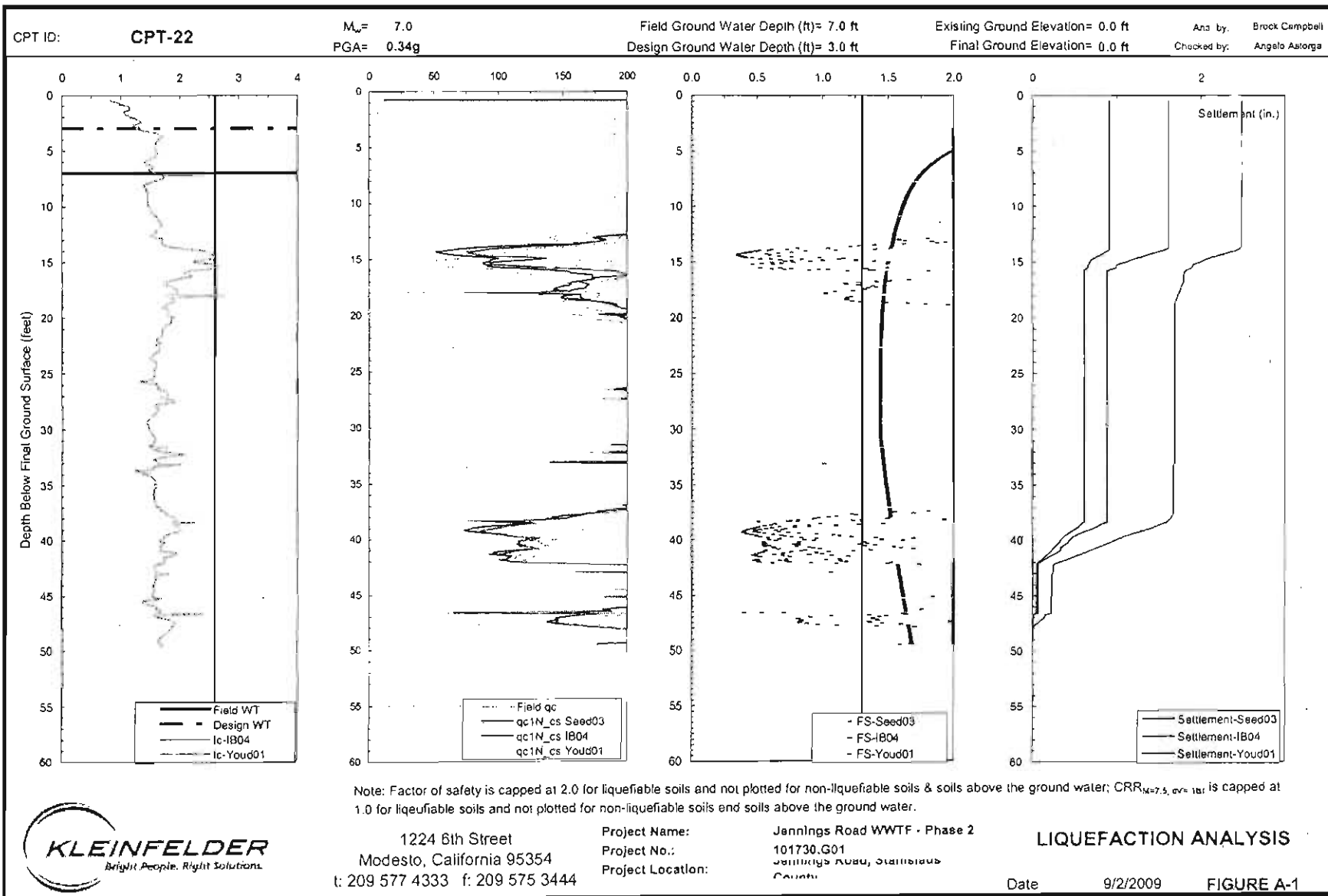
4 ft of overexcavation + recompaction



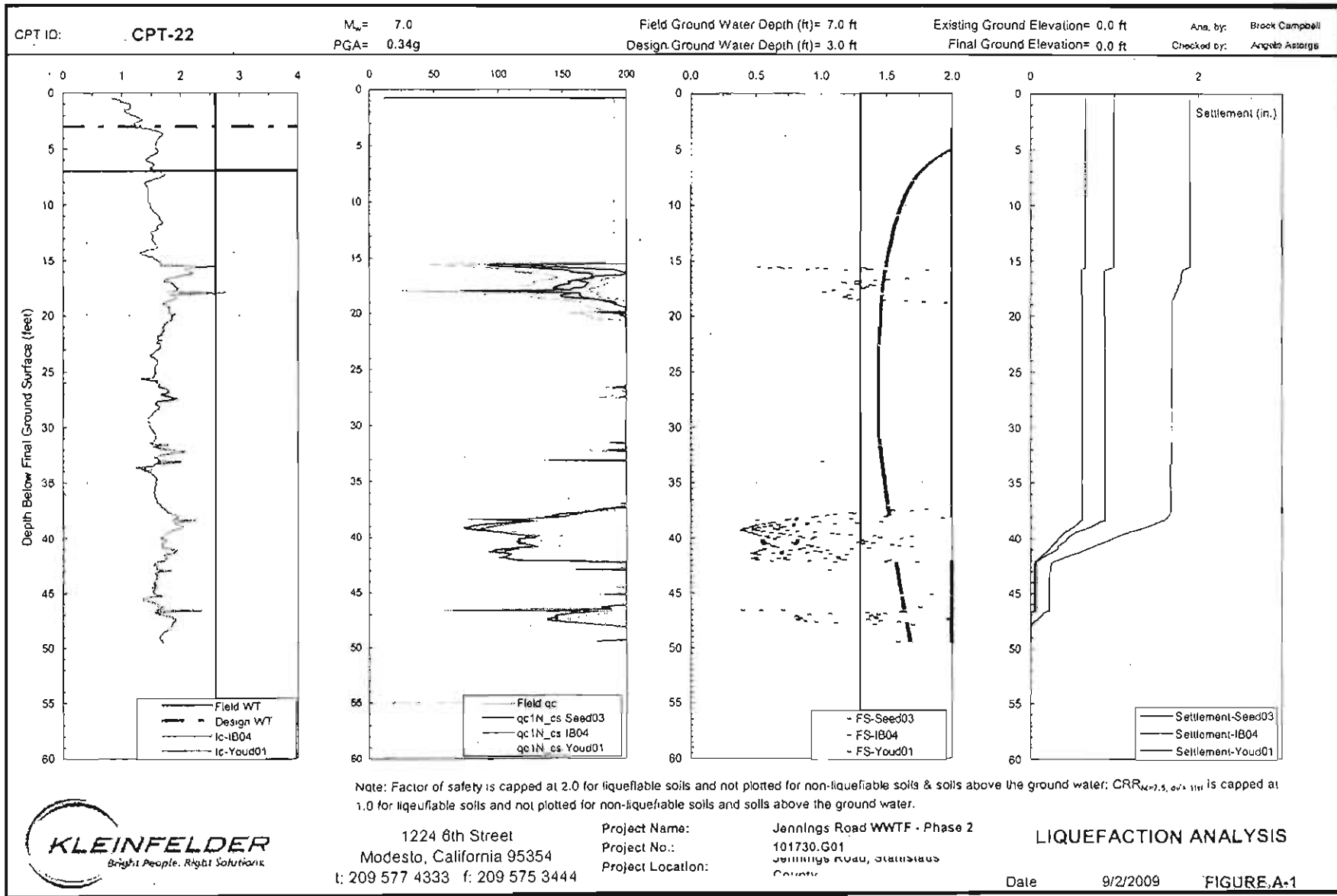
2 ft of overexcavation and recompaction



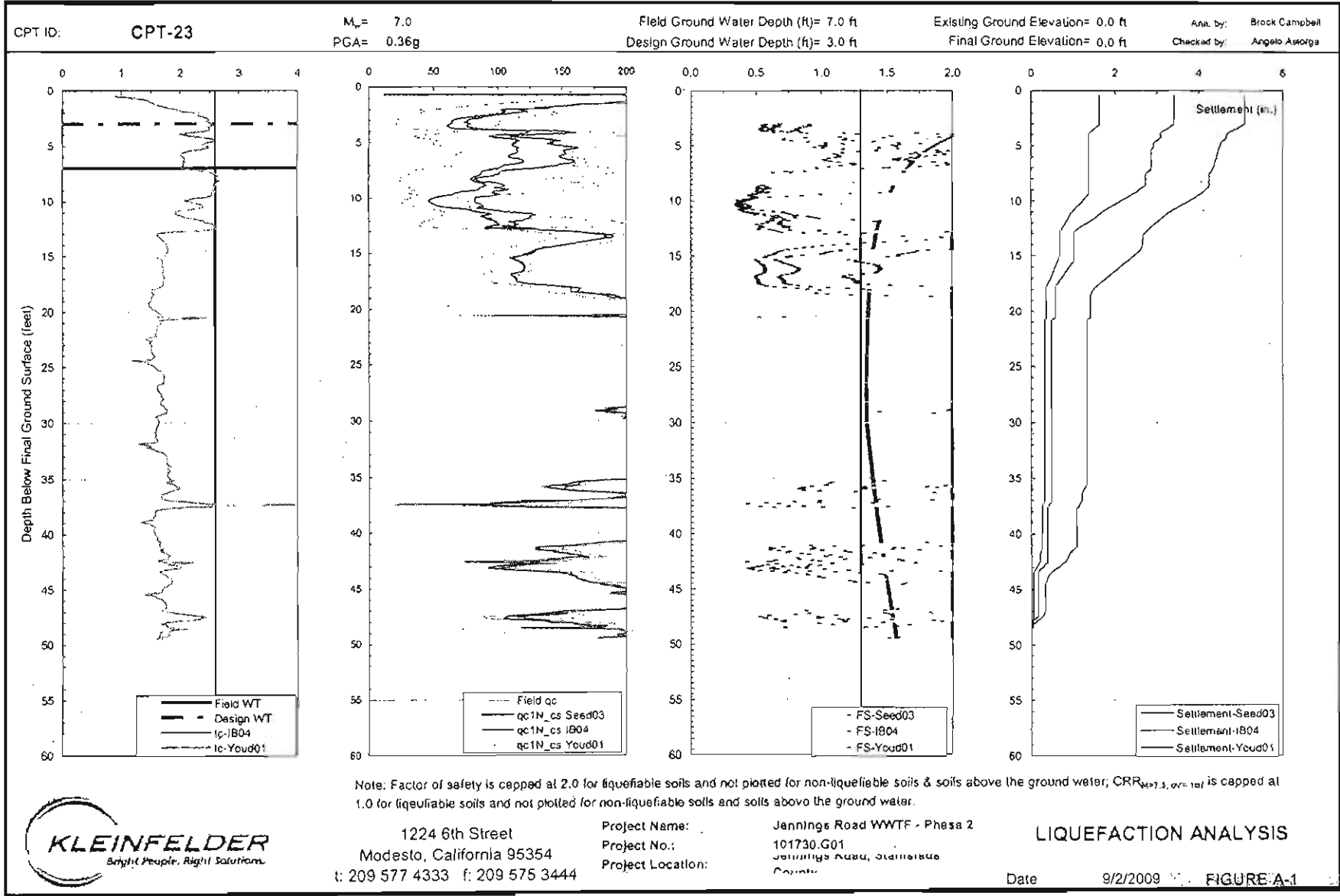
12.5 ft of overexcavation and recompaction



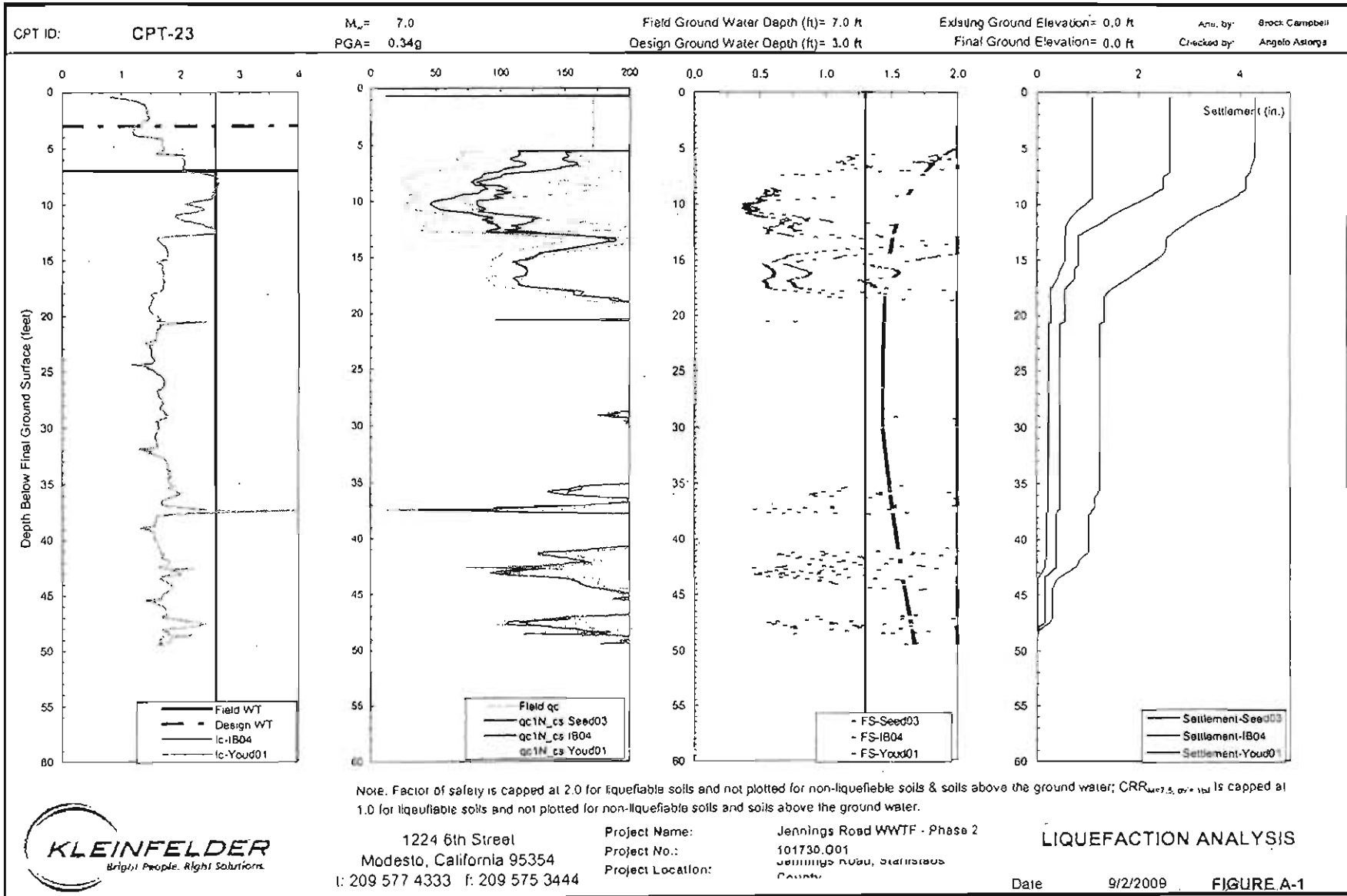
15.9 ft of overexcavation and recompaction



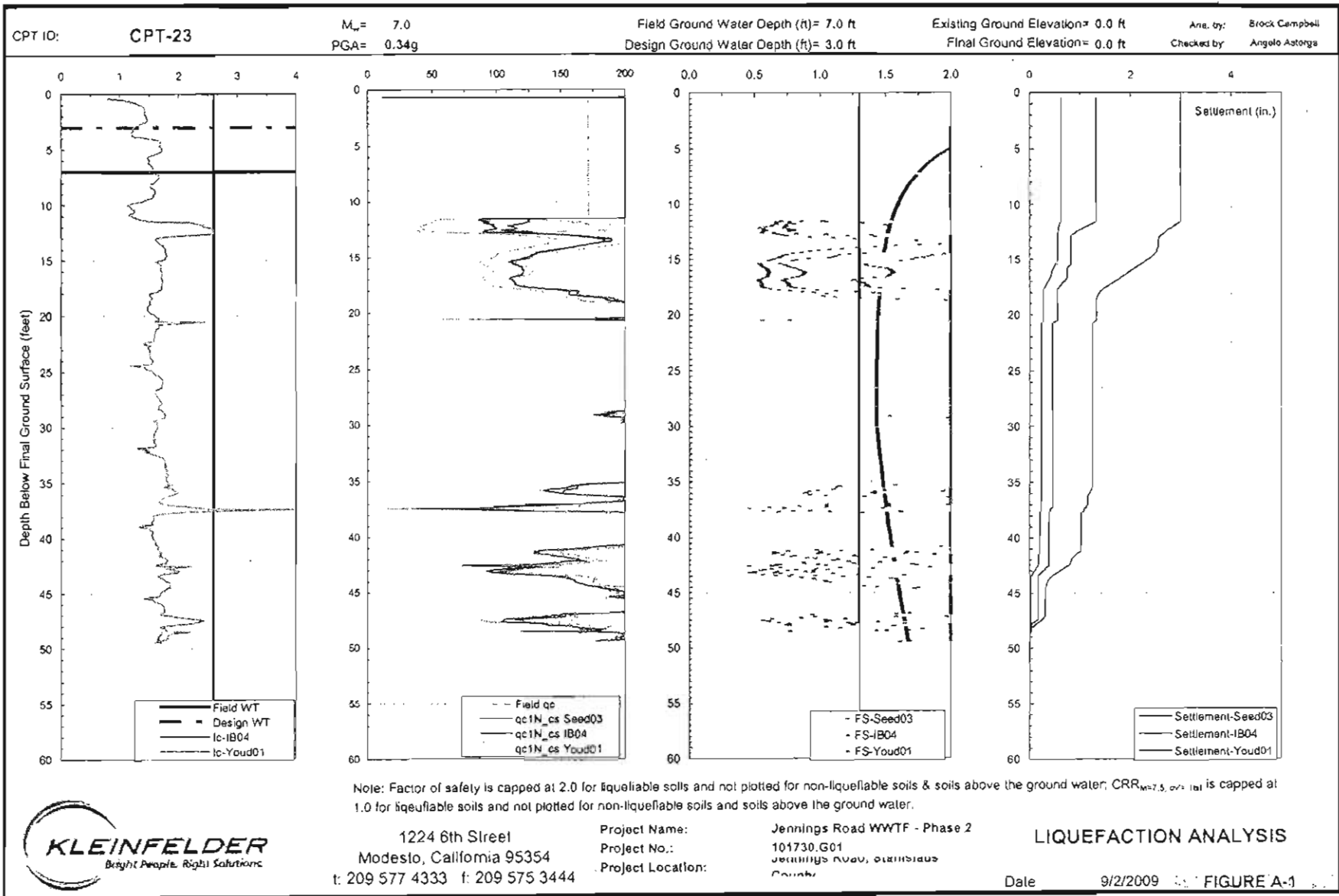
In situ conditions



5.5 ft of overexcavation and recompaction



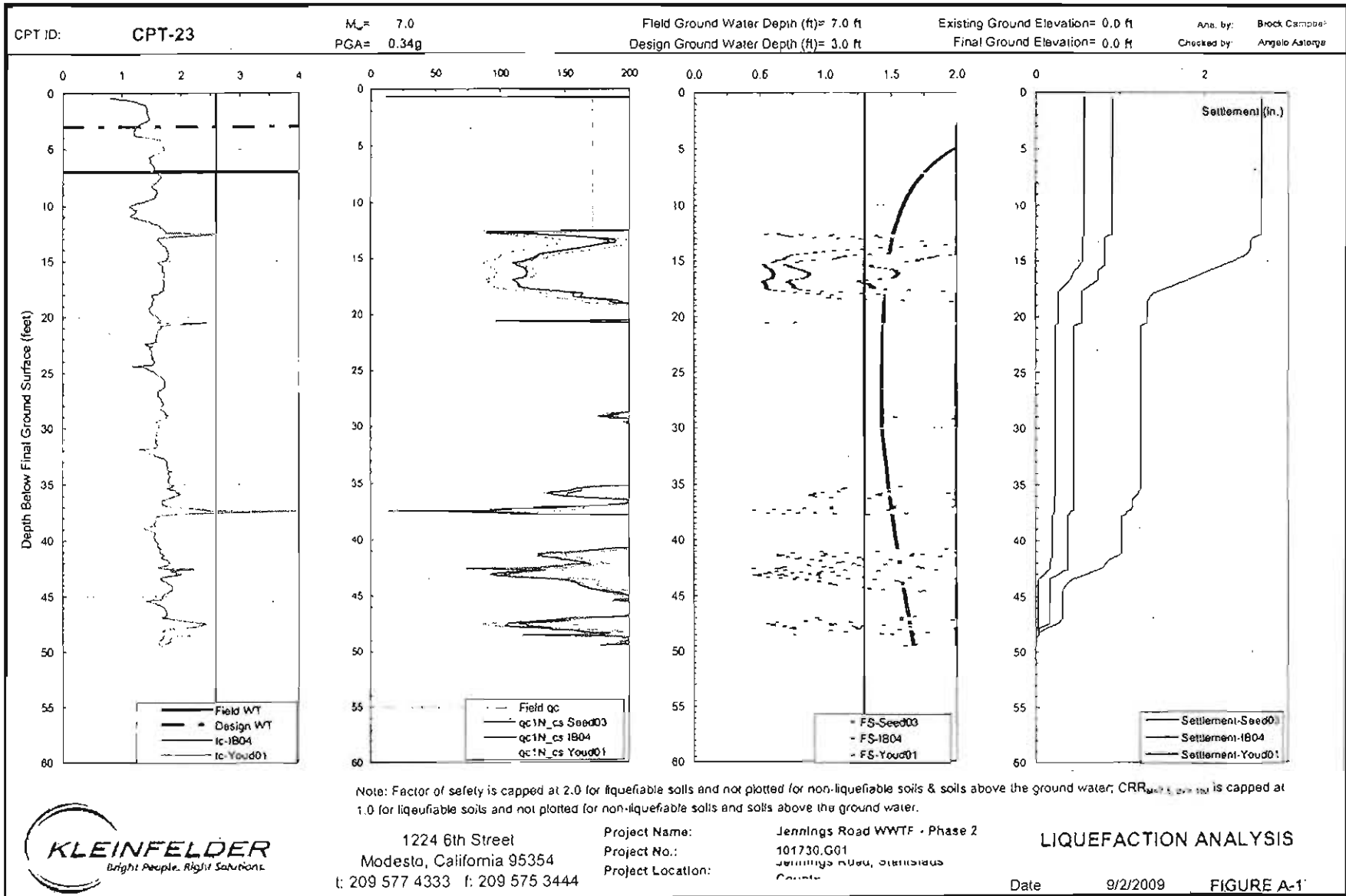
11.5 ft of overexcavation and recompaction



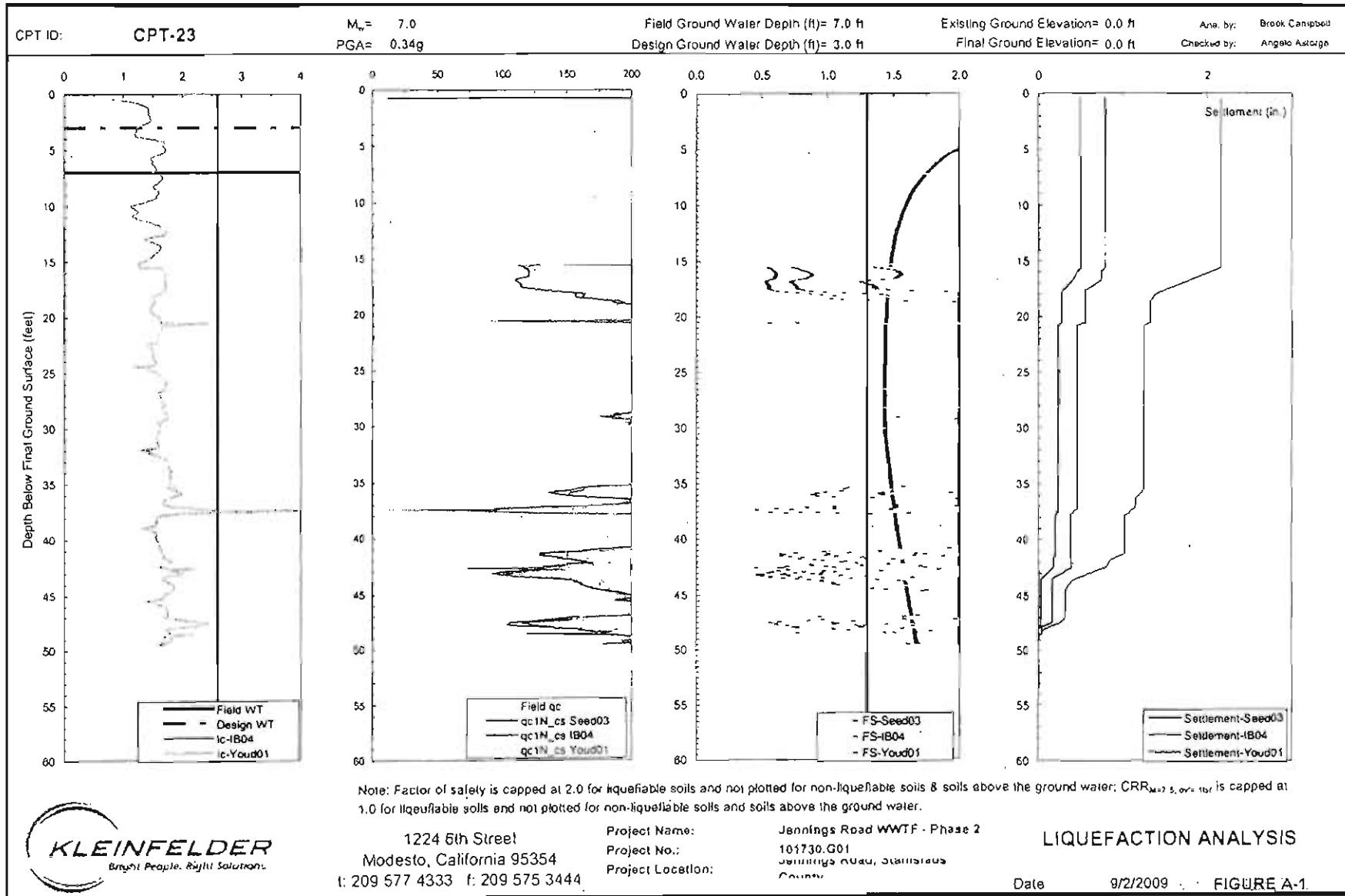


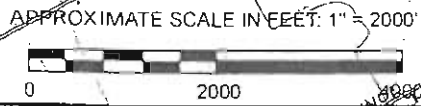
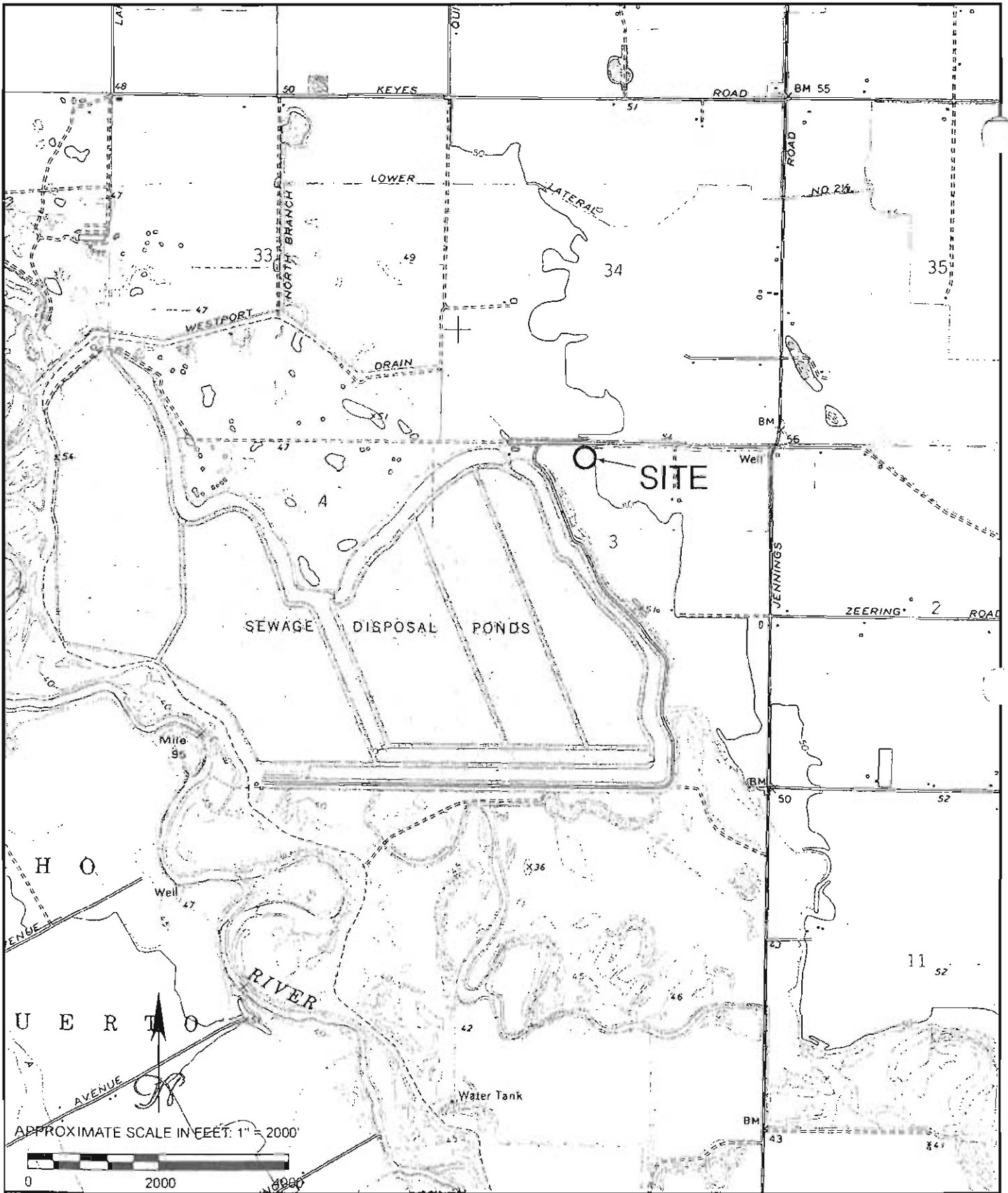
12.5 ft of overexcavation and recompaction


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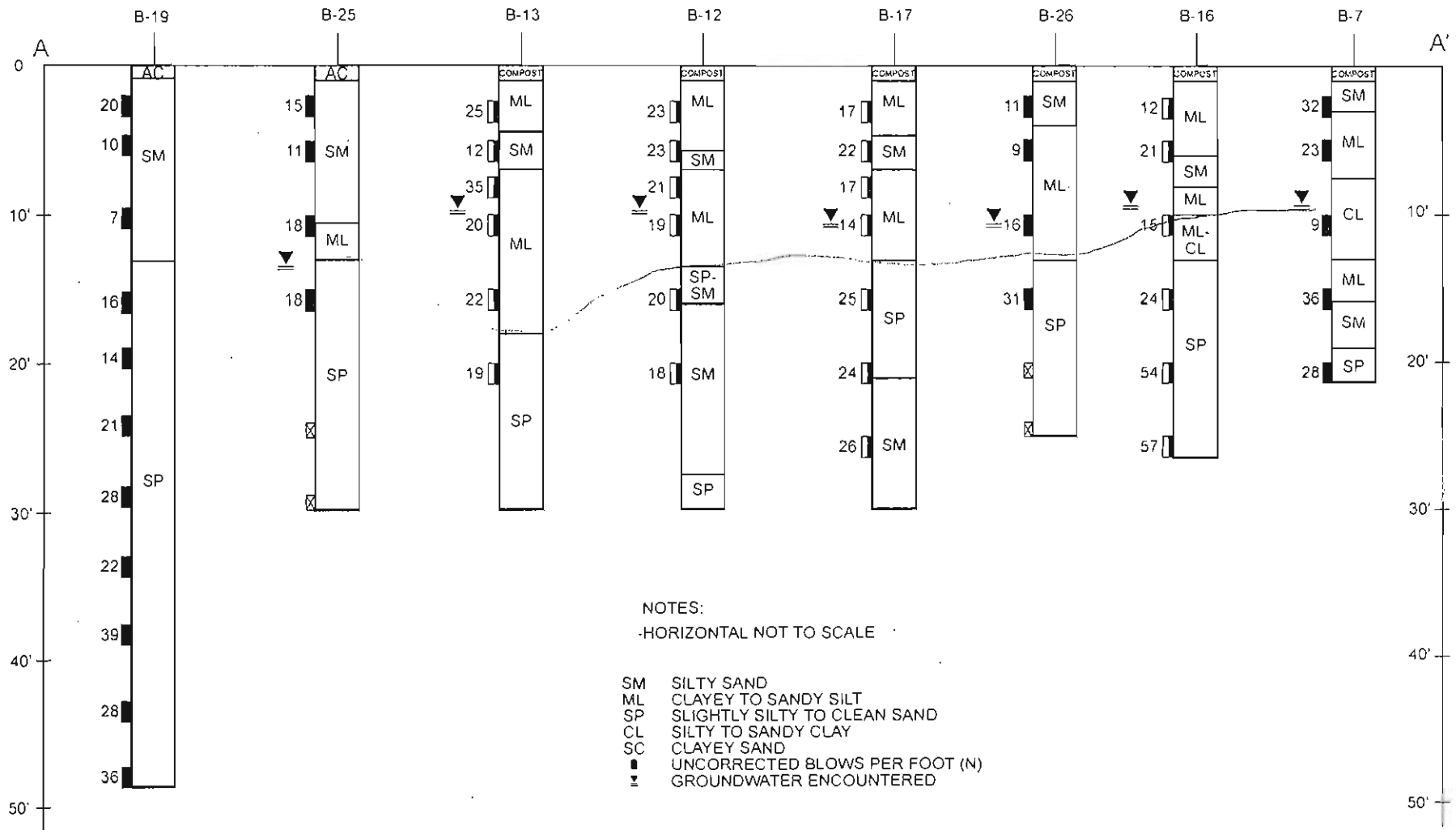


15.5 ft of overexcavation + recompaction





 www.Kleinfelder.com	Project Number: 101730.G01	TOPOGRAPHIC MAP PHASE 2 TERTIARY WWTF JENNINGS ROAD WWTP CITY OF MODESTO STANISLAUS COUNTY, CALIFORNIA	Plate
	Graphic Date: 9/14/09		2
	Graphic By: G. GOMEZ		
	Checked By: B. Campbell		
	File Name: TOPO.fh11		








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 Graphic Date: 9/29/09  
 Graphic By: G. GOMEZ  
 Checked By: B. Campbell  
 File Name: CROSS.fh11

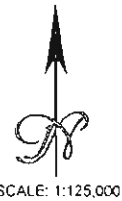
SUBSURFACE CROSS SECTION A-A'  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

Plate  
**3**  
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KEY

-  Alluvial fan deposits
-  Desert sand
-  Modesto Formation
-  Los Pinos Alluvium
-  Riverbank Formation



SCALE: 1:125,000



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Project Number: 101730.G01

Graphic Date: 9/28/09

Graphic By: G. GOMEZ

Checked By: B. Campbell

File Name: GEO.fn11

GEOLOGIC MAP  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

Plate

4

# UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D2488)

	MAJOR DIVISIONS	GRAPHIC LOG	TYPICAL DESCRIPTIONS		
<b>COARSE GRAINED SOILS</b> <small>(More than half of material is larger than the #200 sieve)</small>	<b>GRAVELS</b> <small>(More than half of coarse fraction is larger than the #4 sieve)</small>	CLEAN GRAVELS WITH <5% FINES	Cu ≥ 4 and 1 ≤ Cc ≤ 3 	GW	WELL-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE OR NO FINES
			Cu < 4 and/or 1 > Cc > 3 	GP	POORLY-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE OR NO FINES
			Cu ≥ 4 and 1 ≤ Cc ≤ 3 	GW-GM	WELL-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE FINES
		GRAVELS WITH 5 to 12% FINES	Cu ≥ 4 and 1 ≤ Cc ≤ 3 	GW-GC	WELL-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE CLAY FINES
			Cu < 4 and/or 1 > Cc > 3 	GP-GM	POORLY-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE FINES
			Cu < 4 and/or 1 > Cc > 3 	GP-GC	POORLY-GRADED GRAVELS, GRAVEL-SAND MIXTURES WITH LITTLE CLAY FINES
		GRAVELS WITH >12% FINES		GM	SILTY GRAVELS, GRAVEL-SILT-SAND MIXTURES
				GC	CLAYEY GRAVELS, GRAVEL-SAND-CLAY MIXTURES
				GC-GM	CLAYEY GRAVELS, GRAVEL-SAND-CLAY-SILT MIXTURES
	<b>SANDS</b> <small>(More than half of coarse fraction is smaller than the #4 sieve)</small>	CLEAN SANDS WITH <5% FINES	Cu ≥ 6 and 1 ≤ Cc ≤ 3 	SW	WELL-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE OR NO FINES
			Cu < 6 and/or 1 > Cc > 3 	SP	POORLY-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE OR NO FINES
			Cu ≥ 6 and 1 ≤ Cc ≤ 3 	SW-SM	WELL-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE FINES
		SANDS WITH 5 to 12% FINES	Cu ≥ 6 and 1 ≤ Cc ≤ 3 	SW-SC	WELL-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE CLAY FINES
			Cu < 6 and/or 1 > Cc > 3 	SP-SM	POORLY-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE FINES
			Cu < 6 and/or 1 > Cc > 3 	SP-SC	POORLY-GRADED SANDS, SAND-GRAVEL MIXTURES WITH LITTLE CLAY FINES
		SANDS WITH >12% FINES		SM	SILTY SANDS, SAND-GRAVEL-SILT MIXTURES
				SC	CLAYEY SANDS, SAND-GRAVEL-CLAY MIXTURES
				SC-SM	CLAYEY SANDS, SAND-SILT-CLAY MIXTURES
<b>FINE GRAINED SOILS</b> <small>(More than half of material is smaller than the #200 sieve)</small>	<b>SILTS AND CLAYS</b> <small>(Liquid limit less than 50)</small>		ML	INORGANIC SILTS AND VERY FINE SANDS, SILTY OR CLAYEY FINE SANDS, SILTS WITH SLIGHT PLASTICITY.	
			CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS	
			CL-ML	INORGANIC CLAYS-SILTS OF LOW PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS	
	<b>SILTS AND CLAYS</b> <small>(Liquid limit greater than 50)</small>		OL	ORGANIC SILTS & ORGANIC SILTY CLAYS OF LOW PLASTICITY	
			MH	INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SAND OR SILT	
			CH	INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS	
			OH	ORGANIC CLAYS & ORGANIC SILTS OF MEDIUM-TO-HIGH PLASTICITY	

USCS (2487) ST 19.GPJ 9/28/09













**UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D2488)**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTF  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
**A-1**

Drafted By: G. GOMEZ      Project No.: 101730.G01  
 Date: 9/28/2009          File Number: STO9G019

## LOG SYMBOLS

	BULK / BAG SAMPLE	-4	PERCENT FINER THAN THE NO. 4 SIEVE (ASTM Test Method C 136)
	MODIFIED CALIFORNIA SAMPLER (2-1/2 inch outside diameter)	-200	PERCENT FINER THAN THE NO. 200 SIEVE (ASTM Test Method C 117)
	CALIFORNIA SAMPLER (3 inch outside diameter)	LL	LIQUID LIMIT (ASTM Test Method D 4318)
	STANDARD PENETRATION SPLIT SPOON SAMPLER (2 inch outside diameter)	PI	PLASTICITY INDEX (ASTM Test Method D 4318)
	CONTINUOUS CORE	TXCU	CONSOLIDATED UNDRAINED TRIAXIAL COMPRESSION (EM 1110-1-1906)
	SHELBY TUBE	EI	EXPANSION INDEX (UBC STANDARD 18-2)
	ROCK CORE	COL	COLLAPSE POTENTIAL
	WATER LEVEL (level where first encountered)	UC	UNCONFINED COMPRESSION (ASTM Test Method D 2166)
	WATER LEVEL (level after completion)		
	SEEPAGE	MC	MOISTURE CONTENT (ASTM Test Method D 2216)

### GENERAL NOTES

1. Lines separating strata on the logs represent approximate boundanes only. Actual transitions may be gradual.
2. No warranty is provided as to the continuity of soil conditions between individual sample locations.
3. Logs represent general soil conditions observed at the point of exploration on the date indicated.
4. In general, Unified Soil Classification System designations presented on the logs were evaluated by visual methods. Where laboratory tests were performed, the designations reflect the laboratory test results.



Drafted By: G. GOMEZ  
Date: 9/28/2009

Project No.: 101730.G01  
File Number: STO9G019

**LOG KEY**  
PHASE 2 TERTIARY WWTF  
JENNINGS ROAD WWTP  
CITY OF MODESTO  
STANISLAUS COUNTY, CALIFORNIA

PLATE

A-2

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 9 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drilling equipped with 140lb. autohammer

Date Completed: 8/25/2009

Logged By: AA

Total Depth: 21.5 feet

Boring Diameter: 8 inches

Depth (feet)	Sample Type	FIELD				LABORATORY				Other Tests	Graphic Log	DESCRIPTION
		Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)			
0												Compost, black moist, organics
5		7-2-1	32		81	17						(SM) SILTY SAND - Gray-brown, moist, medium dense, fine grained
7		7-5-1	23									(ML) SANDY SILT - Gray, moist, hard, low plasticity
10		7-10-1	9		102	22	26	11				(CL) SILTY CLAY - Gray-brown, moist, firm, low to medium plasticity
15		7-15-1	36									(ML) SANDY SILT - Gray, moist, firm, low plasticity
20		7-20-1	28									(SM) SILTY SAND - Gray-brown, wet, medium dense, fine grained
21.5												(SP) SAND - Brown, wet, medium dense, fine to medium grained
												Completed at a depth of 21.5 feet below existing site grade.

P.L.O.G., 2007 BLOWER 8 INCHES ST09G019.GPJ 9/29/09



**LOG OF BORING B-7**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-3**

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 9/28/2009 File Number: ST09G019



Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 9 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drilling equipped with 140lb. autohammer

Date Completed: 8/25/2009

Logged By: AA

Total Depth: 31.5 feet

Boring Diameter: 8 inches

Depth (feet)	FIELD				LABORATORY				Other Tests	Graphic Log	DESCRIPTION
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index			
5		8-2.5-1	8		99	15					Compost, black, moist, organics (ML) SANDY SILT - Gray-brown, moist, firm, low plasticity
		8-5-1	14								(SM) SILTY SAND - Brown, moist, medium dense, fine grained
		8-7.5-1	24								(SP) SAND - Light brown, wet, medium dense, fine to coarse grained
10		8-10-1	21								
15		8-15-1	18								
20		8-20-1	50								(SM) SILTY SAND - Brown, wet, dense, fine grained
25		8-25-1	38								(SP) SAND - Brown, wet, dense, fine to coarse grained
30		8-30-1	44								Fine to medium grained
											Fine grained
											Completed at a depth of 31.5 feet below existing site grade.

P.L.O.C. 2007 BLOWER 6 INCHES ST09G019 CPJ 9/28/09



LOG OF BORING B- 8  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-4**

Drafted By: G. GOMEZ      Project No.: 101730.G01  
 Date: 9/28/2009          File Number: ST09G019

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 7 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 8/25/2009

Logged By: AA

Total Depth: 21.5 feet

Boring Diameter: 8 inches

Depth (feet)	FIELD				LABORATORY					Graphic Log	DESCRIPTION	
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)			Passing #200 Sieve (%)
0												Compost, black, moist, organics
5		9-2-1	9		101	18						(ML) SANDY SILT - Gray-brown, moist, firm, low plasticity
10		9-5-1	5		103	16			52			(SM/ML) SILTY SAND/SANDY SILT - Brown, moist, loose, fine grained
15		9-10-1	20									(SP) SAND - Brown, wet, medium dense, fine to coarse grained
20		9-15-1	22									Fine to medium grained, some silt
25		9-20-1	35									Dense
												Completed at a depth of 21.5 feet below existing site grade.

P-LOG\_2007 BLO...ER 8 INCHES ST09G019.GPJ 9/28/09



**LOG OF BORING B-9**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTF  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-5**

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 9/28/2009 File Number: ST09G019

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 7 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 8/25/2009

Logged By: AA

Total Depth: 25 feet

Boring Diameter: 8 inches

Depth (feet)	FIELD				LABORATORY				Other Tests	Graphic Log	DESCRIPTION
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index			
5		10-2-1	13		100	8					Compost, black, moist, organics (SM) SILTY SAND - Brown, moist, medium dense, fine grained
5		10-5-1	28								(ML) SANDY SILT - Gray-brown, moist, firm, low plasticity
10		10-10-1	20		106	11					(SM) SILTY SAND - Brown, moist, medium dense, fine grained
15		10-15-1	22								(SP) SAND - Brown, wet, medium dense, fine to coarse grained
											(ML) SANDY SILT - Gray, wet, firm, low plasticity
											(SP-SM) SAND - Gray-brown, wet, medium dense, fine to coarse grained, some silt
											(SP) SAND - Brown, wet, fine to medium grained
25											Completed at a depth of 25 feet below existing site grade.



**LOG OF BORING B-10**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-6**

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 9/28/2009 File Number: STO9G019

P-LOG\_2007 8 INCHES ST09G018.GPJ 9/28/09

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 8 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb autohammer

Date Completed: 8/25/2009

Logged By: AA

Total Depth: 30 feet

Boring Diameter: 8 inches

Depth (feet)	Sample Type	Sample No.	FIELD				LABORATORY				Other Tests	Graphic Log	DESCRIPTION
			Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)	Passing #200 Sieve (%)			
0												Compost, black, moist, organics	
5		11-2.5-1	12		101	10						(SM) SILTY SAND - Brown, moist, medium dense, fine grained	
10		11-5-1	39									(ML) SANDY SILT - Gray-brown, moist, hard, low plasticity	
10		11-7.5-1	19									(SM) SILTY SAND - Light brown, moist, dense, fine grained (ML) SANDY SILT - Brown, moist, hard, low plasticity	
15		11-10-1	16		102	21						(ML-CL) CLAYEY SILT - Gray-brown, moist, firm, low to medium plasticity	
20		11-15-1	29									(SP) POOR SAND - Brown, wet, medium dense, fine to coarse grained	
25		11-20-1	22									Fine to medium grained	
30												(SM) SILTY SAND - Gray-brown, wet, fine grained (SP) SAND - Brown, wet, fine to medium grained	
												Completed at a depth of 30 feet below existing site grade.	

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Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 9/28/2009 File Number: STO9G019

**LOG OF BORING B-11**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTF  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
1 of 1

**A-7**

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 9 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 8/25/2009

Logged By: AA

Total Depth: 30 feet

Boring Diameter: 8 inches

Depth (feet)	FIELD				LABORATORY					Graphic Log	DESCRIPTION	
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)			Passing #200 Sieve (%)
5		12-2.5-1	23		98	19						Compost, black, moist, organics (ML) SANDY SILT - Gray-brown, moist, hard, low plasticity
		12-5-1	23									(SM) SILTY SAND - Brown, moist, medium dense, fine grained
		12-7.5-1	21									(ML) SANDY SILT - Gray-brown, moist, hard, low plasticity
10		12-10-1	19									(SP-SM) SAND - Brown, wet, medium dense, fine to medium grained
15		12-15-1	20									(SM) SILTY SAND - Brown, wet, medium dense, fine grained
20		12-20-1	18									Gray-brown, fine to medium grained
25												(SP) SAND - Brown, wet, fine to coarse grained
30												Completed at a depth of 30 feet below existing site grade



LOG OF BORING B-12  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1

A-8

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 9/28/2009 File Number: STO9G019

Surface Conditions: Compost  
 Groundwater: Groundwater encountered at a depth of about 9 feet below existing site grade.  
 Method: Hollow stem auger  
 Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 8/25/2009  
 Logged By: AA  
 Total Depth: 30 feet  
 Boring Diameter: 8 inches

Depth (feet)	Sample Type	Sample No.	FIELD				LABORATORY				Graphic Log	DESCRIPTION
			Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)	Passing #200 Sieve (%)		
0-5		13-2.5-1	25									Compost, black, moist, organics
5-12		13-5-1	12		95	12						(ML) SANDY SILT - Gray-brown, moist, hard, low plasticity
12-35		13-7.5-1	35									(SM) SILTY SAND - Brown, moist, loose, fine grained
35-40												(ML) SANDY SILT - Gray, moist, hard, low plasticity
40-60		13-10-1	20									Wet
60-18		13-15-1	22									
18-20		13-20-1	19									(SP) SAND - Brown, wet, medium dense, fine grained
20-30												Fine to medium grained
30												Completed at a depth of 30 feet below existing site grade.

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Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 9/28/2009 File Number: STO9G019

**LOG OF BORING B-13**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-9**

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 9 feet below existing site grade.

Method: Hollow stem auger

Equipment: GME 75 truck mounted drill rig equipped with 140lb autohammer

Date Completed: 8/25/2009

Logged By: AA

Total Depth: 25 feet

Boring Diameter: 8 inches

Depth (feet)	FIELD				LABORATORY					Other Tests	Graphic Log	DESCRIPTION
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)			
0-5		14-2-1	19		96	18						Compost, black, moist, organics
5-10		14-5-1	18		99	16						(ML) SANDY SILT - Brown, moist, hard, low plasticity
10-15		14-10-1	17									(SM) SILTY SAND - Brown, moist, medium dense, fine to medium grained
15-20		14-15-1	16									(ML) SANDY SILT - Gray-brown, moist, hard, low plasticity
20-25		14-20-1	13									Wet, firm
25-26		14-25-1	33									(SP) SAND - Brown, wet, loose, fine grained
												Medium dense, fine to medium grained
												Completed at a depth of 25 feet below existing site grade.

P-LOG\_2007 8 INCHES ST09G019.GPJ 9/28/09



Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 9/28/2009 File Number: ST09G019

**LOG OF BORING B-14**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-10**

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 9 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 8/26/2009

Logged By: AA

Total Depth: 25 feet

Boring Diameter: 8 inches

Depth (feet)	Sample Type	Sample No.	FIELD		LABORATORY				Other Tests	Graphic Log	DESCRIPTION
			Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index			
0 - 9		15-2-1	9		94	15					Compost, black, moist, organics (SM/ML) SILTY SAND/SANDY SILT - Brown, moist, loose, fine grained
9 - 33		15-5-1	33								(ML) SANDY SILT - Gray-brown, moist, hard, low plasticity
33 - 43		15-10-1	10								(SM) SILTY SAND - Gray-brown, wet, loose, fine to medium grained
43 - 45		15-15-1	29								(ML) SANDY SILT - Gray-brown, wet, firm
45 - 25		15-20-1	30								(SP) SAND - Brown, wet, medium dense, fine to coarse grained
25 - 25		15-25-1	45								Dense
Completed at a depth of 25 feet below existing site grade.											



**LOG OF BORING B-15**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-11**

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 9/28/2009 File Number: STO9G019

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Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 9 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 8/26/2009

Logged By: AA

Total Depth: 26.5 feet

Boring Diameter: 8 inches

Depth (feet)	FIELD					LABORATORY					Graphic Log	DESCRIPTION
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)	Passing #200 Sieve (%)		
0												Compost, black, moist
5		16-2-1	12		104	19						(ML) SANDY SILT - Brown, moist, firm
5		16-5-1	21									Gray-brown
10		16-10-1	15									(SM) SILTY SAND - Gray-brown, moist, medium dense, fine to medium grained
10												(ML) SANDY SILT - Gray-brown, moist
15		16-15-1	24									(ML-CL) SANDY CLAYEY SILT - Gray-brown, wet, firm, low to medium plasticity
20		16-20-1	54									(SP) SAND - Brown, wet, medium dense, fine to coarse grained
25		16-25-1	57									Dense
26.5												Completed at a depth of 26.5 feet below existing site grade.

P-LOG\_2007 B PER 6 INCHES ST09G019.GPJ 10/1/09



**LOG OF BORING B-16**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-12**

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 10/1/2009 File Number: ST09G019

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 10 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 8/26/2009

Logged By: AA

Total Depth: 30 feet

Boring Diameter: 8 inches

Depth (feet)	FIELD				LABORATORY				Graphic Log	DESCRIPTION		
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index			Passing #4 Sieve (%)	Passing #200 Sieve (%)
0												Compost, black, moist (ML) SANDY SILT - Brown, moist, firm
5		17-2.5-1	17		105	13						(SM) SILTY SAND - Red-brown, moist, medium dense, fine to medium grained
		17-5-1	22									(ML) SANDY SILT - Gray-brown, moist, firm
10		17-7.5-1	17									(SP) SAND - Brown, wet, medium dense, fine to coarse grained
15		17-15-1	25									(SM) SILTY SAND - Brown, wet, medium dense, fine grained
20		17-20-1	24									
25		17-25-1	26									
30												Completed at a depth of 30 feet below existing site grade.

P-LOG, 2007 BILU, 6 INCHES, ST09G019 GPJ 9/28/09



**LOG OF BORING B-17**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
1 of 1

**A-13**

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 9/28/2009 File Number: ST09G019

Surface Conditions: Next to pond

Groundwater: Groundwater could not be measured due to drilling method.

Method: Mud rotary

Equipment: CME 75 truck mounted drill rig equipped with 140lb. auto hammer

Date Completed: 8/26/2009

Logged By: AA

Total Depth: 51.5 feet

Boring Diameter: 4 inches

Depth (feet)	Sample Type	Sample No.	FIELD				LABORATORY				Graphic Log	DESCRIPTION
			Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)	Passing #200 Sieve (%)		
5		18-2-1	6		110	17						(SM) SILTY SAND - Brown, moist, fine to coarse grained Dark brown
5		18-5-1	3		87	34	37	21				(CL) SANDY CLAY - Dark gray, moist, soft, medium plasticity Firm
10		18-10-1	11									(SM) SILTY SAND - Dark gray, wet, medium dense, fine to medium grained (CL) SANDY CLAY - Dark gray, wet, soft, low to medium plasticity
15		18-15-1	4									(SM) SILTY SAND - Dark gray, wet, fine to medium grained (CL) SANDY CLAY - Dark gray, wet, soft, low to medium plasticity
20		18-20-1	4									(SM) SILTY SAND - Dark gray, wet, fine to medium grained (SP) SAND - Brown, wet, medium dense, fine to medium grained
25		18-25-1	11									(SM) SILTY SAND - Dark gray, wet, fine to medium grained

**LOG OF BORING B-18**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 2  
**A-14**

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 10/1/2009 File Number: STO9G019

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Depth (feet)	Sample Type	Sample No.	FIELD					LABORATORY			Graphic Log	DESCRIPTION
			Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)	Passing #200 Sieve (%)		
30		18-30-1	19					5				
35		18-35-1	38									Dense
40		18-40-1	29									Medium dense
45		18-45-1	33									
50		18-50-1	60									Dense
51.5												(CL) SANDY CLAY - Dark gray, wet, hard Completed at a depth of 51.5 feet below existing site grade.



**LOG OF BORING B-18**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 2 of 2

Drafted By: G. GOMEZ      Project No.: 101730.G01  
 Date: 10/1/2009          File Number: ST09G019

**A-14**

Surface Conditions: Access road

Groundwater: Groundwater could not be measured due to drilling method.

Method: Mud rotary

Equipment: CME 75 truck mounted drill rig equipped with 140lb. auto hammer

Date Completed: 8/26/2009

Logged By: AA

Total Depth: 51.5 feet

Boring Diameter: 4 inches

Depth (feet)	Sample Type	FIELD				LABORATORY				Graphic Log	DESCRIPTION
		Sample No.	Blows/Foot	Pockel Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)		
0											Asphalt concrete
5		19-2-1	20		115	11					(SM) SILTY SAND - Brown, moist, medium dense, fine to medium grained
5		19-5-1	10		108	12					Dark brown, loose
10		19-10-1	7								Brown
15		19-15-1	16						4		(SP) SAND - Brown, moist, medium dense, fine to medium grained
20		19-20-1	14								Fine to coarse grained
25		19-25-1	21								

**LOG OF BORING B-19**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTF  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 2  
**A-15**



Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 10/1/2009 File Number: STO9G019

P:LOG\_2007 B PER 6 INCHES STO9G019.GPJ 10/1/09

Depth (feet)	Sample Type	Sample No.	FIELD					LABORATORY			Graphic Log	DESCRIPTION
			Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)	Passing #200 Sieve (%)		
30		19-30-1	28									
35		19-35-1	22									Fine to medium grained
40		19-40-1	39									Fine to coarse grained, dense
45		19-45-1	28									Fine to medium grained, medium dense
50		19-50-1	36									Completed at a depth of 51.5 feet below existing site grade.
55												
60												

P-LOG\_2007.B PER 6 INCHES ST09G019.GPJ 10/1/09



Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 10/1/2009 File Number: ST09G019

**LOG OF BORING B-19**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
2 of 2

**A-15**

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 13 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 9/22/2009

Logged By: AA

Total Depth: 21.5 feet

Boring Diameter: 8 inches

Depth (feet)	FIELD					LABORATORY				Graphic Log	DESCRIPTION	
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)			Passing #200 Sieve (%)
0-5		20-2-1	12		105	10			39			Compost, black, moist, organics
5-10		20-5-1	20		102	21						(SM) SILTY SAND - Brown, moist, medium dense, fine grained
10-15		20-10-1	12		109	18						Fine to medium grained
15-20		20-15-1	21									(ML) SANDY SILT - Gray-brown, moist, hard, low plasticity
20-21.5		20-20-1	25									(SM) SILTY SAND - Gray-brown, moist, medium dense, fine grained
21.5												(ML) SANDY SILT - Gray, wet, hard, low plasticity
												(SP) SAND - Brown, wet, medium dense, fine to medium grained
												Completed at a depth of 21.5 feet below existing site grade.

P-LOG\_2007 PER 6 INCHES ST09G019.GPJ 10/1/09



**LOG OF BORING B-20**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTF  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
1 of 1

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 10/1/2009 File Number: ST09G019

**A-16**

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 10 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 9/22/2009

Logged By: AA

Total Depth: 25 feet

Boring Diameter: 8 inches

Depth (feet)	FIELD					LABORATORY				Graphic Log	DESCRIPTION	
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)			Passing #200 Sieve (%)
0												Compost, black, moist, organics
2.5		21-2-1	24		105	15						(ML) SANDY SILT - Brown, moist, hard, low plasticity
5		21-5-1	37									(SM) SILTY SAND - Brown, moist, medium dense, fine to medium grained
7.5												(ML) SANDY SILT - Gray-brown, moist, hard, low plasticity
10		21-10-1	18									(SP) SAND - Brown, wet, medium dense, fine to coarse grained
12.5												Fine grained
15		21-15-1	15									
20												
25												Completed at a depth of 25 feet below existing site grade.

P-LOG\_2007.dwg PER 6 INCHES ST09G019.GPJ 10/1/09



**LOG OF BORING B-21**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTF  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-17**

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 10/1/2009 File Number: ST09G019



Surface Conditions: Weeds

Groundwater: Groundwater encountered at a depth of about 10 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 9/22/2009

Logged By: AA

Total Depth: 20 feet

Boring Diameter: 8 inches

Depth (feet)	FIELD						LABORATORY				Graphic Log	DESCRIPTION
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)	Passing #200 Sieve (%)		
5		22-2-1	24		101	11						(ML) SANDY SILT - Gray-brown, moist, hard, low plasticity
		22-5-1	18		98	5						(SM) SILTY SAND - Gray-brown, moist, medium dense, fine to medium grained
		22-10-1	17									(ML) SANDY SILT - Brown, moist, hard, low plasticity
												(SP) SAND - Light brown, moist, medium dense, fine to medium grained
												Brown, wet, fine to coarse grained
20		22-19-1										Completed at a depth of 20 feet below existing site grade.

**LOG OF BORING B-22**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-18**



Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 10/1/2009 File Number: STO9G019

P-LOG\_2007 B PER 6 INCHES ST09G019.GPJ 10/1/09

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 12 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 9/22/2009

Logged By: AA

Total Depth: 20 feet

Boring Diameter: 8 inches

Depth (feet)	Sample Type	Sample No.	FIELD				LABORATORY				Other Tests	Graphic Log	DESCRIPTION
			Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)	Passing #200 Sieve (%)			
5		23-2-1	13		109	13							Compost, black, moist, organics (SM) SILTY SAND - Brown, moist, medium dense, fine grained
5		23-5-1	12		99	10				21			(SM) SILTY SAND - Red-brown, moist, medium dense, fine to medium grained, some silt
10		23-10-1	18										(ML) SANDY SILT - Gray, moist, hard, low plasticity
15		23-15-1	22										Wet (SP) SAND - Brown, wet, fine to coarse grained
													(ML) SANDY SILT - Gray-brown, wet, hard, low to medium plasticity
													(SP) SAND - Brown, wet, fine to medium grained
													Completed at a depth of 20 feet below existing site grade.

PER 6 INCHES ST09G019.GPJ 10/1/09  
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Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 10/1/2009 File Number: ST09G019

**LOG OF BORING B-23**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-19**

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 10 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 9/22/2009

Logged By: AA

Total Depth: 25 feet

Boring Diameter: 8 inches

Depth (feet)	FIELD				LABORATORY				Other Tests	Graphic Log	DESCRIPTION
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index			
0											Compost, black, moist, organics
5		24-2-1	7		106	17					(SM) SILTY SAND - Brown, moist, loose, fine grained
6		24-5-1	6		108	18					
10		24-10-1	30								(SP) SAND - Brown, moist, medium dense, fine to coarse grained
15		24-15-1	41								(ML) SANDY SILT - Gray-brown, wet, hard, low to medium plasticity
20		24-20-1									(SP) SAND - Light brown, wet, dense, fine to medium grained
25		24-24-1									Brown, fine to coarse grained
											(ML) SANDY SILT - Gray-brown, wet, low to medium plasticity
											Completed at a depth of 25 feet below existing site grade.

**LOG OF BORING B-24**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-20**

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 10/1/2009 File Number: STO9G019



Surface Conditions: Asphalt concrete roadway

Groundwater: Groundwater encountered at a depth of about 13 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 9/22/2009

Logged By: AA

Total Depth: 30 feet

Boring Diameter: 8 inches

Depth (feet)	FIELD				LABORATORY					Graphic Log	DESCRIPTION	
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (1st)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)			Passing #200 Sieve (%)
0												Asphalt concrete
5		25-2-1	15		101	11				46		(SM) SILTY SAND - Dark gray, moist, medium dense, fine grained, very silty
10		25-5-1	11		99	10						Brown
15		25-10-1	18									(ML) SANDY SILT - Gray-brown, moist, hard, low plasticity
20		25-15-1	18									(SP) SAND - Brown, wet, medium dense, fine to medium grained
25		25-24-1										
30		25-29-1										

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Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 10/1/2009 File Number: ST09G019

**LOG OF BORING B-25**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-21**

Surface Conditions: Compost

Groundwater: Groundwater encountered at a depth of about 10 feet below existing site grade.

Method: Hollow stem auger

Equipment: CME 75 truck mounted drill rig equipped with 140lb. autohammer

Date Completed: 9/22/2009

Logged By: AA

Total Depth: 25 feet

Boring Diameter: 8 inches

Depth (feet)	FIELD					LABORATORY				Graphic Log	DESCRIPTION	
	Sample Type	Sample No.	Blows/Foot	Pocket Penetrometer (tsf)	Dry Density (pcf)	Moisture Content (%)	Liquid Limit	Plasticity Index	Passing #4 Sieve (%)			Passing #200 Sieve (%)
0												Compost, black, moist, organics
5		26-2-1	11		96	18						(SM) SILTY SAND - Brown, moist, loose, fine grained
5		26-5-1	9		101	18						(ML) SANDY SILT - Gray-brown, moist, hard, low plasticity
10		26-10-1	16									Wet
15		26-15-1	31									(SP) SAND - Light brown, wet, medium dense, fine to coarse grained
20		26-20-1										Brown
25		26-24-1										Completed at a depth of 25 feet below existing site grade.

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**LOG OF BORING B-26**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
 1 of 1  
**A-22**

Drafted By: G. GOMEZ Project No.: 101730.G01  
 Date: 10/1/2009 File Number: STO9G019

BORING NO.	SAMPLE DEPTH (ft)	DRY UNIT WEIGHT (pcf)	MOISTURE CONTENT (% of dry weight)	PARTICLE SIZE SIEVE SIZE (percent passing)							ATTERBERG LIMITS		OTHER TESTS
				#4	#8	#16	#30	#50	#100	#200	L.L.	P.L.	
B-7	2.0	81	17										
B-7	10.0	102	22								26	11	
B-8	2.5	99	15										
B-9	2.0	101	18										
B-9	5.0	103	16							52			
B-10	2.0	100	8										
B-10	10.0	106	11										
B-11	2.5	101	10										
B-11	10.0	102	21										
B-12	2.5	98	19										
B-13	5.0	95	12										
B-14	2.0	96	18										
B-14	5.0	99	16										
B-15	2.0	94	15							56			
B-16	2.0	104	19										
B-17	2.5	105	13										
B-18	2.0	110	17										
B-18	5.0	87	34								37	21	
B-18	30.0									5			
B-19	2.0	115	11										
B-19	5.0	108	12										
B-19	15.0									4			
B-20	2.0	105	10							39			
B-20	5.0	102	21										
B-20	10.0	109	18										
B-21	2.0	105	15										
B-22	2.0	101	11										
B-22	5.0	98	5										
B-23	2.0	109	13										
B-23	5.0	99	10							21			
B-24	2.0	106	17										
B-24	5.0	108	18										
B-25	2.0	101	11							46			
B-25	5.0	99	10										
B-26	2.0	96	18										
B-26	5.0	101	18										

KA-LABSUM 3 19.GPJ 10/1/09



Drafted By: G. GOMEZ      Project No.: 101730.G01  
 Date: 10/1/2009              File Number: STO9G019

**SUMMARY OF LABORATORY TESTS**  
 PHASE 2 TERTIARY WWTF  
 JENNINGS ROAD WWTP  
 CITY OF MODESTO  
 STANISLAUS COUNTY, CALIFORNIA

PLATE  
1 of 1

**A-23**

## FEASIBILITY TRANSMITTAL

DATE: October 6, 2009

Page 1 of 2

To: Brock Campbell

Fax: (209) 575-3444

Kleinfelder

Phone: (209) 577-4333

1224 6<sup>th</sup> Street

Modesto, CA 95354

Urgent  As Requested  For Your Information  Please Comment & Reply  Please Respond

From: Kyle Wallace

Pages: 2

Job: Modesto WWTP

Job No.:

RE: Impact Rammed Aggregate Pier Ground Improvement

Mr. Campbell,

Thank you for considering Farrell Design Build Companies, Inc. (Farrell) to provide ground improvement services (liquefaction mitigation) at the proposed Modesto Waste Water Treatment Plant project in Modesto, CA. Based on the soil data that you provided, Rammed Aggregate Pier® (RAP) ground improvement would provide reliable long-term liquefaction mitigation for the planned construction. Keep in mind that we need to be involved early in the design process for the full benefits of the RAP design-build system to be realized.

### BACKGROUND

We understand that RAP ground improvement is being considered for increasing the strength, stiffness, and density of loose soil to mitigate possible liquefaction at the site. Based on our conversations and information provided on Plate 1 there are approximately 7 buildings with typical dimensions of 50 ft by 70 ft. These 7 buildings lie on potentially liquefiable materials that require liquefaction mitigation.

### FEASIBILITY OF RAPs

The Impact® pier system, a full displacement RAP is an appropriate application for the given soil conditions. The Impact pier will increase the density of the sandy soil with fines content of less than about 12% and will stiffen the sand and silt soil with more than about 15% fines, resulting in non-liquefiable soil conditions for the design level earthquake. The estimated improvement depth is 12 to 15 feet below existing ground surface.

### ENGINEERS ESTIMATE

Based on the information that you provided we estimate the cost to provide liquefaction mitigation for the project will be on the order of \$400,000 to \$500,000. The cost to mitigate the site will be dependent on the final treatment area, layout and depth.

### CLOSING

Impact RAP soil improvement strengthens, stiffens, and densifies soil to mitigate liquefaction and allows for the use of shallow high-bearing capacity conventional footings or mats.


**Transmittal continued**

DATE: October 6, 2009

Page 2 of 2

Please call us with any questions you may have at (530) 621-4867.

Best Regards,  
**FARRELL DESIGN-BUILD COMPANIES, INC.**



Kyle R. Wallace, PE  
Project Engineer



## SECTION 02344 - RAMMED AGGREGATE PIERS

## PART 1 - GENERAL

## 1.1 SUMMARY

- A. Section includes: All material, construction, and testing requirements for the rammed aggregate pier (RAP) ground improvement system.
- B. Provision of all equipment, material, labor, and supervision to design and install RAP elements. Design shall rely upon subsurface information presented in the project geotechnical report.
- C. Related Sections include the following:
  - 1. Drawings and general provisions of the Contract, including Contract General Conditions and Supplementary General Conditions and Division 1 specification sections, apply to this section.
  - 2. Section XXXX – Concrete Reinforcing Steel Placement
  - 3. Section XXXX – Concrete Footings
- D. Section 02344 construction excludes the following related items:
  - 1. Layout of RAP elements.
  - 2. Removal of drilled spoils from the site resulting from RAP construction.
  - 3. Removal of drilled spoils off the working pad.
  - 4. Excavation and bottom preparation of footings.
  - 5. Cut-off of steel uplift anchor bars and installation of top-plate.
  - 6. Preparation of pad subgrade following RAP installation.

## 1.2 DESCRIPTION OF SYSTEM

- A. The RAP system shall be constructed by ramming (compacting) aggregate in an excavated or drilled shaft using special high-energy impact ramming equipment. The aggregate pier elements shall be in a columnar- type or prismatic-type configuration and shall be used to reinforce soils for the support of slabs and high bearing pressure footings.
- B. Special high-energy impact ramming apparatus shall be used to produce the RAP ground improvement system. The ramming assembly shall include a 3,500 lb. class hydraulic break hammer, equivalent or greater, with a patented beveled rammer. Construction of the RAP ground improvement elements shall be in accordance with Drawings unless otherwise approved by the Owner's Representative. For this specification, the Owner's Representative may be the Structural Engineer of Record, the Geotechnical Engineer of Record, or another engineer retained by the owner and authorized to make engineering and project management decisions.
- C. RAP ground improvement shall include the installation of a structurally designed steel anchor where required by structural load conditions and ground improvement drawings. This includes the pattern, spacing, type, size and lengths of the steel anchor, as well as, the required drill shaft diameter, and embedment depths. The drawings will also indicate other details such as the bottom anchor plate size and any additional required corrosion protection for the steel anchor and its components.

- B. Installers of Rammed Aggregate Pier Foundation Systems shall have a minimum of 5 years of experience with the installation of RAPs and shall have completed at least 25 projects.
- C. Reference Standards: The publications listed below form a part of this specification to the extent referenced. The publications are referred to within the text by the basic designation only.
  - 1. Site specific RAP Design-Build Submittal.
  - 2. Site specific RAP Quality Control Manual.
  - 3. Design Standards:
    - a. "Control of Settlement and Uplift of Structures Using Short Aggregate Piers," by E.C. Lawton, N.S. Fox, and R.L. Handy. In-Situ Deep Soil Improvement, Proceedings of sessions sponsored by the Geotechnical Engineering Division, American Society of Civil Engineers (ASCE) in conjunction with the ASCE National Convention held October 9-13, 1994, Atlanta, Georgia.
    - b. "Settlement of Structures Supported on Marginal or Inadequate Soils Stiffened with Short Aggregate Piers," by E.C. Lawton and N.S. Fox. Geotechnical Special Publication No. 40: Vertical and Horizontal Deformations of Foundations and Embankments, ASCE, 2, 962-974.
    - c. Geopier Foundation and Soil Reinforcement Manual, Geopier Foundation Company, Inc., 1998.
    - d. Technical Bulletin No. 1, Behavior of Geopier Supported Foundation Systems During Seismic Events, Geopier Foundation Company, Inc., 1998.
    - e. Technical Bulletin No. 2, Bearing Capacity of Geopier Supported Foundation Systems Geopier Foundation Company, Inc., 1999.
    - f. Technical Bulletin No. 3, Geopier Uplift Resistance, Geopier Foundation Company, Inc., 2001.
    - g. Technical Bulletin No. 4, Geopier Lateral Resistance, Geopier Foundation Company, Inc., 2001.
  - 4. Modulus Test:
 

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)

    - a. ASTM D-1143 Pile Load Test Procedures
    - b. ASTM D-3689 Uplift Load Test
  - 5. Materials and Inspection:
    - a. ASTM D-1241 Aggregate Quality
    - b. ASTM STP 399 Dynamic Penetrometer Testing
    - c. ASTM D1557 Optimum Moisture Content
    - d. ASTM D-422 Gradation of Soils
    - e. ASTM A615 Grade 75 ksi All Thread Rebar Specification
    - f. MP130-002 Shawcor Pipe Protection ENTEC Coating
    - g. ASTM A36 Structural Steel
    - h. ASTM A108 Heavy Duty Hex Nut
    - i. ASTM F436 Hardened Washers
    - j. ASTM A153 Hot Dip Galvanizing
  - 6. Where specifications and reference documents conflict, the more stringent shall govern.

perform pier installations. The Installer shall adhere to all methods and standards described in this Specification. Installers currently licensed for these works are:

1. Farrell Design-Build Companies, Inc., Placerville, CA (530) 621-4867
2. Geopier Foundation Company – West – Hillsboro, OR
3. Geopier Foundation Company - Northwest – Bellevue, WA
4. Peterson Contractors, Inc. – Reinbeck, IA
5. GeoConstructors, Inc. – Leesburg, VA
6. Helical Drilling, Inc. – Braintree, MA

## 2.2 AGGREGATE ABOVE AND BELOW WATER LEVEL

- A. Type 1 Aggregate – aggregate above the water table for pier elements shall be aggregate base, recycled aggregate, recycled Portland cement concrete, or shall be other well-graded aggregate selected by the pier installation firm and successfully used in the modulus test. Grading shall conform to CALTRANS Class 2 specifications for  $\frac{3}{4}$  inch or  $1\frac{1}{2}$  inch aggregate base.
- B. Type 2 Aggregate - aggregate used at the bottom of the drilled shaft (bottom bulb) and below the water table shall be crushed open graded rock with particle sizes or  $\frac{3}{4}$  inch, 1 inch, 1-1/2 inch or larger up to 6 inch and must be the same or larger as used in the modulus test.

## 2.3 WATER FOR AGGREGATE

- A. Potable water shall be used to increase aggregate moisture content when applicable unless non-potable water is used successfully within the graded aggregate for the modulus test.

## 2.4 RAMMED AGGREGATE PIER UPLIFT ELEMENT

- A. Materials:
  1. Steel Anchor tendons shall be furnished complete with all accessories, and shall be a standard product of a company regularly engaged in their manufacture such as Williams Form Engineering Corporation, 280 Ann Street, Grand Rapids, MI 49510.
- B. Corrosion Protection System:
  1. The corrosion protection system shall be constructed by the Installer and shall include as a minimum specially coated steel tendons with bolted connection to the bottom bearing plate as shown on the ground improvement drawings.
  2. The uplift element steel anchor assembly shall be isolated from all footing rebar and steel. If necessary, the uplift anchorage in the footing shall be covered with plastic tape or other method for isolating the steel from the footing rebar steel.
  3. Minimum corrosion protection of steel anchor tendons shall include oversize of steel tendon by and additional  $\frac{1}{8}$  inches diameter, Hot Dip Galvanizing conforming to ASTM A-153, and ENTEC polyethylene coating per Shawcor Pipe Protection MP130-002 specification.
  4. Minimum corrosion protection of bottom anchor plate shall include Hot Dip Galvanizing conforming to ASTM A-153, and 1 coat spray-on poly-urethane coating conforming to SEM Products Inc. Pro-Tex 4064 or equivalent.
- C. Steel Anchor Tendons, Bearing Plates, Hex Nuts, Washers, and Couplers:

rammer apparatus during ramming of aggregate with a minimum 22 ton hydraulic excavator.

- D. After drilling of the shaft, the rammer energy shall be applied on the first lift of Type 2 aggregate to form the bottom bulb. After construction of the bottom bulb, Type 1 or Type 2 aggregate shall be rammed in thin lifts in the shaft to the planned top elevation as shown in the drawings.
- E. Well-graded Type 1 aggregate shall be rammed to a density that provides resistance to the dynamic penetration test (ASTM STP 399) of a minimum average of 15 blows per 1.75 inches vertical movement, Part 3.9.E.
- F. Each lift of aggregate shall be rammed for a minimum of 5 to 10 seconds depending on soil conditions and BST results.
- G. Aggregate lift thickness shall not exceed 18 inches in loose thickness.
- H. Type 1 aggregate above the water table shall be placed at or below optimum moisture content as determined by ASTM D1557.

### 3.3 LOCATION OF RAMMED AGGREGATE PIER ELEMENTS

- A. General Contractor shall locate each RAP element in accordance with approved drawings. General Contractor is responsible for layout of all individual RAP elements using a 60 penny spike poly stranded feather placed at the center of the RAP with fluorescent pink for bearing elements and fluorescent green for uplift elements.
- B. The center of each pier element shall be within six inches of the plan locations indicated. The final measurement of the top of piers shall be the lowest point on the aggregate in the last rammed lift.
- C. Pier elements installed outside of the above tolerances and deemed not acceptable shall be rebuilt at no additional expense to the General Contractor or Owner, unless the pier elements were incorrectly located by the General Contractor.

### 3.4 UPLIFT ANCHOR ASSEMBLY

- A. Each anchor shall consist of four steel tendons attached to the bottom bearing plate with specified hex nuts. Hex nuts shall be hand-wrench tightened to the top and bottom of the plate. The anchor shall be pre-assembled prior to placing in the RAP drilled shaft.
- B. Bottom anchor plate shall be clean and free of all dirt and grease prior to poly-urethane application. Poly-urethane coating shall be field applied to the entire bottom anchor plate, bolted connections, and up 4 inches of steel tendon above bolted connection in accordance with SEM Products Inc. Pro-Tex 4064 procedures or equivalent.

### 3.5 UPLIFT ANCHOR INSTALLATION

- A. After construction of the bottom bulb or ramming of soil at bottom of the drilled shaft, the steel anchor assembly shall be lowered into the RAP drilled shaft.
- B. The steel anchor assembly shall be placed to the depth shown on the ground improvement drawings. The steel anchor assembly shall be aligned parallel to the closest footing wall, unless otherwise shown on drawings.

to replace rejected pier elements shall be provided at no additional cost to the General Contractor.

### 3.9 FIELD TESTING

A. The Installer shall have a full-time Quality Control representative (QCR) to verify and report installation procedures. The QCR may be a member of the installation crew. The QCR shall immediately report any unusual conditions encountered during installation to the Installer's Design Engineer, the General Contractor, and to the Testing Agency. The quality control procedures shall include the preparation of Aggregate Pier Progress Reports completed during each day of installation and containing the following:

1. Footing and Aggregate Pier location.
2. Aggregate Pier length and drilled diameter.
3. Planned and actual pier elevations at the top and bottom of the element.
4. Average lift thickness for each Aggregate Pier.
5. Depth to groundwater, if encountered.
6. Documentation of any unusual conditions encountered.
7. Type and size of ramming equipment used.

#### B. MODULUS TEST

1. A modulus test shall be performed to verify the parameter values selected for design. The Aggregate Pier modulus tests shall be of the type and installed in a manner specified herein and shall be performed in accordance with the requirements outlined in the Rammed Aggregate Pier Design Submittal.
2. The location of the aggregate pier modulus test should be coordinated with the project Geotechnical Engineer of Record.
3. A telltale shall be installed at the bottom of the test pier so that bottom-of pier deflections can be measured. Acceptable performance is indicated when the bottom of the pier deflection is no more than 20% of the top of pier deflection at the design stress level.
4. ASTM D-1143 general test procedures shall be used as a guide to establishing load increments, load increment duration, and load decrements.
5. The Modulus test shall be performed in and on the neat drilled diameter of the Aggregate Pier element only, no exceptions, i.e. a footing area is not acceptable.
6. With the exception of the load increment representing approximately 115% of the design maximum top of Aggregate Pier stress, all load increments shall be held for a minimum of 15 minutes, a maximum of 1 hour, and until the rate of deflection reduces to 0.01 inches per hour or a deflection of less than 0.0025 inches per 15-minutes.
7. The load increment that represents approximately 115% of the design maximum stress on the Aggregate Pier shall be held for a minimum of 15 minutes, a maximum of 4 hours and until the rate of deflection reduces to 0.01 inches per hour or two consecutive deflections of less than 0.0025 inches per 15-minutes.
8. A seating load equal to 5 percent of the total load shall be applied prior to application of load increments and prior to measurement of deflections.

#### C. UPLIFT LOAD TEST

1. Uplift load test procedures shall be conducted in general accordance with ASTM D-3689 quick/continuous loading method, as appropriate and except as modified with the requirements outlined in the Design Submittal.
2. The location of the uplift load test should be coordinated with the project Geotechnical Engineer of Record.

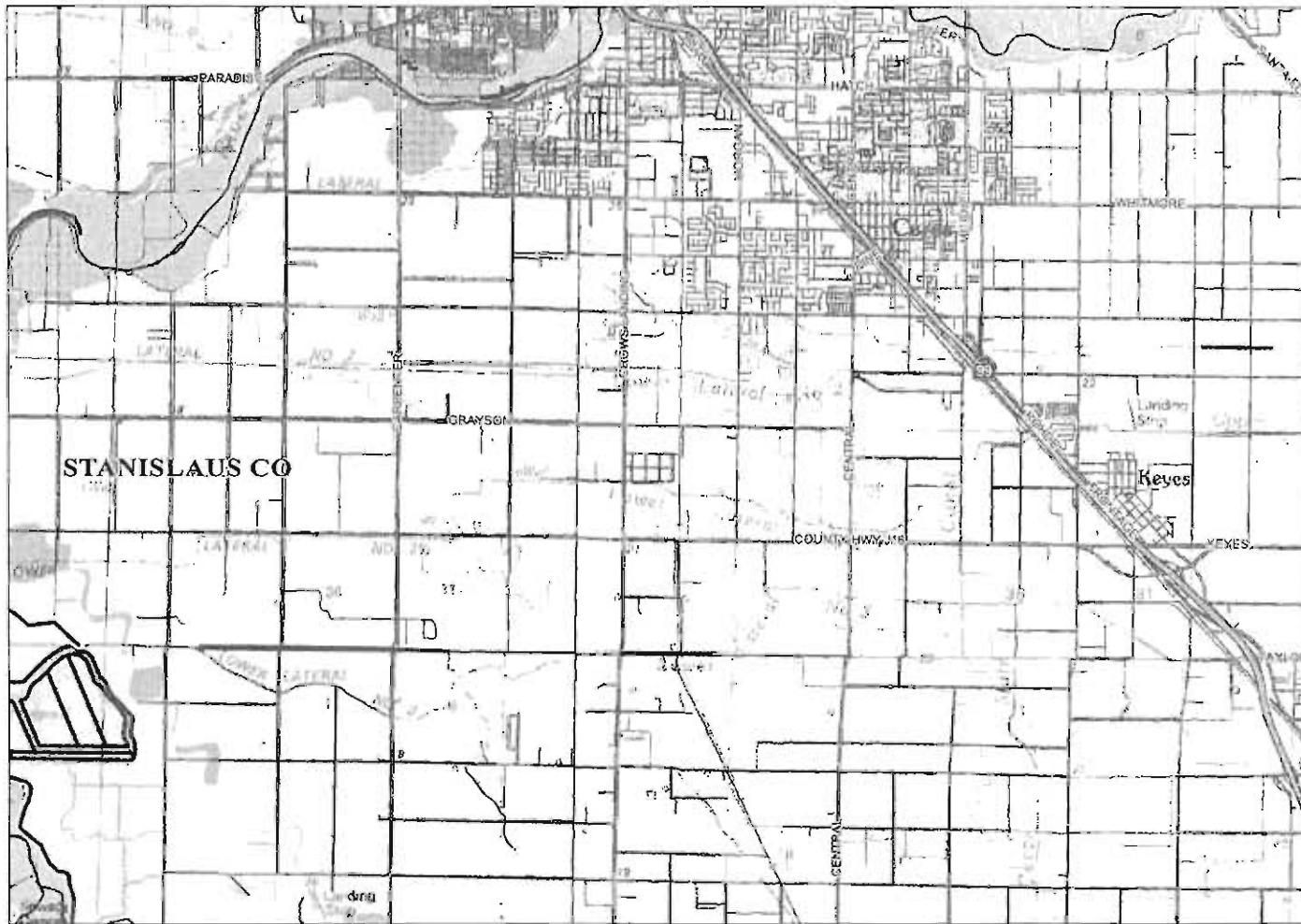
1. Prevent softening of the matrix soil between and around the Aggregate Pier elements before pouring structural concrete, and
  2. Achieving direct and firm contact between the dense, undisturbed Aggregate Pier elements and the concrete footing.
- C. The following procedures shall be performed to achieve the above conditions:
1. Limit over-excavation below the bottom of the footing to 3-inches (including disturbance from the teeth of the excavation equipment,
  2. The bottom of footing excavation and top of Aggregate Pier elements shall be compacted with at least 3 passes of an impact type compactor ("Wacker Packer," "Jumping Jack," or similar). Compaction shall be performed over the entire footing bottom to compact any loose soil and loose pier aggregate. No debris, loose soil or aggregate shall exist in the footing bottom prior to the placement of footing rebar steel and concrete. Sled-type vibratory compaction devices are not acceptable and shall not be used.
  3. Place footing concrete immediately after footing excavation is made and approved, preferably the same day as the excavation. Footing concrete must be placed on the same day if the footing is bearing on expansive or sensitive soils.
  4. For slabs supported by RAP elements, subgrade at entire slab area shall be compacted with a smooth drum roller to compact all loose soil and loose pier aggregate disturbed by heavy equipment tracks/tires.
  5. If rain is possible before placing footing concrete, then a minimum 3-inch thick lean concrete seal ("mud mat") shall be installed immediately after the footing is excavated, compacted, and approved by the Testing Agency.
- D. The criteria outlined in Part 3.10.C shall apply, and a written inspection report sealed by the project Geotechnical Engineer shall be furnished to the Installer to confirm:
1. That water has not been allowed to pond in the footing excavation at any time (which may soften the unconfined matrix soil between and around the Aggregate Pier elements, and may have detrimental effects on the supporting capability of the Aggregate Pier reinforced subgrade).
  2. That all Aggregate Pier elements designed for each footing have been exposed in the footing excavation.
  3. That immediately before footing construction, the bottom of footing and the tops of all the Aggregate Pier elements have been inspected and compacted with mechanical compaction equipment as outlined above.
  4. That footing bottoms or slab subgrade were protected from rain and from softening by foot traffic during installation of reinforcing steel. Protection may require installation of a mud-mat or other procedures to achieve this requirement.
  5. That no excavations or drilled shafts have been made after installation of Aggregate Pier elements within a horizontal distance of 5 feet from the edge of any pier element, without the written approval of the Installer or Designer.
- E. Failure to provide the above inspection and certification by the project Geotechnical Engineer, which is beyond the responsibility of the Installer, and may void any written or implied warranty on the performance of the Aggregate Pier system.

### 3.11 UTILITY EXCAVATIONS

- A. Protection of completed pier elements is the responsibility of the General Contractor. The General Contractor shall coordinate all excavations made subsequent to Aggregate Pier installations that are within the aggregate pier "zone of Influence": shown on the drawings.

CPT No.	Analysis Method	Depth of Overex. (ft)	Total Settlement (in)	Assumptions	Notes
CPT21	Seed 03	0	2.56	CPT performed within operations center building, structure will be at grade with 1.5 foot deep footings	Liquefaction between 5&8 ft, 10&12 ft, 20&25 ft, and 38&50 ft
CPT21	Youd 01	0	1.33		Liquefaction between 5&8 ft, 10&12 ft, 20&25 ft, and 38&50 ft
CPT21	Seed 03	5.5	1.87	Analyzed with 4 feet of overexcavation and recompaction below footings	0.05 in of settlement below very dense strata (between 25 and 39 ft)
CPT21	Youd 01	5.5	0.93		0.01 in of settlement below very dense strata (between 25 and 39 ft)
CPT21	Seed 03	10.5	1.03	10.5 feet of overexcavation and recompaction from existing surface needed to reduce settlement for both analysis methods to less than 1 inch neglecting settlement below very dense strata	0.05 in of settlement below very dense strata (between 25 and 39 ft)
CPT21	Youd 01	10.5	0.65		0.01 in of settlement below very dense strata (between 25 and 39 ft)
CPT21	Seed 03	12.5	0.34	Analyzed with 4 feet of overexcavation and recompaction below footings for structures 7 feet deep	0.05 in of settlement below very dense strata (between 25 and 39 ft)
CPT21	Youd 01	12.5	0.32		0.01 in of settlement below very dense strata (between 25 and 39 ft)
CPT22	Seed 03	0	2.86	CPT performed within BNR aeration and membrane basins, structure will be 7 at the top and 10 feet at bottom with 1.5 foot deep footings	Liquefaction between 3&8 ft, 12&18 ft, 37&42 ft, and 46&48 ft
CPT22	Youd 01	0	1.05		Liquefaction between 3&8 ft, 12&18 ft, 37&42 ft, and 46&48 ft
CPT22	Seed 03	5.5	2.34	Analyzed with 4 feet of overexcavation and recompaction below footings for surrounding buildings	0.88 in of settlement below very dense strata (between 20 and 37 ft)
CPT22	Youd 01	5.5	0.93		0.61 in of settlement below very dense strata (between 20 and 37 ft)
CPT22	Seed 03	7	1.76	7 feet of overexcavation and recompaction from existing surface needed to reduce settlement for both analysis methods to less than 1 inch neglecting settlement below very dense strata	0.88 in of settlement below very dense strata (between 20 and 37 ft)
CPT22	Youd 01	7	0.91		0.61 in of settlement below very dense strata (between 20 and 37 ft)
CPT22	Seed 03	12.5	1.62	Analyzed with 4 feet of overexcavation and recompaction below footings for structures 7 feet deep	0.88 in of settlement below very dense strata (between 20 and 37 ft)
CPT22	Youd 01	12.5	0.91		0.61 in of settlement below very dense strata (between 20 and 37 ft)
CPT22	Seed 03	15.5	0.99	Analyzed with 4 feet of overexcavation and recompaction below footings for structures 10 feet deep	0.88 in of settlement below very dense strata (between 20 and 37 ft)
CPT22	Youd 01	15.5	0.66		0.61 in of settlement below very dense strata (between 20 and 37 ft)
CPT23	Seed 03	0	3.4	CPT performed within tertiary effluent pump station, structure will be between 7 to 10 feet deep with 1.5 foot deep footings	Liquefaction between 3&8 ft, 9&13 ft, 14&18 ft, 36&37 ft, 41&43 ft and 48&49 ft
CPT23	Youd 01	0	1.62		Liquefaction between 3&8 ft, 9&13 ft, 14&18 ft, 36&37 ft, 41&43 ft and 48&49 ft
CPT23	Seed 03	5.5	2.63	Analyzed with 4 feet of overexcavation and recompaction below footings for surrounding buildings	0.46 in of settlement below very dense strata (between 19 and 35 ft)
CPT23	Youd 01	5.5	1.1		0.23 in of settlement below very dense strata (between 19 and 35 ft)
CPT23	Seed 03	11.5	1.32	11.5 feet of overexcavation and recompaction from existing surface needed to reduce settlement for both analysis methods to less than 1 inch neglecting settlement below very dense strata	0.46 in of settlement below very dense strata (between 19 and 35 ft)
CPT23	Youd 01	11.5	0.62		0.23 in of settlement below very dense strata (between 19 and 35 ft)
CPT23	Seed 03	12.5	0.91	Analyzed with 4 feet of overexcavation and recompaction below footings for structures 7 feet deep	0.46 in of settlement below very dense strata (between 19 and 35 ft)
CPT23	Youd 01	12.5	0.57		0.23 in of settlement below very dense strata (between 19 and 35 ft)
CPT23	Seed 03	15.5	0.79	Analyzed with 4 feet of overexcavation and recompaction below footings for structures 10 feet deep	0.46 in of settlement below very dense strata (between 19 and 35 ft)
CPT23	Youd 01	15.5	0.5		0.23 in of settlement below very dense strata (between 19 and 35 ft)

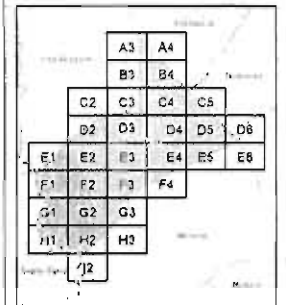
# Preliminary 100- and 200-Year Floodplains Based Upon Best Available Data



## LEGEND

- Project Level Centerline
- Non-Project Level Centerline
- River / Stream Centerline
- Sacramento-San Joaquin Valley Boundary
- County Boundary
- 100-Year Composite Floodplains
  - ◻ FEMA Effective Floodplains
  - ◻ Other Available Floodplain Data
- 200-Year Composite Floodplains
  - ◻ Available Floodplain Data

In every case, the 200-Year Composite Floodplains incorporate the areas of the 100-Year Composite Floodplains.

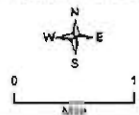


State of California  
Department of Water Resources

August 20, 2008



PAGE: E3  
STANISLAUS COUNTY

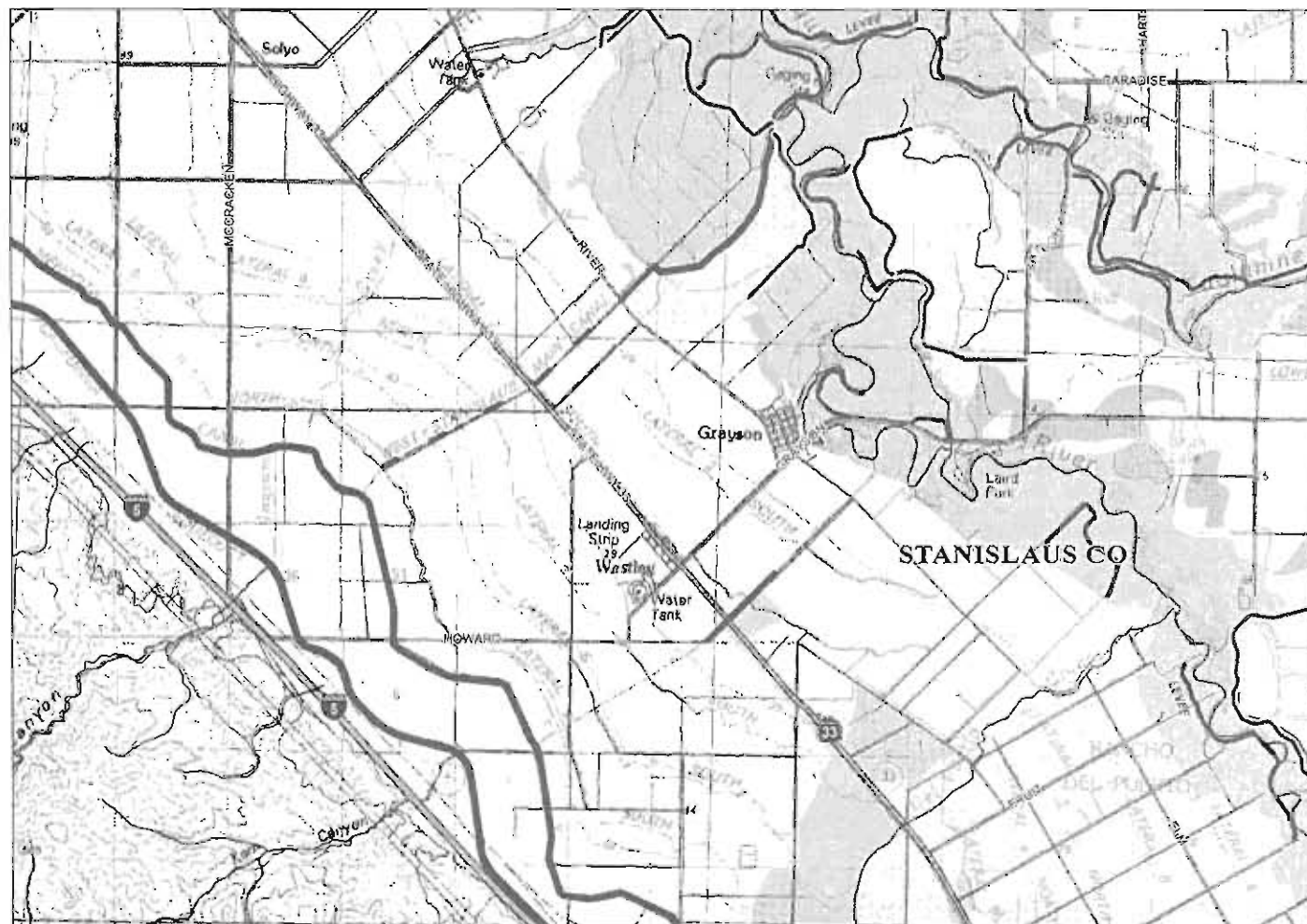


PLEASE REFER TO THE INTRODUCTION PAGES OF THIS MAP SET FOR LEGEND DEFINITIONS AND LIMITATIONS ON THE USE OF THE FLOODPLAIN INFORMATION SHOWN.





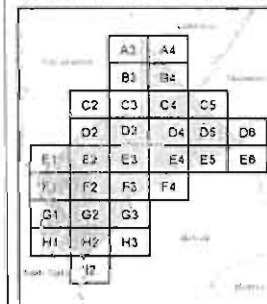
# Preliminary 100- and 200-Year Floodplains Based Upon Best Available Data



## LEGEND

- Project Levee Centerline
- Non-Project Levee Centerline
- River / Stream Centerline
- Sacramento-San Joaquin Valley Boundary
- County Boundary
- 100-Year Composite Floodplains
- FEMA Effective Floodplains
- Other Available Floodplain Data
- 200-Year Composite Floodplains
- Available Floodplain Data

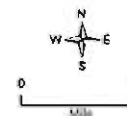
In every case, the 200-Year Composite Floodplains incorporate the areas of the 100-Year Composite Floodplains.



State of California  
Department of Water Resources  
August 20, 2008

**PBSJ**

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STANISLAUS COUNTY



PLEASE REFER TO THE INTRODUCTION PAGES OF THIS MAP SET FOR LEGEND DEFINITIONS AND LIMITATIONS ON THE USE OF THE FLOODPLAIN INFORMATION SHOWN.



MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-069

RESOLUTION ACCEPTING THE FISCAL YEAR 2009-2010 ANNUAL AUDIT  
REPORTS FOR THE CITY OF MODESTO, ITS COMMUNITY FACILITIES  
DISTRICTS, AND VARIOUS JOINT POWERS AGENCIES AND GRANT  
PROGRAMS

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 Brown and Armstrong has completed their audit of the City's financial statements for the fiscal year ended June 30, 2010, and has provided its opinion on these financial statements based on that audit, and

WHEREAS, the independent auditors also audited the financial statements of nine Community Facilities Districts and various Joint Powers Agencies and grant programs, as required by their respective enabling legislations, and for which the City of Modesto serves as the financial administrator,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2009-2010 annual audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies and grant programs, as listed on **Exhibit A**, which is **attached** and incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1<sup>st</sup> day of March, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-069**

**RESOLUTION ACCEPTING THE FISCAL YEAR 2009-2010  
ANNUAL AUDIT REPORTS**

**EXHIBIT A**

**City of Modesto:**

1. Comprehensive Annual Financial Report
2. Memorandum of Internal Controls and Required Communications
3. Single Audit Report
4. Community Facilities District Number 1998-2 (Carver-Bangs/Pelandale-Snyder)
5. Community Facilities District Number 2002 (Coffee-Claratina)
6. Community Facilities District Number 1998-1 (Enterprise Business Park)
7. Community Facilities District Number 2003-1 (Fairview Village)
8. Community Facilities District Number 2007-2 (Kiernan Business Park West)
9. Community Facilities District Number 1997-1 (North Beyer Park)
10. Community Facilities District Number 2002-1 (Northpointe)
11. Community Facilities District Number 2004-1 (Village One #2)
12. Community Facilities District Number 1996-1 (Village One)

**Other Agencies and grant programs:**

13. Stanislaus Drug Enforcement Agency (SDEA)
14. Abandoned Vehicle Abatement (AVA)
15. Modesto Redevelopment Agency (RDA)
16. Transportation Development Agency (TDA)
17. City-County Capital Financing and Improvement Agency (Tenth Street Place)
18. Industrial Fire Joint Powers Agency
19. Tuolumne River Regional Park (TRRP)
20. North McHenry Revenue Sharing Agreement (prepared by Stanislaus Co. Auditor/Controller)

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-070**

**RESOLUTION APPROVING THE SUBMITTAL OF THE GRANT  
APPLICATION FOR DEVELOPMENT OF A FEASIBILITY STUDY FOR THE  
NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM – EASTSIDE  
IMPROVEMENTS UNDER THE TITLE XVI RECLAMATION AND REUSE  
PROGRAM**

WHEREAS, the North Valley Regional Recycled Water Program is designed as a regional solution to address California's water crisis by making tertiary-treated recycled water available to the drought-impacted west side of several California counties (Stanislaus, San Joaquin and Merced Counties), and

WHEREAS, the City of Modesto and the Del Puerto Water District completed an initial study for the delivery of recycled water to the Del Puerto Water District as the first phase of the North Valley Regional Recycled Water Program in January 2011 using local and federal funds, and

WHEREAS, the City of Modesto intends to seek federal financial support under Title XVI for a second phase feasibility study to further identify recycled water supply options and infrastructure and treatment alternatives to increase water supply availability, and

WHEREAS, the grant application for Title XVI funding requires a resolution adopted by the applicant's governing body committing the applicant to the financial and legal obligations associated with the receipt of federal financial assistance,

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

- I. Greg Nyhoff is designated the City of Modesto official with legal authority to enter into an agreement of federal funding assistance for the North Valley Regional Recycled Water Program Feasibility Study.
- II. The Council of the City of Modesto has reviewed and supports the Title XVI grant application submitted for the North Valley Regional Recycled Water Program Feasibility Study.
- III. The City of Modesto has the capability to provide the funding specified in the funding plan of the grant application for the North Valley Regional Recycled Water Program Feasibility Study.
- IV. The City of Modesto will work with the United States Department of the Interior, Bureau of Reclamation to meet the required deadlines for entering into a cooperative agreement for federal financial support for the North Valley Regional Recycled Water Program Feasibility Study.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1<sup>st</sup> day of March, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-071**

**RESOLUTION AMENDING THE FISCAL YEAR 2010/2011 CAPITAL  
IMPROVEMENT PROGRAM BUDGET IN ORDER TO PROVIDE MATCH  
FUNDING FOR THE NORTH VALLEY REGIONAL RECYCLED WATER  
PROGRAM – EASTSIDE IMPROVEMENTS FEASIBILITY STUDY BY  
TRANSFERRING \$290,000 FROM WASTEWATER FUND RESERVES TO  
CAPITAL IMPROVEMENT PROJECT (6210-430-B119)**

WHEREAS, the North Valley Regional Recycled Water Program (NVRWP) is designed as a regional solution to address California's water crisis by making tertiary-treated recycled water available to the drought-impacted west side of several California counties (Stanislaus, San Joaquin and Merced Counties) for farmland irrigation, and

WHEREAS, the NVRWP is a partnership formed in April 2010, by Resolution No. 2010-153, with the Cities of Modesto, Turlock and Ceres, Stanislaus County, and the Del Puerto Water District (DPWD), and

WHEREAS, upon completion, the NVRWP is estimated to generate \$67.5 million in total economic output for the region, and restore 572 jobs, and

WHEREAS, the NVRWP has garnered significant legislative interest and is being considered for funding, with the goal of obtaining first-round grant funding in the amount of \$25 million, and

WHEREAS, the City and DPWD entered into a cost-sharing agreement on January 12, 2010, approved by Council Resolution No. 2010-016, to fund a study to determine the feasibility of delivering recycled water to DPWD, with DPWD acting as the project manager, and

WHEREAS, the total cost for the Feasibility Study (Study) was \$150,000 with the City's share being \$125,000, with both parties agreeing to pursue federal funding to offset the cost of the Study, and

WHEREAS, the Study concludes that it is feasible to provide recycled water to the DPWD to augment its irrigation needs and the provides several alternatives for the delivery of the water, and

WHEREAS, the Study also identifies the next phase of work needed to refine the alternatives, define design criteria, prepare for permitting, environmental documentation, and position the NVRWP for federal authorization and funding for capital improvements, and

WHEREAS, it was determined that the subsequent phase of work should be divided into three studies so that the NVRWP partners can each seek fifty percent (50%) funding for each individual study, thus the City of Modesto will be the applicant for the Eastside Improvements Study, DPWD the applicant for the Westside Improvements Study, and the City of Turlock the applicant for the San Joaquin River Improvements Study, and

WHEREAS, under separate Council action, Council approved supporting the submittal of the grant application for development of a feasibility study for the NVRWP – Eastside Improvements Study, and

WHEREAS, staff is requesting a transfer from Wastewater Fund Reserves (6210-800-8000-8003) in the amount of \$290,000 into Capital Improvement Project (6210-430-B119) to provide match funding for the NVRWP – Eastside Improvements Feasibility Study,



NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2010-2011 Capital Improvement Program budget in order to providing match funding for the North Valley Regional Recycled Water Program -- Eastside Improvements Study by transferring \$290,000 from Wastewater Fund Reserves to Capital Improvement Project (6210-430-B119).

BE IT FURTHER RESOLVED that the Finance Director, or her 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 1<sup>st</sup> day of March, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

FUND: WASTEWATER FUND – CIP

EXPENDITURES:

		INCREASE/DECREASE
Wastewater Fund Reserves	6210-800-8000-8003	(\$290,000)
Del Puerto Reg WW Feas Study	6210-430-B119-6080	\$290,000

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-072**

**A RESOLUTION REAPPOINTING BRAD MORAD AND SUSAN JOHNSTON  
TO THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD**

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

WHEREAS, the Downtown Improvement District Board of Directors are recommending the appointment of BRAD MORAD to a term ending January 1, 2013 and SUSAN JOHNSTON to a term ending January 13, 2012 to the Downtown Improvement District Advisory Board to fill two existing vacancies created by resignations.

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

SECTION 1. BRAD MORAD and SUSAN JOHNSTON are hereby appointed to the Downtown Improvement District Advisory Board.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of March, 2011 by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-073**

**RESOLUTION APPOINTING CARMEN MOORAD AND OSCAR  
CABELLO TO THE CITY OF MODESTO CITIZENS HOUSING AND  
COMMUNITY DEVELOPMENT COMMITTEE**

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

WHEREAS, the Economic Development Committee met on February 16, 2011, and recommended appointment of Carmen Moorad and Oscar Cabello to the Citizens Housing and Community Development Committee.

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

SECTION 1. Carmen Moorad is hereby appointed to the Citizens Housing and Community Development Committee with a term expiration of January 1, 2014.

SECTION 2. Oscar Cabello is hereby appointed to the Citizens Housing and Community Development Committee with a term expiration of January 1, 2015.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Housing and Community Development Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-074

RESOLUTION APPOINTING MARCUS RAPOSAS, JOSEPH CATALINE, JOSHUA VANDER VEEN, AND NANCY NORTON AS MEMBERS OF THE GOLF COURSE ADVISORY COMMITTEE REPRESENTING THE CITY OF MODESTO, AND HAROLD AYCOCK AS A MEMBER OF THE COMMITTEE REPRESENTING MODESTO GOLF CLUB, OF THE GOLF COURSE ADVISORY COMMITTEE

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

WHEREAS, the Economic Development Committee met on February 16, 2011, and recommended the Golf Course Advisory Committee appointments of Marcus Raposas, Joseph Cataline, Joshua Vander Veen, and Nancy Norton as members, representing the City of Modesto, and Harold Aycock as a member representing Modesto Golf Club,

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

SECTION 1. Marcus Raposas is hereby appointed as a member of the Golf Course Advisory Committee representing the City of Modesto, with a term expiration of January 1, 2013.

SECTION 2. Joseph Cataline is hereby appointed as a member of the Golf Course Advisory Committee representing the City of Modesto, with a term expiration of January 1, 2014.

SECTION 3. Joshua Vander Veen is hereby appointed as a member of the Golf Course Advisory Committee representing the City of Modesto, with a term expiration of January 1, 2015.

SECTION 4. Nancy Norton is hereby appointed as a member of the Golf Course Advisory Committee representing the City of Modesto, with a term expiration of January 1, 2015.

SECTION 5. Harold Aycock is hereby appointed as a member of the Golf Course Advisory Committee representing Modesto Golf Club, with a term expiration of January 1, 2014.

.SECTION 6. 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 8<sup>th</sup> day of March, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Hawn, Marsh, Muratore, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Lopez

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-075

RESOLUTION AMENDING ARTICLE 5 OF THE “PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION OF DEVELOPMENT AGREEMENTS”, AND RESCINDING RESOLUTION NO. 97-492

WHEREAS, Government Code Section 65864, et. seq., authorizes the City to enter into binding development agreements with any person or persons having a legal or equitable interest in real property for the development of such property, and authorizes the City to establish procedures for the application and consideration of such agreements, and

WHEREAS, on March 26, 1991, by Resolution No. 91-185, the City Council established “Procedures and Requirements for the Consideration of Development Agreements”, which are **attached** hereto as **Exhibit A**, and hereinafter referred to as “Procedures”, and

WHEREAS, on August 27, 1997, by Resolution No. 97-492, the City Council deleted Section 104(b) from the Procedures to allow certain property owners within the various specific plans to propose development agreements that may be beneficial to both the property owner and the City, and

WHEREAS, City staff has recommended that Article 5 of the Procedures be amended to streamline the process for Periodic Review of Good Faith Compliance, and

WHEREAS, the public health, safety and general welfare will be promoted by the adoption of such amended Procedures by simplifying the periodic review process for staff and applicants alike while still retaining the ability of the applicant to appeal staff determinations, if necessary, and

WHEREAS, the City Council considered said matter at their regularly scheduled meeting of March 1, 2011, 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 it hereby approves amending Article 5 of the "Procedures and Requirements for the Consideration of Development Agreements" to streamline the process for Periodic Review of Good Faith Compliance.

BE IT FURTHER RESOLVED that the "Procedures and Requirements for the Consideration of Development Agreements" are hereby adopted. A copy of said Procedures is also on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that Resolution No. 97-492 is hereby rescinded as of the effective date of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:


By:   
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

PROCEDURES AND REQUIREMENTS FOR THE CONSIDERATION  
OF  
DEVELOPMENT AGREEMENTS

TABLE OF ARTICLES

ARTICLE 1	APPLICATIONS
ARTICLE 2	NOTICE AND HEARINGS
ARTICLE 3	STANDARDS OF REVIEW, FINDINGS AND DECISION
ARTICLE 4	RECORDATION
ARTICLE 5	ANNUAL/PERIODIC REVIEW OF GOOD FAITH COMPLIANCE
ARTICLE 6	COMPLIANCE, MODIFICATION OR TERMINATION
ARTICLE 7	MISCELLANEOUS PROVISIONS

ARTICLE 1. APPLICATIONS

Section 101. Authority for Adoption. These regulations are adopted pursuant to Government Code Section 65864 et seq.

Section 102. Coordination with Related Laws. Processing an application with the City of Modesto (the “City”) for a development agreement must be done in coordination with other related City ordinances, regulations, policies and standards, including without limitation the City’s General Plan, specific plans, zoning and subdivision map requirements.

Section 103. Forms and Information.

(a) Forms. The Community and Economic Development Director or the designee (the “Director”) shall prepare or cause to be prepared an application form, a standard notice form, and all other documents provided for, required under, or necessary or appropriate to the implementation of these regulations and the preparation and implementation of a development agreement. Prior to the completion of such forms, application may be made to the City for a development agreement, provided the application satisfies the requirements of Section 105(a) and (b) herein.

(b) Information. The Director shall require the submittal of such information and supporting data as the Director considers necessary or appropriate for the processing of an application for a development agreement.

Section 104. Qualification as an Applicant.

(a) Only a qualified applicant may file an application for a development agreement. A qualified applicant is any person or business entity, or authorized agent of either, or any successors in interest thereto (the "Applicant"), who has legal or equitable interest in the real property which is the subject of the development agreement. The Director may require an Applicant to submit proof of such interest and/or authorization to act on behalf of the Applicant of such interest as the Director considers necessary or appropriate.

Section 105. Proposed Form of Agreement.

(a) Submitted Agreement. Each application shall clearly state that it is an application for a development agreement, and shall include the proposed draft development agreement (the "Submitted Agreement"). The Submitted Agreement shall contain, without limitation, the provisions required under Government Code Section 65864 et seq., particularly Section 65865.2, which includes:

- (1) duration of the agreement;
- (2) permitted uses of the property;
- (3) density or intensity of use;
- (4) maximum height and size of proposed buildings; and
- (5) provisions for reservation or dedication of land for public purposes.

(b) Additional Information. In addition to the mandatory elements described above, the Submitted Agreement may also include:

- (1) conditions, terms, restrictions and requirements for subsequent discretionary actions by the City;
- (2) terms and conditions relating to the construction and financing of necessary public facilities and reimbursement relating to same; and
- (3) terms and conditions requiring that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time.

Section 106. Review of Application.

(a) Time of Review. Not later than thirty (30) calendar days after the Director has received an application for a development agreement, the Director shall review the application for sufficiency, shall determine in writing whether the application is complete and shall transmit that written determination to the Applicant. If the application is determined to be incomplete, the Director shall describe those parts of the application which are incomplete, and indicate the manner in which the application can be made complete, which may include but not be limited to a list and general description of the information needed to complete the application. The Applicant shall submit materials to the Director in response to that list and description.

(b) Additional Submittals. Upon receipt of any materials submitted to the Director in response to the Director's written determination regarding the completeness and sufficiency of the application, a new thirty (30) calendar day period shall begin, during which the Director shall again take the steps described in subdivision (a) of this Section in determining the sufficiency and completeness of the application.

(c) Staff Report and Recommendation. Within thirty (30) days after receiving an application determined to be sufficient, the Director shall submit the proposed development agreement and any materials appended thereto for review in accordance with Title IV, Chapter 10. Environmental Impact, of the Modesto Municipal Code, and any and all guidelines or procedures established therefore. Upon completion of said review, the Director shall: (1) prepare or cause to be prepared a staff report and recommendation; (2) shall offer an opinion as to whether the agreement as proposed or in an amended form would be consistent with the General Plan, any specific plan, and other applicable City and/or State land use regulations; and (3) notify the Applicant that the proposed development agreement is calendared for a public hearing before the Planning Commission.

In addition and concurrently with compliance with Title IV, Chapter 10. Environmental Impact, the Director may transmit copies of the application and Submitted Agreement to appropriate City departments. If the Director elects to transmit the application and Submitted Agreement to such appropriate City departments, the Director shall specify a time period for response.

ARTICLE 2. NOTICE AND HEARINGS.

Section 201. Planning Commission and City Council Hearings.

(a) Generally. All proposed development agreements shall be considered at public hearings before the Modesto Planning Commission (the "Commission") and the Modesto City Council (the "Council"), which are noticed, conducted and concluded pursuant to this Article 2.

(b) Planning Commission. A public hearing on a proposed development agreement shall be held by the Commission not more than sixty (60) calendar days after compliance with Title IV, Chapter 10, of the Modesto Municipal Code and the guidelines or procedures related thereto. The Commission may continue the public hearing from time to time but not to exceed forty-five (45) days from the original hearing date. The Commission shall make its written recommendation to the Council, pursuant to Section 301 of this Resolution, no later than fifteen (15) calendar days after the conclusion of its public hearing on the proposed development agreement. Notice of such hearing(s) and the Commission's intention to consider the proposed development agreement shall be given pursuant to this Article 2.

(c) City Council. A public hearing on a proposed development agreement shall be held by the Council not more than forty-five (45) calendar days from the date the Commission makes its written recommendation regarding a proposed development agreement to the City Council. The public hearing may be continued from time to time, but not to exceed sixty (60) calendar days from the hearing date specified in the original notice of public hearing. Notice of such hearing(s) and the Council's intention to consider the proposed development agreement shall be given pursuant to this Article 2.

If the Council finds that the proposed development agreement is consistent with the City's General Plan and any applicable specific plan, and that the agreement will promote the public health, safety and general welfare, it may, but is not required to approve, the development agreement.

Section 202. Duty to Give Notice. The Director shall give notice of the Commission's and/or Council's intention to consider the adoption of the development agreement, and of any other public hearing required by law or this Resolution, pursuant to this Article 2.

Section 203. Form and Time of Notice.

(a) Form of Notice. The form of the notice of intention to consider adoption of proposed development agreements shall contain without limitation:

- (1) the date, time and place of the hearing;
- (2) the identity of the hearing body or officer;
- (3) a general explanation of the matter to be considered;
- (4) a general description, in text or by diagram of the location of the real property that is the subject of the development agreement and the hearing;
- (5) the location(s) where a copy of the proposed development agreement may be reviewed; and

- (6) any proposals in the development agreement affecting the City's General Plan or any applicable prior approvals of the project.
- (7) a notice substantially stating all of the following: "If you challenge the development agreement in any court of law, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the (Planning Commission or City Council) at, or prior to, the public hearing.

(b) Time and Manner of Notice. Notice of the Commission's or Council's intention to consider the adoption of a proposed development agreement at a public hearing shall be given pursuant to Government Code Section 65867.

Section 204. Failure to Receive Notice. The failure of any person entitled to receive notice required by law or these regulations does not and shall not constitute grounds for invalidation of any actions of the City for which the notice was given.

Section 205. Irregularity in Proceedings. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to application, notice, record, findings, hearing, report, recommendation, or any matters or procedures whatever, unless after an examination of the totality of the circumstances, including the administrative record, the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. No presumption of prejudice or injury shall arise from any showing of an error having occurred.

### ARTICLE 3. STANDARDS OF REVIEW, FINDINGS AND DECISION.

Section 301. Determination by Planning Commission. At a public hearing(s), noticed conducted and concluded pursuant to Article 2 herein, the Commission shall review and consider the staff report and testimony or comments offered by the Applicant and the public at or before its public hearing on the proposed development agreement. After said hearing(s), the Commission shall make its recommendation, and the reasons therefore, in writing to the Council, which shall include, without limitation, the Commission's determination as to whether or not the proposed development agreement:

- (a) is consistent with the goals, objectives, policies, standards, programs and uses specified in the General Plan, and any applicable specific plan;

(b) is consistent with the specific content and other requirements of this Resolution, the City's subdivision and zoning provisions of the Modesto Municipal Code, and Government Code Section 65864 et seq.; and

(c) is in compliance with the California Environmental Quality Act.

Section 302. Decision by City Council.

(a) Ordinance; Public Hearing. The adoption of a development agreement is a legislative act and shall be approved by ordinance only after a public hearing before the Council, noticed, conducted and concluded pursuant to Article 2 herein.

ARTICLE 4. RECORDATION

Section 401. Recordation of Development Agreement.

(a) Original Recordation. Within ten (10) business days after the City or its authorized agent enters into the development agreement, the Director shall record with the Stanislaus County Recorder's Office, a copy of the development agreement, which shall describe the land subject thereto. From and after the time of such recordation, the development agreement shall impart such notice thereof to all persons as is afforded by the recording laws of the State. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the development agreement.

(b) Subsequent Recordation. If the parties to the development agreement or their successors in interest amend or cancel the development agreement as provided in Government Code Section 65868, the Director shall have notice of such action recorded with the Stanislaus County Recorder's Office.

ARTICLE 5. ANNUAL/PERIODIC REVIEW OF GOOD FAITH COMPLIANCE.

Section 501. Time for Review. The Applicant's best efforts shall be required to initiate an annual review by submitting a written request for same at least sixty (60) calendar days prior to the review date specified in the development agreement. An annual review shall occur at least every twelve (12) months from the effective date of the agreement.

Section 502. Delegation to Community and Economic Development Director or designee. Any annual or periodic review shall be conducted by the Director or designee.



Section 503. Review Procedure. Within sixty (60) days of receipt of the written request for an annual review, the Director or designee shall issue written findings based on documentation provided by the Applicant and documentation as requested by the Director or designee as to whether or not the Applicant has, for the period under review, complied in good faith with the terms and conditions of the development agreement.

Section 504. Evidence and Findings.

(a) Compliance. If the Director finds and determines on the basis of substantial evidence that the Applicant has complied in good faith with the terms and conditions of the development agreement during the period under review, the review for that period is concluded, and the City shall not modify or terminate the agreement absent Applicant consent.

Upon determination of compliance, the Director may, at the request of the Applicant, issue a "Finding of Compliance," which shall be in recordable form and may be recorded by the Applicant, at the Applicant's expense, in the Stanislaus County Recorder's Office after conclusion of the annual review. The following events shall be a final and conclusive determination of compliance and shall complete the review for the applicable period: (i) the issuance of a Finding of Compliance by the Director and the expiration of the appeal period hereinafter specified (without an appeal being filed); (ii) the confirmation by the Council of the issuance of the Finding of Compliance on such appeal; or (iii) the lack of a Finding of Noncompliance within thirty (30) days after the review date specified in the development agreement.

(b) Noncompliance. If the Director finds and determines on the basis of substantial evidence that the Applicant has not complied in good faith with the terms and conditions of the development agreement during the period under review, the Director may issue a "Finding of Noncompliance" which shall be in recordable form and may be recorded by the City, at the City's expense, in the Stanislaus County Recorder's Office after conclusion of the annual review. The Director shall state in writing to the Applicant the respects in which Applicant has failed to comply, and shall set forth, to the extent possible, terms of compliance and state a reasonable time for the Applicant to meet the terms of compliance.

If the Applicant subsequently fails to comply with the Director's terms of compliance within the prescribed time limits, the development agreement shall be subject to Council action pursuant to Article 6 herein.

(c) Appeal of Determination. Upon issuance of either a Finding of Compliance or a Finding of Noncompliance, the Director shall provide the applicant with a written copy of said Finding. An appeal may be brought regarding the issuance of a Finding of Compliance or Finding of Noncompliance within fifteen (15) calendar days after the Director has issued such determination. An appeal of the Director's determination to the Council shall be noticed pursuant to Article 2 herein and conducted in the same manner as any other adjudicatory

appeal before the Council, at which time both oral and written testimony or comments shall be taken and considered and written findings thereon made which support the conclusions and determinations made by the Council. If no appeal to the Director's determination of a Finding of Compliance or a Finding of Noncompliance is filed within fifteen (15) calendar days of the issuance of the Finding, such determination shall become final and conclusive.

## ARTICLE 6. COMPLIANCE, MODIFICATION OR TERMINATION.

Section 601. City Council Proceedings. If an appeal is brought pursuant to Section 505 (d) herein, or if the Director intends to take action under Section 505 (c) herein, the Council shall review and consider the findings and determinations of the Director made pursuant to Article 5 herein, any oral or written testimony or comments submitted prior to or at a public hearing noticed, conducted and concluded pursuant to Article 2, and shall further determine whether or not to modify or terminate the development agreement, to add, delete or modify conditions of compliance, to rescind the Finding of Compliance or Finding of Noncompliance or order the issuance of a different finding, or to take such other action as the Council determines necessary or appropriate.

Section 602. Other Actions by City Council. The Council may refer any matter under Articles 1-7 herein to the Commission for further proceedings, including without limitation, promulgation of a report and recommendation. Any such Commission proceedings shall be noticed, conducted and concluded pursuant to Article 2 herein. The Council may also take such other actions as it determines necessary or appropriate. The decision of the Council shall be final and conclusive.

Section 603. Cancellation or Modification by Mutual Consent. Any development agreement may be canceled or modified by mutual consent of the parties, but only in the manner provided for in Government Code Section 65868.

In the event that a development agreement is canceled or terminated, all rights of the Applicant or any successors in interest pursuant to the agreement shall terminate. The City may, in its sole discretion, and upon a finding of noncompliance determine to retain any and all benefits, including reservations or dedications of land, and payment of fees, obligated to or received by the City.

Notwithstanding the above paragraph, any termination or cancellation of the development agreement shall not prevent the Applicant from completing a building or other improvements authorized pursuant to a valid building permit, but the City may take any action permitted by law to prevent, stop, or correct any violation of law occurring after termination or cancellation of the development agreement.

## ARTICLE 7. MISCELLANEOUS PROVISIONS

Section 701. Effect of Development Agreement. The following development agreement provisions are declaratory of existing law pursuant to Government Code Section 65866. If State law is subsequently amended to prescribe different development agreement requirements, those requirements shall supersede the following provisions:

(a) unless otherwise provided by the development agreement, the City's rules, regulations and official policies governing permitted uses of the property, density, design, improvement, and construction standards and specifications applicable to the development of the real property subject to a development agreement shall be those City rules, regulations and official policies in force on the effective date of the development agreement.

(b) a development agreement shall not prevent the City in subsequent actions applicable to the real property described in the agreement, from applying new rules, regulations and official policies which do not conflict with those rules, regulations and official policies applicable to said real property as set forth in the development agreement.

(c) a development agreement shall not prevent City from denying or conditionally approving any subsequent land use permit or authorization for the real property described in the agreement, on the basis of such existing or new rules, regulations, and official policies.

Section 702. Construction. This Resolution governs the interpretation of any development agreement enacted under this Resolution.

### Section 703. Judicial Review; Time Limitations.

(a) Any judicial review of a legislative act of the City taken pursuant to this Resolution and relating to a development agreement, such as the adoption of an ordinance approving a development agreement, shall be by writ of mandate pursuant to Code of Civil Procedure Section 1085; any judicial review of any adjudicatory act of the City taken pursuant to this Resolution and relating to development agreement shall be by writ of mandate pursuant to Code of Civil Procedure Section 1094.5.

(b) Any action or proceeding to attack, review, set aside, void or annul any adjudicatory action of the City taken pursuant to this Resolution and relating to a development agreement shall not be maintained by any person unless the action or proceeding is commenced within ninety (90) days after the date of the action, as authorized by Code of Civil Procedure Section 1094.5 and 1094.6.

Section 704. Reimbursement of Costs. Fees and charges imposed for the filing and processing of each application and document provided for or approved under this Resolution, including appeals, annual reviews, and administration of development agreements shall be based on the established hourly rate for all development applications as established and periodically amended by separate Council Resolution.

Section 705. Indemnity. All development agreements shall contain an indemnity clause requiring the Applicant to indemnify and hold the City harmless against any and all claims arising out of the development agreement process, including all legal fees and costs.

Section 706. Separate Procedure. This Resolution setting forth the procedures and requirements for the consideration of development agreements is and shall be a separate procedure from other land use planning procedures and shall not take the place of the City's General Plan, any specified plan, zoning ordinance, development plan, conditional use permit or any other City planning procedures or functions. Public hearings on a proposed development agreement may, but need not be held concurrently with any other public hearings on related land use matters.

Section 707. Enforcement of Development Agreements. The procedures for enforcement, modification or termination of a development agreement specified in this Section and Government Code Section 65865.4, as the same now exists or hereafter may be amended, are non-exclusive. A development agreement may be enforced, modified or terminated in any manner otherwise provided by law or by the terms of the development agreement.

Section 708. Severability. Should any provision of this Resolution or a subsequent development agreement be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Resolution or any development agreement shall remain in full force and effect unimpaired by the holding except as may otherwise be provided in a development agreement.

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-076

RESOLUTION APPROVING A FIRST AMENDMENT TO AGREEMENT TO CONSTRUCT IMPROVEMENTS AND GRANT REVOCABLE LICENSE BETWEEN CALIFORNIA EQUITY MANAGEMENT GROUP, INC. AND THE CITY OF MODESTO; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT

WHEREAS, California Equity Management Group, Inc. and the City of Modesto have worked together to achieve a First Amendment to Agreement to Construct Improvements and Grant Revocable License, and

WHEREAS, the First Amendment to Agreement to Construct Improvements and Grant Revocable License proposes to reduce the license fee from \$874.00 per month to \$600.00 per month based upon current market conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a First Amendment to Agreement to Construct Improvements and Grant Revocable License between California Equity Management Group, Inc. and the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the First Amendment to Agreement to Construct Improvements and Grant Revocable License.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of March, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-077**

**RESOLUTION APPROVING THE DEDICATION IN FEE OF THREE OPEN SPACE LOTS, WITHIN THE HILLGLEN SUNRISE SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA**

WHEREAS, Pinnacles at Sunrise Community Association (“Association”), a California non-profit mutual benefit corporation, would like to dedicate in fee to the City three open space lots within the Hillglen Sunrise Subdivision, in the Village One Specific Plan Area, located at the northeast corner of Oakdale Road and LaForce Drive, and

WHEREAS, a signed Grant Deed has been provided to the City Attorney’s Office for review and approval, and

WHEREAS, upon acceptance of the dedication of the three open space lots by the City, Community Facilities District No. 2004-1 will assume maintenance responsibilities for the three lots, and

WHEREAS, the Director of the Community & Economic Development Department has indicated that it would be in order for the City Council to accept the dedication of the three open space lots,

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

1. The dedication in fee of the three open space lots is hereby approved and accepted.
2. The City Engineer is hereby authorized to sign the Certificate of Acceptance and record the document.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

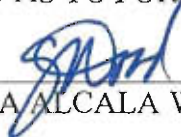
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-078**

**RESOLUTION AFFIRMING THE CITY'S CO-SPONSORSHIP OF "EARTH DAY IN THE PARK FESTIVAL, 2011" AT GRACEADA PARK, AND ALLOWING THE SALE OF MERCHANDISE IN THE PARK DURING THE EVENT**

WHEREAS, in 1970, Earth Day was established to make the public aware of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, on March 24, 1992, the City Council, by Resolution No. 92-129, acknowledged "Earth Day in the Park" as an annual event, and

WHEREAS, the Citizens' Advisory Committee on Recycling (CACOR) sponsors the event, and the 22<sup>nd</sup> Annual "Earth Day in the Park" will be held on Saturday, April 16, 2011, at Graceada Park, and

WHEREAS, the event provides a forum for merchants to display and sell their "environmentally friendly" merchandise, and for the creation of a "festival atmosphere", while giving the public an opportunity to make purchases of positive benefit to the environment, and

WHEREAS, "Earth Day in the Park Festival, 2010, had 97 vendor booths, and approximately 8,000 attendees, and

WHEREAS, as in prior years, the Committee seeks Council approval for the sale of merchandise in the Park during the event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby affirms its co-sponsorship of "Earth Day in the Park Festival, 2011", at Graceada Park.

BE IT FURTHER RESOLVED by the Council that it hereby approves the sale of merchandise at Graceada Park during the "Earth Day in the Park Festival, 2011" event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-079**

**RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 CAPITAL IMPROVEMENT PROGRAM BUDGET TO REDUCE THE SCOPE OF THE “INSTALL SOLAR PANELS (EECBG) PROJECT”; CREATING A NEW CAPITAL IMPROVEMENT PROJECT ENTITLED “MODESTO CENTRE PLAZA LIGHTING UPGRADES (EECBG)”; AND AUTHORIZING THE AWARD OF CONTRACTS BY THE CITY MANAGER, OR HIS DESIGNEE, TO THE LOWEST RESPONSIBLE BIDDER BASED ON THE SUBMISSION OF ACCEPTABLE BIDS WHICH ARE NO GREATER THAN SIX PERCENT (6%) ABOVE THE ENGINEER’S ESTIMATE**

WHEREAS, certain budgetary transactions are necessary in the amount of \$570,830, in order to reduce the scope of the “Install Solar Panels (EECBG)” project and create a new capital improvement project entitled “Modesto Centre Plaza Lighting Upgrades (EECBG)”, and

WHEREAS, staff has determined that the lighting upgrades at Modesto Centre Plaza will save the City an additional \$17,000 in annual utility costs over the proposed solar panel projects, resulting in a savings in excess of \$30,000 per year on electricity costs, and

WHEREAS, staff has determined that the installation of solar panels at John Thurman Field and the City Corporation Yard are not as cost effective as upgrading the existing lights at the Modesto Centre Plaza, and

WHEREAS, upgrading the current lighting at Modesto Centre Plaza, in addition to the other proposed energy efficiency projects there, will create a central location that will showcase to the public different forms of energy efficiency that can be used to lower overall energy costs, and

WHEREAS, the Fiscal Year 2010-2011 Capital Improvement Program budget must be amended, as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein, and

WHEREAS, the funding for these projects is provided by American Recovery and Reinvestment Act grant funds which requires that fifty percent of the grant be spent by June 2011 and one hundred percent (100%) by June 2012.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2010-2011 Capital Improvement Program budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve and award contracts, for all projects funded by the EECBG program based on the submission of acceptable bids, to the lowest responsible bidder, as long as the bids received are no greater than six percent (6%) above the engineer's estimate.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 8<sup>th</sup> day of March, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**REQUEST FOR BUDGET ADJUSTMENT**

#11.

Contact Person: Jocelyn Reed  
 Telephone No.: 7-5492  
 Department: PR&N

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_

Fund Title: 0390 ARRA EECBG

FY: Multiyear  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
<b>DEPARTMENTAL REVENUE BUDGETS</b>					
<b>FROM</b>					
MY-0390-355-P030-3651	N/A	\$946,900	(\$570,830)	\$376,070	Reduce ARRA Advanced Grant for P030
<b>TO</b>					
MY-0390-355-P039-3651	N/A	\$0	\$570,830	\$570,830	Increase ARRA Advanced Grant for P039
<b>DEPARTMENTAL EXPENSE APPROPRIATIONS</b>					
<b>FROM</b>					
MY-0390-355-P030-6010	P030	\$35,810	(\$8,732)	\$27,078	Reduce Design Admin
MY-0390-355-P030-6040	P030	\$851,090	(\$550,234)	\$300,856	Reduce Construction Contract
MY-0390-355-P030-6050	P030	\$30,000	(\$5,932)	\$24,068	Reduce Construction Admin
MY-0390-355-P030-6060	P030	\$30,000	(\$5,932)	\$24,068	Reduce Construction Contingency
<b>TO</b>					
MY-0390-355-P039-6010	P039	\$0	\$39,368	\$39,368	Increase Design Admin
MY-0390-355-P039-6040	P039	\$0	\$455,643	\$455,643	Increase Construction Contract
MY-0390-355-P039-6050	P039	\$0	\$36,451	\$36,451	Increase Construction Admin
MY-0390-355-P039-6060	P039	\$0	\$39,368	\$39,368	Increase Construction Contingency

**COMMENTS/JUSTIFICATION**

This request will reduce the scope of the "Install Solar Panels on City Facilities" project by \$570,830, removing projects to install solar panels at the Corporation Yard and John Thurman Field. In addition, this request will reallocate the \$570,830 to a new CIP project for upgrading the lighting at Modesto Centre Plaza. The reason for this change is that staff has determined that the new lighting upgrades at Modesto Centre Plaza will save the City in excess of \$30,000 per year on electricity costs while the two solar panel projects currently proposed would only save the City about \$13,000 per year. This new project realizes an additional annual energy savings of over \$17,000 to the City.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-080**

**A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 2011 MICROSURFACING PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH BOND BLACKTOP INC. IN THE AMOUNT OF \$980,105.81 FOR THE 2011 MICROSURFACING PROJECT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the 2011 Microsurfacing Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the 2011 Microsurfacing Project were opened at 11:00 a.m. on February 8, 2011, and later tabulated by the Director of Community and Economic Development for the consideration of the Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$980,105.81 received from Bond Blacktop Inc. be accepted as the lowest responsible bid and the contract be awarded to Bond Blacktop Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the 2011 Microsurfacing Project, accepts the bid of Bond Blacktop Inc. in the amount of \$980,105.81, and awards Bond Blacktop Inc. the contract for the 2011 Microsurfacing Project.

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

The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of March, 2011, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-081

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 2011 MICROSURFACING PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH BOND BLACKTOP INC. IN THE AMOUNT OF \$980,105.81 FOR THE 2011 MICROSURFACING PROJECT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT

- HACKBERRY AVE (STODDARD TO NEEDHAM)
- POPLAR AVE (STODDARD TO NEEDHAM)
- STODDARD AVE (MID LATERAL TO MCHENRY)

WHEREAS, plans and specifications have been prepared for the 2011 Microsurfacing Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the 2011 Microsurfacing Project were opened at 11:00 a.m. on February 8, 2011, and later tabulated by the Director of Community and Economic Development for the consideration of the Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$980,105.81 received from Bond Blacktop Inc. be accepted as the lowest responsible bid and the contract be awarded to Bond Blacktop Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the 2011 Microsurfacing Project, accepts the bid of Bond Blacktop Inc. in the amount of \$980,105.81, and awards Bond Blacktop Inc. the contract for the 2011 Microsurfacing Project.

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

- Hackberry Ave. (Stoddard to Needham)
- Poplar Ave. (Stoddard to Needham)
- Stoddard Ave. (MID lateral to McHenry)

The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of March, 2011, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-082**

**A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 2011 MICROSURFACING PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH BOND BLACKTOP INC. IN THE AMOUNT OF \$980,105.81 FOR THE 2011 MICROSURFACING PROJECT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT**

- **MAGNOLIA AVE (STODDARD TO NEEDHAM)**
- **SYCAMORE AVE (STODDARD TO NEEDHAM)**

WHEREAS, plans and specifications have been prepared for the 2011 Microsurfacing Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the 2011 Microsurfacing Project were opened at 11:00 a.m. on February 8, 2011, and later tabulated by the Director of Community and Economic Development for the consideration of the Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$980,105.81 received from Bond Blacktop Inc. be accepted as the lowest responsible bid and the contract be awarded to Bond Blacktop Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the 2011 Microsurfacing Project, accepts the bid of Bond Blacktop Inc. in the amount of \$980,105.81, and awards Bond Blacktop Inc. the contract for the 2011 Microsurfacing Project.

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

- Magnolia Ave. (Stoddard to Needham)
- Sycamore Ave. (Stoddard to Needham)

The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of March, 2011, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-083**

**A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 2011 MICROSURFACING PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH BOND BLACKTOP INC. IN THE AMOUNT OF \$980,105.81 FOR THE 2011 MICROSURFACING PROJECT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT**

- **LUCERN AVE (SUNRISE TO ILA)**

WHEREAS, plans and specifications have been prepared for the 2011 Microsurfacing Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the 2011 Microsurfacing Project were opened at 11:00 a.m. on February 8, 2011, and later tabulated by the Director of Community and Economic Development for the consideration of the Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$980,105.81 received from Bond Blacktop Inc. be accepted as the lowest responsible bid and the contract be awarded to Bond Blacktop Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the 2011 Microsurfacing Project, accepts the bid of Bond Blacktop Inc. in the amount of \$980,105.81, and awards Bond Blacktop Inc. the contract for the 2011 Microsurfacing Project.

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

- Lucern Ave. (Sunrise to Ila)

The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 8<sup>th</sup> day of March, 2011, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Marsh, Muratore,  
Mayor Ridenour

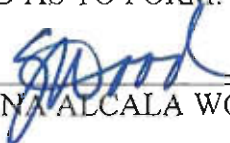
NOES: Councilmembers: None

ABSENT: Councilmembers: Lopez

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-084**

**RESOLUTION APPROVING THE RETIREMENT OF THE WATER FUND'S  
1997 REFUNDING REVENUE CERTIFICATES OF PARTICIPATION (COPS)**

WHEREAS, the City has \$16,155,000 of outstanding COPS, and debt service payments under the obligations are due October 1<sup>st</sup> and April 1<sup>st</sup> of each year, and these obligations bear an interest rate ranging from 5.00% to 5.125% with final term Certificates due on October 1, 2022 , and

WHEREAS, the current investment yield on the City's portfolio approximates 1%, thus creating an economic benefit to the City to use available cash to retire this obligation, and

WHEREAS, the Water Fund can save approximately \$665,000 annually in interest expense, net of interest earnings, based on current investment yields, and

WHEREAS, these COPS are insured by Financial Guaranty Insurance Company (FGIC) and reinsured by National Public Finance Guarantee (National), who unconditionally guarantee the payment of principal and interest of the Certificates, and regrettably, FGIC's bond rating was recently downgraded to Caal and National was downgraded to Baal/BBB thus leaving these bonds without appropriate surety guarantees, and

WHEREAS, current operating cash levels are approximately \$45.3 million and are sufficient to retire these COPS while maintaining adequate cash levels for operations, and

WHEREAS, staff has been meeting on a regular basis to assess future capital and operating demands on the Water Fund, as well as evaluate the downturn in local

economic growth on the water rate model, and are in the process of performing a water rate study and anticipate reporting its results to the Committee and Council this Spring, and

WHEREAS, in the FY2009-10 Comprehensive Annual Financial Report, the Water Fund is projected to have a bond debt service coverage ratio of approximately 1.5 times as required by the City's financial policies, and early retirement of these COPs will increase the Fund's debt service coverage ratio by approximately 0.20 in FY2012, and

WHEREAS, the COPs can be called by the City for early retirement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the retirement of the Water Fund's 1997 Refunding Revenue Certificates of Participation.

BE IT FURTHER RESOLVED that the Finance Director, 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 8<sup>th</sup> day of March, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-85**

**RESOLUTION APPROVING THE REAPPOINTMENT OF RICHARD  
LAURENZ AND JACKIE WILSON TO THE GOLF COURSE ADVISORY  
COMMITTEE FOR AN ADDITIONAL FOUR-YEAR TERM, WITH AN  
EXPIRATION DATE OF JANUARY 1, 2015**

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, Richard Laurenz was originally appointed to the Golf Course Advisory Committee on January 6, 2009, and

WHEREAS, Richard Laurenz has an expressed interest in continuing to serve as a member of the Golf Course Advisory Committee, and

WHEREAS, Jackie Wilson was originally appointed to the Golf Course Advisory Committee on February 13, 2007, and

WHEREAS, Jackie Wilson has an expressed interest in continuing to serve as a member of the Golf Course Advisory Committee,

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

SECTION 1. Richard Laurenz and Jackie Wilson are hereby reappointed to the Golf Course Advisory Committee for an additional four-year term, with a term expiration of January 1, 2015.

SECTION 2. 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 22<sup>nd</sup> day of March, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-86**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PROJECT TITLED, "ARRA LED STREETLIGHT UPGRADE;" ACCEPTING THE BID; APPROVING A CONSTRUCTION CONTRACT FOR THE PROJECT WITH REPUBLIC INTELLIGENT TRANSPORTATION SERVICES, INC., FOR \$366,850; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, the American Recovery and Reinvestment Act of 2009 (ARRA) appropriated funding for the Department of Energy (DOE) to issue/award formula-based grants to states, U. S. territories, units of local government and indian tribes under the Energy Efficiency and Conservation Block Grant (EECBG) Program, and

WHEREAS, on September 7, 2010, the City Council established five new Capital Improvement Projects for the EECBG projects, and

WHEREAS, this project will involve the installation of LED streetlights at signalized intersections, on the Needham Overpass, and on post top lights in the downtown area, and

WHEREAS, bids for this project were opened on March 1, 2011, and

WHEREAS, Republic Intelligent Transportation Services, Inc., was determined to be the responsible low bidder, and

WHEREAS, the project will be funded entirely with Federal ARRA funds from the EECBG Program, which is administered by the U.S. Department of Energy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the project titled, "ARRA LED Streetlight Upgrade;" accepts the bid, and approves a construction contract for the project with Republic Intelligent Transportation Services, Inc., for \$366,850.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-087**

**RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 ANNUAL  
OPERATING BUDGET**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2010-2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the Fiscal Year 2010-2011 budgets have been adjusted as shown in **Exhibit A** to the staff report.

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 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

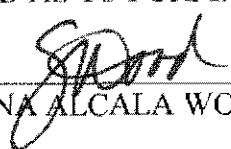
ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
SUSANA ALCALA WOOD, City Attorney

## EXHIBIT A

### **COMMUNITY & ECONOMIC DEVELOPMENT**

On December 7, 2010, by Resolution No. 2010-500, the City Council approved a Memorandum of Understanding with Stanislaus County Public Works Department for Office Space on the third floor of Tenth Street Place. A portion of the funding source for the agreement was \$20,744 from a Service Credit Agreement between Community & Economic Development Administration and Community & Economic Development Transportation, Engineering and Design. The revenue side of the Service Credit Agreement was budgeted in Fiscal Year 2010-11; however, the budget adjustment to increase the expense budget for the lease payment did not occur with the Council action in December. An adjustment is necessary to increase the expense budget within Community & Economic Development Administration (Org. 1400) in the amount of \$20,744.

### **FINANCE**

This budget adjustment is necessary to recognize unbudgeted revenue to the General Fund in the amount of \$6,650 that was collected as a result of the \$37.25 Collection Fee. This Collection Fee was approved by Council on 7-1-2008 by Resolution # 2008-321. The Collection Fee allows Customer Services to recover costs associated with in-house pre-collection of delinquent accounts prior to accounts being sent to an outside agency. The portion of the Customer Service Manager's salary expensed to Business License offsets this revenue. The expense was included on the Finance Department Re-Org adjustment that went to Council on February 8, 2011.

A budget adjustment is necessary to recognize previously unbudgeted revenue in the General Fund (Fund 0100) in the amount of \$3,500 for rebates caused from timely payments and more extensive use of procurement cards throughout the City, and appropriate these funds to Services Professional and Other expense in the General Fund to offset the annual cost of Planet Bids online posting for the City.

### **FIRE**

An adjustment is necessary to reduce previously budgeted Miscellaneous Revenue in the General Fund (Fund 0100), Fire Prevention Organization 1822, in the amount of \$90,000 which was inadvertently accounted for in two places.

### **PARKS, RECREATION AND NEIGHBORHOODS**

An adjustment is necessary to increase the Housing and Urban Development (HUD) Funded Minor Home Repair Grant program from \$25,000 to \$65,000. To date approximately \$24,000 has been expended to enhance the physical quality of the living environment for low income households. This program is funded with Revolving Loan Funds; therefore, there is no impact to the General Fund. Additionally, this adjustment corrects previously budgeted revenue in the Rehabilitation Program (Fund 1150) Direct Loan Interest and moves it to Direct Loan Principal in the amount of \$200,000.

### **PUBLIC WORKS/UTILITY PLANNING & PROJECTS**

An adjustment is necessary to transfer \$9,200 from Airport Reserves (Fund 6320) to Airport Operations, Professional Services, to pay the cost of a Passenger Facility Charges (PFC) Audit to ensure compliance with the FAA regulations.

An adjustment is necessary to transfer \$24,000 from Airport Reserves (Fund 6320) to Airport Operations, Real Property Maintenance & Repair, for cost associated with roof repairs and the replacement of the HVAC Unit at the Airport Terminal.

An adjustment is necessary to transfer \$32,013 from Local Transportation Funds (LTF), Fund 0510, to the Sylvan/Coffee Pavement Rehabilitation Capital Improvement Project (H027). Additionally, an existing transfer of \$32,013 from Proposition 1B Streets (Fund 0710) will be cancelled and the funds returned to reserves. These Proposition 1B funds have a deadline in which to be expended. Completion of project H027 will not be until after that date. Therefore, LTF funds will replace Proposition 1B funds and the Proposition 1B funds will be reprogrammed and be expended prior to the deadline.

An adjustment is necessary to transfer \$28,945 from Local Transportation Funds (LTF), Fund 0510, to the Oakdale/Scenic-Sylvan Pavement Management Capital Improvement Project (H030). Additionally, an existing transfer of \$28,945 from Proposition 1B Streets (Fund 0710) will be cancelled and the funds returned to reserves. These Proposition 1B funds have a deadline in which to be expended. Completion of project H030 will not be until after that date. Therefore, LTF funds will replace Proposition 1B funds and the Proposition 1B funds will be reprogrammed and be expended prior to the deadline.

An adjustment is necessary to transfer \$24,382 from Local Transportation Funds (LTF), Fund 0510, to the 2010 Pavement Condition Survey Capital Improvement Project (H018). Additionally, an existing transfer of \$24,382 from Proposition 1B Streets (Fund 0710) will be cancelled and the funds returned to reserves. These Proposition 1B funds have a deadline in which to be expended. Completion of project H018 will not be until after that date. Therefore, LTF funds will replace Proposition 1B funds and the Proposition 1B funds will be reprogrammed and be expended prior to the deadline.

The three previously mentioned adjustments for Capital Improvement Projects (CIP) H027, H030 and H018 were slated to be funded with Proposition 1B Funds. However, it was determined that the Proposition 1B funding would expire prior to the completion of these projects, but, the Local Transportation Fund (0510) has the funding to match these projects. An adjustment in the amount of \$85,342 is necessary to increase Capital Improvement Project Proposition 1B Phase 1 (E004) so the amount of Proposition 1B funding that is required to be spent by June 30, 2011 will occur as the project will be complete.



MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-88

RESOLUTION AMENDING THE POSITION CLASSIFICATION PLAN FOR  
THE CITY OF MODESTO TO ESTABLISH THE CLASSIFICATION OF  
ENVIRONMENTAL SERVICES SUPERVISOR AND TO AMEND THE  
CLASSIFICATION OF PARKING ADJUDICATION PROGRAM  
COORDINATOR

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 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:

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

Environmental Services Supervisor

The job specification for this classification is being created to plan, organize, direct and supervise staff and operations in support of the City's Environmental Services Program within the Public Works Department. The job specification for the classification of Environmental Services Supervisor, as shown on the **attached Exhibit "A"**, which is made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to change the following classification.

Parking Adjudication Program Coordinator

The job specification for Parking Adjudication Program Coordinator is being amended to incorporate supervisory responsibility. The job specification for the classification of Parking Adjudication Program Coordinator, as shown on the **attached Exhibit "B"**, which is made a part of this resolution by reference is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after March 22, 2011.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## ENVIRONMENTAL SERVICES SUPERVISOR

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

### DEFINITION

To plan, organize direct and supervise staff and operations in support of the City's Environmental Services Program; to ensure that the City's environmental regulations align with State and Federal mandates, to coordinate inspections of industrial, commercial and residential facilities and construction sites that are regulated by the City's wastewater pretreatment and storm water programs; and to serve as the primary liaison to staff involved in environmental services activities throughout the City.

### SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Environmental Regulatory Compliance Administrator.

Exercises direct supervision over assigned professional, technical and administrative support personnel.

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

#### Essential Functions:

Develop and recommend revisions of City ordinances and enforcement response plans related to environmental compliance.

Develop programs for the implementation and enforcement of wastewater pretreatment and storm water programs to protect collection systems, groundwater, and receiving waters in compliance with state, Federal, and local laws, regulations, and ordinances.

Oversee development and submission of required reports for State and Federal regulatory agencies associated with programs.

Meet with industry representatives to discuss current wastewater pretreatment and storm water programs and methods of compliance.

Meet with various City and community groups and committees to discuss environmental services.

Assess Notices of Intent (NOI) and Storm Water Pollution Prevention Plans for compliance with Federal, State and local regulations.

Identify, inspect and evaluate new industries and businesses to prepare them for compliance with wastewater pretreatment and/or storm water programs.

Meet with representatives of businesses, industries and public agencies to review blueprints/plans to confirm proper configuration of facilities.

Recommend appropriate Best Management Practices (BMP) for storm water construction activities, source and treatment controls.

Assist with preparation of Administrative Orders and Notices and Orders to be issued by the City.

Participate in administrative appeals and show cause hearings.

Review and make recommendations regarding California Environmental Quality Act (CEQA), Environmental Impact Reports (EIR) and associated documents, tentative maps, improvement plans, blueprints, and design plans to ensure adherence to Federal, State and local regulations and standards applicable to construction activities for new and redevelopment projects.

Oversee or direct the response to illicit discharges and potential illicit discharges to the storm drain system; assist in determining the type of pollutants.

Provide primary liaison to a variety of first responder groups, including police, fire and other governmental agencies at the scene of an emergency.

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for environmental services program administration; implement policies and procedures.

Plan, prioritize, assign, supervise and review the work of staff involved in the wastewater pretreatment and storm water programs in accordance with regulations, standards, and legal requirements.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various reports on operations and activities.

Participate in budget preparation and administration; prepare costs estimates for budget recommendations; submit justifications; monitor and control expenditures.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures as directed.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Build and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.

Implement a work unit safety program.

Marginal Functions:

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles and practices of wastewater pretreatment and stormwater services.

Equipment, tools and materials used in collection of samples for wastewater and storm water compliance monitoring.

Principles and practices of supervision, training and performance evaluation.

Principles and practices of safety management.

Principles and practices of budget monitoring.

Program planning and development methods and techniques.

Policies and procedures of the City's wastewater pretreatment and stormwater programs.

Local ordinances, as well as State and Federal laws, rules, regulations, requirements and procedures governing wastewater and pre-treatment.

Chemical, biological, physical, and environmental sciences.

Principles and practices of environmental sampling and testing, including sampling techniques and standards.

Functions and operations of State and Federal environmental health and regulatory agencies.

Modern office procedures, methods and computer equipment.

Ability to:

Organize, implement, and direct environmental compliance (services?) staff and activities.

Interpret and explain pertinent division and department policies and procedures.

Assist in the development and monitoring of an assigned budget.

**EXHIBIT A**

Prepare technical reports using personal computers, word processing and spreadsheet software; analyze and interpret environmental data; reach valid conclusions.

Operate a variety of office and technical equipment.

Effectively represent Environmental Services in contacts with the public, businesses, engineers, architects, and other City staff.

Communicate clearly and concisely, both orally and in writing.

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

Supervise, train and evaluate assigned staff.

Experience and Training Guidelines:

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

Experience:

Three years of increasingly responsible experience performing a variety of environmental investigations and inspections related to wastewater pretreatment and storm water or other related environmental services, including one year providing technical and functional supervision over assigned personnel.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major coursework in chemistry, biology, environmental science or a related field.

License or Certificate Requirements or Guidelines:

Possession of, or ability to obtain, an appropriate valid California driver's license.

Completion of Hazardous Materials Forty (40) hour First Responder Operational Training as prescribed by the State Office of Emergency Services is required within two years of appointment. Failure to obtain the required training may result in termination.

Must obtain a valid Grade II Environmental Compliance Inspector Certificate issued by the California Water Environmental Association within two years of appointment. Failure to obtain and maintain the required certification may result in termination.

Completion of Advanced Environmental Crimes Investigations Training, as prescribed by the State Office of Emergency Services, is considered highly desirable.

PHYSICAL AND MENTAL REQUIREMENTS

**Mobility:** frequent use of keyboard; frequent sitting for long periods of time; occasional bending, kneeling or squatting. **Lifting:** frequently up to 10 pounds; occasionally up to 25 pounds. **Vision:** constant use of overall vision; frequent reading and close-up work, color and depth vision. **Dexterity:** frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking:** frequent hearing and talking, in person and on the phone. **Emotional/Psychological:** frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental:** frequent exposure to noise; occasional exposure to unknown materials in illicit discharges.

WORKING CONDITIONS

Work is performed in typical temperature controlled office environment subject to typical office noise and environment. Some duties involve working outside in a variety of climates and in traffic. Positions require occasional overtime or weekend work and the ability to travel.

<i>Class Spec History</i>	
Adopted	3/2011
BU	Mgt/Conf NS

PARKING ADJUDICATION PROGRAM COORDINATOR

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

DEFINITION

To plan, organize, coordinate and administer the Parking Adjudication Program to provide program information to the Police Department, parking enforcement, and the general public; maintain accurate financial records; prepare reports; serve as technical advisor on issues and problems related to the Parking Adjudication program; perform a variety of administrative and technical level tasks relative to the Parking Adjudication Program including compliance of state mandated laws.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a higher level supervisory or management personnel.

Exercises direct supervision over technical and administrative support staff.

**Deleted:** May exercise supervision over technical and clerical revenue collections staff.

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

Essential Functions:

Plan, administer and coordinate the Parking Adjudication Program activities including enforcement, citation processing and revenue collection programs with other divisions and outside agencies to ensure compliance according to federal, state and local regulations. Recommend implementation of policies and procedures.

Research and provide recommendations on fiscal and operational problems including program compliance; prepare various reports on operations and activities; review administrative practices and make recommendations for improvements; prepare monthly periodic activity and status reports.

Reviews and tracks applicable State and Federal legislation; may analyze and make recommendations to implement changes, providing training and updates.

Reviews case decisions of Hearing Examiner for compliance with applicable ordinances, regulations and legal standards; confers with Police Department representative, Hearing Examiner and attorney on matters and decisions which would create precedent.



Essential Functions: (Continued)

Authorize and prepare payments for contracts; prepare fine studies and monitor uniform bail and penalty schedule for increases; recommend new parking fines and develop fee schedule.

Monitor citation review process; may conduct initial review; reviews appeal documentation including responses from reviewing officer to ensure compliance, consistency and accuracy; verify signage and markings; research and approve or deny parking fine waivers and disputed collection issues; testifies in court regarding parking matters; coordinate maintenance and repair of signage and markings; confiscate and destroy misused handicapped placards and notifies DMV of misuse as required by law.

Draft requests for information; participates in selection of contractors; participates in negotiation of contracts. Administers and monitors agreements and contracts for the Hearing Officer, DMV Connection Agreement, Franchise Tax Board Agreement, Citation Processing Software Agreement, private collection agency and skip tracing companies to ensure contractor compliance.

Provide technical direction to revenue collections; train enforcement and collection staff; interpret municipal code, vehicle codes and other regulations for collections and enforcement staff, other departments, other agencies and members of the public.

Receives and responds to inquiries and complaints from citizens, businesses, city laws, departments, contractors, other agencies and the public regarding parking regulations and enforcement.

Serves as liaison to various City, County, State agencies, Municipal Court, Department of Motor Vehicles and others in parking, hearings and related matters; represents the City at meetings with, Boards, other departments, outside agencies; makes presentations and provides support and direction regarding parking issues as necessary.

Provides technical support over the Parking Adjudication Software Program including troubleshooting, system integration problems; maintenance of databases; perform maintenance and repairs of handheld devices.

~~Participate in budget preparation and administration; prepare cost estimates for budget recommendations, submit justifications for budget items; monitor and control expenditures.~~

**Deleted:** Monitor program revenue and expenses providing supervisor with data necessary to prepare the Parking Adjudication Program budget  
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CITY OF MODESTO

Parking Adjudication Program Coordinator

Page 3

Essential Functions: (Continued)

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures.

Maintain citation processing database; calculate and process county and state fees.

Audit and process payments to contractors and accounting entries; design and revise forms and documents.

Build and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.

Marginal Functions:

Perform related duties as assigned.

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Parking Adjudication Program  
Coordinator  
Page 3  
Essential Functions: (Continued)

MINIMUM QUALIFICATIONS

Knowledge of:

State mandated Parking Adjudication Program as outlined in the California Vehicle Code, Municipal and Traffic Code, local ordinances and departmental policies and procedures, modern adjudication practices including methods for resolving conflict and disputes.

Principles and practices used in enforcement of parking regulations and collection of parking revenues.

Principles and practices of statistical analysis.

Basic principles and practices of financial analysis.

Principles of supervision, training and performance evaluation.

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

Principles and practices of intermediate analytical research and project coordination.

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Modern office procedures, methods and various computer systems and computer equipment.

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CITY OF MODESTO

Parking Adjudication Program Coordinator

Page 4

Knowledge of (continued)

Technical report writing techniques.

Procedures for gathering a variety of data.

Research methods and techniques.

Ability to:

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CITY OF MODESTO¶

Parking Adjudication Program

Coordinator¶

Page 4¶

Work independently and use good judgment when communicating sensitive or controversial information to public or governmental representatives.

Interpret, apply and explain applicable Federal, State, local laws, regulations and codes.

Evaluate Parking Adjudication Program policies and procedures and identify and implement improvements and resolutions.

Learn and administer various software, databases and virtual private network programs.

Facilitate meetings and negotiate solutions with departments, businesses, Commissions, Boards and citizens.

Use a computer to enter data into databases

Supervise, train and evaluate assigned staff.

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Communicate clearly and concisely both orally and in writing.

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

Collect, compile, analyze and present a variety of data in a meaningful way.

Develop and implement various data collection and reporting systems.

Conduct special projects and statistical studies.

Experience and Training Guidelines:

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

Experience:

Two years of experience involving the Parking Adjudication Program that includes interpreting and applying parking vehicle codes, local regulations and collection laws and four years of journey level clerical, technical or field experience including one year providing technical and functional supervision over assigned personnel.

Training:

Equivalent to an Associate's degree from an accredited college with major course work in business administration, public administration, finance or a related field.

License or Certificate

Possession of or ability to obtain an appropriate valid California driver's license.

Deleted: .  
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CITY OF MODESTO¶  
Parking Adjudication Program  
Coordinator¶  
Page 5¶  
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PHYSICAL AND MENTAL REQUIREMENTS

**Mobility:** frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. **Lifting:** frequently up to 10 pounds; occasionally up to 25 pounds. **Vision:** constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. **Dexterity:** frequent repetitive motion; frequent writing, frequent grasping, holding, and reaching. **Hearing/Talking:** frequent hearing and talking, in person and on the phone. **Emotional/Psychological:** frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental:** frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Some positions may be assigned to remote

locations. Positions may require occasional overtime and weekend work and travel is rare.

<i>Class Spec History</i>	
Adopted	12/08
Revised	2/11
BU	Mgt/Conf
	NS

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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-89**

**RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2008-682 TO  
REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES  
TO DELETE THE CLASS OF PARKING ADJUDICATION PROGRAM  
COORDINATOR**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2008-682, which approved the Class Range Table for General Non-Sworn Classes,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2008-682. Exhibit "A" entitled, "City of Modesto Class Range Table General Non-Sworn Classes Effective January 6, 2009," attached to Resolution No. 2008-682, is hereby amended as shown on the amended **Exhibit "A"** entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective March 22, 2011," which is **attached** hereto and made a part hereof as though set forth in full herein. Said amended **Exhibit "A"** deletes the classification of Parking Adjudication Program Coordinator from salary range 125.

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after March 22, 2011.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

CITY OF MODESTO  
 CLASS RANGE TABLE  
 GENERAL NON-SWORN CLASSES  
 Effective March 22, 2011

RANGE	TITLE
103	Administrative Office Assistant I Custodian I
107	Administrative Office Assistant II Custodian II Exhibits Coordinator
109	Account Clerk I Customer Services Account Clerk I
110	Maintenance Worker I
111	Account Clerk II Administrative Office Assistant III Custodian Crewleader Customer Services Account Clerk II
114	Electrician Assistant I Equipment Service Technician Maintenance Worker II Production Technician Storeskeeper
115	Administrative Services Technician I Senior Administrative Office Assistant Senior Customer Services Account Clerk
116	Account Technician Airport Maintenance Worker Equipment Operator Groundskeeper Traffic Operations Technician Wastewater Collection Systems Operator I Water Distribution Operator I

**EXHIBIT A**



RANGE	TITLE
118	Electrician Assistant II Fleet Procurement Technician Parking Facilities Crewleader Parks Maintenance Crewleader Recreation Coordinator Senior Storeskeeper Tree Trimmer Water Distribution Operator II
119	Administrative Services Technician II Building Maintenance Technician Code Enforcement Officer I -Neighborhood Preservation Unit Customer Services Account Technician Parks Maintenance Mechanic
120	Assistant Buyer Environmental Compliance Technician Laboratory Analyst I Senior Equipment Operator Traffic Striping Crewleader Wastewater Collection System Operator II Wastewater Treatment Plant Operator I Water Quality Control Technician I Water Resource Specialist
121	Solid Waste Enforcement Officer
122	Accountant I Development Services Technician I Electrician Assistant III Equipment Mechanic Tree Trimmer Crewleader Welder/Fabricator
123	Code Enforcement Officer II -Neighborhood Preservation Unit Engineering Assistant Trainee

RANGE	TITLE
124	Airport Maintenance Crewleader Community Development Program Specialist I Cross Connection Specialist Development Services Technician II Environmental Compliance Inspector I Fire Equipment Mechanic Head Groundskeeper Heavy Equipment Mechanic Laboratory Analyst II Operations Crewleader Wastewater Treatment Plant Operator II Water Conservation Specialist Water Distribution Operator III Water Production Operator I Water Quality Control Technician II Water Services Equipment Operator I
126	Equipment Mechanic Crewleader Housing Financial Specialist Housing Rehabilitation Specialist I Wastewater Collection System Crewleader Wastewater Treatment Plant Operator III
127	Engineering Assistant I
128	Building Inspector I Community Development Program Specialist II Electrician - Traffic and Buildings Electrician - Utilities Environmental Compliance Inspector II Heavy Equipment Mechanic Crewleader Instrumentation Technician Senior Fire Equipment Mechanic Water Production Operator II Water Services Equipment Operator II
130	Construction Inspector Housing Rehabilitation Specialist II Laboratory Analyst III Senior Wastewater Treatment Plant Operator

**EXHIBIT A**

RANGE	TITLE
131	Engineering Assistant II
132	Building Inspector II Environmental Review Specialist Senior Environmental Compliance Inspector Water Division Crewleader
133	Assistant Land Surveyor
134	Plans Examiner Senior Construction Inspector
135	Engineering Project Coordinator
136	Senior Building Inspector

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-90**

**RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2008-683 TO  
REVISE THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT  
AND CONFIDENTIAL NON-SWORN CLASSES TO ADD ENVIRONMENTAL  
SERVICES SUPERVISOR AND TO ADD PARKING ADJUDICATION  
PROGRAM COORDINATOR**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2008-683, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2008-683. Exhibit "A" entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes," attached to Resolution No. 2008-683, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective March 22, 2011," which is attached hereto and made a part hereof as though set forth in full herein. Said Exhibit "A" adds Environmental Services Supervisor to salary range 436 and adds Parking Adjudication Program Coordinator to salary range 425.

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after March 22, 2011.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Attorney

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective **March 22, 2011**

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RANGE	TITLE
407	Administrative Office Assistant II (Confidential)
411	Administrative Office Assistant III (Confidential)
412	Police Clerk II (Confidential)
414	Legal Secretary I
415	Administrative Services Technician I (Confidential) Senior Administrative Office Assistant (Confidential)
418	Legal Secretary II Systems Technician I
419	Administrative Services Technician II (Confidential) Workers' Compensation Claims Assistant
420	Deputy City Clerk Employee Benefits Coordinator Executive Assistant Senior Legal Secretary
422	Office Supervisor Systems Technician II Workers' Compensation Claims Examiner I
423	Custodian Supervisor Parking Services Supervisor
424	Buyer
425	<b>Parking Adjudication Program Coordinator</b> Police Facilities Coordinator Public Information Analyst
426	Assistant Planner Central Stores Supervisor Financial Analyst I Senior Systems Technician

RANGE      TITLE

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427	Administrative Analyst I Animal Control Supervisor Human Resources Analyst I Police Civilian Supervisor Technology Solutions Analyst I Workers' Compensation Claims Examiner II
428	Assistant City Clerk
430	Associate Planner Financial Analyst II Senior Buyer Software Analyst I Systems Engineer I
431	Administrative Analyst II Events Coordinator Human Resources Analyst II Risk and Loss Control Coordinator Senior Workers' Compensation Claims Examiner Technology Solutions Analyst II
432	Compost Facility Supervisor Junior Engineer Neighborhood Preservation Supervisor Operations Supervisor Parks Project Coordinator Recreation Supervisor Senior Crime and Intelligence Analyst Wastewater Collection Systems Supervisor Water Quality Control Plant Maintenance Supervisor
433	Water Resources Analyst
434	Customer Services Supervisor Financial Analyst III Recycling Program Coordinator Senior Community Development Program Specialist Software Analyst II Systems Engineer II

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RANGE	TITLE
435	Assistant Transportation Planner Business Analyst Cultural Services Program Manager Emergency Medical Services Coordinator Facility Supervisor Management Analyst Organizational Development Coordinator Transit Analyst Weed and Seed Program Coordinator
436	Assistant Engineer Deputy Fire Marshal Electrical Supervisor Environmental and Water Quality Laboratory Supervisor <b>Environmental Services Supervisor</b> Housing Rehabilitation Supervisor Senior Planner
437	Senior Human Resources Analyst
438	Associate Land Surveyor Integrated Waste Specialist Property Agent Public Safety Business Services Analyst Senior Financial Analyst Senior Software Analyst Senior Systems Engineer Water Distribution and Production Supervisor
439	Administrative Services Officer Associate Transportation Planner Senior Business Analyst
440	Associate Engineer Environmental Regulatory Compliance Administrator Recreation Program Manager Water Quality Control Operations Supervisor



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RANGE	TITLE
441	Building Maintenance Manager Events Supervisor Fleet Manager Housing and Urban Development Manager Infrastructure Financing Program Administrator Parks Operations Manager Parks Planning and Development Manager Streets Manager Urban Forestry Manager Wastewater Collections Manager
442	Budget and Financial Analysis Manager Construction Inspection Supervisor Customer Services Manager Principal Accountant Principal Software Analyst Principal Systems Engineer Purchasing Manager
443	Associate Civil/Traffic Engineer Senior Transportation Planner
444	Airport Manager Building Inspection Program Coordinator Building Inspection Supervisor Principal Planner Solid Waste Program Manager Transit Manager
446	Assistant Chief Building Official Information Technology Manager Water Quality Control Plant Manager
447	Traffic Operations Engineer Water Systems Manager

RANGE	TITLE
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450	Business Development Manager Chief Building Official Planning Manager Senior Civil Engineer
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452	City Engineer Traffic Engineer
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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-91**

**RESOLUTION DESIGNATING THE PROPERTY AT 305 MAGNOLIA AVENUE  
AS A MODESTO LANDMARK PRESERVATION SITE**

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on October 18, 2010, at the McHenry Museum, 1402 I Street, Modesto, California, at which the Landmark Preservation Commission found and recommended, by Resolution No. 2010-3, that the property at 305 Magnolia Avenue is eligible for designation as a Landmark Preservation Site for the following reasons:

- (1) The location and setting is compatible with future preservation and use.
- (2) The physical condition is such that preservation, maintenance or adaptive use is economically feasible.
- (3) The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.
- (4) The existing or proposed use is compatible with the preservation and maintenance of the site,

and

WHEREAS, the Safety and Communities Committee met on February 7, 2011, and supported the Landmark Preservation Commission recommendation, and

WHEREAS, after a public hearing held on March 22, 2011, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, the Council found and determined that the property at 305 Magnolia Avenue is eligible for designation as a Landmark Preservation Site for reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property located at 305 Magnolia Avenue is more particularly described in the State of California Department of Parks and Recreation Primary Record, **attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 305 Magnolia Avenue has historical significance for the following reason:

This 1910 residence is associated with the life of a person significant to Modesto's past. Dr. John (Jack) Kennedy "Doc" Ransom was a prominent citizen and a leading member of the medical community in Modesto for several decades, 1920-1965, and served as the County Coroner for over three of those decades. He owned and resided at 305 Magnolia Avenue from the early 1920's until his death in 1965.

BE IT FURTHER RESOLVED that the property at 305 Magnolia Avenue has architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

This 1910 home located at 305 Magnolia Avenue characterizes an architectural style associated with a particular era. The site exhibits the distinctive characteristics of the Shingle architectural style that was used for domestic architecture during the period from late 1895 to 1915. With classic details in the Colonial Revival tradition, the Shingle style remained primarily a "high fashion" architect's style rather than becoming widely adapted to vernacular housing.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
PRIMARY RECORD

Primary# \_\_\_\_\_  
HRI# \_\_\_\_\_  
Trinomial \_\_\_\_\_  
NRHP Status Code \_\_\_\_\_

Other Listings  
Review Code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Page 1 of 11

\*Resource Name or #: (Assigned by recorder) *Dr. J. K. "Doc" Ransom House*

P1. Other identifier:

\*P2. Location:  Not for Publication  Unrestricted \*a. County Stanislaus  
and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

\*b. USGS 7.5' Quad Riverbank Date 1987 photo revised T 3S; R 9E; 1/4 of NE 1/4 of Sec 29; M.D. B.M.

c. Address 305 Magnolia Avenue City Modesto Zip 95354

d. UTM: (Give more than one for large and/or linear resources) Zone \_\_\_\_\_ mE/ \_\_\_\_\_ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

*Stanislaus County Assessor's Parcel No. 110-007-015-000*

*West side of Magnolia Avenue between Stoddard and Wright Avenues*

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

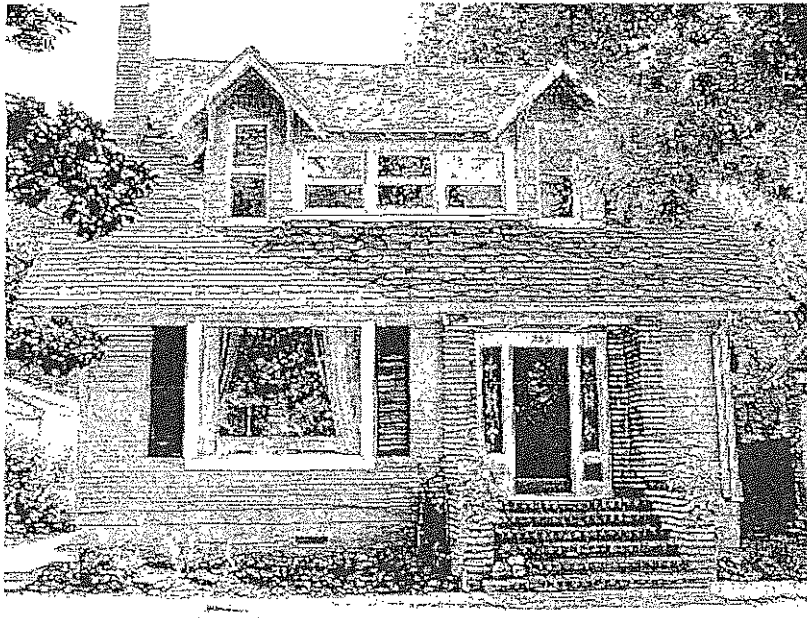
*305 Magnolia Avenue is located in the urban setting of a block of houses with tree lined streets that was primarily developed in the first quarter of the twentieth century. The homes have similar setbacks from the street with urban sized front yards. A narrow alley bisects the block, separating the lots facing Magnolia Avenue from those facing Sycamore Avenue. Like the surrounding blocks, the streetscape is a pleasant one which evokes the sense of an early twentieth century neighborhood. The primary building on the site is a 2,048 sq. ft., two-story house, constructed in 1910 and designed in a blend of the Eastern Shingle Cottage and Brown Shingle architectural styles. The house fronts east onto Magnolia Avenue and is set back from the street allowing for a modest cultivated lawn*

(Continued on page 2, form 523L)

\*P3b. Resource Attributes: (List attributes and codes) *HP2 Single - Family Property*

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



\*P5b. Description of Photo: (view, date, accession #)

*Front façade (view toward west). Photo No: 100\_2945, 10/2007.*

\*P6. Date Constructed/Age and Source:

Historic  Prehistoric  Both

*1910. Stanislaus County Assessor's Records; Sanborn Fire Insurance Maps; Polk City Directories.*

\*P7. Owner and Address:

*Aaron and Amy Vickary  
305 Magnolia Avenue  
Modesto, CA 95354*

\*P8. Recorded by: (Name, affiliation, and address)

*Lorie Garcia  
Beyond Buildings  
P.O. Box 121  
Santa Clara, CA 95052*

\*P9. Date Recorded: *October 10, 2007*

\*P10. Survey Type: *Intensive*

\*P11. Report Citation: (Cite survey report and other sources, or enter "none.") *None*

\*Attachments:  NONE  Location Map  Continuation Sheet  Building, Structure, and Object Record  Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  Artifact Record  Photograph Record  Other (List):

Page 2 of 11

\*Resource Name or # (Assigned by recorder) Dr. J. K. "Doc" Ransom House

\*Recorded by: Lorie Garcia

\*Date 10/10/2007

Continuation  Update

(Continued from page 1, Form 523A, P3a. Description)

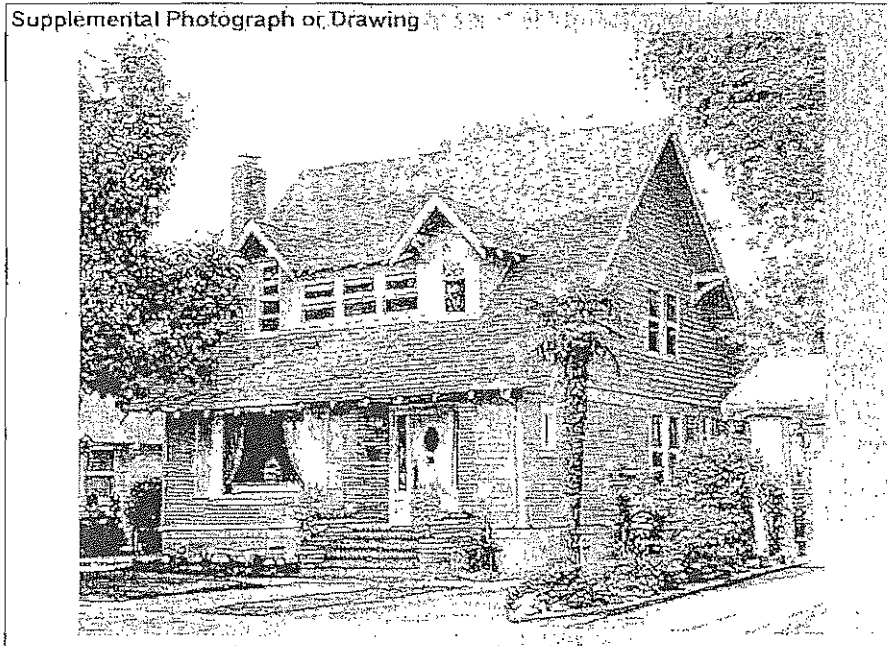
with minimal shrubbery. A driveway is located on the north side of the house.

The plan of this wooden single family residence is rectangular with a massive steeply pitched side-gabled roof. It is sheathed with composition shingles. Decorative barge-boards edge the gable ends, which are supported by decorative knee braces. The roof has a wide eave overhang; along the horizontal edges, the rafter ends are carved and exposed. The house is set on a brick foundation, over a partial basement with an internal entry, that elevates the living area approximately 3 feet above the ground. A water table marks the delineation between the basement and first floor and a wide plain board trim differentiates the first floor from the second floor.

The main entrance is on the front (east) façade and is accessed by 6 brick steps. Only the first story of the house is exposed on the front façade. The first story is covered with narrow horizontal shiplap siding. A brick stoop flanks the front steps. A small offset porch, which is faced with brick, is absorbed within the rectangular perimeter of the house. The wood front door has an oval, beveled glass window set into the top half and is centered on the porch with tall, narrow, front-facing, rectangular beveled glass, fixed windows at the either side. A large fixed pane window is set into the front façade to the side of the porch.

The gigantic roof, almost twice as tall at its apex as the height of the first floor dominates the front façade. In the center of the roof there is a large dormer-like projection with a shed roof and gabled ends that are sheathed in shingles. Carved rafter ends are exposed in the shed roofed section of this projection and the gabled ends have carved barge-boards, and decorative knee braces and exposed rafter ends. A horizontal ribbon of 3 small, one-over-one double hung windows is found in the center section with a single 1/1 double-hung window located in each gabled end. Wide flat boards trim the windows. The north-most gabled window is original and has a classic shingle style pattern of multiple diamond shaped lights in the top pane set over a single light bottom pane.

On the north side elevation, the gable face reveals the second story, which is sheathed in redwood shingles and projects slightly over the first story. This gable face is pierced by a pair of 1/1 double-hung windows set into it. A small transom window is set into the street side end of this elevation's first story. It is followed by a pair of tall rectangular 1/1 double-hung windows, a smaller single 1/1 double-hung window and a horizontal transom window at the rear. Except for the rear transom window, all the first story windows are trimmed with wide flat boards, have projecting sill and narrow aprons. A small multi-light window is set at the basement level.



On the south side elevation, a brick chimney that extends beyond the roof line is set towards the front. Towards the rear is a large 1/1 double-hung window trimmed with wide boards and having a projecting sill and apron, on the first story and a smaller, untrimmed 1/1 double-hung window set into the second story above it. They are followed by a two-story slanted bay, with a broad angle minimizing the distance of the projection. An element that projects from the eaves frames the top of the bay creating the appearance of a gable roof, similar to those on the front façade dormer. Both chimney and bay are set at approximately the same distance from the edges of the elevation's walls.

Description of Photo: (view, date, accession #)  
Front (east) façade and north side elevation (view toward south west). Photo No. 100\_2693, 9/2007

(Continued on page 3, Form 523L)

CONTINUATION SHEET

Page 3 of 11

\*Resource Name or # (Assigned by recorder) *Dr. J. K. "Doc" Ransom House*

\*Recorded by: Lorie Garcia

\*Date 10/10/2007

Continuation  Update

(Continued from page 2, Form 523L)

*The front wall of the bay on the first story contains a large, 1/1 double-hung window. The fenestration of the slanted sides consists of narrower 1/1 double-hung windows. Those on the bay's second story are similar however are proportionally smaller. The first story windows have a projecting sill with an apron and are surrounded by wide frames. Those windows on the second story of the bay are recessed into the wall and have no trim.*

*A secondary (rear) entry accessed by 5 wooden steps leading to a covered landing is located on the driveway side of the rear (west) façade. A new sunroom projects from this façade. It extends from beneath an original shed roof that projected underneath the main roof's eaves. The shed roof is supported by smaller carved knee braces than those, which support the main roof's eaves. On the second story level a shed dormer projects from the gable roof side. It has a ribbon of double-hung windows on all three sides.*

*With the exception of the window on the front façade's northernmost dormer, all the windows of this residence are vinyl clad (new) double hung windows set into the original openings.*

*To the rear of the house and reached by the straight driveway from the street, a garage is set at the northwest corner of the lot. The property is in good condition and with the exception of the altered windows, and new rear sunroom addition appears to have had very little external change since its construction.*



\*NRHP Status Code: *N/A*

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\*Resource Name or # (Assigned by recorder): *Dr. J. K. "Doc" Ransom House*

- B1. Historic Name: *none*  
 B2. Common Name: *None*  
 B3. Original Use: *Residential single family* B4. Present Use: *Residential single family*  
 \*B5. Architectural Style: *Shingle*  
 \*B6. Construction History: (Construction date, alterations, and date of alterations)

*The residence was constructed circa 1910. It first appears on the 1911 Sanborn Fire Insurance Map and in the 1910 City Directory. Sunroom added to rear of house, window panes replaced, garage rebuilt, 2003-4.*

- \*B7. Moved?  No  Yes  Unknown Date: \_\_\_\_\_ Original Location: \_\_\_\_\_  
 \*B8. Related Features:

*Garage located to rear of the house.*

- B9a. Architect: *not known* b. Builder: *Frank E. Johnston*  
 \*B10. Significance: Theme *Residential Architecture* Area *Modesto Wisecarver Addition*  
 Period of Significance *Early - Mid 20<sup>th</sup> Century* Property Type *House* Applicable Criteria *none*  
 (Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

*Beginning in the early 1860s and lasting until 1893, California experienced a wheat boom. This played a key role in the development of Modesto as a commercial and transportation center, as Modesto could supply both the high finances and the strong labor pool throughout the season demanded by the wheat business. Its success as a wheat center was assured by its proximity to the railroad for during its formative years. This period was one of growth for Modesto as the residents of nearby communities, who lacked a coveled rail connection, were attracted to it. In 1884, with a population of 1,693 people, Modesto officially incorporated. Ten years later, the 1894 Sanborn Fire Insurance Map shows that the northern-most boundary of Modesto was where Needham Street would later exist.*

*As the wheat farming came to an end, it was recognized that dependable irrigation was necessary to ensure a more stable farm economy. Although in use on a limited basis, it was not until June 1903 that irrigation water finally arrived for the residents of the Modesto area and many farmers along the main canal accessed this water for the first time. The area changed rapidly after the implementation of the new system.*

(Continued on page 5, Form 523L)

- B11. Additional Resource Attributes: (List attributes and codes) *HP2--Single Family Property*

- \*B12. References:

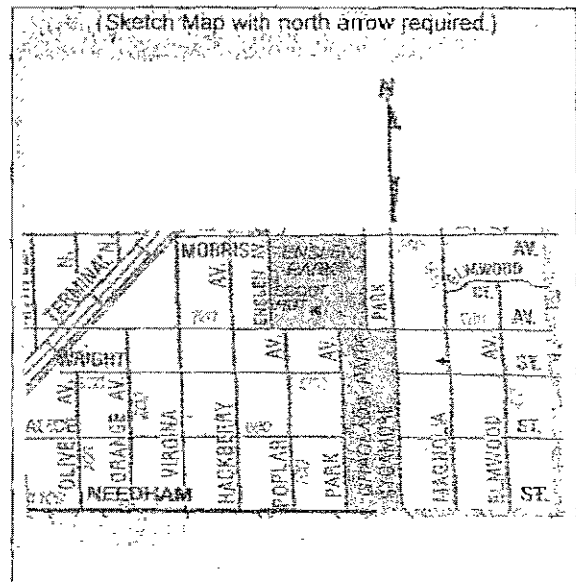
*Directories of Modesto/Stanislaus County, 1910-2005; Bares, Colleen, Modesto Then and Now 1999; Maino, Jeanette, 100 Years Modesto, California, 1870-1970, 1970; Personal Communication, Clerk of the Stanislaus County Board of Supervisors, October 2007; Sanborn Fire Insurance Maps, November 1894, August 1907, February 1911, November 1919; United States Census, 1910, 1920, 1930.*

- B13. Remarks:

- \*B14. Evaluator: *Lorfe Garcia*

- \*Date of Evaluation: *October 10, 2007*

(This space reserved for official comments.)



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\*Resource Name or # (Assigned by recorder) Dr. J. K. "Doc" Ransom House

\*Recorded by Lorie Garcia

\*Date 10/10/2007

Continuation  Update

(Continued from page 4, Form 523B, B10. Significance)

Land prices rose and the larger ranches were subdivided. The local population continued to increase. Alfalfa became the dominant crop to supply a growth in dairies. The cultivation of orchard crops was another significant change to the area and the processing segment of the agricultural industry, including canning, construction and financing, also grew.

This expansion of agricultural related industries led to a time of significant growth and development. By 1907, Modesto's northern-most boundary had been extended to Stoddard Street running from Oakdale Road (today's McHenry Avenue) to Virginia Avenue. Bisected by Alice and Wright Streets, which ran parallel to Stoddard Street, Elmwood, Mapeline (later re-named Magnolia), Sycamore, Park, Poplar and Hackberry Avenues intersected the area between Stoddard and Needham Streets. In 1907, land developers Elihu K. Beard and T. P. Wisecarver, donated 3 blocks in the Beard-Wisecarver tract for a city park. Named after their wives Grace Beard and Ada Wisecarver, Graceada Park was bounded by Needham Street to the south, Park Avenue to the west, Sycamore Avenue to the east and Stoddard Street to the north. Rancher James Enslin then donated \$2,000 dollars for the purchase of an adjoining 10 acres, to the north of Stoddard Street. This became known as Enslin Park.

By 1910 Modesto's population was estimated at 4,500. City fathers referred to the young community as the "most metropolitan and classy of its size in California." It was at this time, that the subject property at 305 Mapeline (Magnolia) Avenue was constructed by Frank E. Johnston. Mr. Johnston was in the real estate business. His company was called Drake, Johnson and Co. The home may possibly been built as speculation, as the 1910 United States Census shows that Frank E. Johnston lived at 822 13<sup>th</sup> Street; he continued to live at this address through 1930.

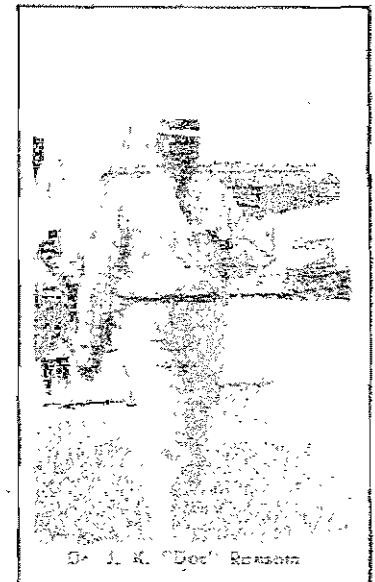
Located in the Wisecarver Addition, near the intersection of Wright and Mapeline, this was the first home built on the west side of the street. When the 1911 Sanborn map was drawn in February of the following year, it shows that only two other houses, 314 and 208, had been constructed on Mapeline; both located on the east side of the street. Four years later, in 1914, the property at 305 Mapeline was transferred to E. (Ellsworth) E. Cipperly, a cabinetmaker. That same year, the residents who lived on Mapeline petitioned the Modesto City Council to change the name of their street. Represented by their attorney, E. H. Zion, these residents informed the council they did not want to live on a street with the name of a syrup. The name they preferred was something much prettier. The headline in the Modesto Herald of July, 1914 read, "Mapeline takes the Count Following Impressive Flow of Oratory before City Council." Following this outcry, the street was renamed Magnolia Avenue.

In 1915, the property once again underwent change of ownership, this time to F. (Frank) Whitby, a house carpenter. As both Mr. Cipperly and Mr. Whitby had primary residences elsewhere, and there is no record that either ever lived in the home, their ownership may have been due to construction liens against the property. In any case, by 1916, 24 year old Charles George Maze was renting and living in the residence at 305 Magnolia with his wife, Lena S. and their newly-born son George Schafer Maze.

Born in October 1893, Charles George Maze was the son and second child of Charles (Jr.) and Ella C. Maze. According to the 1900 Census, his father, Charles (Jr.) was a Life Insurance Agent. Charles George Maze's mother, Ella, had previously been married to banker Stimpson Rogers. Stimpson died in 1886, and three years later, the only child of her first marriage, Stephen Roy Rogers, died of diphtheria at age six. Stephen Rogers is the subject of Modesto's Roger's Boy Fountain. The 1920 United States Census shows that like his father Charles George Maze was a Life Insurance Agent.

In the early 1920s, Dr. John (Jack) Kennedy Ransom purchased the house and moved into it with his wife, Josephine and their young son, Charles. Known throughout Modesto as "Doc" Ransom, J. K. Ransom would continue to reside in this home until his death in 1965.

Originally from Kansas, Jack Kennedy Ransom had studied medicine in San Francisco where he met, and in 1910 married, Josephine Rafilman, a music teacher and native of that city. After living with her parents while he was attending Medical School, they moved to Napa following his graduation. Here on December 12, 1911 their son, Charles, was born. Following Dr. Ransom's



(Continued on Page 6 Form 523L)

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\*Resource Name or # (Assigned by recorder) Dr. J. K. "Doc" Ransom House

\*Recorded by: Lorie Garcia

\*Date 10/10/2007

Continuation  Update

(Continued from page 5, Form 523L)

service in World War I, the family moved to Modesto where they rented a home at 1003 13<sup>th</sup> Street and he established his medical practice. Dr. Ransom then purchased the residence at 305 Magnolia Street. By 1930, Dr. J. K. "Doc" Ransom had been appointed by the Board of Supervisors to be the County Coroner, adding this responsibility to his work as a general practitioner. He would continue to serve as County Coroner for several decades. A well known figure around town, "Doc" Ransom could often be seen striding downtown from his home, heading to the Uptown Arena at 710 10<sup>th</sup> Street to attend the boxing and wrestling matches held there. He was the attending physician for the wrestling matches.

In 1967 Carl H. Smith purchased the house. He lived at 305 Magnolia Avenue until 1974 when G. Faulquist purchased the home. It was then transferred to David Faulquist. Four years later, in 1978, John Ashby bought the subject residence. In 2003, a couple named Sanders bought 305 Magnolia from the Ashbys. They passed away and left it in a trust for their children, and in 2007 Aaron and Amy Vickery became the new owners.

### Evaluation of Historical and Architectural Significance

Standards have been established to determine significance of resources that are important to the heritage of the Nation. Historic resources may be considered important at the national level, state level or local level. To apply the standards the resource must be considered within significant historical contexts. The standards, age and integrity statements follow:

1. A property must be fifty years old or meet additional criteria.
2. The resource must retain architectural and historical integrity from the period of significance
3. The resource must meet at least one of the following four criteria

- A. is associated with events that have made a significant contribution to the broad patterns of our history; or
- B. is associated with the lives of persons significant in our past; or
- C. embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. has yielded, or may be likely to yield, information important in prehistory or history

The house located at 305 Magnolia Avenue was constructed in 1910 and is over fifty years old.

The building and site at 305 Magnolia Avenue have been occupied by a number of residents over the 100 years of its existence, but none of these families appear to be significant to the history of the region, Nation or State of California. Neither is the property associated with events that have made a significant contribution to the broad patterns of history or cultural heritage. It would therefore appear that the building would not be eligible for the National Register of Historic Places based on criteria A or B, or the California Register under criterion 1. While it would not appear to be individually eligible for the National Register under Criterion C, the building does contribute to a potentially eligible district.

The Criteria for listing in the California Register of Historical Resources are consistent with those for listing in the National Register. However, they have been modified to better reflect the history of California at both a local and State level. Criterion 2 addresses the association with the lives of persons important to local, California, or national history. Dr. J. K. "Doc" Ransom was a prominent citizen of Modesto. Among his civic contributions, "Doc" Ransom served as County Coroner for over three decades. From shortly after his arrival in Modesto until his death in 1965, he resided at 305 Magnolia Avenue. As 305 Magnolia Avenue is associated with the life of a person important to local history, it appears eligible for listing on the California Register at a local level under criterion 2.

Criterion 3 is the California Register equivalent National Register criterion "C" and addresses the distinctive characteristics of a type, period, region, or method of construction. The residence at 305 Magnolia Avenue was constructed in 1910, in a mix of the Eastern Shingle Cottage architectural style (1895-1910) and the Brown Shingle (also known as the Western Stick) architectural style (late 1890s-1915), which were styles used for domestic architecture in California during late 1890s to 1915. It has not been substantially

(Continued on page 7, Form 523L)

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\*Resource Name or # (Assigned by recorder) Dr. J. K. "Doc" Ransom House

\*Recorded by: Lorie Garcia

\*Date 10/10/2007

Continuation  Update

(Continued from page 6, Form 523L)

*altered since its construction and retains character defining features from these building types and enough of its historic character to be recognizable as a historic resource. The home infinitely adds to the local streetscape and is a significant contributor to the architectural heritage of Modesto. Thus, it would appear that the building at 305 Magnolia Avenue would also be eligible for the California Register at a local level based on Criterion 3.*

*The City of Modesto General Plan states, "Historical resources generally include structures (residential, commercial, civic) and deposits relating to historic occupation of an area," and "The City of Modesto shall implement regulations that identify important historic resources, and establish regulations to preserve the important aspects of those resources."*

*The historical or cultural significance of a property is found in the association with historic events or people. The architectural or geographic significance is due to the physical quality and presence of the building, structure or object. On a local level, the residence at 305 Magnolia has character, interest, integrity and reflects the heritage and cultural development of the city. It is located in a neighborhood that has a direct association with the development and settlement patterns of Modesto and also has a direct connection with a historically important citizen of Modesto.*

*In June 1903, irrigation water finally arrived for the residents of the Modesto area and many farmers along the main canal accessed this water for the first time. The area changed rapidly after the implementation of the new system, leading to an expansion of agricultural related industries, which in turn led to a time of significant growth and development. By 1907, Modesto's northern-most boundary had been extended past Needham Street to Stoddard Street running from Oakdale Road (today's McHenry Avenue) to Virginia Avenue. Bisected by Alice and Wright Streets, which ran parallel to Stoddard Street, Elmwood, Mapeline (later re-named Magnolia), Sycamore, Park, Poplar and Hackberry Avenues intersected the area between Stoddard and Needham Streets.*

*In 1910, the subject property was constructed by Frank E. Johnston at 305 Mapeline (Magnolia) Avenue. Located in the Wisecarver Addition, near the intersection of Wright and Mapeline, this was the first home built on the west side of the street between Needham and Stoddard Streets. When the 1911 Sanborn map was drawn in February of the following year, it shows that only two other houses, 314 and 208, had been constructed on Mapeline; both located on the east side of the street.*

*This residence is associated with the life of a person significant in Modesto's past. The connection with Dr. John (Jack) Kennedy "Doc" Ransom provides a link to Modesto's history. A prominent citizen, "Doc" Ransom was a leading member of the medical community in Modesto for several decades, 1920-1965, and served as the County Coroner for over 3 of those decades. He owned and resided at 305 Magnolia from the early 1920s until his death in 1965.*

*The home located at 305 Magnolia characterizes an architectural style associated with a particular era and/or ethnic group. It exhibits the distinctive characteristics of the Shingle architectural style that was used for domestic architecture during the period from the late 1895 to 1915. The Shingle style was an unusually free form and variable style. Its details are strictly classic and firmly in the Colonial Revival tradition, with a raised first story and a recessed front porch. Its distinctive A-frame shape, shingle surfaces and gigantic gable twice as tall at its apex as the height of the first floor and as wide as the house that dominates the structure lend it a distinctive and easily identifiable presence. The Shingle style remained primarily a "high-fashion" architect's style rather than becoming widely adapted to vernacular housing.*

*Constructed in 1910, 305 Magnolia is a fine example of the Shingle style and its compatibility with adjacent buildings result in its making important contributions to the both the streetscape and the architectural heritage of Modesto.*

(Continued on page 8, Form 523L)

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\*Resource Name or # (Assigned by recorder) Dr. J. K. "Doc" Ransom House

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\*Date 10/10/2007

Continuation  Update

(Continued from page 7, Form 523L)

#### Definition of Integrity

Integrity refers to a property's ability to convey its significance. Significance is conveyed by the retention of a resource's visual and physical characteristics and its surroundings. The seven aspects of integrity are Location, the place where the buildings were originally constructed; Design, the combination of elements that create the form, plan, space, structure and style of a property; Setting, the physical environment; Materials, the physical elements that were combined during a particular period of time and in a particular pattern; Workmanship, the physical evidence of the crafts of a particular culture or people during any given period of history; Feeling, the expression of the aesthetic or historic sense of a particular period; and Association, the direct link between an important historic event or person and a historic property. To retain historic integrity, a property will always possess several, and usually most, of these aspects.

#### Evaluation of Integrity

*The architectural integrity of the structure has been minimally diminished by the replacement of all but one original windows and the addition of a sun-room. However, the new windows have been placed in the original openings, which were not altered, and thus the impact is reversible. Also the addition is in the rear and not easily visible from the street. The majority of the historic materials and sufficient of the visual and character defining features of the historic building have been preserved and retained, necessary to convey its historical origin. The historical use of the building has not changed and it remains a single family home. The subject property retains enough of its historic character and appearance to be recognizable as a historic property and to convey the reason for its significance (integrity).*

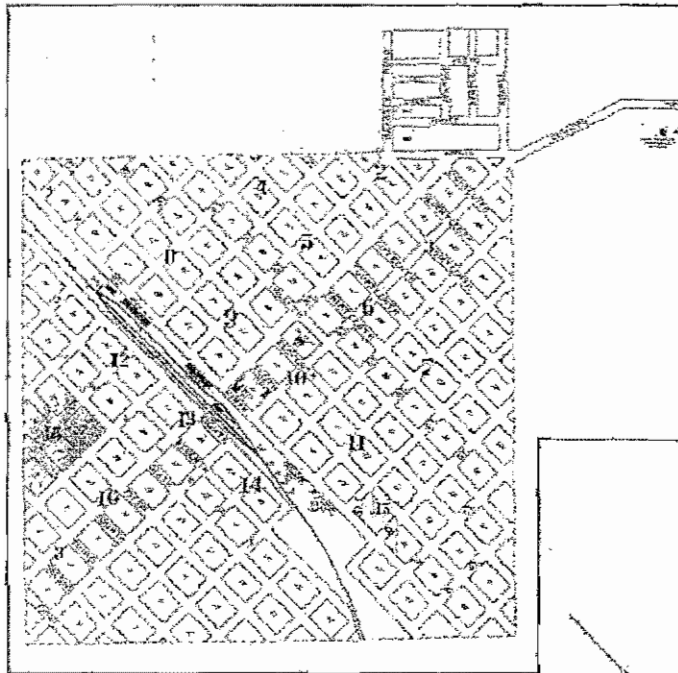
#### Summary of Findings:

*Constructed in 1910, this residence was one of the first erected in the Wisecarver Addition and its Shingle architectural style stands out in this Modesto neighborhood. It has not been moved and while it has undergone minimal alteration since it was constructed, it does retain the distinctive characteristics that represent a period and method of construction and that make it recognizable as a historic resource. Also it has a direct association with the life of a person important to the history of Modesto, as it was the residence of J. K. "Doc" Ransom from the early 1920s until his death in 1965. Under criteria 2 and 3, the subject property appears eligible for inclusion on the California Register of Historical Resources at a local level.*

#### Conclusions and Recommendations

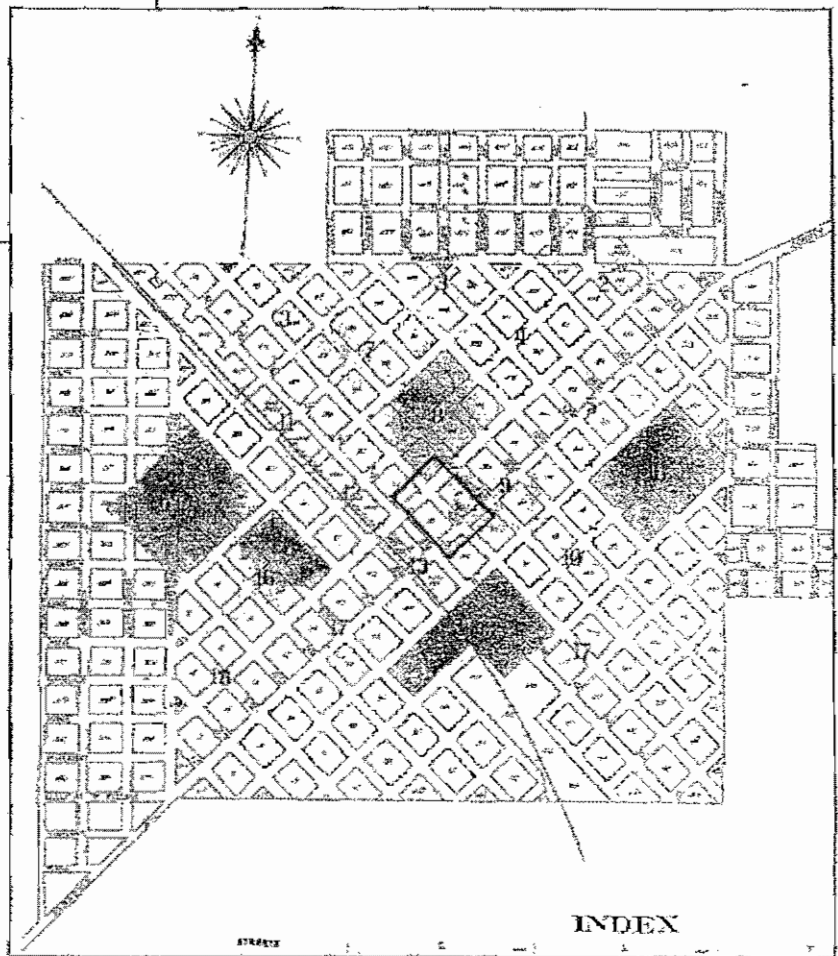
*The evaluator finds 305 Magnolia Avenue to retain sufficient integrity to qualify as a historic property. It is an important element in the streetscape and the architectural heritage of Modesto. It appears to be eligible for listing as a City of Modesto Landmark due to its historic associations with Dr. J. K. "Doc" Ransom, and its building style.*

### SANBORN FIRE INSURANCE MAPS

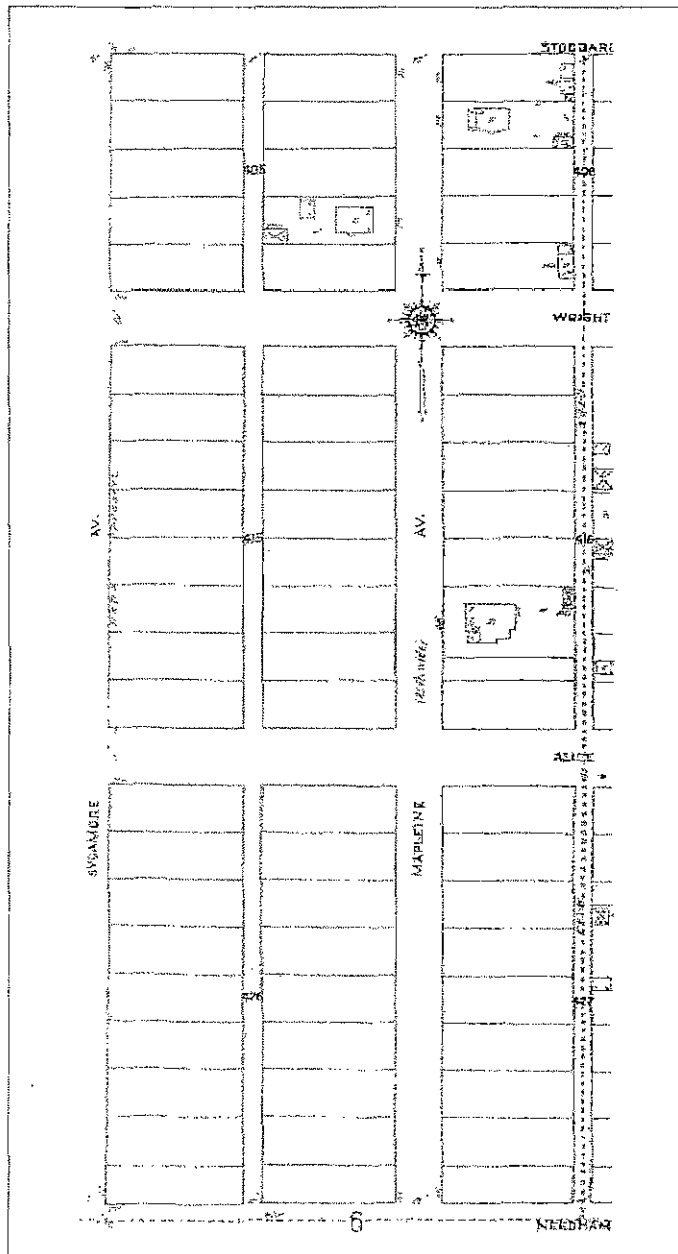


Modesto, California - November 1894

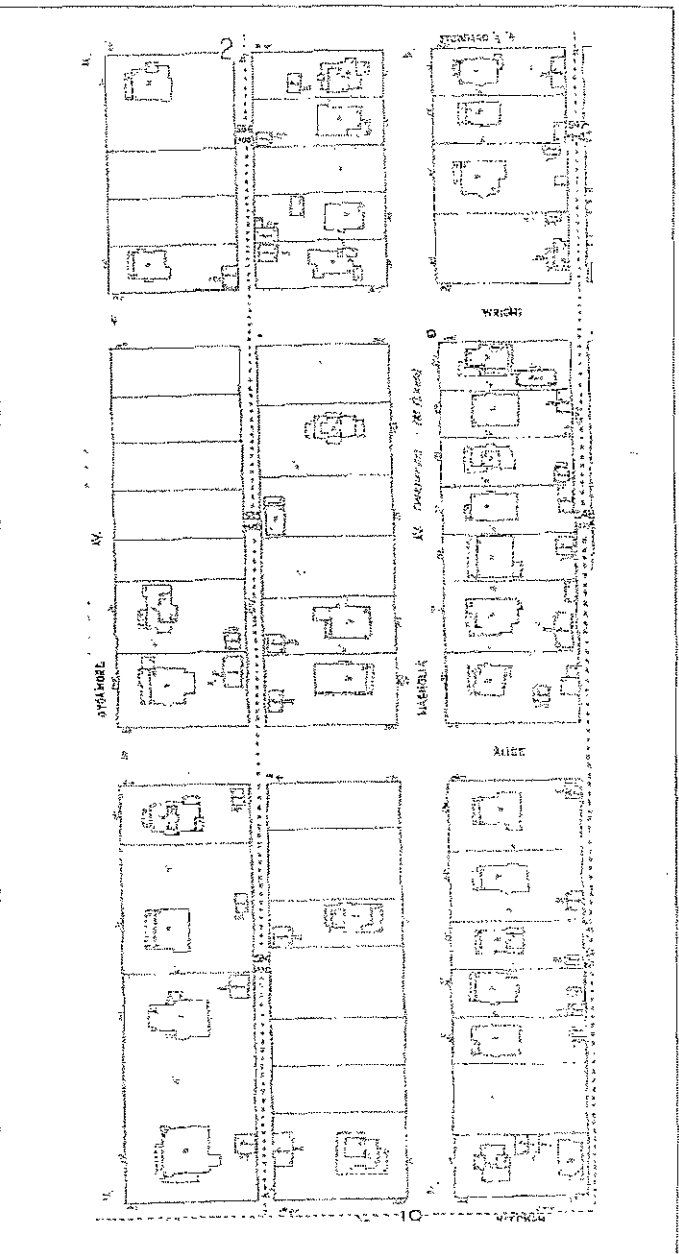
Modesto, California - August 1907



As shown below in the SANBORN FIRE INSURANCE MAPS, in 1911, 305 Magnolia was the only house on the west side of the street. Two houses had been constructed on the east side. The street was called Mapleine not Magnolia. Note the changes less than a decade later.



February 1911 Sanborn Fire Insurance Map



November 1919 Sanborn Fire Insurance Map

ADDITIONAL PHOTOS

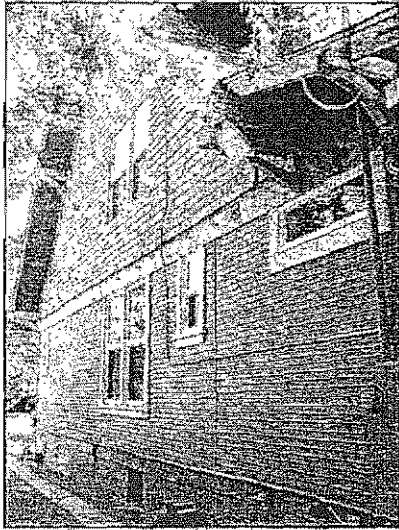


Photo No: 100\_2944  
View: North Side Elevation  
Photo Date: October, 2007  
Camera Facing: SE

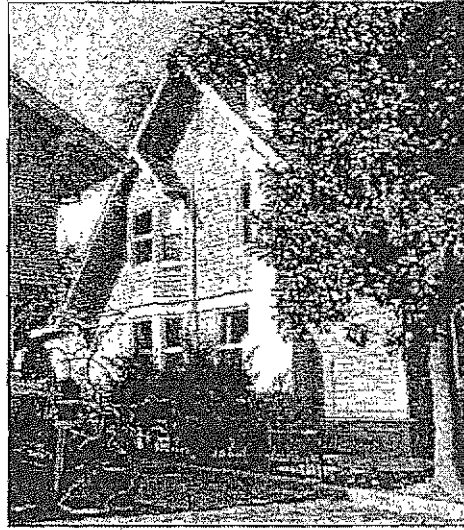


Photo No: 100\_2947  
View: South Side Elevation  
Photo Date: October, 2007  
Camera Facing: NW

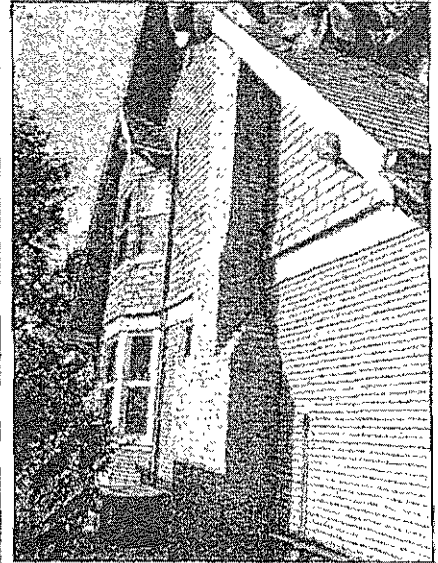


Photo No: 100\_2945  
View: South Side Elevation close-up view  
Photo Date: October, 2007  
Camera Facing: NW



Photo No: 100\_2942  
View: North Side elevation & rear entry,  
partial view 2<sup>nd</sup> floor rear (West) facade  
Photo Date: October, 2007  
Camera Facing: SE

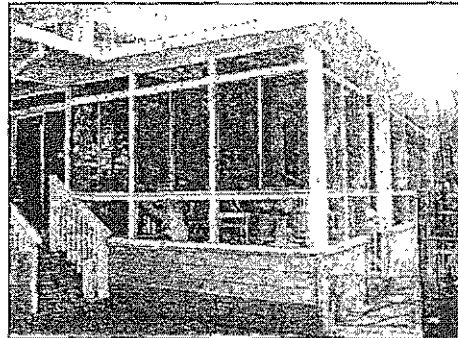


Photo No: 100\_2940  
View: North side elevation & rear (West) facade  
of new sunroom addition  
Photo Date: October, 2007  
Camera Facing: SE



Photo No: 100\_2937  
View: Garage  
Photo Date: October, 2007  
Camera Facing: W



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-092**

**A RESOLUTION APPROVING ADJUSTMENTS TO THE MAXIMUM RATE SCHEDULE FOR CITY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SOLID WASTE COLLECTION SERVICES, TO BECOME EFFECTIVE APRIL 1, 2011, INCLUDING FUEL COST, AND RESCINDING RESOLUTION NO. 2010-393**

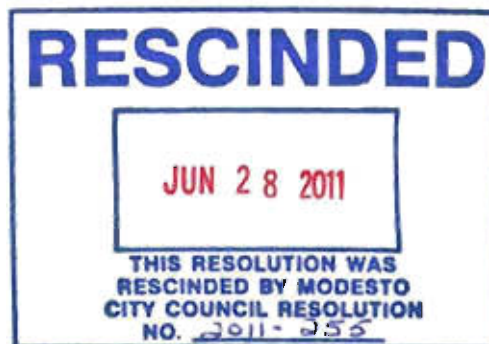
WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets a 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 requested by the City's garbage collection companies, and

WHEREAS, the City conducted an analysis using the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and



WHEREAS, new maximum rates were calculated, and a recommendation for a new maximum rate schedule was developed, which included a recommendation that quarterly adjustments to the fuel component of the maximum rates be made, and

WHEREAS, a report dated March 1, 2011, from the Parks, Recreation and Neighborhoods Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, 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 that quarterly adjustments to the fuel component of the maximum rates should be made, and

WHEREAS, staff has adjusted the fuel component of the maximum rates and has incorporated the fuel component adjustment into the schedule of Maximum Charges for Garbage Service **attached** hereto, marked **Exhibit "1"** and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adjustments to the Maximum Charges for Garbage Service as **attached** hereto, marked **Exhibit "1"** and incorporated herein by reference. Said Maximum Charges for Garbage Service includes twice-a-year bulky item pickup for residential customers and all other residential services as stipulated in the Service Agreements and shall become effective April 1, 2011, and shall remain in effect until revised by Council.

**MAXIMUM CHARGES FOR GARBAGE SERVICE****STANDARD CONTAINERS**

Maximum Monthly Rates  
(Once a Week Pickup Service)

Standard container service shall include the following:

- One, 96-gallon container for garbage
- One, 96-gallon container for green waste, food, paper, and other organics
- Countertop container for kitchen scraps
- Drop-off of old TV and computer tubes
- Two bulky item collections per year by appointment
- Pruned Refuse Collection

Standard container service customers may opt for smaller containers; however, maximum rates apply. Containers must be placed in a location set forth in Section 5-5.111 of the Municipal Code.

**1. Standard container service –**

- a. The maximum rate for new sign ups for service or changes in service that occur after July 1, 1996, shall be **\$23.78 per month** regardless of size of container. A fuel component of \$1.06 per month is included in the maximum rate for the quarter beginning April 1, 2011 and ending June 30, 2011. The fuel component may be adjusted quarterly.
- b. The maximum rate for each additional garbage container shall be **\$17.71 per month, and \$9.55 per month** for each additional green waste container.

**2. 60-gallon container service (grandfathered customers) –**

- a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be **\$19.97 per month.** A fuel component of \$1.06 per month is included in the maximum rate for the quarter beginning April 1, 2011 and ending June 30, 2011. The fuel component may be adjusted quarterly.
- b. The maximum rate for each additional 60-gallon garbage container shall be **\$17.27 per month.**

**3. Fuel Component adjustments -** The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. 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.

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**DETACHABLE CONTAINERS\***  
**Maximum Monthly Rates**

Container Size	Regular Container Maximum Rates					
	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	\$ 35.89	\$ 61.29	\$ 86.66	\$ 112.04	\$ 137.43	\$ 162.82
2 CY	\$ 61.29	\$ 112.04	\$ 162.82	\$ 213.59	\$ 264.35	\$ 315.11
3 CY	\$ 86.66	\$ 162.82	\$ 238.97	\$ 315.11	\$ 391.28	\$ 467.42
4 CY	\$112.04	\$ 213.59	\$ 315.11	\$ 416.66	\$ 518.19	\$ 619.73
5 CY	\$137.43	\$ 264.35	\$ 391.28	\$ 518.19	\$ 648.12	\$ 772.04
6 CY	\$162.82	\$ 315.11	\$ 467.42	\$ 619.73	\$ 772.04	\$ 924.35

Container Size	FDRK Participants Container Maximum Rates					
	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
2 CY	\$ 45.97	\$ 84.03	\$ 122.12	\$ 160.19	\$ 198.26	\$ 236.33
3 CY	\$ 65.00	\$ 122.12	\$ 179.23	\$ 236.33	\$ 293.46	\$ 350.57
4 CY	\$ 84.0	\$ 160.19	\$ 236.33	\$ 312.50	\$ 388.64	\$ 464.80
5 CY	\$103.07	\$ 198.26	\$ 293.46	\$ 388.64	\$ 486.09	\$ 579.03
6 CY	\$122.12	\$ 236.33	\$ 350.57	\$ 464.80	\$ 579.03	\$ 693.26
90-gallon	\$ 17.80	\$ 35.60	\$ 53.39	\$ 71.19	\$ 88.99	\$ 106.79

\* A detachable container rental rate of \$10.00 per month is included in the above schedules.

- Weekly rental/Detachable Containers** - Shall not exceed the rate for 1 pickup per week for each size container.
- Fuel Component** - A fuel component of \$0.92 per cubic yard per month (\$0.21 per cubic yard) for a 1 cubic yard container collected once a week is included in the maximum rate for the quarter beginning April 1, 2011 and ending June 30, 2011. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/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.

**DROP BOX CONTAINERS**

- Pick up charge** - \$220.21 per pick up
- Rental**
  - \$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
- Disposal charge** - Actual charge to be paid by customer. Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of \$8.48 per ton will be added to the disposal charges.

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**COMPACTORS**

**Front Loader Type:**

<b>Compactor Rates</b>						
<b>Container Size</b>	<b>NUMBER OF COLLECTIONS PER WEEK</b>					
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>3 CY</b>	\$259.98	\$ 488.46	\$ 716.91	\$ 945.33	\$1,173.84	\$1,402.26
<b>4 CY</b>	\$336.12	\$ 640.77	\$ 945.33	\$1,249.98	\$1,554.57	\$1,859.19
<b>6 CY</b>	\$488.46	\$ 945.33	\$1,402.26	\$1,859.19	\$2,316.12	\$2,773.05

**Roll-Off Type:**

- 1. 6 CY to 40 CY \$220.21 per pickup
- 2. Medical waste compactors \$265.00 per pickup
- 3. Washing compactor \$30.00
- 4. Disposal Charge: Actual charge to be paid by customer
- 5. AB 939 Green Waste Diversion Fee \$8.48 per ton

**EXTRA PICKUPS**

- 1. Standard containers or equivalent \$3.50 plus \$1.38/container
- 2. Detachable containers \$12.00 plus \$2.75/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**

<b>1 CY</b>	<b>1½ CY</b>	<b>2 CY</b>	<b>3 CY</b>	<b>4 CY</b>	<b>5 CY</b>	<b>6 CY</b>
\$10.12	\$11.00	\$12.10	\$15.40	\$20.24	\$25.08	\$29.92

**NOTATIONS**

- 1. The above maximum rates include a \$0.25 per month residential recycling fee; a \$0.05 per cubic yard (\$0.22/cubic yard/month) commercial recycling fee; and a \$5.00 per pull (\$0.25 per ton) industrial recycling fee, a \$0.15 per month residential litter abatement fee, and a \$0.05 per cubic yard (\$0.22/cubic yard/month) commercial litter abatement fee.
- 2. The above residential maximum rates include a \$1.48 per month per household AB 939 Green Waste Diversion Fee.
- 3. The above commercial bin and front-loader compactor maximum rates include an AB 939 Green Waste Diversion Fee of \$2.64 per yard/month.
- 4. 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.

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Deleted: 3/2/11

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 2010-393 is hereby rescinded, effective April 1, 2011.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-093**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE ARRA HVAC UPGRADES FOR VARIOUS CITY OWNED BUILDINGS PROJECT, ACCEPTING THE BID, AND APPROVING AN AGREEMENT WITH CHAMPION INDUSTRIAL CONTRACTORS, INC. OF MODESTO IN THE AMOUNT OF \$144,813.00 FOR THE ARRA HVAC UPGRADES FOR VARIOUS CITY OWNED BUILDINGS PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the American Recovery and Reinvestment Act (ARRA) Heating, Ventilating and Air Conditioning (HVAC) Upgrades for Various City Owned Buildings Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the ARRA HVAC Upgrades for Various City Owned Buildings Project were opened at 11:00 a.m. on March 1, 2011, and later tabulated by the Director of Parks, Recreation and Neighborhoods for the consideration of the Council, and

WHEREAS, the Director of Parks, Recreation and Neighborhoods has recommended that the bid of \$144,813.00 received from Champion Industrial Contractors, Inc. for the Base Bid be accepted as the lowest responsible bid and the contract be awarded to Champion Industrial Contractors, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the ARRA HVAC Upgrades for Various City Owned Buildings project, accepts the bid of Champion Industrial Contractors, Inc. in the amount of \$144,813.00 for the Base Bid and awards Champion Industrial Contractors, Inc. the contract for the ARRA HVAC Upgrades for Various City Owned Buildings Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-094

**RESOLUTION ACCEPTING \$2,200,500 FROM THE STATE OF CALIFORNIA NATURAL RESOURCES AGENCY UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION ACT OF 2006, CALIFORNIA RIVER PARKWAY GRANT PROGRAM – PROPOSITION 84 FOR THE DEVELOPMENT OF THE TUOLUMNE RIVER REGIONAL PARK GATEWAY PARCEL, PHASE TWO, AND AMENDING THE FISCAL YEAR 2010-2011 CAPITAL IMPROVEMENT PROGRAM BUDGET TO RECOGNIZE REVENUE FROM THE GRANT, ALLOCATE TRRP RESERVES IN THE AMOUNT OF \$322,382 AND TO ALLOCATE THE EXPENSE BUDGET TO THE PROJECT**

WHEREAS, the City of Modesto has been awarded a State of California Natural Resources Agency grant under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006, California River Parkways Grant Program – Proposition 84 for the development of the Tuolumne River Regional Park (TRRP) Gateway Parcel, Phase 2; and

WHEREAS, a budget adjustment is necessary in order to recognize \$2,200,500 in revenue from the grant and \$322,382 in reserves from the Tuolumne River Regional Park Fund, and;

WHEREAS, the expense budget for this project must also be allocated for this project in the TRRP Capital Improvement Program (Account 8910-390-P008); and

WHEREAS, the Fiscal Year 2010-2011 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 2010-2011 Capital Improvement Program budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized 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 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**BUDGET ADJUSTMENT DETAIL  
FISCAL YEAR 2010-11**

<b>REVENUE:</b>	<b>Account</b>	<b>Amount</b>
Allocate TRRP Fund Reserves	8910-390-8000	322,382
Recognize Grant Revenue	8910-390-P008	2,200,500
<b>EXPENSE:</b>		
Allocate to Project Design	8910-390-P008-6010	450,000
Allocate to Project Construction	8910-390-P008-6040	1,782,882
Allocate to Project Contingency	8910-390-P008-6050	145,000
Allocate to Project Construction Administration	8910-390-P008-6060	145,000

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-095**

**RESOLUTION ACCEPTING THE ANTI-DRUG ABUSE ENFORCEMENT PROGRAM GRANT FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF \$382,214; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS**

WHEREAS, the Modesto Police Department applied for funding from the California Emergency Management Agency (Cal-EMA) for the Stanislaus Anti-Drug Task Force, and

WHEREAS, the Stanislaus Anti-Drug Abuse Enforcement Program is part of the Stanislaus Drug Enforcement Agency (SDEA), and

WHEREAS, this program will integrate federal, state, and local law enforcement agencies, prosecutors, and probation officers for the purpose of enhancing inter-agency coordination and intelligence and facilitating multi-jurisdictional investigations to combat major drug trafficking and manufacturing, and

WHEREAS, the grant will continue funding for a 32-hour per week Accounting Technician, 100% Community Services Officer II, 100% Police Clerk, 100% Senior Crime and Intelligence Analyst, and a portion of the salary/benefits for a Sergeant assigned to SDEA, and

WHEREAS, the grant also pays for a portion of the salary/benefits for a Ceres Police Detective, Turlock Police Officer, and Stanislaus County Deputy, Paralegal, Probation Officer, and training, and

WHEREAS, the SDEA is responsible for compliance with all regulations pertaining to the Cal-EMA grant, including all reporting requirements, and

WHEREAS, the City of Modesto is responsible for the financial reporting requirements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Anti-Drug Abuse Enforcement Program Grant from the California Emergency Management Agency, in the amount of \$382,214, for the Stanislaus Drug Enforcement Agency.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-096**

**RESOLUTION AMENDING THE FISCAL YEAR 2010/2011 MULTI-YEAR  
BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF \$382,214  
FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY FOR  
THE STANISLAUS DRUG ENFORCEMENT AGENCY**

WHEREAS, the Modesto Police Department applied for funding from the Governor's Office of Emergency Services (OES) for the Stanislaus Anti-Drug Task Force, and

WHEREAS, the Stanislaus Anti-Drug Abuse Enforcement Program is part of the Stanislaus Drug Enforcement Agency (SDEA), and

WHEREAS, this program will integrate federal, state, and local law enforcement agencies, prosecutors, and probation officers for the purpose of enhancing inter-agency coordination and intelligence and facilitating multi-jurisdictional investigations to combat major drug trafficking and manufacturing, and

WHEREAS, the SDEA has been a recipient of the OES grant for the past 20 years, and

WHEREAS, the grant is used to pay for personnel and training within the county-wide Joint Powers Agreement unit,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2010/2011 Multi-Year Budget is hereby amended as indicated in the **attached** Budget Adjustment, which is incorporated by reference herein.

BE IT FURTHER RESOLVED that the Finance Director, 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 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**REQUEST FOR BUDGET ADJUSTMENT**

Contact Person: Judie Hendee Council Action Date: \_\_\_\_\_  
 Telephone No.: 572-9518 Resolution Number \_\_\_\_\_  
 Department: Police Department  
 FY: 2010-11  
 Fund Title: 8850 - SDEA Fund Transfer No: \_\_\_\_\_

Fund-Agcy-Obj-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
<b>TO</b>					
8850-190-1974-3501		\$469,176	(\$86,962)	\$382,214	Federal Grant OCJP
8850-190-1974-3702		\$171,994	(\$60,195)	\$111,799	Contributions In-Kind
			(\$147,157)	\$494,013	

**APPROPRIATIONS**

<b>FROM</b>					
<b>TO</b>					
8850-190-1974-0240	1974-C	\$296,304	(\$71,570)	\$224,734	Intergovernmental Services

**TRANSFERS BETWEEN FUNDS**

<b>FROM</b>					
<b>TO</b>					

**COMMENTS/JUSTIFICATION**

This budget adjustment amends the adopted MY budget for FY 2010-11 in Obj. 8850-190-1974 - SDEA Grant to decrease the amount of the grant award from the estimated \$469,176 to \$382,214 in revenue object 3501 - Federal Grant - OCJP. This decrease provides for the reduction of Contributions In-Kind from the estimated \$171,994 to \$111,799 and a decrease in Object 0240 - Intergovernmental Services from \$296,304 to \$224,734. These actions will align revenues and expenses in the budget with those programmed in the grant application.

AUTHORIZATION (check if required)	SIGNATURE	DATE
BUSINESS SERVICES ANALYST		3/2/2011
DEPUTY DIRECTOR (Public Works Dept)		
DEPARTMENT DIRECTOR or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
FINANCE DIRECTOR (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
CFE/CFD ADMINISTRATOR (When necessary for CIP)		
CITY MANAGER (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

TRANSFER NO.: \_\_\_\_\_  
 BY: \_\_\_\_\_ DATE: \_\_\_\_\_



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-097**

**RESOLUTION ACCEPTING THE ANNUAL REPORT FOR THE CITY'S  
ECONOMIC INCENTIVE WASTEWATER TREATMENT CAPACITY  
BANKING, AS REQUIRED BY THE MODESTO MUNICIPAL CODE 5-6.910**

WHEREAS, on January 27, 2009, Council approved Ordinance No. 3503-C.S. , adding Article 9 titled "Wastewater Permitted Capacity Banking and Transfer" to Chapter 6 of Title 5 of the Modesto Municipal Code, and

WHEREAS, Section 5-6.910 states the Department of Public Works is required to prepare an annual report to Council (Section 5-6.910) describing the overall use of the bank, permitted capacity and historical capacity defined by Resolution No. 2007-422 for flow, biochemical oxygen demand (BOD), and total suspended solids (TSS, and

WHEREAS, report will describe permanent permitted capacity and historical capacity transfers between users and permitted users during the reporting year, and

WHEREAS, providing recommendations for changes to levels of permitted capacity for Council consideration.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves accepting the Annual Report for the City's Economic Incentive Wastewater Treatment Capacity Banking, as required by the Modesto Municipal Code 5-6.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-098**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PROJECT TITLED, "COMMUNICATIONS TOWER CONSTRUCTION FOR JENNINGS ROAD WASTEWATER TREATMENT FACILITIES," ACCEPTING THE BID, AND APPROVING A CONTRACT WITH S.R.P. COMPANY IN THE AMOUNT OF \$114,208.11; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, specifications have been prepared for the Communications Tower Construction for Jennings Road Wastewater Treatment Facilities project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Communications Tower Construction for Jennings Road Wastewater Treatment Facilities project were opened at 11:00 a.m. on December 14, 2010, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of \$114,208.11 received from S.R.P. Company be accepted as the lowest responsible bid and the contract be awarded to S.R.P. Company,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the project titled, "Communications Tower Construction for Jennings Road Wastewater Treatment Facilities", accepts the bid of S.R.P. Company in the amount of \$114,208.11, and approves the contract.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-099**

**RESOLUTION APPROVING AN AGREEMENT WITH JES ENGINEERING, INC. FOR DESIGN SUPPORT DURING CONSTRUCTION SERVICES FOR THE WQC COMMUNICATIONS PROJECT IN AN AMOUNT NOT TO EXCEED \$10,470.00 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$1,047.00 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$11,517.00; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the scope of services to be provided under this Agreement includes review and processing of submittals, respond to requests for information, review of excavation in accordance to the geotechnical report, assistance with preparing the punchlists for the tower construction and radio installation, and project closeout, and

WHEREAS, the purpose of this project is to provide adequate network bandwidth connection between the Jennings Treatment Plant and the City network, and

WHEREAS, the current available network bandwidth connecting the Jennings Treatment Plant to the City network is inadequate for the security upgrades being made to the facility, and

WHEREAS, due to the remote location, it is cost prohibitive to extend the City's fiber optic network to that location, and

WHEREAS, staff concluded that wireless network technology was the better option as it is substantially less costly and just as efficient, and

WHEREAS, the Water Quality Control (WQC) Communications Project will involve the construction of a new lattice communications tower at the Jennings Wastewater Facility as well as installation of new radio equipment on the existing communications tower located at the Sutter Wastewater Facility as well as on the new tower at the Jennings Wastewater Facility to provide a wireless bandwidth, and

WHEREAS, due to the complexity of the construction of the communications tower and installation of the radio equipment, design consultant services during construction are required for this project, and

WHEREAS, the City is now undergoing the construction of the communications tower at the Jennings Wastewater Facility and Purchasing will soon be coordinating the bid process for the radio equipment and installation, and

WHEREAS, the City does not have the subject matter expertise to address technical construction issues for the Water Quality Control Communications Project, and current workload levels do not provide for timely in-house solutions/responses, and

WHEREAS, City staff recommends an agreement with JES Engineering, Inc., based on their experience and expertise in telecommunications,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with JES Engineering, Inc. for Design Consultant Services during construction of the WQC Communications Project in an amount not to exceed \$10,470.00 for the identified scope of services, plus \$1,047.00 for additional services (if needed), for a maximum total amount of \$11,517.00.

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 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-100**

**RESOLUTION ACCEPTING THE WORK BY GEORGE REED, INC., FOR THE  
“HILLGLEN ROUNDABOUT IMPROVEMENT-HILLGLEN/WOOD SORREL  
AND HILLGLEN/KODIAK ” PROJECT AS COMPLETE, AUTHORIZING THE  
CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE  
STANISLAUS COUNTY RECORDER AND AUTHORIZING PAYMENT OF  
AMOUNTS TOTALING \$220,817.33**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Hillglen Roundabout Improvement-Hillglen/Wood Sorrel and Hillglen/Kodiak project has been completed by George Reed, Inc., in accordance with the contract agreement dated January 26, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Hillglen Roundabout Improvement-Hillglen/Wood Sorrel and Hillglen/Kodiak project is hereby accepted as complete from said contractor George Reed, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, and that payment of amounts totaling \$220,817.33 is authorized as provided in the contract.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-101**

**A RESOLUTION APPROVING AN AGREEMENT WITH HDR ENGINEERING, INC. FOR PRELIMINARY DESIGN REPORT FOR REHABILITATION OF EMERALD LIFT STATION AND REPLACEMENT OF HAHN LIFT STATION IN AN AMOUNT NOT TO EXCEED \$214,517.34 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$21,452.00 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$235,969.34, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the scope of services to be provided under this agreement include survey and site mapping of the existing lift station facilities, geotechnical investigation, lift station process systems plan, preparation of the site and structures preliminary design plans, specifications and construction cost estimate, and

WHEREAS, the purpose of this agreement is to prepare a Preliminary Design Report (PDR) for the rehabilitation of Emerald Lift Station and replacement of Hahn Lift Station, and

WHEREAS, the Emerald Sanitary Lift Station was built in 1953 and last remodeled in 1994, and

WHEREAS, based on the Condition Assessment conducted as part of the City's 2007 Wastewater Collection System Master Plan (WWMP), section 6.4.2.1, this lift station requires remodel or replacement, and

WHEREAS, the Hahn Sanitary Lift Station was built in 1975 and last remodeled in 1999, and

WHEREAS, the dry well of the existing station is located under the middle of the curb return at the southeast corner of Honeycreek Road and Nightingale Drive (3808 Honeycreek Rd.) and the wet well is located at the centerline intersection of the streets, and

WHEREAS, based on the Capacity Evaluation and the Condition Assessment conducted as part of the 2007 WWMP, sections 5.2.1.3.5 and 6.4.1.3, this lift station requires replacement, and

WHEREAS, the new site is located at 3200 Nightingale Drive, and

WHEREAS, in accordance with the Public Works Department Major Scope Policy approved on September 26, 2006, all projects exceeding \$1,000,000 are required to be presented at Council at the Preliminary Design Report stage if the projected cost estimate is expected to exceed the approved project budget by more than 10%, and

WHEREAS, in accordance with Administrative Directive 3.1, "Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects", on June 22, 2010, by Resolution No. 2010-260, the City Council approved the prequalified consultant list for As-needed Engineering Design Services for Sewer & Water Pumping Stations for various Capital Improvement Program projects, and

WHEREAS, on December 21, 2010, Utility Planning and Projects Staff received Proposals for this PDR from the 5 firms on the pre-qualified list, and

WHEREAS, on January 11, 2011, a selection committee comprised of Utility Planning and Projects, and Public Works Departments staff was assembled and interviewed all 5 firms, and

WHEREAS, following the interviews, the Selection Committee determined that HDR was the most qualified consultant firm to prepare this PDR, and

WHEREAS, some of the necessary expertise for this type of project, specifically extensive knowledge of the structural and electrical design associated with these sanitary pump stations, is not available in-house, and

WHEREAS, using outside professional services will enable this project to be completed in a timely manner, and

WHEREAS, City staff recommends approving an agreement with HDR for preparation of Preliminary Design Reports for Emerald Lift Station and Hahn Lift Station as the City does not have the staffing level to complete the PDR for the Rehabilitation of Emerald Lift Station and Replacement of Hahn Lift Station project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Preliminary Design Report for Rehabilitation of Emerald Lift Station and Replacement of Hahn Lift Station with HDR Engineering, Inc. for an amount not to exceed \$214,517.34 for the identified scope of services, plus \$21,452.00 for additional services (if needed), for a maximum total amount of \$235,969.34.

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 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-102**

**A RESOLUTION AMENDING FISCAL YEAR 2010-11 OPERATING BUDGET  
IN ORDER TO FUND PRORATED SALARY AND BENEFIT EXPENSES FOR  
THE REMAINING THREE MONTHS IN FY2010-11 FOR ONE (1) LIMITED-  
TERM SENIOR CIVIL ENGINEER POSITION TO PROVIDE PROJECT  
LIAISON ON THE PHASE 2 TERTIARY TREATMENT PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of \$32,000, in order to fund prorated salary and benefits for the remaining three months in FY2010-11 by decreasing Engineering Design (Account 0300-430-41 12) and returning funds to Capital Improvement Support Reserves, and decreasing Wastewater Fund Reserves and reappropriating funds to Capital Improvement Services Administration (Account 6210-430-5201), and

WHEREAS, the Fiscal Year 2010-11 Operating 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 2010-11 Operating Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Finance Director, or her 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 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**REQUEST FOR BUDGET ADJUSTMENT**

**EXHIBIT A**

Contact Person: Brian MacDonald  
 Telephone No.: 341-2932  
 Department: UP&P  
 Fund Title: Wastewater Fund

Council Action Date: 3/22/11  
 Resolution Number: \_\_\_\_\_  
 FY: 10-11  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<u>FROM</u>					
<u>TO</u>					

**APPROPRIATIONS**

<u>FROM</u>					
0300-430-4112-0184	4112A	\$ (48,342)	(\$23,000)	(\$71,342)	Salary Adjustment (Decrease)
0300-430-4112-0194	4112A	\$ (11,843)	(\$9,000)	(\$20,843)	Benefit Adjustment (Decrease)
<u>TO</u>					
6210-430-5201-0181	5201A	\$ -	\$23,000	\$23,000	Salary Adjustment (Increase)
6210-430-5201-0191	5201A	\$ -	\$9,000	\$9,000	Benefit Adjustment (Increase)


**COMMENTS/JUSTIFICATION**

This budget adjustment is being made to amend the Fiscal Year 2010-11 Operating Budget in the amount of \$32,000, in order to fund prorated salary and benefits for 3 months remaining in FY10-11 by decreasing Org. 4112-Engineering Design and returning funds to Capital Improvement Support Reserves, and decreasing Wastewater Fund Reserves and reappropriating funds to Org. 5201-Capital Improvement Services Administration for one (1) Limited-term Senior Civil Engineer position to provide project liaison on the Phase 2 Tertiary Treatment project.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPUTY DIRECTOR		
DEPARTMENT DIRECTOR (UP&P)		
DIRECTOR OF FINANCE		
CITY MANAGER		

TRANSFER NO. \_\_\_\_\_  
 BY: \_\_\_\_\_ DATE: \_\_\_\_\_



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-103**

**RESOLUTION APPROVING AN INCREASE IN THE SCOPE OF WORK OF THE PHASE 2 BNR/TERTIARY TREATMENT PROJECT UV DISINFECTION SYSTEM BY TRANSFERRING PROCUREMENT OF PROCESS-RELATED EQUIPMENT FROM THE FUTURE CONSTRUCTION CONTRACT TO THE EQUIPMENT SUPPLIER AGREEMENT WITH TROJAN TECHNOLOGIES IN THE AMOUNT OF \$124,710, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CHANGE ORDER**

WHEREAS, on January 26, 2010, by Resolution 2010-35, the City Council approved a Supplier Agreement with Trojan Technologies of London, Ontario, Canada, in the amount of \$1,701,331, to build and supply the UV disinfection equipment system for the Phase 2 project, and

WHEREAS, Trojan Technologies has submitted a change order, in the amount of \$124,710, which modifies the original scope of work by adjusting for modifications, additions and deletions to the UV disinfection equipment system, and

WHEREAS, the major portion of the scope of work increase is the addition of equipment that normally would have been supplied in the Phase 2 construction contractor agreement, and

WHEREAS, staff believes that this change order is necessary because of the highly complex installation requirements for this type of equipment and the need to meet the February 2016 effluent disinfection limits of the City's discharge permit, and

WHEREAS, staff is recommending this increase in the scope of work, which is equivalent to 7.3% of the original agreement amount,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase in the scope of work of the Phase 2 BNR/Tertiary Treatment Project UV disinfection system by transferring procurement of process-related

equipment from the future construction contract to the equipment supplier agreement with Trojan Technologies in the amount of \$124,710.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Flawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**AMENDED**  
on January 8, 2013  
By Resolution 2013-36

MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2011-104

**AMENDED**  
on Sept. 25, 2012  
By Resolution 2012-384

A RESOLUTION AMENDING OR ADOPTING USER FEES FOR  
DEVELOPMENT RELATED ACTIVITIES AND AMENDING RESOLUTION  
NOS. 1989-1003, 1989-1004, 1989-1005, 1989-1006, 1990-836, 1992-255, 1992-271,  
1993-263, 1993-587A, 1997-93, 2000-232, 2001-17, 2002-200 and 2003-446,  
RELATED TO CERTAIN DEVELOPMENT USER FEES

WHEREAS, California Government Code Section 66014 authorizes fees for zoning variances and changes, use permits, building inspections, building permits, and filing and processing applications, and

WHEREAS, the City Council of the City of Modesto has adopted various ordinances and resolutions authorizing the establishment of development user fees, and

WHEREAS, Sections 10-2.1704, 10-2.2506, 10-2.605, 10-2.2.703 and 10-2.2803 of the Modesto Municipal Code authorizes the Council to establish by resolution the filing fees for each planning application filed pursuant to Chapter 2 of Title X of said Code, and

WHEREAS, Sections 4-10.01 et seq. of the Modesto Municipal Code and the "Guide to CEQA Procedures for the City of Modesto" permit charges for environmental review, and

WHEREAS, Fish and Game Code Section 711.4 requires payment of "filing fees" to the State Department of Fish and Game for EIRs and for Negative Declarations, upon filing the Notice of Determination, and

WHEREAS, in accordance with existing legislation, the County Clerk-Recorder is empowered to collect an administrative fee for filing of all Notices of Determination, and

*Exhibit A, Attachment A, pages A-29 through A-33 only, Rescinded by Resolution 2018-296 on July 10, 2018*

WHEREAS, Section 5-6.08 of the Modesto Municipal Code authorizes the City Council to establish fees to cover all costs incurred by the City of Modesto for preparation of plans and specifications and inspections for construction of sewer laterals in the City in accordance with a schedule to be approved by Council from time to time by resolution, and

WHEREAS, Section 7-1.108 of the Modesto Municipal Code authorizes the City Council to establish fees for services performed by the City of Modesto pursuant to Chapter 1 of Title VII of the Modesto Municipal Code, including but not limited to issuance of encroachment permits, work relating to street, sidewalk, curb and gutter improvements, in accordance with a schedule to be approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.15 of the Modesto Municipal Code authorizes the City Council to establish fees for inspection for temporary closing of public ways in the City of Modesto in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.23 of the Modesto Municipal Code authorizes the City Council to establish fees for street cuts inspections performed by the City of Modesto in accordance with a schedule approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.29 of the Modesto Municipal Code authorizes the City Council to establish fees for trench restoration in accordance with a schedule approved by the City Council from time to time by resolution, and

WHEREAS, Section 4-4.803.1 of the Modesto Municipal Code authorizes the City Council to establish fees for street trees required in subdivisions, and

WHEREAS, Resolution 2000-232, adopted by the City Council on May 16, 2000, provides the method of assessing the street tree fee at the time of final subdivision map filing, to prevent overcharges from occurring, and

WHEREAS, Modesto Municipal Code Section 4-4.802(i) authorizes the City Council to establish street sign fees in accordance with a schedule approved by the Council from time to time by resolution, and

WHEREAS, Section 4-4.106 of the Modesto Municipal Code authorizes the City Council to establish, by resolution, filing fees for the processing of tentative and final subdivision and parcel maps and for other procedures required or authorized by Chapter 4 of Title IV of the Modesto Municipal Code, and

WHEREAS, Section 4-4.804(c) of the Modesto Municipal Code authorizes the City Council to establish, by resolution, the amount of cash deposit required to be furnished to the City of Modesto for each interior monument to be set after the filing of a final subdivision map, and

WHEREAS, Section 9-1.08 of the Modesto Municipal Code authorizes the City Council to establish building permit, plan checking and investigation fees in accordance with a schedule approved by the City Council from time to time by resolution, and

WHEREAS, Section 4-3.08 of the Modesto Municipal Code authorizes the Council to establish by resolution, investigation and permit fees relating to the moving of houses, and

WHEREAS, collectively, the above fees are referred to as “Development User Fees”, which are charged by the City of Modesto to pay for the cost of various development services provided by City staff, and

WHEREAS, these Development User Fees are set forth in City Council Resolution Nos. 89-1003, 89-1004, 89-1005, 89-1006, 90-836, 92-255, 92-271, 93-263, 93-587A, 97-93, 00-232, 01-17, 02-200 and 2003-446, and

WHEREAS, the above-referenced resolutions previously adopted Development User Fees for the City of Modesto, and

WHEREAS, a Development User Fee Study was conducted by MuniFinancial, A Wildan Company, in 2003 which also allowed for an update every five years, and

WHEREAS, the results of the 2003 Development User Fee Study were adopted by Resolution No. 2003-446, and

WHEREAS, a Development User Fee Update was conducted by Public Resource Management in 2008, and

WHEREAS, the results of the 2008 Development User Fee Update were considered by the Finance Committee on March 23, 2009, and

WHEREAS, on November 23, 2009 the Finance Committee approved the formation of the Comprehensive Fees Task Force for the purpose of coordinating all development related fee proposals and aligning all fee structures with the goals and policies of the General Plan and Strategic Plan, and

WHEREAS, the Comprehensive Fees Task Force recommends adoption of the **attached** fees and changes (**Exhibit A**), including, but not limited to, the following:

- Replace valuation-based building fees with cost-based fees

- Replace construction cost-based Land Development Engineering fees with time and materials
- Development of a fee schedule for recovery of costs associated with the Vacant Boarded Building Program, and

WHEREAS, a Notice of Public Hearing was published in the Modesto Bee on March 8, 2011, and

WHEREAS, the matter was set for public hearing on March 22, 2011, at 5:30 p.m., in the City Council Chambers, Basement Level, located at 1010 Tenth Street, at which date and time said hearing was opened and closed, and

WHEREAS, the Council has determined that it is necessary and appropriate to update the Development User Fees, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Resolutions 89-1003, 89-1004, 89-1005, 89-1006, 90-836, 92-255, 92-271, 93-263, 93-587A, 97-93, 00-232, 01-17, 02-200, and 03-446 are hereby amended as follows:

A. The fees set forth in the Development User Fees Summary Report, **attached as Exhibit A** and incorporated herein by reference, excluding Fire and Landscape Fees, are hereby adopted or revised as the case may be.

B. This resolution shall become effective on and after the date of its adoption, and that the fees shall become effective on July 1, 2011.

BE IT FURTHER RESOLVED that the Council finds that there exists a direct relationship between the fees charged and the cost of service delivery.

BE IT FURTHER RESOLVED that the Council finds that the California Environmental Quality Act (CEQA) does not apply to the adoption of this resolution pursuant to Sections 15378(b)(4).

BE IT FURTHER RESOLVED that the Council finds that Development User Fees, as herein defined, shall be due and payable at the time a building permit is issued, unless otherwise approved by Council resolution, as set forth in Modesto Municipal Code Section 8-1.904.

BE IT FURTHER RESOLVED that the Council finds that should any fee, provision, clause, paragraph or subparagraph be held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications thereof which can be given effect without the invalid fee, provision, clause, paragraph, or subparagraph, and to this end, the provisions are declared severable. By adopting this resolution, the City Council hereby declares that it would have adopted this resolution without that fee, provision, clause, paragraph or subparagraph.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

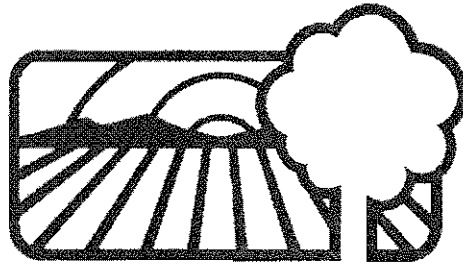
ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney





**2011  
DEVELOPMENT USER FEES  
SUMMARY REPORT**

**DRAFT**

**January 28, 2011**

**Prepared by:  
City of Modesto Comprehensive Fees Task Force**

## **BACKGROUND:**

Public Resource Management (PRM) Group was hired by the City in March, 2008 to conduct a comprehensive update of development user fees. At the City's direction, PRM examined services provided by all development service departments, including those not currently part of the fee recovery model. The final Development User Fee Cost Analysis Study (Attachment A) included new fees, eliminates others and modifies certain categories of fees.

Development user fees are those fees charged for services provided for the following:

- Building permits and inspections
- Planning applications
- Landscape plan check and inspections
- Fire Prevention plan check and inspections
- Land development engineering

The PRM Study was presented to the Finance Committee in March, 2009. The Committee directed staff to begin "stakeholder's workshops as it relates to all fees, including development user fees, and as part of that process, to also develop a timeline for when fees should be reviewed on a regular basis.

On November 23, 2009 the Finance Committee approved the formation of the multi-disciplinary Comprehensive Fee Task Force (CFTF) for the purpose of coordinating all development related fee proposals and aligning all fee structures with the goals and policies of the General Plan and Strategic Plan.

In July, staff presented an overview of development user fees to the CFTF along with the study and fee update conducted by Public Resources Management. Over the next several meetings, staff gave individual presentations on development user fee categories and made recommendations for improvement and adjustments to the Study's recommendations.

### **Building Permit/Inspection Fees**

Although the PRM study did recommend increases in building permit and plan review fees it did not address the need to replace the valuation based fee schedule with a "cost for services" based system. Most of the building permit/inspection industry is replacing the valuation system due to recent court cases and legislation that highlight the requirement of a nexus between the fees charged for building permits and inspections and the cost of delivering the services. In addition, the City's general fund has been subsidizing the operations of the Building Safety Division for over 5 years. In the last several years that subsidy has been as much as \$1,000,000.

In May, the Building Safety Division contracted with Matrix Consulting Group to develop a Cost of Services study (Attachment B) and explore the possibility of implementing a cost based fee schedule. On May 27, 2010, the Chief Building Official presented preliminary findings to the

CFTF indicating that although many smaller permit fee categories would increase, some larger permit fee categories would go down.

Working with Matrix Consulting Group, staff tried to find a balance between raising fees on smaller permits and achieving full cost recovery. The result was a hybrid fee basis – Table M-1 (Attachment D). This table shows increases on fees for the smaller permits such as water heaters, and HVAC repairs, but not to full cost recovery. Staff believes that raising these small permit fees to full cost recovery will have a negative affect on compliance and fee recovery.

On September 9, 2010 the Chief Building Official presented the final Matrix Study Report (Attachment C) to the CFTF with a recommendation to accept the Matrix study with exception of Table M-1 and staff to develop a fee schedule upon that study. The CFTF voted to accept the Matrix study but without the Table M-1 and recommended this to the Finance Committee.

#### Planning Fees

The PRM Study relied primarily on data from 2007-2008 including staffing and time estimates. As a result of staff changes, increased efficiencies and process streamlining and improvements, Planning staff reviewed each fee activity and made adjustments. Most fees were reduced, although a few that were not recovering costs did go up.

In addition, Planning staff reviewed fee categories and made adjustments and additions to reflect all possible application types including Development Agreement Amendment, Variance for Single Family Home, Development Plan Review without interdepartmental review, Time Extension-Administrative Approval. Additionally, the fee for concept review was removed as recommended by the CFTF to further encourage developers to submit plans early in the process. The revised fee schedule reviewed and recommended by the CFTF is attached (Attachment G).

Finally, several fee policies have evolved since the PRM study. Planning staff recommended the adoption of several new policies to address issues such as the concurrent processing of planning applications, refunds and establishment of fees when none exists. The draft fee policies are attached (Attachment H).

#### Land Development Engineering Fees

Land Development Engineering staff reviewed the engineering fees recommended by the PRM study and made recommendations to the CFTF for the elimination of two fees, addition of new fees for stormwater quality and on-site storm drainage review, and the conversion to “time and materials” for improvement plan checks and rough grading permits. Conversion to “time and materials” is necessary to achieve cost recovery and to set the stage for further outsourcing opportunities. A summary of these changes is attached (Attachment I). All other fees as proposed in the study are recommended for approval by staff and the CFTF.

### Summary of All Fees

In summary the CTF recommends the following changes to the PRM Development user Fee Study:

- Change the methodology for building permit fees from valuation based to a cost based method.
- Change the structure of on and off site improvement plan checks from flat fee to time and materials deposit
- Reduce some planning fees due to process improvements and increased efficiencies
- Increase some planning fees that do not recover full cost for service delivery
- Establish new fees where services are provided but no fee is collected
- Eliminate fees that are no longer necessary
- Adopt fee policies pertaining to the concurrent processing of planning applications, fee reductions for multiple applications, refunds and authority for fee determination in the absence of an established fee.
- Maintain current fees for Landscape and Fire Prevention plan check and inspection.

### NPU Vacant Building Monitoring Fee

In June of 2009, City Council adopted a Vacant and Boarded Building Ordinance (Title 9 Chapter 9 Article 6). This ordinance was adopted due to the foreclosure crisis in the Valley and intended to slow depreciation of property values and discourage crime in Modesto's neighborhoods. According to MMC 9-9.607 Vacant Building Monitoring Fee, NPU is requiring all vacant properties to be registered by the lending institution in order to monitor the condition of these properties. However, a fee was not proposed or adopted.

According to the attached internal study (Attachment E) the total cost for the year 2010 for this program was \$136,000. Most cities in California have a monitoring fee that is charged at the time of registration that will cover staff costs for monitoring and inspection of these properties. Staff is requesting Committee direction to develop a fee schedule for recovery of costs associated with the Vacant Boarded Building program, and return to the Finance Committee for review and recommendation of approval.

### RECOMMENDATIONS:

- 1) CTF recommends to accept the Matrix study and recommended Fee Schedule but without Table M-1.
- 2) CTF recommends the revised Planning Fee schedule
- 3) CTF recommends the new policies to address issues such as the concurrent processing planning applications, refunds and establishment of fees when none exists
- 4) CTF recommends the revised Land Development Engineering fees, along with all other fees as proposed in the study
- 5) CTF recommends development of a fee schedule for recovery of costs associated with the Vacant Boarded Building program

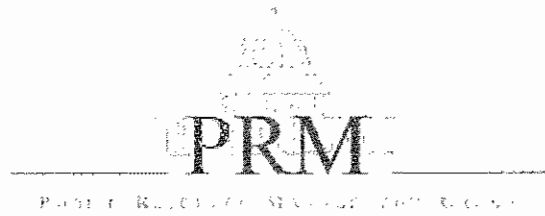
**FISCAL IMPACT:**

The recommended fee adjustments vary; there are increases as well as decreases. The cumulative impact should result in an increase in General Fund revenues contingent on the volume of development activity. Historically, development user fees have been highly subsidized by the General Fund ranging from \$250,000 to \$1,000,000. This effort seeks to move toward a more equitable cost-recovery based system where each development pays its fair share and the General Fund subsidy is reduced. User fees are the only development related fees that directly impact the General Fund.

Development user fees represent approximately seven percent of the total fee burden to a development. Therefore any incremental increase in user fees will be offset by fee reductions in Capital Facilities Fees and the wastewater connection fee which together currently comprise approximately 80% of the total fee burden to developments.

**Attachments:**

- A. PRM Study
- B. Matrix Final Report on Cost of Services Study for Building
- C. Matrix User Fee Study
- D. Cost Recovery Report Table M-1
- E. Vacant Boarded Building Program Costs
- F. Building Inspection/Plan Review Services Fee Schedule
- G. Planning Division Fee Schedule
- H. Planning Draft Fee Policies
- I. Land Development Engineering Fee Schedule



**DEVELOPMENT USER FEE  
COST ANALYSIS STUDY FINDINGS**

**CITY OF MODESTO**

**MARCH, 2009**



455 Capitol Mall, Suite 600, Sacramento, CA 95814  
Tele: 916-396-5650

Providing Professional Services to Government

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## I. EXECUTIVE SUMMARY

### INTRODUCTION

Public Resource Management Group (PRM) is pleased to present the City of Modesto with this summary of findings for the development user fee study.

The city last underwent a detailed cost of service study for all divisions in 2003. Since that time the city has made some minor adjustments to the original calculations, but has largely maintained the fee structure that was developed as a result of the previous study. The city is interested in more accurately understanding and reporting the true cost of providing various fee-related services, and exploring the possibilities of modifying current fees to better recover the fully burdened cost of providing services. In January 2008, the city contracted with PRM to perform this cost analysis using the proposed 2007/2008 fiscal year budget and staffing information.

This report is the culmination of the past ten months of work between PRM and city management and staff. PRM would like to take this opportunity to acknowledge all city management and staff who participated on this project for their efforts and coordination. Their responsiveness and continued interest in the outcome of this study contributed greatly to the success of this study.

### STUDY SCOPE AND OBJECTIVES

This study included a review of fee-for-service activities within the following divisions:

- Planning
- Building
- Engineering
- Fire Prevention
- Parks Planning and Development Services Landscape Section (PPD Landscape)

The study was performed under the general direction of the Community and Economic Development Department with the participation of the above-mentioned divisions. The primary goals of the study were to:

Define and understand what it costs the city to provide various fee-related services.

Determine whether there are any opportunities to implement new fees.

Identify service areas where the city might adjust fees based on the full cost of services and other economic or policy considerations.

Provide a comparison of what other jurisdictions are charging for specific similar services.



The information summarized in this report addresses each of these issues and provides the City of Modesto with the tools necessary to make informed decisions about possible fee adjustments and the resulting impact on general fund revenues.

## METHODOLOGY

A cost of service study analyzes two components of costs: the direct costs associated with providing each fee-for-service activity, and the indirect costs that support these activities. A brief discussion of each of these components follows.

Direct Costs. The direct costs associated with fee-for-service activities were analyzed in great detail in this study. PRM worked closely with staff and management within each of the four divisions to develop the analysis that is summarized in the following sections of this report. Fiscal year 2007/2008 proposed budget estimates were used to identify direct costs.

The first step in the process was to identify staff time spent directly on each of the user fee activities. Each staff person that participates in the user fee services identified time spent to complete each task associated with all user fee services. Annual volume statistics were also gathered in order to develop total annual workload information. Salary and benefit dollars were assigned to the time estimates to come up with the direct staff costs.

Indirect Costs. A proportionate share of other operating expenses and internal division administrative costs were layered onto the direct costs as a divisional overhead. Citywide overhead costs coming from the cost allocation plan (described below) were also added in as indirect overhead. Finally, crossover direct costs were added in as necessary (e.g. some Engineering staff costs were added to Planning staff costs to assist with various applications.). These four components of costs: 1) direct salary and benefits, 2) divisional overhead, 3) citywide overhead, and 4) crossover direct costs total up to the full cost of providing each service. The cost of each activity is then compared to the fee currently charged, and an under- or over-recovery of costs is identified.

## STUDY FINDINGS

While the purpose of this study is to identify the cost of fee-related activities, one of the outcomes of the analysis is a complete picture of the full cost of all services provided. It's necessary to identify *all* costs, whether fee-related or not, so that there is a fair distribution of all citywide and divisional overhead costs (discussed in the following section of this report) across all activities, ensuring a clear relationship between the cost of the service and the fee that is charged. No service should be burdened with costs that cannot be directly or indirectly associated with that service.

Therefore the first task in this study is to separate the fee-for-service activities from the non-fee activities. Some non-fee related activities are appropriately funded by general fund monies (or other special revenue sources), such as Capital Improvement Project work performed by the Engineering division. The costs of these other services are identified and set aside from the user fee services.

Exhibit I below displays the split of the total costs of each division or program into either user fee-related or other service costs. It may be seen that of the \$10 million in total costs analyzed, \$5.8 million (or 58%) of that total is related to user fee services. It is this \$5.8 million that is the focus of this study and this represents the total potential of user fee-related revenues for the City of Modesto.

Exhibit I

**City of Modesto  
Total Costs by User Fee Area  
2008/2009**

<i>Division / Section</i>	<i>Total Costs</i>	<i>Costs, User Fee Services</i>		<i>Costs, Non-Fee Services<sup>1</sup></i>	
Planning	\$2,915,304	\$1,123,472	39%	\$1,791,832	61%
Building	\$3,545,392	\$3,545,392	100%	\$0	0%
Engineering <sup>2</sup>	\$2,122,993	\$931,807	44%	\$1,191,186	56%
Fire Prevention	\$787,938	\$118,577	15%	\$669,361	85%
PPD Landscaping	\$586,897	\$51,488	9%	\$535,409	91%
<b>Grand Total:</b>	<b>\$9,958,524</b>	<b>\$5,770,736</b>	<b>58%</b>	<b>\$4,187,788</b>	<b>42%</b>

<sup>1</sup> Non-fee services are calculated by identifying staff hours and budgeted expenses not directly or indirectly related to a fee-for-service activity.

<sup>2</sup> Includes all of Land Development Engineering and a portion of Public Works Engineering

The next step in the process is to identify the source of funds for the user fee services. Exhibit II below breaks down the \$5.8 million in user fee services between costs that are recovered through current user fee charges and costs that are subsidized by the general fund. Overall, the city is experiencing a 50% cost recovery level for its fee-related services. For each division, cost recovery levels range from 41% for Fire Prevention to 104% for PPD Landscape. For PPD Landscape this indicates that overall fee revenue must be reduced. At the individual program or service level, individual fee recoveries range from 0% to a slight over-recovery of costs for selected fees. The information about individual fees may be found in subsequent sections of this report.

**City of Modesto  
Source of Funds  
- User Fee Activities -  
2008/2009**

<i>Division / Section</i>	<i>Costs, User Fee Services</i>	<i>Current Fees</i>		<i>Not Funded by User Fees</i>	
Planning	\$1,123,472	\$584,614	52%	\$538,858	48%
Building	\$3,545,392	\$1,814,017	51%	\$1,731,375	49%
Engineering <sup>2</sup>	\$931,807	\$402,423	43%	\$529,384	57%
Fire Prevention	\$118,577	\$48,684	41%	\$69,893	59%
PPD Landscaping	\$51,488	\$53,413	104%	(\$1,925)	-4%
<b>Grand Total:</b>	<b>\$5,770,736</b>	<b>\$2,903,151</b>	<b>50%</b>	<b>\$2,867,585</b>	<b>50%</b>

<sup>2</sup> Includes all of Land Development Engineering and a portion of Public Works Engineering

Exhibit II indicates that the general fund is subsidizing fee activities by \$2.9 million. This \$2.9 million represents a “window of opportunity” for the city to reduce costs and/or increase fees and general fund revenues, with a corresponding decrease in the subsidization of services. While it is not likely (nor would PRM recommend) that the city completely recover all costs for fees, it is possible for the city to implement moderate increases to current fees and implement new fees for some services. The study’s primary objective is to provide the city’s decision-makers with basic data needed for setting fees.

**City of Modesto  
User Fee Revenue Analysis  
2008/09**

<i>Division / Section</i>	<i>Costs, User Fee Services</i>	<i>Not Funded By User Fees</i>	<i>Revenues @</i>		
			<i>Current Fees</i>	<i>Cost Recovery Policy</i>	<i>Increased (Decreased) Revenue</i>
Planning	\$1,123,472	\$538,858	\$584,614	\$1,089,930 97%	\$505,316
Building	\$3,545,392	\$1,731,375	\$1,814,017	\$2,340,082 66%	\$526,065
Engineering <sup>2</sup>	\$931,807	\$529,384	\$402,423	\$924,979 99%	\$522,556
Fire Prevention	\$118,577	\$69,893	\$48,684	\$119,669 101%	\$70,985
PPD Landscaping	\$51,488	(\$1,925)	\$53,413	\$51,605 100%	(\$1,808)
<b>Grand Total:</b>	<b>\$5,770,736</b>	<b>\$2,867,585</b>	<b>\$2,903,151</b>	<b>\$4,526,265 78%</b>	<b>\$1,623,114</b>

<sup>2</sup> Includes all of Land Development Engineering and a portion of Public Works Engineering

Exhibit III above summarizes the report's financial analysis of the city's user fee program. Note that the Building cost recovery policy is to increase fees from 1999 valuations to 2008 valuations. This policy will increase fees to a 66% cost recovery level.

**Cost Allocation Plan.** Many of the costs that support *all* city programs and services are budgeted in centralized activities such as 1) City Finance, which provides payroll, budgeting, and accounting support, 2) Building Maintenance, which provides building maintenance and custodial services, and 3) Human Resources, which provides human resource services. The costs of these activities and other centralized services are considered indirect overhead that support fee-for-service activities as well as other programs and functions within the city.

As part of this study, PRM developed an indirect cost allocation plan that identifies and distributes these indirect costs to all operating programs and functions within the city's organizational structure. The cost allocation plan takes a detailed approach to analyzing indirect costs. PRM interviewed staff and analyzed data within each central service activity to determine:

What indirect support functions are provided (e.g. payroll, legal services, civic center maintenance, etc),

How to allocate centrally budgeted personnel and other operating expenses into these functions,

Which divisions receive benefit from these services (e.g. payroll services benefit all divisions that have budgeted staff, benefits all divisions), and

What is the best method of allocating these costs to the users (e.g. payroll services are allocated based on the number of full time employee equivalents (FTE's) per division).

The end result of this analysis is the allocation of all indirect costs to all operating divisions and programs. The indirect costs are then added to the direct costs to determine the full cost of *all* city operations – whether fee-related or not. **This accounting exercise is important in that it can result in an increase in general fund revenues for reimbursement of support to enterprise and internal service funds, state or federally funded programs, and user fee services.**

## ECONOMIC & POLICY CONSIDERATIONS

Calculating the true cost of providing city services is a critical step in the process of establishing user fees and corresponding cost recovery levels. But although it is the most important factor, others must also be given consideration. City decision-makers must also consider the effects that establishing fees for services will have on the individuals purchasing those services as well as the community as a whole. The following economic and policy issues help illustrate these considerations.

- It may be a desired policy to establish fees at a level that permits lower income groups to participate in services that they might not otherwise be able to afford.

- A consideration of community-wide benefit versus specific benefit should be considered for certain services.
- In conjunction with the second point above, the issue of who is the service *recipient* versus the service *driver* should also be considered. For example, code enforcement activities benefit the community as a whole, but the service is driven by the individual or business owner that violates city code.
- Elasticity of demand is a factor in pricing certain city services: increasing the price of some services results in a reduction of demand for those services, and vice versa.
- Pricing services can encourage or discourage certain behaviors. Some examples of this would be to establish a low fee for a water heater permit to encourage homeowners to ensure their water heater is properly installed.
- Full cost vs direct cost recovery - There are two distinct philosophies regarding the degree of cost recovery for service delivery. Some public officials argue that user fees should be based on the amount of service directly rendered for a specific service. They state that the cost of maintaining staffing and facilities to render those services upon demand should be recovered from an agency's general fund.
- The counter argument is that maintaining an "administrative infrastructure" to provide services is as much a part of the government infrastructure for which new development may be charged, as are new streets, utilities, and other related infrastructure. In other words, fee-related services could not occur without a staffed and supplied organization that is capable of meeting the demands for services placed upon it by a particular individual or development activity. This infrastructure is required to sustain the permitting, application, inspecting and other services of the City. These costs are required for the provision of services and can be recoverable from applicants in the form of service fees.
- Building Division subsidy policy – Even after proposed fee increases the Building Division will be subsidized by approximately \$1,205,310. City management should establish a policy determining how much General Fund subsidy to provide to the Division. There is a fixed cost in making plan check and inspection services available to the public, even when construction activity is very low. To help with this decision, the Building analysis on page 17 presents Building Division processing costs at three levels: 1) Division only, 2) Division plus Community and Economic Development Department administration, and 3) Full Cost, including City indirect departments (City Manager, Finance, etc.).
- It is estimated that adoption of the recommended cost recovery policy could increase the specified fee revenue by \$1,623,114 in a typical year (a 57% increase over the current revenue total). This would bring the overall cost recovery level up to 78%.

## II. PLANNING

The Planning Division provides services related to land use within the city limits. These services include: processing of all zoning and land use applications, preparation of special studies associated with long-range land use objectives, working with the development community to facilitate the review of new projects along with supporting the City Council, Planning Commission and Board of Zoning Adjustment. The total cost of all planning services, including non-fee services, is \$2,915,304. The total cost of fee related activity is \$1,123,472.

The following is a review of findings and highlights:

- Fee-for-service costs (excluding all non-fee services) total \$1,123,472 and are offset by current revenues of \$584,614. This translates into an overall user fee cost recovery rate of 52%. PRM has performed many user fee analyses for planning fees and finds this to be on the low to mid range of cost recovery levels. If all recommended fee adjustments are adopted, \$412,268 additional revenue will be realized.
- Cost recovery levels for individual fees range from 8% to 219%. Fees which exceed 100% cost recovery must be reduced.
- The Division's General Plan maintenance surcharge was evaluated and found to be insufficient to fund future updates. Government Code Section 65040.5(b) permits the imposition of a fee on building permits to recover General Plan updates. The surcharge is currently \$.26 per \$1,000 of building valuation permitted. The City estimates that a general plan update would cost approximately \$1,610,948. The fee recommended by the PRM Group amortizes the cost over a 10-year useful life resulting in a fee of \$.61 per \$1,000 of building permit valuation. The expected annual revenue for the General Plan Update fee is approximately \$161,095. Calculations are provided below:

City of Modesto General Plan Maintenance Fee Calculations			
<b>Cost of Long Range Plans</b>		<b>Average Annual New Building Construction Valuation:</b> (Based on latest five years of construction valuation data)	
General Plan Advisor	\$125,000		
MEIR, incl air quality, noise and air quality analysis	700,000		
Transportation/Circulation	250,000	2004 actual	290,409,588
Engineering Analysis/Services	150,000	2005 actual	356,153,358
Economic Development Analysis	75,000	2006 actual	298,025,900
Housing Element Update	90,000	2007 actual	229,547,267
Contingency	139,000	2008 actual	157,005,451
City Staff Costs	61,948	8 year average:	<u>\$294,223,913</u>
<b>Total</b>	<u>\$1,610,948</u>		
<b>Annual Long Range Plan Maintenance Cost:</b> <i>Estimated 10 year useful life</i>	<u>\$161,095</u>	<b>Fee per \$1,000 of New Building Construction Valuation:</b> (\$161,095/\$284,223.913) x \$1,000:	<u>\$0.910</u>
<b>Sample General Plan Maintenance Fee Calculations:</b>			
<b>Proj. Type</b>	<b>Valuation</b>	<b>Fee</b>	
Restaurant	\$600,000	\$366	
House	\$350,000	\$213	

- The cost of services such as public counter assistance, meeting and training time are included as overhead to all service areas.
- The Public Works Department, Streets and Traffic Services Division reviews many Planning applications. Streets and Traffic Services review comprised \$333,780 of total Planning fee related costs.
- Some agencies choose to phase in fee increases over a fixed period of years with the eventual objective of 100% cost recovery.
- It should be noted that even with implementation of our fee recommendations the cost recovery rate for current planning as a whole will likely be less than 100% cost recovery due to non-fee related activities. The division devotes significant time to three non-fee activities: pre-application time with developers, activities directed by Council and assisting the public with general zoning and development information.

The summary charts on the following pages show the results of this division's cost analysis. Page 9 provides information on a "Per Unit" basis. Page 12 provides total annual information by multiplying the per-unit fees and costs by the volume of activity in order to project out total annual costs and revenues

## USER FEE STUDY SUMMARY SHEET

City of Modesto

Planning

FY 2008/09

- PER UNIT INFORMATION -

Service Name	Service Type	Annual Volume	Current Fee	Cost Figures								Recommendations			
				Planning	Transportation	Building	Engineering	CED Permits	PPD	Full Cost	Current City Subsidy	Current Cost Recovery %	Cost Recovery Policy Level (%)	Fee @ Policy Level	City Subsidy @ Policy Level
1 P-D Zoning (Planned Development)	Fee	9	\$6,935.00	\$5,878	\$5,815	\$254	\$189	\$121	\$234	\$12,491.04	\$5,556.04	55.52%	100.00%	\$12,490.00	\$1.04
2 Amend P-D Zone Pursuant to Sec. 10-2.1709 (b)	Fee	5	\$6,935.00	\$5,878	\$1,496	\$254	\$189	\$121	\$234	\$8,171.09	\$1,236.09	84.87%	100.00%	\$8,170.00	\$1.09
3 Amend P-D Zone Pursuant to Sec. 10-2.1709 (a)	Fee	4	\$5,946.00	\$4,725	\$1,496	\$254	\$189	\$121	\$234	\$7,018.36	\$1,072.36	84.72%	100.00%	\$7,020.00	-\$1.64
4 Rezoning and Prezoning	Fee	1	\$2,716.00	\$5,878	\$356	\$254	\$189	\$121	\$0	\$6,799.08	\$4,082.08	39.95%	100.00%	\$6,800.00	-\$1.92
5 Precise Plan	Fee	1	\$6,842.00	\$5,878	\$1,285	\$254	\$336	\$202	\$234	\$8,188.23	\$1,346.23	83.56%	100.00%	\$8,190.00	-\$1.77
6 Precise Plan Amendment	Fee	1	\$6,842.00	\$5,878	\$237	\$254	\$336	\$81	\$234	\$7,020.01	\$178.01	97.46%	100.00%	\$7,020.00	\$0.01
7 Development Agreement	deposit	1	\$5,000.00	\$5,878	\$1,677	\$254	\$161	\$121	\$481	\$8,572.07	\$3,572.07	58.33%	100.00%	\$8,570.00	\$2.07
8 CUP with Development	Proposed	1	\$0.00	\$4,725	\$1,258	\$254	\$108	\$40	\$0	\$6,386.01	\$6,386.01	0.00%	100.00%	\$6,390.00	-\$3.99
9 CUP w/o Development	Fee	6	\$5,853.00	\$2,494	\$1,258	\$254	\$108	\$121	\$0	\$4,235.43	-\$1,617.57	138.16%	100.00%	\$4,240.00	-\$4.57
10 Variance Single Fam. Home	Fee	1	\$339.00	\$3,277	\$237	\$254	\$0	\$40	\$0	\$3,806.88	\$3,478.88	8.66%	100.00%	\$3,810.00	-\$1.12
11 Variance All Others	Fee	1	\$4,804.00	\$3,277	\$389	\$254	\$0	\$40	\$0	\$3,964.23	-\$839.77	121.18%	100.00%	\$3,960.00	\$4.23
12 Plot Plan Review - Administrative	Fee	26	\$290.00	\$997	\$1,614	\$254	\$0	\$0	\$0	\$2,865.14	\$2,575.14	10.12%	100.00%	\$2,870.00	-\$4.86
13 Plot Plan Review- PC/BZA	Fee	8	\$5,013.00	\$4,725	\$2,936	\$254	\$0	\$81	\$0	\$7,995.35	\$2,982.35	62.70%	100.00%	\$8,000.00	-\$4.65
14 Final Development Plan	Fee	2	\$5,853.00	\$4,725	\$2,445	\$254	\$0	\$81	\$234	\$7,738.71	\$1,885.71	75.63%	100.00%	\$7,740.00	-\$1.29
15 Administrative Approval of Revised Plans	Fee	36	\$423.00	\$544	\$0	\$0	\$0	\$0	\$0	\$543.66	\$120.66	77.81%	100.00%	\$540.00	\$3.66
16 Tentative Subdivision Map	Fee	10	\$5,099.00	\$4,725	\$4,866	\$254	\$189	\$40	\$269	\$10,342.84	\$4,243.84	58.87%	100.00%	\$10,340.00	\$2.84
17 Tentative Parcel Map	Fee	12	\$4,965.00	\$3,030	\$2,920	\$254	\$189	\$40	\$234	\$6,667.24	\$1,672.24	74.92%	100.00%	\$6,670.00	-\$2.76
18 Parcel Map Waiver	Fee	1	\$4,483.00	\$3,030	\$0	\$0	\$0	\$0	\$0	\$3,030.31	-\$1,452.69	147.94%	100.00%	\$3,030.00	\$0.31
19 Lot-Line Adjustment	Fee	11	\$298.00	\$539	\$0	\$0	\$0	\$0	\$0	\$538.67	\$240.67	55.32%	100.00%	\$540.00	-\$1.33
20 Certificate of Compliance	Fee	1	\$1,434.00	\$654	\$0	\$0	\$0	\$0	\$0	\$653.74	-\$780.26	219.35%	100.00%	\$650.00	\$3.74
21 Time Extension- PC/BZA	Fee	8	\$4,631.00	\$2,236	\$119	\$254	\$0	\$81	\$0	\$2,688.74	-\$1,942.26	172.24%	100.00%	\$2,690.00	-\$1.26
22 Abandonment of Right of Way	Fee	1	\$8,170.00	\$6,429	\$1,496	\$254	\$645	\$0	\$0	\$8,823.26	\$653.26	92.60%	100.00%	\$8,820.00	\$3.26
23 Abandonment of Walkway	Fee	1	\$5,143.00	\$5,027	\$237	\$0	\$645	\$0	\$0	\$5,909.79	\$766.79	87.03%	100.00%	\$5,910.00	-\$0.21
24 Zoning Verification Letter	Fee	51	\$37.00	\$61	\$0	\$0	\$0	\$0	\$0	\$60.80	\$23.80	60.85%	100.00%	\$61.00	-\$0.20



## USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Modesto  
 Planning  
 FY 2008/09

Service Name	Service Type	Annual Volume	Current Fee	Cost Figures							Full Cost	Current City Subsidy	Current Cost Recovery %	Recommendations		
				Planning	Transportation	Building	Engineering	CED Permits	PPD	Cost Recovery Policy Level (%)				Fee @ Policy Level	City Subsidy @ Policy Level	
25 Concept Review	Fee	3	\$1,051.00	\$1,569	\$2,390	\$254	\$135	\$161	\$397	\$4,906.13	\$3,855.13	21.42%	20.36%	\$1,000.00	\$3,906.13	
26 General Plan Amendment	deposit	1	\$6,000.00	\$5,878	\$3,885	\$254	\$0	\$40	\$235	\$10,292.29	\$5,292.29	48.58%	100.00%	\$10,290.00	\$2.29	
27 Specific Plan Review	deposit	1	\$10,000.00	\$5,878	\$8,782	\$254	\$336	\$202	\$281	\$15,732.39	\$5,732.39	63.56%	100.00%	Deposit + T&M		
28 Specific Plan Amendment	Fee	1	\$7,453.00	\$5,878	\$2,445	\$254	\$336	\$121	\$281	\$9,315.14	\$1,862.14	80.01%	100.00%	\$9,320.00	-\$4.86	
29 Annexation	Fee	1	\$11,144.00	\$6,790	\$1,258	\$254	\$363	\$40	\$0	\$8,704.89	-\$2,439.11	128.02%	100.00%	\$8,700.00	\$4.89	
30 CEQA Notice of Exemption	Fee	1	\$0.00	\$82	\$0	\$0	\$0	\$0	\$0	\$81.93	\$81.93	0.00%	100.00%	\$82.00	-\$0.07	
31 Initial Study (incl chk list, Bee ad. & Not. Of Deter.)	Fee	1	\$491.00	\$367	\$0	\$0	\$0	\$0	\$0	\$366.81	-\$124.39	133.93%	100.00%	\$370.00	-\$3.39	
32 Initial Study County Clerk-Admin Fee	Fee	1	\$57.00							\$57.00	\$0.00	100.00%	100.00%	\$57.00	\$0.00	
33 E.I.R.	cost + %	1	30.00%	\$39,417	\$6,882	\$254	\$0	\$0	\$0	\$46,553.29	\$46,552.99	0.00%	100.00%	Deposit + T&M		
34 E.I.R. Fish and Game Filing Fee	Fee	1	\$2,500.00							\$2,500.00	\$0.00	100.00%	100.00%	\$2,500.00	\$0.00	
35 E.I.R. County Clerk Admin Fee	Fee	1	\$57.00							\$57.00	\$0.00	100.00%	100.00%	\$57.00	\$0.00	
36 General Plan Update Fee	Surcharge	1	\$0.26/\$1000			\$0.61/\$1000				\$0.61/\$1000	\$0.35/\$1000	43.00%	100.00%	\$0.61/\$1000	\$0.00	
37 Appeals to C/C (of Pln Com. Or BZA decisions)	Fee	1	\$200.00	\$1,252	\$274	\$254	\$0	\$0	\$0	\$1,780.34	\$1,580.34	11.23%	11.23%	\$200.00	\$1,580.34	
38 Appeals to BZA (of admin. Decisions)	Fee	3	\$200.00	\$1,414	\$0	\$254	\$0	\$0	\$0	\$1,667.39	\$1,467.39	11.99%	11.99%	\$200.00	\$1,467.39	
39 Photocopies of Any Official City Document (1st time)	clerk policy	1	\$0.35	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Clerk Policy	n/a
40 Each additional document	clerk policy	1	\$0.15	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Clerk Policy	n/a
41 Maps, Zoning or Base	clerk policy	12	\$9.00	\$21	\$0	\$0	\$0	\$0	\$0	\$21.21	\$12.21	42.43%	100.00%	\$21.00	\$0.21	
42 Admin Precise Plan Amendment	Proposed	1	\$0.00	\$4,979	\$0	\$0	\$0	\$0	\$0	\$4,979.16	\$4,979.16	0.00%	100.00%	\$4,980.00	-\$0.84	
43 Development Plan Rvw with Interdept Referral	Proposed	8	\$0.00	\$2,281	\$5,871	\$254	\$282	\$0	\$0	\$8,688.01	\$8,688.01	0.00%	100.00%	\$8,690.00	-\$1.99	
44 Administrative Final Development Plan	Proposed	1	\$0.00	\$997	\$1,970	\$254	\$0	\$0	\$0	\$3,221.28	\$3,221.28	0.00%	100.00%	\$3,220.00	\$1.28	
45 Area Plan	Proposed	1	\$0.00	\$4,725	\$1,436	\$254	\$0	\$0	\$0	\$6,474.89	\$6,474.89	0.00%	100.00%	\$6,470.00	\$4.89	
46 Exception	Proposed	1	\$0.00	\$3,277	\$0	\$254	\$0	\$0	\$0	\$3,531.11	\$3,531.11	0.00%	100.00%	\$3,530.00	\$1.11	
47 Joint use parking agreement/Parking Determination	Proposed	1	\$0.00	\$2,494	\$0	\$0	\$0	\$0	\$0	\$2,494.07	\$2,494.07	0.00%	100.00%	\$2,490.00	\$4.07	
48 Plot Plan Review for Large Family Daycare	Proposed	3	\$0.00	\$1,999	\$475	\$254	\$0	\$0	\$0	\$2,727.86	\$2,727.86	0.00%	50.00%	\$1,360.00	\$1,367.86	

## USER FEE STUDY SUMMARY SHEET

City of Modesto  
 Planning  
 FY 2008/09

- PER UNIT INFORMATION -

Service Name	Service Type	Annual Volume	Current Fee	Cost Figures							Recommendations					
				Planning	Transportation	Building	Engineering	CED Permits	PPD	Full Cost	Current City Subsidy	Current Cost Recovery %	Cost Recovery Policy Level (%)	Fee @ Policy Level	City Subsidy @ Policy Level	
49 Referral of administratively approved plans to the F	Proposed	3	\$0.00	\$868	\$0	\$0	\$0	\$0	\$0	\$0	\$868.20	\$868.20	0.00%	100.00%	\$870.00	-\$1.80
50 Williamson Act cancellation	Proposed	1	\$0.00	\$2,570	\$0	\$0	\$0	\$0	\$0	\$0	\$2,569.77	\$2,569.77	0.00%	100.00%	\$2,570.00	-\$0.23
51 Planning Review of Building Plans	Proposed	100	\$0.00	\$199	\$0	\$0	\$0	\$0	\$0	\$0	\$199.42	\$199.42	0.00%	100.00%	\$200.00	-\$0.58
52 CUP for signs and cell towers	Proposed	10	\$0.00	\$2,456	\$1,340	\$254	\$54	\$0	\$0	\$0	\$4,104.43	\$4,104.43	0.00%	100.00%	\$4,100.00	\$4.43
53 A-frame sign review	Proposed	1	\$0.00	\$207	\$0	\$0	\$0	\$0	\$0	\$0	\$207.16	\$207.16	0.00%	50.00%	\$100.00	\$107.16
54 Research Fee	hourly	10	\$0.00	\$61	\$0	\$0	\$0	\$0	\$0	\$0	\$60.80	\$60.80	0.00%	n/a	hourly	n/a
55 Administrative Specific Plan Amendment	Proposed	1	\$0.00	\$559	\$237	\$254	\$0	\$0	\$0	\$0	\$1,050.13	\$1,050.13	0.00%	100.00%	\$1,050.00	\$0.13
56 Development Agreement Amendment	Proposed	1	\$0.00	\$5,878	\$810	\$254	\$0	\$0	\$0	\$0	\$6,941.66	\$6,941.66	0.00%	100.00%	\$6,940.00	\$1.66
57 Reversion to Acreage	Fee	1	\$4,483.00	\$3,030	\$0	\$254	\$0	\$0	\$0	\$0	\$3,284.14	-\$1,198.86	136.50%	100.00%	\$3,280.00	\$4.14
58 Development Plan Rvw w/o Interdept Referral	Proposed	1	\$0.00	\$559	\$0	\$0	\$0	\$0	\$0	\$0	\$558.86	\$558.86	0.00%	100.00%	\$560.00	-\$1.14
59 Administrative Time Extension	Proposed	1	\$0.00	\$559	\$0	\$0	\$0	\$0	\$0	\$0	\$558.86	\$558.86	0.00%	100.00%	\$560.00	-\$1.14
60 CUP - Single Family Home	Fee	1	\$330.00	\$2,494	\$1,258	\$254	\$108	\$121	\$0	\$0	\$4,235.43	\$3,905.43	7.79%	8.00%	\$340.00	
61 Plot Plan Review - 2nd Story	Fee	1	\$290.00	\$997							\$997.05	\$707.05	29.09%	34.10%	\$340.00	\$657.05
<b>Fees Collected for Other Departments</b>																
62 Solid Waste Permits	Proposed	117	\$0.00	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$56.23	\$56.23	0.00%	100.00%	\$56.00	\$0.23

- e Concept Review is defined as a full interdepartmental pre-application review.
- f Note: For Solid Waste Permits, this revenue accrues to the solid waste fund. This category includes both Building and Planning permits.
- g Concurrent processing: when two or more related entitlement applications are submitted simultaneously for the same property and will be heard by the same decision-making body, the total fee shall be the highest fee plus 50% of the lesser entitlements.
- h Applications terminated prior to public hearing: 50% refund of application. For time and materials applications the applicant shall receive a refund of the balance of funds in the project account.
- i When any portion of a development is required to be charged on a time and materials basis, the whole development will be charged on a time and materials basis.
- j The CED Director is authorized to waive fees for special circumstances.
- k Initial deposit amounts shall be set as follows: EIR \$20,000. Other entitlements \$15,000. Maximum deposit per development is \$45,000.
- l Deposit minimum balance: when a deposit balance falls below \$10,000, a supplementary deposit will be required.

## USER FEE STUDY SUMMARY SHEET

City of Modesto  
 Planning  
 FY 2008/09

- TOTAL PROGRAM INFORMATION -

Service Name	Service Type	Revenue @ Current Fee	Cost Figures							Rev @ Full Cost Recovery	Current City Subsidy	Current Cost Recovery %	Recommendations		
			Planning	Transportation	Building	Engineering	CED Permits	PPD	Cost Recovery Policy Level (%)				Revenue @ Policy Level	Increased Revenue	
1 P-D Zoning (Planned Development)	Fee	\$62,415	\$52,902	\$52,339	\$2,285	\$1,701	\$1,089	\$2,103	\$112,418	\$50,004	55.52%	100.00%	\$112,410	\$49,955	
2 Amend P-D Zone Pursuant to Sec. 10-2.1709 (b)	Fee	\$34,675	\$29,390	\$7,478	\$1,269	\$945	\$605	\$1,168	\$40,855	\$6,180	84.87%	100.00%	\$40,850	\$6,175	
3 Amend P-D Zone Pursuant to Sec. 10-2.1709 (a)	Fee	\$23,784	\$18,901	\$5,982	\$1,015	\$756	\$484	\$935	\$28,073	\$4,289	84.72%	100.00%	\$28,080	\$4,296	
4 Rezoning and Prezoning	Fee	\$2,716	\$5,878	\$356	\$254	\$189	\$121	\$0	\$6,798	\$4,082	39.95%	100.00%	\$6,800	\$4,084	
5 Precise Plan	Fee	\$6,842	\$5,878	\$1,285	\$254	\$336	\$202	\$234	\$8,188	\$1,349	83.56%	100.00%	\$6,190	\$1,348	
6 Precise Plan Amendment	Fee	\$6,842	\$5,878	\$237	\$254	\$336	\$81	\$234	\$7,020	\$178	97.46%	100.00%	\$7,020	\$178	
7 Development Agreement	deposit	\$5,000	\$5,878	\$1,677	\$254	\$181	\$121	\$481	\$8,572	\$3,572	58.33%	100.00%	\$8,570	\$3,570	
8 CUP with Development	Proposed	\$0	\$4,725	\$1,258	\$254	\$108	\$40	\$0	\$8,388	\$6,388	0.00%	100.00%	\$6,390	\$6,390	
9 CUP w/o Development	Fee	\$35,118	\$14,964	\$7,649	\$1,523	\$650	\$726	\$0	\$25,413	-\$9,708	138.19%	100.00%	\$25,440	-\$9,678	
10 Variance Single Fam. Home	Fee	\$330	\$3,277	\$237	\$254	\$0	\$40	\$0	\$3,808	\$3,478	8.66%	100.00%	\$3,810	\$3,480	
11 Variance All Others	Fee	\$4,804	\$3,277	\$393	\$254	\$0	\$40	\$0	\$3,964	-\$840	121.18%	100.00%	\$3,960	-\$844	
12 Plot Plan Review - Administrative	Fee	\$7,540	\$25,923	\$41,970	\$6,600	\$0	\$0	\$0	\$74,494	\$66,954	10.12%	100.00%	\$74,620	\$67,080	
13 Plot Plan Review- PC/BZA	Fee	\$40,104	\$37,803	\$23,484	\$2,031	\$0	\$645	\$0	\$63,963	\$23,859	62.70%	100.00%	\$64,000	\$23,896	
14 Final Development Plan	Fee	\$11,706	\$9,451	\$4,890	\$508	\$0	\$161	\$467	\$15,477	\$3,771	75.63%	100.00%	\$15,480	\$3,774	
15 Administrative Approval of Revised Plans	Fee	\$15,228	\$18,572	\$0	\$0	\$0	\$0	\$0	\$19,572	\$4,344	77.81%	100.00%	\$19,440	\$4,212	
16 Tentative Subdivision Map	Fee	\$60,990	\$47,253	\$48,658	\$2,838	\$1,890	\$403	\$2,685	\$103,428	\$42,438	58.97%	100.00%	\$103,400	\$42,410	
17 Tentative Parcel Map	Fee	\$59,940	\$36,364	\$35,041	\$3,040	\$2,268	\$484	\$2,804	\$80,007	\$20,067	74.92%	100.00%	\$80,040	\$20,100	
18 Parcel Map Waiver	Fee	\$4,483	\$3,030	\$0	\$0	\$0	\$0	\$0	\$3,030	-\$1,453	147.94%	100.00%	\$3,030	-\$1,453	
19 Lot-Line Adjustment	Fee	\$3,278	\$5,925	\$0	\$0	\$0	\$0	\$0	\$5,925	\$2,647	55.32%	100.00%	\$5,940	\$2,662	
20 Certificate of Compliance	Fee	\$1,434	\$654	\$0	\$0	\$0	\$0	\$0	\$654	-\$780	219.35%	100.00%	\$650	-\$784	
21 Time Extension- PC/BZA	Fee	\$37,048	\$17,884	\$950	\$2,031	\$0	\$645	\$0	\$21,510	-\$15,538	172.24%	100.00%	\$21,520	-\$15,528	
22 Abandonment of Right of Way	Fee	\$8,170	\$6,426	\$1,496	\$254	\$645	\$0	\$0	\$8,823	\$653	92.60%	100.00%	\$8,820	\$650	
23 Abandonment of Walkway	Fee	\$5,143	\$5,027	\$237	\$0	\$645	\$0	\$0	\$5,910	\$767	87.03%	100.00%	\$5,910	\$767	
24 Zoning Verification Letter	Fee	\$1,887	\$3,101	\$0	\$0	\$0	\$0	\$0	\$3,101	\$1,214	60.86%	100.00%	\$3,111	n/a	
25 Concept Review	Fee	\$3,153	\$4,707	\$7,169	\$762	\$404	\$484	\$1,192	\$14,718	\$11,565	21.42%	20.38%	\$3,000	-\$153	

## USER FEE STUDY SUMMARY SHEET

City of Modesto

Planning

FY 2008/09

- TOTAL PROGRAM INFORMATION -

Service Name	Service Type	Revenue @ Current Fee	Cost Figures							Recommendations				
			Planning	Transportation	Building	Engineering	CED Permits	PPD	Rev @ Full Cost Recovery	Current City Subsidy	Current Cost Recovery %	Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue
26 General Plan Amendment	deposit	\$5,000	\$5,878	\$3,885	\$254	\$0	\$40	\$235	\$10,292	\$5,292	48.58%	100.00%	\$10,290	\$5,290
27 Specific Plan Review	deposit	\$10,000	\$5,878	\$8,782	\$254	\$336	\$202	\$281	\$15,732	\$5,732	63.56%	100.00%	\$15,732	\$5,732
28 Specific Plan Amendment	Fee	\$7,453	\$5,878	\$2,445	\$254	\$336	\$121	\$281	\$9,315	\$1,862	80.01%	100.00%	\$9,320	\$1,867
29 Annexation	Fee	\$11,144	\$6,790	\$1,258	\$254	\$363	\$40	\$0	\$8,705	-\$2,439	128.02%	100.00%	\$8,700	-\$2,444
30 CEQA Notice of Exemption	Fee	\$0	\$82	\$0	\$0	\$0	\$0	\$0	\$82	\$82	0.00%	100.00%	\$82	\$82
31 Initial Study (incl chk list, Bee ad. & Not. Of Deter.)	Fee	\$491	\$367	\$0	\$0	\$0	\$0	\$0	\$367	-\$124	133.93%	100.00%	\$370	-\$121
32 Initial Study County Clerk-Admin Fee	Fee	\$57	\$57	\$0	\$0	\$0	\$0	\$0	\$57	\$0	100.00%	100.00%	\$57	\$0
33 E.I.R.	cost + %	\$30,000	\$39,417	\$6,882	\$254	\$0	\$0	\$0	\$48,553	\$18,553	64.44%	100.00%	\$48,553	\$16,553
34 E.I.R. Fish and Game Filing Fee	Fee	\$2,500	\$2,500	\$0	\$0	\$0	\$0	\$0	\$2,500	\$0	100.00%	100.00%	\$2,500	\$0
35 E.I.R. County Clerk Admin Fee	Fee	\$57	\$57	\$0	\$0	\$0	\$0	\$0	\$57	\$0	100.00%	100.00%	\$57	\$0
36 General Plan Update Fee	Surcharge	\$69,271	\$161,095	\$0	\$0	\$0	\$0	\$0	\$161,095	\$91,824	43.00%	100.00%	\$161,095	\$0
37 Appeals to C/C (of Pln Com. Or BZA decisions)	Fee	\$200	\$1,252	\$274	\$254	\$0	\$0	\$0	\$1,780	\$1,580	11.23%	11.23%	\$200	\$0
38 Appeals to BZA (of admin. Decisions)	Fee	\$600	\$4,241	\$0	\$762	\$0	\$0	\$0	\$5,002	\$4,402	11.99%	11.99%	\$600	\$0
39 Photocopies of Any Official City Document (1st lms)	clerk policy	\$0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
40 Each additional document	clerk policy	\$0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
41 Maps, Zoning or Base	clerk policy	\$108	\$255	\$0	\$0	\$0	\$0	\$0	\$255	\$147	42.43%	100.00%	\$252	\$144
42 Admin Precise Plan Amendment	Proposed	\$0	\$4,979	\$0	\$0	\$0	\$0	\$0	\$4,979	\$4,979	0.00%	100.00%	\$4,980	\$4,980
43 Development Plan Rvw with Interdept Referral	Proposed	\$0	\$18,248	\$46,968	\$2,031	\$2,258	\$0	\$0	\$69,504	\$69,504	0.00%	100.00%	\$69,520	\$69,520
44 Administrative Final Development Plan	Proposed	\$0	\$997	\$1,970	\$254	\$0	\$0	\$0	\$3,221	\$3,221	0.00%	100.00%	\$3,220	\$3,220
45 Area Plan	Proposed	\$0	\$4,725	\$1,496	\$254	\$0	\$0	\$0	\$6,475	\$6,475	0.00%	100.00%	\$6,470	\$6,470
46 Exception	Proposed	\$0	\$3,277	\$0	\$254	\$0	\$0	\$0	\$3,531	\$3,531	0.00%	100.00%	\$3,530	\$3,530
47 Joint use parking agreement/Parking Determination	Proposed	\$0	\$2,494	\$0	\$0	\$0	\$0	\$0	\$2,494	\$2,494	0.00%	100.00%	\$2,490	\$2,490
48 Plot Plan Review for Large Family Daycare	Proposed	\$0	\$5,998	\$1,425	\$762	\$0	\$0	\$0	\$8,184	\$8,184	0.00%	50.00%	\$4,980	\$4,080
49 Referral of administratively approved plans to the P	Proposed	\$0	\$2,605	\$0	\$0	\$0	\$0	\$0	\$2,605	\$2,605	0.00%	100.00%	\$2,610	\$2,610
50 Williamson Act cancellation	Proposed	\$0	\$2,570	\$0	\$0	\$0	\$0	\$0	\$2,570	\$2,570	0.00%	100.00%	\$2,570	\$2,570

## USER FEE STUDY SUMMARY SHEET

City of Modesto  
 Planning  
 FY 2008/09

- TOTAL PROGRAM INFORMATION -

Service Name	Service Type	Revenue @ Current Fee	Cost Figures							Recommendations					
			Planning	Transportation	Building	Engineering	CED Permits	PPD	Rev @ Full Cost Recovery	Current City Subsidy	Current Cost Recovery %	Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue	
51 Planning Review of Building Plans	Proposed	\$0	\$19,942	\$0	\$0	\$0	\$0	\$0	\$0	\$19,942	\$19,942	0.00%	100.00%	\$20,000	\$20,000
52 CUP for signs and cell towers	Proposed	\$0	\$24,562	\$13,402	\$2,538	\$542	\$0	\$0	\$0	\$41,044	\$41,044	0.00%	100.00%	\$41,000	\$41,000
53 A-frame sign review	Proposed	\$0	\$207	\$0	\$0	\$0	\$0	\$0	\$0	\$207	\$207	0.00%	50.00%	\$100	\$100
54 Research Fee	hourly	\$0	\$608	\$0	\$0	\$0	\$0	\$0	\$0	\$608	\$608	0.00%	n/a	n/a	n/a
55 Administrative Specific Plan Amendment	Proposed	\$0	\$559	\$237	\$254	\$0	\$0	\$0	\$0	\$1,050	\$1,050	0.00%	100.00%	\$1,050	\$1,050
56 Development Agreement Amendment	Proposed	\$0	\$5,878	\$810	\$254	\$0	\$0	\$0	\$0	\$6,942	\$6,942	0.00%	100.00%	\$6,940	\$6,940
57 Reversion to Acreage	Fee	\$4,483	\$3,030	\$0	\$254	\$0	\$0	\$0	\$0	\$3,284	-\$1,199	136.50%	100.00%	\$3,280	-\$1,203
58 Development Plan Rvw w/o Interdept Referral	Proposed	\$0	\$559	\$0	\$0	\$0	\$0	\$0	\$0	\$559	\$559	0.00%	100.00%	\$560	\$560
59 Administrative Time Extension	Proposed	\$0	\$559	\$0	\$0	\$0	\$0	\$0	\$0	\$559	\$559	0.00%	100.00%	\$560	\$560
60 CUP - Single Family Home	Fee	\$330	\$2,494	\$1,258	\$254	\$108	\$121	\$0	\$0	\$4,235	\$3,905	7.79%	8.00%	\$340	\$10
61 Plot Plan Review - 2nd Story	Fee	\$290	\$997	\$0	\$0	\$0	\$0	\$0	\$0	\$997	\$707	29.09%	100.00%	\$340	\$50

Fees Collected for Other Departments															
62 Solid Waste Permits	Proposed	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,579	\$6,579	0.00%	100.00%	\$0	\$0

Total User Fees <sup>1</sup>		\$584,614	\$713,107	\$333,780	\$35,029	\$14,981	\$6,898	\$13,097	\$1,123,472	\$538,858			\$1,089,930	\$412,268
% of Full Cost		52.04%	63.47%	29.71%	3.12%	1.33%	0.61%	1.17%	100.00%	47.96%			97.01%	36.70%
Total Other Services		\$0							\$1,791,832	\$1,791,832			\$0	\$0
% of Full Cost		0.00%							100.00%	100.00%			0.00%	0.00%
Department Totals		\$584,614	\$2,504,939	\$333,780	\$35,029	\$14,981	\$6,898	\$13,097	\$2,915,304	\$2,330,690			\$1,089,930	\$412,268
% of Full Cost		20.05%	85.92%	11.45%	1.20%	0.51%	0.24%	0.45%	100.00%	79.95%			37.39%	14.14%

<sup>1</sup> This total focuses on fee related activity only. Non fee related activity costs have been excluded.

### III. BUILDING

The Building Division provides a variety of services at the request of property owners and developers seeking to build or modify a structure. The Division reviews building plans and inspects construction to ensure the plumbing, mechanical, electrical and structural codes are adhered to. The total costs of all building services, including divisional and citywide overhead is \$3,447,343. These costs are currently offset by \$1,633,326 in revenue. A 47% recovery.

Building permit and plan review fees generate a majority of the division's revenue. Building permit fees are based on the valuation (value) of the proposed construction project. Building permit fees are used to offset the costs of inspecting and documenting building construction. Currently, plan review fees are set equal to 65% of the permit fee, except for tract home non-model units, which are not charged to recognize redundancies when checking many similar tract housing plans.

Building permit fees are calculated based on the division's fee matrix, which translates project construction valuations into fees. Construction valuations are based on 1999 building valuation data (BVD) factors as published in Building Standards Magazine.

To establish a relationship between fees charged and costs expended PRM detailed sample developments from very small projects to very large projects. City staff then assigned time figures to each project. Time figures were derived from a time tracking database for each project size. These time figures were then multiplied against fully burdened labor rates to arrive at the total cost for each sample development.

#### *Highlights from the analysis:*

- This analysis justifies Building fees for the purpose of showing compliance with the State of California Attorney General's Opinion No. 92-506. In this opinion the Attorney General determined that municipalities may not rely solely on valuation-based fee schedule but must demonstrate that valuation-based fees do not exceed the reasonable cost of providing service. All proposed fee adjustments for the Building Division are equal to or less than the reasonable cost of providing service and accordingly comply with Attorney General Opinion No. 92-506.
- PRM recommends institution of 2008 building valuation data. The City is currently using 1999 building valuation data, which is very old and does not comply with the new International Code Council (ICC) categories. Implementing 2008 building valuation data will increase building fees by an average of 30%, generating \$544,205 additional revenue per year.
- Building Division subsidy policy – Even after proposed fee increases the Building Division will be subsidized by approximately \$1,205,310 per year. City management should establish a policy determining how much General Fund subsidy to provide to the Division. There is a fixed cost in making plan check and inspection services available to the public, even when construction activity is very low. To help with this decision, the Building analysis on page 17 presents Building Division processing costs at three levels: 1)

Division only, 2) Division plus CEDD admin, and 3) Full Cost, including City indirect departments (City Manager, Finance, etc.)

The following chart on page 17 displays the findings of the Building Analysis.

CITY OF MODESTO  
BUILDING DIVISION  
FISCAL 2008/09  
Fee Cost Analysis

Sample Projects	Building and Safety Cost	CEDD Cost	Citywide Indirect Cost	Full Cost	Current Fee	Cost Recovery % at Full Cost	Proposed Fee Based on 2008 Valuation Factors
<b>\$2,000 valuation project</b>							
Plan Check & Counter	\$215	\$18	\$17	\$249	\$50		\$54
Inspection	\$463	\$38	\$36	\$537	\$77		\$83
<b>Total for Category</b>	<b>\$677</b>	<b>\$56</b>	<b>\$52</b>	<b>\$785</b>	<b>\$127</b>	<b>16%</b>	<b>\$137</b>
<b>\$25,000 valuation project</b>							
Plan Check & Counter	\$274	\$23	\$21	\$318	\$218		\$269
Inspection	\$771	\$63	\$59	\$894	\$336		\$414
<b>Total for Category</b>	<b>\$1,046</b>	<b>\$86</b>	<b>\$81</b>	<b>\$1,212</b>	<b>\$554</b>	<b>46%</b>	<b>\$583</b>
<b>\$50,000 valuation project</b>							
Plan Check & Counter	\$429	\$35	\$33	\$497	\$352		\$422
Inspection	\$1,350	\$111	\$104	\$1,565	\$541		\$649
<b>Total for Category</b>	<b>\$1,779</b>	<b>\$146</b>	<b>\$137</b>	<b>\$2,062</b>	<b>\$893</b>	<b>43%</b>	<b>\$1,071</b>
<b>\$100,000 valuation project</b>							
Plan Check & Counter	\$667	\$55	\$51	\$774	\$535		\$736
Inspection	\$2,584	\$212	\$199	\$2,996	\$823		\$1,133
<b>Total for Category</b>	<b>\$3,252</b>	<b>\$267</b>	<b>\$251</b>	<b>\$3,770</b>	<b>\$1,358</b>	<b>36%</b>	<b>\$1,869</b>
<b>\$500,000 valuation project</b>							
Plan Check & Counter	\$2,384	\$196	\$184	\$2,763	\$1,679		\$2,484
Inspection	\$4,758	\$391	\$367	\$5,516	\$2,583		\$3,822
<b>Total for Category</b>	<b>\$7,141</b>	<b>\$587</b>	<b>\$551</b>	<b>\$8,279</b>	<b>\$4,262</b>	<b>51%</b>	<b>\$6,306</b>
<b>\$1,000,000 valuation project</b>							
Plan Check & Counter	\$5,017	\$412	\$387	\$5,817	\$2,911		\$4,388
Inspection	\$5,978	\$491	\$461	\$6,931	\$4,478		\$6,751
<b>Total for Category</b>	<b>\$10,996</b>	<b>\$904</b>	<b>\$848</b>	<b>\$12,747</b>	<b>\$7,389</b>	<b>58%</b>	<b>\$11,139</b>

**Notes:**

The Department is currently using 1999 building valuation factors. It is recommended that 2008 valuation factors be instituted. Model units will be assessed a plan checking fee of 65% of the building permit fee.

Repeat unit dwellings will be assessed a plan checking fee of 30% of the building permit fee.

Custom homes are currently assessed a plan check fee of 50%. It is recommended the fee be increased to 65% of the building permit fee.

Reinstatement Fee: if a permit is not finalized within a two-year period, the permit must be reinstated. The reinstatement fee varies according to how complete the project is. The following schedule shall be followed for reinstatement fees:

Passed foundation inspection: 75% of original fee.

Passed frame inspection: 50% of original fee.

Passed drywall inspection: 25% of original fee.

PRM recommends institution of a Temporary Certificate of Occupancy fee of \$430.

PRM recommends institution of a Permit Extension fee of \$180.

PRM recommends Application Revisions be charged on an hourly basis of \$127 per hour.

PRM recommends Change of Address/ Owner be charged on an hourly basis of \$127 per hour.

PRM recommends that Mechanical, Plumbing and Electrical fees be increased by 30% to reflect increased processing costs.

Hourly Rate: for services not specifically addressed an hourly rate of \$127 shall be charged.

PRM recommends the following services be charged on a flat fee basis:

HVAC New:	\$270	Pool & Spa	\$910
HVAC Replacement	\$270	Spa	\$455
Reroof - Residential	\$290	Mobile Home Setup	\$502
Reroof - Commercial	\$370	Residential Additions	\$1.72/sq ft (\$500 minimum)
Pool	\$840	Water Heater	\$150



#### IV. LAND DEVELOPMENT ENGINEERING

The Land Development Engineering Division is responsible for overseeing the design and construction of both public improvements and private development. Technical services provided by this division include: project development, design, survey, inspection and contract administration. The total cost of all Land Development Engineering services is \$2,122,993. The total cost of fee related services is \$931,807. For analysis purposes, this section also incorporates fee-related costs from the Public Works Engineering Division. Because both division's work on many of the same fee services their efforts have been combined within this section.

Fee-related service costs total \$931,807. Offsetting revenue is roughly \$402,423 which results in a general fund subsidy of \$529,384 and a corresponding cost recovery level of 43%. Cost recovery levels for individual fees range from 4% for a 50 PCI trench restoration up to a cost recovery of 426% for a sewer main encroachment permit.

- The cost recovery rate of 43% is in the low end of what we typically see for Engineering divisions Statewide.
- If all fee adjustment recommendations are adopted \$522,556 in additional revenue would be realized.
- Some agencies choose to phase in fee increases over a fixed period of years with the eventual objective of 100% cost recovery.
- Many new fees are proposed for institution:

o Application Pre-inspection	\$95	o PUE and PE Dedication and Abandonment	\$460
o Fourth Check of a Plan	\$280		
o Will Serve Letter	\$400	o On-site Storm Drainage Review:	
o Stormwater Quality Fee	\$670	0 - 3 acres	\$1,680
o GIS Subdivision Mapping Fee	\$290	3.1 - 5 acres	\$2,510
o Microfilm Fee	\$1 per page	5.1 - 10 acres	\$3,350
o As-Built Process Fee	\$170	10.1 + acres	\$4,180

The summary charts on the following pages show the results of this division's cost analysis. Page 19 provides information on a "Per Unit" basis. Page 23 provides total annual information by multiplying the per-unit fees and costs by the volume of activity in order to project out total annual costs and revenues

# USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Modesto
Land Development
FY 2008/09

							<i>Recommendations</i>		
Service Name	Service Type	Annual Volume	Current Fee	Full Cost	Current City Subsidy	Current Cost Recovery %	Cost Recovery Policy Level (%)	Fee @ Policy Level	City Subsidy @ Policy Level
1 Reversion to acreage checking fee	Fee	1	\$810.00	\$897.01	\$87.01	90.30%	100.00%	\$900.00	-\$2.99
2 Final parcel map checking fee	Fee	4	\$1,422.00	\$1,615.70	\$193.70	88.01%	100.00%	\$1,620.00	-\$4.30
3 Final subdivision map checking fee:									
4 10 Lots	Fee	5	\$2,105.00	\$2,599.01	\$494.01	80.99%	100.00%	\$2,600.00	-\$0.99
5 150 Lots	Fee	1	\$3,000.00	\$4,150.90	\$1,150.90	72.27%	100.00%	\$4,150.00	\$0.90
6 Improvement plan checking:									
7 7 \$25K cost estimate	Fee	28	6.80%	\$2,650.12	\$950.12	64.15%	100.00%	10.60%	\$0
7 8 \$100K cost estimate	Fee	15	2.30%	\$3,363.77	\$1,063.77	68.38%	100.00%	3.36%	\$0
7 9 \$250K cost estimate	Fee	10	1.60%	\$5,346.14	\$1,346.14	74.82%	100.00%	2.14%	\$0
10 Property Owner's assoc. doc check fee	Fee	1	\$217.00	\$345.91	\$128.91	62.73%	100.00%	\$350.00	-\$4.09
11 Summary Abandonment	Fee	1	\$2,027.00	\$2,241.76	\$214.76	90.42%	100.00%	\$2,240.00	\$1.76
12 Street Trees, each-furnished&installed	Fee	220	\$181.00	\$202.63	\$21.63	89.33%	100.00%	\$200.00	\$2.63
13 Monument Admin Fee	Fee	643	\$48.00	\$362.04	\$314.04	13.26%	100.00%	\$360.00	\$2.04
14 Street Signs, each intersection, installed by City	Fee	17	\$279.00	\$276.46	-\$2.54	100.92%	100.00%	\$280.00	-\$3.54
15 Encroachment permits									
16 Application Pre-inspection	Proposed	145	\$0	\$94.93	\$94.93	0%	100.00%	\$95.00	-\$0.07
1,3 17 Curbs and curb cuts (<100 lf, max 1 lot)	Fee	12	\$206.00	\$216.08	\$10.08	95.34%	100.00%	\$220.00	-\$3.92
18 Sidewalks (< 100 lf, max 1 lot)	Fee	8	\$206.00	\$216.08	\$10.08	95.34%	100.00%	\$220.00	-\$3.92
1,2,4,8 19 Sewer service from lot to main	Fee	53	\$255.00	\$79.29	-\$175.71	321.58%	100.00%	\$79.00	\$0.29
1,2,3,4 20 Sewer main	Fee	1	\$338.00	\$79.29	-\$258.71	426.26%	100.00%	\$79.00	\$0.29
21 Storm Drain (through curb)	Fee	1	\$157.00	\$170.48	\$13.48	92.09%	100.00%	\$170.00	\$0.48
1,2, 5,4 22 Utilities - major construction	Fee	131	\$79.00	\$79.29	\$6.29	92.06%	100.00%	\$79.00	\$0.29
1,2, 5 23 Utilities - service & repair	Fee	230	\$255.00	\$261.67	\$6.67	97.45%	100.00%	\$260.00	\$1.67
24 Temp ROW Closures	Fee	74	\$255.00	\$291.68	\$36.68	87.42%	100.00%	\$290.00	\$1.68

# USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Modesto  
Land Development  
FY 2008/09

							<i>Recommendations</i>			
	Service Name	Service Type	Annual Volume	Current Fee	Full Cost	Current City Subsidy	Current Cost Recovery %	Cost Recovery Policy Level (%)	Fee @ Policy Level	City Subsidy @ Policy Level
2	25 Street Light	Fee	1	\$255.00	\$528.30	\$273.30	48.27%	100.00%	\$530.00	-\$1.70
4	26 Rock Wells or Storm Drain Connectors	Fee	1	\$255.00	\$79.29	-\$175.71	321.58%	100.00%	\$79.00	\$0.29
4	27 Street Construction	Fee	1	\$73.00	\$79.29	\$6.29	92.06%	100.00%	\$79.00	\$0.29
6, 4	28 Misc Improvements	Fee	167	\$73.00	\$79.29	\$6.29	92.06%	100.00%	\$79.00	\$0.29
	29 Install refractor steel pole	Fee	1	\$157.00	\$339.56	\$182.56	46.24%	100.00%	\$340.00	-\$0.44
	30 Added refractor steel pole	Fee	1	\$157.00	\$339.56	\$182.56	46.24%	100.00%	\$340.00	-\$0.44
	31 Install utility wood pole mount	Fee	1	\$157.00	\$813.45	\$656.45	19.30%	100.00%	\$810.00	\$3.45
	32 Utility wood pole mount	Fee	1	\$157.00	\$843.85	\$686.85	18.61%	100.00%	\$840.00	\$3.85
	33 Install street light standard	Fee	1	\$255.00	\$309.16	\$54.16	82.48%	100.00%	\$310.00	-\$0.84
	34 Soil core sample	Fee	1	\$255.00	\$261.67	\$6.67	97.45%	100.00%	\$260.00	\$1.67
	35 Lane Closure	Fee	5	\$40.00	\$60.01	\$20.01	66.65%	100.00%	\$60.00	\$0.01
	36 Detour	Fee	5	\$80.00	\$120.03	\$40.03	66.65%	100.00%	\$120.00	\$0.03
	37 Certificate of Correction	Proposed	2	\$0	\$303.81	n/a	n/a	100.00%	\$300.00	\$3.81
8	38 Legal Description Check	Fee	66	\$95.00	\$255.88	\$160.88	37.13%	100.00%	\$260.00	-\$4.12
	39 Reciprocal access agreements	Fee	1	\$324.00	\$786.28	\$462.28	41.21%	100.00%	\$790.00	-\$3.72
	40 Water Availability Analysis	Fee	1	At Cost	\$692.72	n/a	n/a	n/a	Cost + \$1,000	n/a
	41 Water and Wastewater Capacity Analysis	Fee	1	At Cost	\$692.72	n/a	n/a	n/a	Cost + \$1,000	n/a
	42 Fourth Check of a plan	Proposed	161	\$0	\$283.17	\$283.17	0%	100.00%	\$280.00	\$3.17
	43 Reimbursement agreements	Fee	1	\$0	\$1,850.23	\$1,850.23	0%	100.00%	\$1,850.00	\$0.23
	44 Trench Restoration Fee, < 4ft deep:									
	45 100 PCI, 300 lf	Fee	551	\$10.00	\$113.45	\$103.45	8.81%	100.00%	\$110.00	\$3.45
	46 50 PCI, 300 lf	Fee	485	\$5.00	\$113.45	\$108.45	4.41%	100.00%	\$110.00	\$3.45
	47 15 PCI, 300 lf	Fee	1	\$0	\$113.45	\$113.45	0%	100.00%	\$110.00	\$3.45
	48 Trench Restoration Fee > 4 ft deep:									
	49 100 PCI, 300 lf	Fee	91	\$20.00	\$113.45	\$93.45	17.63%	100.00%	\$110.00	\$3.45

# USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Modesto  
Land Development  
FY 2008/09

							<i>Recommendations</i>		
Service Name	Service Type	Annual Volume	Current Fee	Full Cost	Current City Subsidy	Current Cost Recovery %	Cost Recovery Policy Level (%)	Fee @ Policy Level	City Subsidy @ Policy Level
50 50 PCI, 300 lf	Fee	179	\$10.00	\$113.45	\$103.45	8.81%	100.00%	\$110.00	\$3.45
51 15 PCI, 300 lf	Fee	1	\$0	\$113.45	\$113.45	0%	100.00%	\$110.00	\$3.45
9 52 Will Serve Letter Fee	Proposed	1	\$0	\$915.86	\$915.86	0%	50.00%	\$460.00	\$455.86
53 Outside Service Agreement Fee	Fee	252	\$35.00	\$196.41	\$161.41	17.82%	100.00%	\$200.00	-\$3.59
54 Transportation permits - Single Trip	Fee	262	\$15.00	\$21.46	\$6.46	69.90%	100.00%	\$21.00	\$0.46
55 Transportation permits - Annual	Fee	79	\$85.00	\$21.46	-\$63.54	396.08%	100.00%	\$21.00	\$0.46
56 Monitor/Extract Well - Application	Fee	32	\$42.00	\$110.57	\$68.57	37.99%	100.00%	\$110.00	\$0.57
57 Monitor/ Extract - Inspection	Fee	119	\$96.00	\$91.19	-\$4.81	105.28%	100.00%	\$91.00	\$0.19
58 Stormwater Quality Fee	Proposed	1	\$0	\$666.23	\$666.23	0%	100.00%	\$670.00	-\$3.77
59 GIS Subdivision Mapping Fee	Proposed	1	\$0	\$293.17	\$293.17	0%	100.00%	\$290.00	\$3.17
60 Microfilm Fee	Proposed	1	\$0	n/a	n/a	0%	100.00%	\$1/ page	n/a
61 AS-Built Process Fee	Proposed	1	\$0	\$165.85	\$165.85	0%	100.00%	\$170.00	-\$4.15
10 62 PUE and PE Dedication & Abandonment	Proposed	1	\$0	\$464.67	\$464.67	0%	100.00%	\$460.00	\$4.67
63 On-site Storm Drain Rvw: 0-3 acres	Proposed	1	\$0	\$1,676.47	\$1,676.47	0%	100.00%	\$1,680.00	-\$3.53
64 On-site Storm Drain Rvw: 3.1-5 acres	Proposed	1	\$0	\$2,514.71	\$2,514.71	0%	100.00%	\$2,510.00	\$4.71
65 On-site Storm Drain Rvw: 5.1-10 acres	Proposed	1	\$0	\$3,352.95	\$3,352.95	0%	100.00%	\$3,350.00	\$2.95
66 On-site Storm Drain Rvw: 10.1+ acres	Proposed	1	\$0	\$4,191.19	\$4,191.19	0%	100.00%	\$4,190.00	\$1.19

# USER FEE STUDY SUMMARY SHEET

## - PER UNIT INFORMATION -

City of Modesto  
Land Development  
FY 2008/09

Service Name	Service Type	Annual Volume	Current Fee	Full Cost	Current City Subsidy	Current Cost Recovery %	Recommendations		
							Cost Recovery Policy Level (%)	Fee @ Policy Level	City Subsidy @ Policy Level
67 Rough Grading: 0-3 acres	Fee	7	As per UBC	\$679.65	n/a	n/a	100.00%	\$680.00	-\$0.35
68 Rough Grading: 3.1-5 acres	Fee	3	As per UBC	\$996.83	n/a	n/a	100.00%	\$1,000.00	-\$3.17
69 Rough Grading: 5.1-10 acres	Fee	1	As per UBC	\$1,359.30	n/a	n/a	100.00%	\$1,360.00	-\$0.70
70 Rough Grading: 10.1+ acres	Fee	1	As per UBC	\$2,038.94	n/a	n/a	100.00%	\$2,040.00	-\$1.06

*Note: Uninitiated Street Work will be assessed a "double fees" penalty.*

- 1 Paving fees will apply if paving is performed by City.
- 2 A trench restoration fee shall be charged based on the Trench Restoration Fee Schedule.
- 3 Staking fees will apply if staking is performed by City.
- 4 Inspection to be charged on a T&M Basis.
- 5 Utility relocation required for City projects is not subject to a charge.
- 6 Improvements not otherwise listed such as water line extensions, irrigation lines, irrigation line replacements, storm drain lines, etc.
- 7 These fees are cumulative.
- 8 Land Surveyor portion of charge will be on a T&M basis because this effort varies significantly.
- 9 Significant additional connection fees apply. Accordingly, 50% subsidy is recommended.
- 10 The proposed fee does not include Land Surveyor time. Land Surveyor time will be charged on a time and materials basis.

# USER FEE STUDY SUMMARY SHEET

## - TOTAL PROGRAM INFORMATION -

City of Modesto  
Land Development  
FY 2008/09

						<i>Recommendations</i>		
Service Name	Service Type	Revenue @ Current Fee	Revenue @ 100% Full Cost	Current City Subsidy	Current Cost Recovery %	Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue
1 Reversion to acreage checking fee	Fee	\$810	\$897	\$87	90.30%	100.00%	\$900	\$90
2 Final parcel map checking fee	Fee	\$5,688	\$6,463	\$775	88.01%	100.00%	\$6,480	\$792
3 Final subdivision map checking fee:								
4 10 Lots	Fee	\$10,525	\$12,995	\$2,470	80.99%	100.00%	\$13,000	\$2,475
5 150 Lots	Fee	\$3,000	\$4,151	\$1,151	72.27%	100.00%	\$4,150	\$1,150
6 Improvement plan checking:								
7 \$25K cost estimate	Fee	\$47,600	\$74,203	\$26,603	64.15%	100.00%	\$74,203	\$26,603
8 \$100K cost estimate	Fee	\$34,500	\$50,457	\$15,957	68.38%	100.00%	\$50,457	\$15,957
9 \$250K cost estimate	Fee	\$40,000	\$53,461	\$13,461	74.82%	100.00%	\$53,461	\$13,461
10 Property Owner's assoc. doc check fee	Fee	\$217	\$346	\$129	62.73%	100.00%	\$350	\$133
11 Summary Abandonment	Fee	\$2,027	\$2,242	\$215	90.42%	100.00%	\$2,240	\$213
12 Street Trees, each-furnished&installed	Fee	\$39,820	\$44,578	\$4,758	89.33%	100.00%	\$44,000	\$4,180
13 Monument Admin Fee	Fee	\$30,864	\$232,793	\$201,929	13.26%	100.00%	\$231,480	\$200,616
14 Street Signs, each intersection, installed by City	Fee	\$4,743	\$4,700	-\$43	100.92%	100.00%	\$4,760	\$17
15 Encroachment permits								
16 Application Pre-inspection	Proposed	\$0	\$13,765	\$13,765	0%	100.00%	\$13,775	\$13,775
17 Curbs and curb cuts (<100 lf, max 1 lot)	Fee	\$2,472	\$2,593	\$121	95.34%	100.00%	\$2,640	\$168
18 Sidewalks (< 100 lf, max 1 lot)	Fee	\$1,648	\$1,729	\$81	95.34%	100.00%	\$1,760	\$112
19 Sewer service from lot to main	Fee	\$13,515	\$4,203	-\$9,312	321.58%	100.00%	\$4,187	-\$9,328
20 Sewer main	Fee	\$338	\$79	-\$259	426.26%	100.00%	\$79	-\$259
21 Storm Drain (through curb)	Fee	\$157	\$170	\$13	92.09%	100.00%	\$170	\$13
22 Utilities - major construction	Fee	\$9,563	\$10,388	\$825	92.06%	100.00%	\$10,349	\$786
23 Utilities - service & repair	Fee	\$58,650	\$60,185	\$1,535	97.45%	100.00%	\$59,800	\$1,150
24 Temp ROW Closures	Fee	\$18,870	\$21,584	\$2,714	87.42%	100.00%	\$21,460	\$2,590

# USER FEE STUDY SUMMARY SHEET

## - TOTAL PROGRAM INFORMATION -

City of Modesto

Land Development

FY 2008/09

Service Name	Service Type	Revenue @ Current Fee	Revenue @ 100% Full Cost	Current City Subsidy	Current Cost Recovery %	Recommendations		
						Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue
25 Street Light	Fee	\$255	\$628	\$273	48.27%	100.00%	\$530	\$275
26 Rock Wells or Storm Drain Connectors	Fee	\$255	\$79	-\$176	321.58%	100.00%	\$79	-\$176
27 Street Construction	Fee	\$73	\$79	\$6	92.06%	100.00%	\$79	\$6
28 Misc Improvements	Fee	\$12,191	\$13,242	\$1,051	92.06%	100.00%	\$13,193	\$1,002
29 Install refractor steel pole	Fee	\$157	\$340	\$183	46.24%	100.00%	\$340	\$183
30 Added refractor steel pole	Fee	\$157	\$340	\$183	46.24%	100.00%	\$340	\$183
31 Install utility wood pole mount	Fee	\$157	\$813	\$656	19.30%	100.00%	\$810	\$653
32 Utility wood pole mount	Fee	\$157	\$844	\$687	18.61%	100.00%	\$840	\$683
33 Install street light standard	Fee	\$255	\$309	\$54	82.48%	100.00%	\$310	\$55
34 Soil core sample	Fee	\$255	\$262	\$7	97.45%	100.00%	\$260	\$5
35 Lane Closure	Fee	\$200	\$300	\$100	66.65%	100.00%	\$300	\$100
36 Detour	Fee	\$400	\$600	\$200	66.65%	100.00%	\$600	\$200
37 Certificate of Correction	Proposed	\$0	\$608	\$608	n/a	100.00%	\$600	\$600
38 Legal Description Check	Fee	\$6,270	\$16,888	\$10,618	37.13%	100.00%	\$17,160	\$10,890
39 Reciprocal access agreements	Fee	\$324	\$786	\$462	41.21%	100.00%	\$790	\$466
40 Water Availability Analysis	Fee	\$693	\$693	n/a	n/a	n/a	\$693	
41 Water and Wastewater Capacity Analysis	Fee	\$693	\$693	n/a	n/a	n/a	\$693	
42 Fourth Check of a plan	Proposed	\$0	\$45,591	\$45,591	0%	100.00%	\$45,080	\$45,080
43 Reimbursement agreements	Fee	\$0	\$1,850	\$1,850	0%	100.00%	\$1,850	\$1,850
44 Trench Restoration Fee, < 4ft deep:								
45 100 PCI, 300 lf	Fee	\$5,510	\$62,510	\$57,000	8.81%	100.00%	\$60,610	\$55,100
46 50 PCI, 300 lf	Fee	\$2,425	\$55,022	\$52,597	4.41%	100.00%	\$53,350	\$50,925
47 15 PCI, 300 lf	Fee	\$0	\$113	\$113	0%	100.00%	\$110	\$110
48 Trench Restoration Fee > 4 ft deep:								
49 100 PCI, 300 lf	Fee	\$1,820	\$10,324	\$8,504	17.63%	100.00%	\$10,010	\$8,190

# USER FEE STUDY SUMMARY SHEET

## - TOTAL PROGRAM INFORMATION -

City of Modesto  
 Land Development  
 FY 2008/09

Service Name	Service Type	Revenue @ Current Fee	Revenue @ 100% Full Cost	Current City Subsidy	Current Cost Recovery %	Recommendations		
						Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue
50 50 PCI, 300 lf	Fee	\$1,790	\$20,307	\$18,517	8.81%	100.00%	\$19,690	\$17,900
51 15 PCI, 300 lf	Fee	\$0	\$113	\$113	0%	100.00%	\$110	\$110
52 Will Serve Letter Fee	Proposed	\$0	\$916	\$916	0%	50.00%	\$460	\$460
53 Outside Service Agreement Fee	Fee	\$8,820	\$49,497	\$40,677	17.82%	100.00%	\$50,400	\$41,580
54 Transportation permits - Single Trip	Fee	\$3,930	\$5,623	\$1,693	69.90%	100.00%	\$5,502	\$1,572
55 Transportation permits - Annual	Fee	\$6,715	\$1,695	-\$5,020	396.08%	100.00%	\$1,659	-\$5,056
56 Monitor/Extract Well - Application	Fee	\$1,344	\$3,538	\$2,194	37.99%	100.00%	\$3,520	\$2,176
57 Monitor/ Extract - Inspection	Fee	\$11,424	\$10,851	-\$573	105.28%	100.00%	\$10,829	-\$595
58 Stormwater Quality Fee	Proposed	\$0	\$666	\$666	0%	100.00%	\$670	\$670
59 GIS Subdivision Mapping Fee	Proposed	\$0	\$293	\$293	0%	100.00%	\$290	\$290
60 Microfilm Fee	Proposed	\$0	n/a	n/a	0%	100.00%	\$1	\$1
61 AS-Built Process Fee	Proposed	\$0	\$166	\$166	0%	100.00%	\$170	\$170
62 PUE and PE Dedication & Abandonment	Proposed	\$0	\$465	\$465	0%	100.00%	\$460	\$460
63 On-site Storm Drain Rvw: 0-3 acres	Proposed	\$0	\$1,678	\$1,676	0%	100.00%	\$1,680	\$1,680
64 On-site Storm Drain Rvw: 3.1-5 acres	Proposed	\$0	\$2,515	\$2,515	0%	100.00%	\$2,510	\$2,510
65 On-site Storm Drain Rvw: 5.1-10 acres	Proposed	\$0	\$3,353	\$3,353	0%	100.00%	\$3,350	\$3,350
66 On-site Storm Drain Rvw: 10.1+ acres	Proposed	\$0	\$4,191	\$4,191	0%	100.00%	\$4,190	\$4,190



# USER FEE STUDY SUMMARY SHEET

## - TOTAL PROGRAM INFORMATION -

City of Modesto  
 Land Development  
 FY 2008/09

Service Name	Service Type	Revenue @ Current Fee	Revenue @ 100% Full Cost	Current City Subsidy	Current Cost Recovery %	Recommendations		
						Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue
* 67 Rough Grading: 0-3 acres	Fee	\$4,758	\$4,758	\$0	100.00%	100.00%	\$4,760	\$2
* 68 Rough Grading: 3.1-5 acres	Fee	\$2,990	\$2,990	\$0	100.00%	100.00%	\$3,000	\$10
* 69 Rough Grading: 5.1-10 acres	Fee	\$1,359	\$1,359	\$0	100.00%	100.00%	\$1,360	\$1
* 70 Rough Grading: 10.1+ acres	Fee	\$2,039	\$2,039	\$0	100.00%	100.00%	\$2,040	\$1
Total User Fees <sup>1</sup>		\$402,423	\$931,807	\$529,384			\$924,979	\$522,556
% of Full Cost		43.19%	100.00%	56.81%			99.27%	56.08%
Total Non Fee Services			\$1,191,185	\$1,191,185				
% of Full Cost			100.00%	100.00%				
Department Totals		\$402,423	\$2,122,993	\$1,720,570			\$924,979	\$522,556
% of Full Cost		18.96%	100.00%	81.04%			43.57%	24.61%

\* Current revenue for Rough Grading is based on fee schedules published by the Uniform Building Code. Figures have been estimated for analysis purposes.

1 This total focuses on fee related activity only. Non fee related activity costs have been excluded.

## V FIRE PREVENTION

The mission of the Fire Prevention Bureau is to reduce the loss of life, health property and environmental quality through reducing the number of fires and hazardous materials incidents and determining the cause of those events that do occur. Three fee-related areas are employed to accomplish this mission:

- Fire/Life Safety Review for New Construction: Fees #2 - #6
- Sprinkler/Alarm System Reviews and Inspections: Fees #7 - #15
- Storage Tank Inspections: Fees #16 - #23

The total cost of all Fire Prevention fee-related services is \$118,577. Fee revenue totals \$45,884 for a cost recovery rate of 38.7%.

The following is a review of findings and highlights:

- If all Fire Prevention fee adjustments are adopted, the new schedule would generate \$119,669 per year, for a net increase of \$73,785. Projected revenue is \$1,092 higher than actual cost due to rounding of proposed fees.
- The Bureau occasionally uses labor rates to charge outside entities or in cases where a fee is appropriate but none currently exists. The following fully-burdened labor rates should be used in such cases:

Staff	Fully Burdened Labor Rate
Fire Marshal	\$167
Deputy Fire Marshal	\$93
Fire Technician	\$69
Clerical	\$53

The summary charts on the following pages show the results of this division's cost analysis. Page 28 provides information on a "Per Unit" basis. Page 30 provides total annual information by multiplying the per-unit fees and costs by the volume of activity in order to project annual costs and revenues.

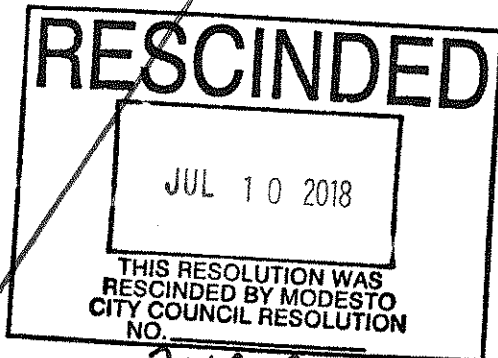


Exhibit A, ATTACHMENT A  
 PAGES A-29 through A-33  
 ONLY, RESCINDED BY  
 RESOLUTION 2018-296  
 ON JULY 10, 2018

# USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Modesto  
Fire Prevention  
FY 2008/09

Service Name	Service Type	Annual Volume	Current Fee	Full Cost	Current City Subsidy	Current Cost Recovery %	Recommendations					
							Cost Recovery Policy Level (%)	Fee @ Policy Level	City Subsidy @ Policy Level			
1 Fire/Life Safety Review												
2 New Shell Building (per 1,000 sq ft)	Fee	21	\$60.00	\$142.37	\$82.37	42.14%	100.00%	\$140.00	\$2.37			
3 Complete Building (per 1,000 sq ft)	Fee	57	\$74.00	\$288.78	\$214.78	25.63%	100.00%	\$290.00	-\$1.22			
4 Tenant Improvement (per 1,000 sq ft)	Fee	253	\$49.00	\$115.42	\$66.42	42.45%	100.00%	\$120.00	-\$4.58			
5 Fire Sprinkler System (per 1,000 sq ft)	Fee	103	\$22.00	\$141.75	\$119.75	15.52%	100.00%	\$140.00	\$1.75			
6 Fire Alarm Systems (per 1,000 sq ft)	Fee	55	\$22.00	\$140.34	\$118.34	15.68%	100.00%	\$140.00	\$0.34			
7 Fire Sprinkler System Test & Inspection (per system)	Fee	27	\$472.00	\$687.65	\$215.65	68.64%	100.00%	\$690.00	-\$2.35			
8 Fire Alarm System Test & Inspection	Fee	85	\$96.00	\$139.08	\$43.08	69.02%	100.00%	\$140.00	-\$0.92			
9 Site Plan Review	Fee	10	\$90.00	\$221.69	\$125.69	43.30%	100.00%	\$220.00	\$1.69			
10 Changed Plans Check	Fee	6	\$137.00	\$126.32	-\$10.68	108.45%	100.00%	\$130.00	-\$3.68			
11 Alternate Materials/Methods Evaluation	Fee	1	\$286.00	\$762.57	\$476.57	37.50%	100.00%	\$760.00	\$2.57			
12 Engineered/Pre-engineered Fire Prot	Fee	2	\$203.00	\$232.19	\$29.19	87.43%	100.00%	\$230.00	\$2.19			
13 Re-Inspections after 2 times	Fee	1	\$73.00	\$44.56	-\$28.44	163.81%	100.00%	\$45.00	-\$0.44			
14 After Hours Inspection	Fee	1	\$213.00	\$208.35	-\$4.65	102.23%	100.00%	\$210.00	-\$1.65			
15 Spray Booth Installation Permit	Fee	5	\$48.00	\$182.89	\$134.89	26.25%	100.00%	\$180.00	\$2.89			
16 Underground Tank Abandon/Fill	Fee	5	\$38.00	\$196.78	\$158.78	19.31%	100.00%	\$200.00	-\$3.22			
17 Each Additional Tank	Fee	5	\$9.00	\$46.30	\$37.30	19.44%	100.00%	\$46.00	\$0.30			
18 Underground Tank Install	Fee	2	\$38.00	\$254.65	\$216.65	14.92%	100.00%	\$250.00	\$4.65			
19 Each Additional Tank	Fee	1	\$13.00	\$28.94	\$15.94	44.92%	100.00%	\$29.00	-\$0.06			
20 Underground Tank Removal	Fee	4	\$49.00	\$196.78	\$147.78	24.90%	100.00%	\$200.00	-\$3.22			
21 Each Additional Tank	Fee	1	\$24.00	\$46.30	\$22.30	51.84%	100.00%	\$46.00	\$0.30			
22 Conduit Tank Install	Fee	2	\$38.00	\$270.86	\$232.86	14.03%	100.00%	\$270.00	\$0.86			
23 Each Additional Conduit Tank	Fee	1	\$9.00	\$38.75	\$29.75	23.23%	100.00%	\$39.00	-\$0.25			
24 Water Flow Test	Hourly Rate	70	\$40.00	\$69.45	\$29.45	57.59%	100.00%	\$69.00	\$0.45			
25 Fire Marshal	Hourly Rate	10		\$166.93	\$166.93		100.00%	\$167.00	-\$0.07			

# USER FEE STUDY SUMMARY SHEET

## - PER UNIT INFORMATION -

City of Modesto  
 Fire Prevention  
 FY 2008/09

Service Name	Service Type	Annual Volume	Current Fee	Full Cost	Current City Subsidy	Current Cost Recovery %	Recommendations		
							Cost Recovery Policy Level (%)	Fee @ Policy Level	City Subsidy @ Policy Level
26 Dep. Fire Marshal	Hourly Rate	10		\$93.00	\$83.00		100.00%	\$93.00	\$0.00
27 Fire Tech	Hourly Rate	10		\$69.45	\$69.45		100.00%	\$69.00	\$0.45
28 AOA III	Hourly Rate	10		\$52.59	\$52.59		100.00%	\$53.00	-\$0.41

# USER FEE STUDY SUMMARY SHEET

## - TOTAL PROGRAM INFORMATION -

City of Modesto  
Fire Prevention  
FY 2008/09

Service Name	Service Type	Revenue @ Current Fee	Revenue @ Full Cost Recovery	Current City Subsidy	Current Cost Recovery %	Cost Recovery Policy Level (%)	Recommendations		
							Revenue @ Policy Level	Cost Recovery Policy Level (%)	Increase Revenue
1 Fire/Life Safety Review:									
2 New Shell Building (per 1,000 sq ft)	Fee	\$1,260	\$2,990	\$1,730	42.14%	100.00%	\$2,940	\$1,680	
3 Complete Building (per 1,000 sq ft)	Fee	\$4,218	\$16,460	\$12,242	25.63%	100.00%	\$16,530	\$12,312	
4 Tenant Improvement (per 1,000 sq ft)	Fee	\$12,397	\$29,201	\$16,804	42.45%	100.00%	\$30,360	\$17,963	
5 Fire Sprinkler System (per 1,000 sq ft)	Fee	\$2,266	\$14,609	\$12,334	15.52%	100.00%	\$14,420	\$12,154	
6 Fire Alarm Systems (per 1,000 sq ft)	Fee	\$1,210	\$7,719	\$6,509	15.68%	100.00%	\$7,700	\$6,490	
7 Fire Sprinkler System Test & Inspection (per system)	Fee	\$12,744	\$18,567	\$5,823	68.64%	100.00%	\$18,630	\$5,886	
8 Fire Alarm System Test & Inspection	Fee	\$8,160	\$11,822	\$3,662	69.02%	100.00%	\$11,900	\$3,740	
9 Site Plan Review	Fee	\$960	\$2,217	\$1,257	43.30%	100.00%	\$2,200	\$1,240	
10 Changed Plans Check	Fee	\$822	\$758	-\$64	108.45%	100.00%	\$780	-\$42	
11 Alternate Materials/Methods Evaluation	Fee	\$286	\$763	\$477	37.50%	100.00%	\$760	\$474	
12 Engineers/Pre-engineered Fire Prot	Fee	\$406	\$464	\$58	87.43%	100.00%	\$460	\$54	
13 Re-Inspections after 2 times	Fee	\$73	\$45	-\$28	163.81%	100.00%	\$45	-\$28	
14 After Hours Inspection	Fee	\$213	\$208	-\$5	102.23%	100.00%	\$210	-\$3	
15 Spray Booth Installation Permit	Fee	\$240	\$914	\$674	26.25%	100.00%	\$900	\$660	
16 Underground Tank Abandon/Fill	Fee	\$190	\$984	\$794	19.31%	100.00%	\$1,000	\$810	
17 Each Additional Tank	Fee	\$45	\$232	\$187	19.44%	100.00%	\$230	\$185	
18 Underground Tank Install	Fee	\$76	\$509	\$433	14.92%	100.00%	\$500	\$424	
19 Each Additional Tank	Fee	\$13	\$29	\$16	44.92%	100.00%	\$28	\$16	
20 Underground Tank Removal	Fee	\$196	\$787	\$591	24.90%	100.00%	\$800	\$604	
21 Each Additional Tank	Fee	\$24	\$46	\$22	51.84%	100.00%	\$46	\$22	
22 Convault Tank Install	Fee	\$76	\$542	\$466	14.03%	100.00%	\$540	\$464	
23 Each Additional Convault Tank	Fee	\$9	\$39	\$30	23.23%	100.00%	\$39	\$30	
24 Water Flow Test	Hourly Rate	\$2,800	\$4,862	\$2,062	57.59%	100.00%	\$4,830	\$2,030	
25 Fire Marshal	Hourly Rate		\$1,669	\$1,669	100.00%	100.00%	\$1,670	\$1,670	

# USER FEE STUDY SUMMARY SHEET

## - TOTAL PROGRAM INFORMATION -

City of Modesto  
 Fire Prevention  
 FY 2008/09

Service Name	Service Type	Revenue @ Current Fee	Revenue @ Full Cost Recovery	Current City Subsidy	Current Cost Recovery %	Recommendations		
						Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue
26 Dep. Fire Marshal	Hourly Rate		\$930	\$930		100.00%	\$930	\$930
27 Fire Tech	Hourly Rate		\$695	\$695		100.00%	\$690	\$690
28 ADA III	Hourly Rate		\$526	\$526		100.00%	\$530	\$530
<b>Total User Fees<sup>1</sup></b>			\$119,877	\$69,893			\$119,669	\$70,985
% of Full Cost			100.00%	58.94%			100.92%	59.86%
<b>Total Non Fee Services</b>			\$689,361	\$689,361				
% of Full Cost			100.00%	100.00%				
<b>Department Totals</b>			\$787,938	\$739,254			\$119,669	\$70,985
% of Full Cost			100.00%	93.82%			15.19%	9.01%

<sup>1</sup> This total focuses on fee related activity only. Non fee related activity costs have been excluded.

## VI PARKS PLANNING AND DEVELOPMENT LANDSCAPE

The Parks Planning and Development Services Landscape Section is responsible for providing neighborhood, community, and regional open space that meets the goals of the Modesto Urban Area General Plan. This Section is responsible for providing landscape review and inspection services for new development. All complete sets of building plans are routed to the Development Center for landscape and irrigation review.

The total cost of all PPD Landscape fee-related services is \$51,488. Fee revenue totals \$53,413 for a cost recovery rate of 104%. This means several of the Section's fees are too high and that overall fee revenue must be reduced.

The following is a review of findings and highlights:

- PPD Landscape fees are generating a slight revenue surplus. This could be due to a number of reasons. One possibility is that PPD Landscape has become more efficient in performing plan check services.
- If all recommendations are adopted, annual revenue will decrease by \$1,808. This net decrease will come from a combination of both fee increases and decreases.

The summary charts on the following pages show the results of this section's cost analysis. Page 33 provides information on a "Per Unit" basis. Page 35 provides total annual information by multiplying the per-unit fees and costs by the volume of activity in order to project annual costs and revenues.

# USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Modesto  
PPD-Landscaping  
FY 2008/09

Service Name	Service Type	Annual Volume	Current Fee	Full Cost	Current City Subsidy	Current Cost Recovery %	Recommendations		
							Cost Recovery Policy Level (%)	Fee @ Policy Level	City Subsidy @ Policy Level
1 Landscape Plan Checks:									
2 Up to 5000 sq ft	Fee	32	\$232.00	\$236.84	\$4.84	97.96%	100.00%	\$240.00	-\$3.16
3 5001 to 10,000 sq ft	Fee	14	\$360.00	\$351.50	-\$8.50	102.42%	100.00%	\$350.00	\$1.50
4 10,001 to 15,000 sq ft	Fee	9	\$242.00	\$408.84	\$166.84	59.19%	100.00%	\$410.00	-\$1.16
5 15,001 to 25,000 sq ft	Fee	6	\$550.00	\$523.50	-\$26.50	105.06%	100.00%	\$520.00	\$3.50
6 25,001 to 50,000 sq ft	Fee	5	\$678.00	\$638.16	-\$39.84	106.24%	100.00%	\$640.00	-\$1.84
7 50,001 + sq ft	Fee	5	\$994.00	\$924.82	-\$69.18	107.48%	100.00%	\$920.00	\$4.82
8 Landscape Plan Re-checks:									
9 Up to 5000 sq ft	Fee	12.8	\$170.00	\$179.51	\$9.51	94.70%	100.00%	\$180.00	-\$0.49
10 5001 to 10,000 sq ft	Fee	5.6	\$170.00	\$179.51	\$9.51	94.70%	100.00%	\$180.00	-\$0.49
11 10,001 to 15,000 sq ft	Fee	3.6	\$232.00	\$236.84	\$4.84	97.96%	100.00%	\$240.00	-\$3.16
12 15,001 to 25,000 sq ft	Fee	2.4	\$297.00	\$294.17	-\$2.83	100.96%	100.00%	\$290.00	\$4.17
13 25,001 to 50,000 sq ft	Fee	2	\$360.00	\$351.50	-\$8.50	102.42%	100.00%	\$350.00	\$1.50
14 50,001 + sq ft	Fee	2	\$424.00	\$380.17	-\$43.83	111.53%	100.00%	\$380.00	\$0.17
15 Landscape Inspections:									
16 Up to 5000 sq ft	Fee	32	\$170.00	\$157.66	-\$12.34	107.83%	100.00%	\$160.00	-\$2.34
17 5001 to 10,000 sq ft	Fee	14	\$202.00	\$186.33	-\$15.67	108.41%	100.00%	\$190.00	-\$3.67
18 10,001 to 15,000 sq ft	Fee	9	\$297.00	\$243.66	-\$53.34	121.89%	100.00%	\$240.00	\$3.66
19 15,001 to 25,000 sq ft	Fee	6	\$424.00	\$343.99	-\$80.01	123.26%	100.00%	\$340.00	\$3.99
20 25,001 to 50,000 sq ft	Fee	5	\$550.00	\$429.99	-\$120.01	127.91%	100.00%	\$430.00	-\$0.01
21 50,001 + sq ft	Fee	5	\$678.00	\$573.32	-\$104.68	118.26%	100.00%	\$570.00	\$3.32
22 Landscape Re-inspections									
23 Up to 5000 sq ft	Fee	0.64	\$170.00	\$129.00	-\$41.00	131.79%	100.00%	\$130.00	-\$1.00
24 5001 to 10,000 sq ft	Fee	1	\$170.00	\$157.66	-\$12.34	107.83%	100.00%	\$160.00	-\$2.34
25 10,001 to 15,000 sq ft	Fee	1	\$202.00	\$200.66	-\$1.34	100.67%	100.00%	\$200.00	\$0.66



# USER FEE STUDY SUMMARY SHEET

- PER UNIT INFORMATION -

City of Modesto

PPD-Landscaping

FY 2008/09

							<i>Recommendations</i>		
Service Name	Service Type	Annual Volume	Current Fee	Full Cost	Current City Subsidy	Current Cost Recovery %	Cost Recovery Policy Level (%)	Fee @ Policy Level	City Subsidy @ Policy Level
26 15,001 to 25,000 sq ft	Fee	1	\$232.00	\$171.99	-\$60.01	134.89%	100.00%	\$170.00	\$1.99
27 25,001 to 50,000 sq ft	Fee	1	\$232.00	\$229.33	-\$2.67	101.17%	100.00%	\$230.00	-\$0.67
28 50,001 + sq ft	Fee	1	\$297.00	\$257.99	-\$39.01	115.12%	100.00%	\$260.00	-\$2.01

# USER FEE STUDY SUMMARY SHEET

## - TOTAL PROGRAM INFORMATION -

City of Modesto  
PPD-Landscaping  
FY 2008/09

Service Name	Service Type	Revenue @ Current Fee	Revenue @ Full Cost Recovery	Current City Subsidy	Current Cost Recovery %	Recommendations		
						Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue
1 Landscape Plan Checks:								
2 Up to 5000 sq ft	Fee	\$7,424	\$7,579	\$155	97.96%	100.00%	\$7,680	\$256
3 5001 to 10,000 sq ft	Fee	\$5,040	\$4,921	-\$119	102.42%	100.00%	\$4,900	-\$140
4 10,001 to 15,000 sq ft	Fee	\$2,178	\$3,680	\$1,502	59.19%	100.00%	\$3,690	\$1,512
5 15,001 to 25,000 sq ft	Fee	\$3,300	\$3,141	-\$159	105.06%	100.00%	\$3,120	-\$180
6 25,001 to 50,000 sq ft	Fee	\$3,390	\$3,191	-\$199	106.24%	100.00%	\$3,200	-\$190
7 50,001 + sq ft	Fee	\$4,970	\$4,624	-\$346	107.48%	100.00%	\$4,600	-\$370
8 Landscape Plan Re-checks:								
9 Up to 5000 sq ft	Fee	\$2,176	\$2,298	\$122	94.70%	100.00%	\$2,304	\$128
10 5001 to 10,000 sq ft	Fee	\$952	\$1,005	\$53	94.70%	100.00%	\$1,008	\$56
11 10,001 to 15,000 sq ft	Fee	\$835	\$853	\$17	97.96%	100.00%	\$864	\$29
12 15,001 to 25,000 sq ft	Fee	\$713	\$706	-\$7	100.96%	100.00%	\$696	-\$17
13 25,001 to 50,000 sq ft	Fee	\$720	\$703	-\$17	102.42%	100.00%	\$700	-\$20
14 50,001 + sq ft	Fee	\$848	\$760	-\$88	111.53%	100.00%	\$760	-\$88
15 Landscape Inspections:								
16 Up to 5000 sq ft	Fee	\$5,440	\$5,045	-\$395	107.83%	100.00%	\$5,120	-\$320
17 5001 to 10,000 sq ft	Fee	\$2,828	\$2,609	-\$219	108.41%	100.00%	\$2,660	-\$168
18 10,001 to 15,000 sq ft	Fee	\$2,673	\$2,193	-\$480	121.89%	100.00%	\$2,160	-\$513
19 15,001 to 25,000 sq ft	Fee	\$2,544	\$2,064	-\$480	123.26%	100.00%	\$2,040	-\$504
20 25,001 to 50,000 sq ft	Fee	\$2,750	\$2,150	-\$600	127.91%	100.00%	\$2,150	-\$600
21 50,001 + sq ft	Fee	\$3,390	\$2,867	-\$523	118.26%	100.00%	\$2,850	-\$540
22 Landscape Re-inspections								
23 Up to 5000 sq ft	Fee	\$109	\$83	-\$26	131.79%	100.00%	\$83	-\$26
24 5001 to 10,000 sq ft	Fee	\$170	\$158	-\$12	107.83%	100.00%	\$160	-\$10
25 10,001 to 15,000 sq ft	Fee	\$202	\$201	-\$1	100.67%	100.00%	\$200	-\$2

# USER FEE STUDY SUMMARY SHEET

## - TOTAL PROGRAM INFORMATION -

City of Modesto

PPD-Landscaping

FY 2008/09

						<i>Recommendations</i>		
Service Name	Service Type	Revenue @ Current Fee	Revenue @ Full Cost Recovery	Current City Subsidy	Current Cost Recovery %	Cost Recovery Policy Level (%)	Revenue @ Policy Level	Increased Revenue
26 15,001 to 25,000 sq ft	Fee	\$232	\$172	-\$60	134.89%	100.00%	\$170	-\$62
27 25,001 to 50,000 sq ft	Fee	\$232	\$229	-\$3	101.17%	100.00%	\$230	-\$2
28 50,001 + sq ft	Fee	\$297	\$258	-\$39	115.12%	100.00%	\$260	-\$37
Total User Fees <sup>1</sup>		\$53,413	\$51,488	-\$1,925			\$51,605	-\$1,808
% of Full Cost		103.74%	100.00%				100.23%	
Total Other Services			\$535,409	\$535,409				
% of Full Cost			100.00%	100.00%				
Department Totals		\$53,413	\$586,897	\$533,484			\$51,605	-\$1,808
% of Full Cost		9.10%	100.00%	90.90%			8.79%	

<sup>1</sup> This total focuses on fee related activity only. Non fee related activity costs have been excluded.

## VII FEE COMPARISON SURVEY

The following pages display a comparison of Modesto's current fee levels and Modesto's full processing cost to fees charged by other jurisdictions. Fees selected for comparison were those most commonly processed and those with the greatest revenue impact.

The figures presented in the comparison survey reflect a "market basket" of what other cities charge for similar services. It does not reflect each jurisdiction's cost, as these jurisdictions may not be aware of their full cost and/or may consciously price their services below full cost.

Modesto's proposed fees are in the high-end range of what survey participants charge for development services. However, for most services, Modesto is not the highest.

The fee comparison survey includes the following jurisdictions:

- Elk Grove
- Fresno
- Manteca
- Stanislaus County
- Stockton
- Tracy
- Turlock

Comparison Survey - City of Modesto

Land Development	Modesto - Current	Modesto - Proposed	Stockton	Manteca	Elk Grove	Fresno (Reviewing Fees)	Stanislaus County (Reviewing Fees)	Turlock	Tracy (Reviewing Fees)
Encroachment Permits	\$73-\$336	\$80-\$840	\$504 (up to 50 lf)	No Fee	\$47 Annual \$250 deposit	*	\$35 Driveway Construction	\$55	Sidewalks & Driveways: \$55 (+\$15/sq ft) or \$50, whichever is less; Misc: \$110 + \$85/hour
Parcel Map Check	\$1,366	\$1,620	\$3,075	\$2,400 minor subdivision (4 lots or <)	\$500	\$3,160 (3 lots or less)/each, \$4,410 (4 lots or more)/each	\$1,390 +\$10 per lot/block	\$1,650	\$2,269
Tract Map Check	\$2,022 + \$20/lot over 10 lots	\$2,600 + \$27/lot over 10 lots	\$3,397 + \$9/lot	\$5,000 + \$50/lot major subdivision (5 lots or >)		\$9,140 + \$59/lot	\$1,390 +\$10 per lot/block	*	\$1,840
Public Improvement Plan Check	\$25k cost est: 6.8% \$100k cost est: 2.3% \$250k cost est: 1.6%	\$25k cost est: 10.6% \$100k cost est: 3.36% \$250k cost est: 2.14%	up to \$100k: 6.5% \$101-\$750k: 3% \$751k+: 2%	2% of Engineer's Estimate + Contingency	\$750	\$0-\$50k cost est: 4.5% or \$500 \$50k-\$250k cost est: \$2,250+2% Over \$250k cost est: \$6,250+1.8%	\$80/hour	Valuation Based and estimated hours (varies w/each project)	3.5% of Improvement Construction Cost
Right of Way Abandonment	\$1,947	\$2,240	\$2,695	No Fee	\$850	*	\$1,110	\$1,100	\$1,440
Building	Modesto - Current	Modesto - Proposed	Stockton (Res or Comm)	Manteca	Elk Grove (Commercial)	Fresno (Reviewing Fees)	Stanislaus County (Commercial)	Turlock (Res or Comm)	Tracy (Res or Comm)
\$2,000 Valuation Project	\$127	\$137	\$229	\$74	\$264	\$137	\$120	\$103	\$138
\$25,000 Valuation Project	\$554	\$683	\$1,290	\$416	\$533	\$762	\$532	\$578	\$662
\$50,000 Valuation Project	\$893	\$1,071	\$2,128	\$684	\$804	\$1,271	\$875	\$949	\$1,086
\$100,000 Valuation Project	\$1,358	\$1,869	\$3,280	\$1,055	\$1,256	\$1,967	\$1,351	\$1,464	\$1,663
\$500,000 Valuation Project	\$4,262	\$6,306	\$10,435	\$5,365	\$4,872	\$5,075	\$4,307	\$4,764	\$5,359
\$1,000,000 Valuation Project	\$7,389	\$11,139	\$18,089	\$5,840	\$7,292	\$7,509	\$7,475	\$8,270	\$9,275
Building - Commercial	Modesto - Current	Modesto - Proposed	Stockton (Res or Comm)	Manteca	Elk Grove	Fresno (Reviewing Fees)	Stanislaus County (Reviewing Fees)	Turlock	Tracy (Res or Comm)
6,000 sq. ft. Shell Building Mercantile VB @ \$600,000 valuation	based on valuation from applicant-similar 2007 project based on \$600k val = \$5756	No change	\$11,966	\$4,796	\$9,088	\$5,662.95 (using on line fee schedule)	\$4,941	\$4,656	\$6,119

**Comparison Survey - City of Modesto**

<b>Building - Residential</b>	<b>Modesto - Current</b>	<b>Modesto - Proposed</b>	<b>Stockton</b>	<b>Manteca</b>	<b>Elk Grove</b>	<b>Fresno (Reviewing Fees)</b>	<b>Stanislaus County (Reviewing Fees)</b>	<b>Turlock</b>	<b>Tracy (Reviewing Fees)</b>
2,500 sq. ft. home + 576 sq. ft. garage @ \$250,000 valuation	\$1,876	\$3,253	\$5,963	\$2,387	\$1,954	\$3,132.05 (using on line fee schedule)	\$3,009	\$3,240	\$3,026
Water Heater	\$82	\$150	\$50	\$50 (\$35 misc plumbing permit + \$15 unit chrg)	\$56 + \$1 for new commission fee	9.50 plumbing \$39 electrical commercial \$13.50 electrical residential	\$25 +\$3 microfilm +\$45 inspection = \$73	\$57.75 plumbing \$2.88 records mgmt	\$38
<b>Planning</b>	<b>Modesto - Current</b>	<b>Modesto - Proposed</b>	<b>Stockton</b>	<b>Manteca</b>	<b>Elk Grove</b>	<b>Fresno (Reviewing Fees)</b>	<b>Stanislaus County (Reviewing Fees)</b>	<b>Turlock</b>	<b>Tracy (Reviewing Fees)</b>
Variance	Single Fam \$330 Others \$4,804	Single Fam \$3,810 Others \$3,960	\$3,320	\$750	PC: \$3,228 CC: \$3,879	\$4,200	\$2,590	\$1,875	\$672
P-D Zoning (Planned Devel)	\$6,935	\$12,490	\$4,471	\$4,000	N/A	\$7,785-\$12,305	\$3,620 deposit	\$9,385-\$10,135	\$7,850
Plot Plan Review	Admin: \$290 PC/BZA: \$5,013	Admin: \$2,870 PC/BZA: \$8,000	Site Plan Review: \$1255.60	Site Plan: \$0 1st, \$175 2nd, \$350 3rd Res: \$1,000-\$3,500 Com: \$1,500-\$3,500	**	**	\$75 Bld Permit Review + \$1.28/1,000 valuation for GP Maint Fee	**	**
Tentative Subdivision Maps	\$6,099	\$10,340	\$13,528 for first 25 lots plus \$220 each lot over 25	\$5,000 + \$50/lot	PC: \$6,485 CC: \$7,065; (26-100 lots) add'l \$732; (ea 100 lots > 1st 100) add'l \$445	\$4,470-\$5,310	\$4,170 Deposit +\$30/lot	\$5,070-\$11,190	\$10,000 1-100 lots \$15,600 >100 lots
Tentative Parcel Maps	\$4,995	\$6,670	\$5,218	\$2,400	PC: \$4,584 CC: \$4,930	\$3,294-\$4,544	\$1,920 - 2,670 + \$30/lot	\$1,650	\$7,300
Conditional Use Permits (others)	\$5,853	w development: \$6,390 w/o development: \$4,240	\$1,452-\$3,618	\$1,000 minor \$2,400 major	ZA: \$3,233 PC: \$5,223 CC: \$6,544	\$6,079-\$8,484	\$2,110 Non AG Uses	\$2,830 minor \$4,480 medium \$6,510 major	\$3,375-\$9,595
Lot Line Adjustment	\$298	\$540	\$1,692	\$500	PD: \$1,304 Staff: \$776	\$1,900	\$630 Non AG Uses	\$1,275 (engineering fee)	\$408

Comparison Survey - City of Modesto

						PD: \$2,356 PC: \$4,037 CC: \$4,620; Single Fam: \$1,268 Ea Addl: \$438				
Development Plan Review	New	\$8,890	Land Development Permit \$1,168			\$5,249-\$9,249	\$3,620 deposit	\$2,050-\$5,635	\$2,700-\$3,800	
Development Agreement	\$5,000 deposit	\$8,570 deposit	\$7,825	\$4,000 deposit	\$6,194	*	\$3,620 deposit	\$8,190	Time & Materials	
Precise Plan	\$6,665	\$8,190	\$4,725	**	**	**	**	**	**	
<b>Landscaping</b>	<b>Modesto - Current</b>	<b>Modesto - Proposed</b>	<b>Stockton</b>	<b>Manteca</b>	<b>Elk Grove</b>	<b>Fresno (Reviewing Fees)</b>	<b>Stanislaus County (Reviewing Fees)</b>	<b>Turlock</b>	<b>Tracy (Reviewing Fees)</b>	
Landscape Plan Checks	\$232-\$994	\$240-\$920	N/C (included in permit)	\$500	\$750		\$130	*	*	
Landscape Inspections	\$170-\$678	\$160-\$570	N/C (included in permit)	*	*		*	*	*	
<b>Fire</b>	<b>Modesto - Current</b>	<b>Modesto - Proposed</b>	<b>Stockton</b>	<b>Manteca</b>	<b>Elk Grove</b>	<b>Fresno (Reviewing Fees)</b>	<b>Stanislaus County (Reviewing Fees)</b>	<b>Turlock</b>	<b>Tracy (Reviewing Fees)</b>	
Fire/Safety Review	\$22-\$74 (per 1,000 sq ft)	\$120-\$290 (per 1,000 sq ft)	\$2,727	No Fees	\$840 + \$.21 per sq ft	\$2,116	\$110/hour	\$584	\$95 permit fee only	
Sprinkler System	\$472 (per system riser)	\$690 (per system riser)	\$4,341	No Fees	(< 25 heads/riser) \$705 (26-100 heads/riser) \$1,090 + # of heads > 100 x \$98 (100+heads/riser)	\$419	\$110/hour	\$584	\$1,155	
Fire Alarm System	\$96	\$140	\$1,729	No Fees	\$910 + # of devices x \$2	\$335	\$132-\$740	\$165	\$990	
Sight Plan Review	\$96	\$220	\$399	No Fees	\$205 (2 hr min)	\$247	\$110/hour	\$122	N/C Currently	
Changed Plans Check	\$137	\$130	\$328	No Fees	\$145/hour	*	\$110/hour	\$100/hour	N/C Currently	
Alternate Materials Eval	\$288	\$780	\$1,079	No Fees	\$385	*	\$147	\$416	N/C Currently	
Spray Booth Install Permit	\$48	\$180	\$1,301	No Fees	\$385	\$495	\$100/hour	\$260	\$95	
Underground Tank Install	\$38	\$200	\$1,301 (1 or 2)	No Fees	\$310 per tank	Done by Others	\$110/hour	\$135	\$165 each	
Underground Tank Abandon/Fill	\$38	\$200	\$1,218 each	No Fees	\$310 per tank	Done by Others	\$110/hour	\$135	\$245 each	
Underground Tank Removal	\$49	\$200	\$1,218 each	No Fees	\$310 per tank	Done by Others	\$110/hour	\$135	\$245 each	
Convault Tank Install	\$38	\$270	\$1,218 each	No Fees	\$310 per tank	\$102 ea site	\$110/hour	\$135	\$165	
Water Flow Test	\$40	\$69	\$256	No Fees	\$110	*	\$100/hour	\$135	\$110	

\* No response  
\*\* No comparable fee

APPENDIX: FEES RECOMMENDED FOR SUBSIDY


City of Modesto  
Fees Recommended for Subsidy

Service Name	Annual Volume	Current Fee	Full Cost	Proposed Fee	Cost Recovery @ Proposed Fee
<b>Fee #      Planning</b>					
25 Concept Review	3	\$1,051.00	\$4,906.13	\$1,000.00	20.38%
37 Appeals to C/C (of Pln Com. Or BZA decisions)	1	\$200.00	\$1,780.34	\$200.00	11.23%
38 Appeals to BZA (of admin. Decisions)	3	\$200.00	\$1,667.39	\$200.00	11.99%
48 Plot Plan Review for Large Family Daycare	3	\$0	\$2,727.86	\$1,360.00	50.00%
53 A-frame sign review	1	\$0	\$207.16	\$100.00	50.00%
60 CUP - Single Family Home	1	\$330.00	\$4,235.43	\$340.00	8.00%
61 Plot Plan Review - 2nd Story	1	\$290.00	\$997.05	\$340.00	34.10%
<b>Fee #      Land Development Engineering</b>					
52 Will Serve Letter Fee	1	\$0	\$915.86	\$460.00	50.00%



**Final Report on the Cost of Services (User Fee)  
Study for the Building Safety Division**

**CITY OF MODESTO, CALIFORNIA**

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**September 2010**

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## **1. EXECUTIVE SUMMARY**

The Matrix Consulting Group assisted the City of Modesto's Building Safety Division in analyzing its current schedule of building permit fees as related to the estimated total costs of providing services. The Matrix Consulting Group worked closely with the Division to accomplish the following:

- Change the fee calculation methodology away from the traditional valuation-based approach to a "cost per type of project" approach
- Collect and analyze the necessary data for determining the estimated reasonable cost of providing services in accordance with California State Law and relevant legal opinions

The results of this Study provide a tool for understanding current service levels, the cost and demand for those services, and what fees for service can and should be charged.

### **1. GENERAL PROJECT APPROACH AND METHODOLOGY**

The methodology employed by the Matrix Consulting Group is a widely known and accepted "bottom up" approach to cost analysis, where time spent per unit of fee activity is determined for each position within a department. Once time spent for a fee activity is determined, all applicable City costs are then considered in the calculation of the "full" cost of providing each service. An overview of types of costs applied in establishing the "full" cost of services provided by the Building Safety Division is provided in Chapter 3 of this report.

The work accomplished by the Matrix Consulting Group in the analysis of the proposed fees for service involved the following steps:

- **Departmental Staff Interviews:** The project team interviewed staff regarding their needs for clarification to the structure of existing fee items, or for addition of new fee items
- **Data Collection:** Data was collected for each item, including, time estimates and volume of activity. In addition, all budgeted costs and staffing levels for the FY 2010/11 fiscal year were entered into the Matrix Consulting Group's analytical software model
- **Cost Analysis:** The full cost of providing each service included in the analysis was established. Cross-checks such as revenue reports and allocation of not more than 100% of staff resources to both fee and non-fee related activities assured the validity of the data used in the Study.
- **Review and Approval of Results with City Staff:** Departments and City Management have reviewed and approved these documented results.

A more detailed description of user fee methodology, as well as legal and policy considerations are provided in subsequent chapters of this report.

## 2. SUMMARY OF RESULTS

Results of this analysis indicated, on average, an annual subsidy is provided to the fee payer for plan review and permitting services provided by the Building Safety Division. While some services showed an average overcharge, and others an average undercharge, the net impact of this analysis indicates the need for an overall increase in fees for service. At full cost recovery, the potential additional revenue obtained from implementing these revised and/or additional fees for services is approximately \$349,000 above what is currently collected for these services.

More information on the specific cost calculation results and resulting fee tables are included Chapter 4 as well as the attachment to this report.

### **3. POLICY RECOMMENDATION HIGHLIGHTS**

The Matrix Consulting Group strongly recommends that the City use the information contained in this report and the Division's staff report to discuss, adopt, and implement policies regarding the following:

**(1) Adopt a Fee Schedule Based on Project Type and Size Rather Than Valuation**

The methodology applied in this Study is primarily based on the estimated level service required to process, plan check, and inspect projects according to type and size of project. It is more defensible and accurate than traditional valuation-based fees.

**(2) Implement a Formal Cost Recovery Policy**

Jurisdictions generally do not consciously subsidize building code enforcement and regulation activities. The project team recommends the City try to recover as much of the service costs as is as feasible. For most fee related services, the Matrix Consulting Group recommends setting fees at 100% cost recovery.

In addition, the City should perform a complete update of its User Fee Study on a periodic basis. In general, 3 to 5 years for fee and rate studies is considered a best management practice. The purpose of a comprehensive update is to completely revisit the analytical structure, service level estimates and assumptions applied in the previous study, and to account for any major shifts in cost components or organizational structures.

In between comprehensive updates, the City could utilize published industry economic factors such as CPI or other regional factors to update the cost calculations established in the Study on an annual basis. Alternatively, the City could also consider the use of its own anticipated labor cost increases such as step increases, benefit

enhancements, or cost of living raises. The latter example provides a more realistic reflection than a CPI, given the fact that labor costs generally comprise the majority of cost calculations for a jurisdiction. Use of an automatic increase mechanism based on the City's own labor costs also provides a factor that is specific to it and its operations, rather than one that is specific to a region or industry as a whole. Utilizing an annual increase mechanism would ensure that the City receives appropriate fee and revenue increases that reflect growth in costs.

## 2. LEGAL FRAMEWORK AND POLICY CONSIDERATIONS

A “user fee” is a charge for services provided by a governmental agency to a public citizen or group. In California, several constitutional laws such as Propositions 13, 4 and 218, State Government Codes 66014 and 66016, and more recently the Attorney General’s Opinion 92-506 set the parameters under which the user fees typically administered by local government are established and administered. Specifically, California State Law, Government Code 66014(a), stipulates that user fees charged by local agencies “...may not exceed the estimated reasonable cost of providing the service for which the fee is charged”.

### 1. GENERAL PRINCIPLES AND PHILOSOPHIES REGARDING USER FEES

Local governments are providers of many types of general services to their communities. While all services provided by local government are beneficial to constituents, some services can be classified as globally beneficial to all citizens, while others provide more of a direct benefit to a specific group or individual. The following table provides examples of services provided by local government within a continuum of the degree of community benefit received:

Services that Provide General “Global” Community Benefit	Services that Provide Both “Global” Benefit and also a Specific Group or Individual Benefit	Services that Provide a Primary Benefit to an Individual or Group, with less “Global” Community Benefit
<ul style="list-style-type: none"> <li>• Police</li> <li>• Park Maintenance</li> </ul>	<ul style="list-style-type: none"> <li>• Recreation / Community Services</li> <li>• Fire Suppression / Prevention</li> </ul>	<ul style="list-style-type: none"> <li>• Building Permits</li> <li>• Planning and Zoning Approval</li> <li>• Site Plan Review</li> <li>• Engineering Development Review</li> </ul>

Funding for local government is obtained from a myriad of revenue sources such as taxes, fines, grants, special charges, user fees, etc. In recent years, alternative tax revenues, which typically offset subsidies for services provided to the community, have become increasingly limited. These limitations have caused increased attention on user fee activities as a revenue source that can offset costs otherwise subsidized (usually) by the general fund. In the table above, services in the “global benefit” section tend to be funded primarily through voter approved tax revenues. In the middle of the table, one typically finds a mixture of taxes, user fee, and other funding sources. Finally, in the “individual / group benefit” section of the table, lie the services provided by local government that are typically funded almost entirely by user fee revenue.

The following are two central concepts regarding the establishment of user fees:

- **Fees should be assessed according to the degree of individual or private benefit gained from services.** For example, the processing and approval of a land use or building permit will generally result in monetary gain to the applicant, whereas Police services and Fire Suppression are examples of services that are essential to the safety of the community at large; and,
- **A profit making objective should not be included in the assessment of user fees.** In fact, California laws require that the charges for service be in direct proportion to the costs associated with providing those services. Once a charge for service is assessed at a level higher than the actual cost of providing a service, the term “user fee” no longer applies. The charge then becomes a tax subject to voter approval.

Therefore, it is commonly accepted that user fees are established at a level that will recover up to, and not more than, the cost of providing a particular service.

## 2. GENERAL POLICY CONSIDERATIONS REGARDING USER FEES

Undoubtedly, there are programs, circumstances, and services that justify a subsidy from a tax based or alternative revenue source. However, it is essential that



jurisdictions prioritize the use of revenue sources for the provision of services based on the continuum of benefit received.

Within the services that are typically funded by user fees, the Matrix Consulting Group recognizes several reasons why City staff or The Council may not advocate the full cost recovery of services. The following factors are key policy considerations in setting fees at less than 100 percent of cost recovery:

- **Limitations posed by an external agency.** The State or other agency will occasionally set a maximum, minimum, or limit the jurisdiction's ability to charge a fee at all. Examples include Transportation Permits commonly issued by Public Works departments, many types of Police records and processing fees, as well as charging for time spent copying and retrieving public documents in the City Clerk's office.
- **Encouragement of desired behaviors.** Keeping fees for certain services below full cost recovery may provide better compliance from the community. For example, if the cost of a permit for changing a water heater in a residential home is higher than the cost of the water heater itself, many citizens will avoid pulling the permit.
- **Affect on demand for a particular service.** Sometimes raising the "price" charged for services might reduce the number of participants in a program. This is largely the case for small residential projects, where the cost to the homeowner of obtaining a permit must be in accordance with the perceived value of the regulatory or public safety service received from the Building Safety Division.
- **Participation for individuals or groups that typically cannot afford services.** Policy makers may decide to fully subsidize or set fees at a level that will allow participation for certain segments of the community, such as for Senior programs or non-profit organizations.
- **Benefit received by user of the service and the community at large is mutual.** Many services that directly benefit a group or individual equally benefit the community as a whole. Examples include Recreation programs, Planning Design Review, historical dedications and certain types of special events, to name a few.

The Matrix Consulting Group recognizes the need for policy that intentionally subsidizes certain activities. The primary goals of a User Fee Study are to provide a fair

and equitable basis for determining the costs of providing services, and assure that the City is in compliance with State law.

Once the full cost of providing services is known, the next step is to determine the “rate” or “price” for services at a level which is up to, and not more than the full cost amount. The Council is responsible for this decision, which often becomes a question of balancing service levels and funding sources. The placement of a service or activity within the continuum of benefit received may require extensive discussion and at times fall into a “grey area”. However, with the resulting cost of services information from a User Fee Study, the Council can be assured that the adopted fee for service is reasonable, fair, and legal.

## **2. SPECIFIC LEGAL AND POLICY ISSUES REGARDING BUILDING PERMIT FEES.**

For decades, most California jurisdictions (including the City of Modesto) have utilized the Uniform Building Codes (UBC) for performing plan check and inspection services, and based their fees for service on the UBC valuation tables published by ICBO. Under the Valuation Table method of establishing permitting fees, average costs (value) of construction per square foot are provided by “Valuation Tables” issued by the ICBO (International Conference of Building Officials) organization. The multipliers contained within these Tables are then multiplied by a project’s building occupancy type and size to establish the construction value of a project. Once a project’s value is determined from this Table, a graduated fee scale for value ranges is utilized to determine plan review and inspection fees.

The use of these Tables has come under considerable review and discussion over the past several years. Many, including the Attorney General of the State of

California, believe that the valuation tables do not provide a clear nexus between fees charged and levels of service provided. In 1993, the Attorney General issued opinion 92-506 pertaining to the following questions:

- Is a local agency prohibited from charging building permit and similar fees which exceed the estimated reasonable costs of providing the services rendered unless the amounts of the fees are approved by the electorate?
- May a local agency charge building permit and similar fees based upon the Uniform Building Code Valuation Tables, which are in excess of the estimated reasonable costs of providing the services rendered unless the amounts of the fees are approved by the electorate?
- If a local agency charges building permit and similar fees based upon the Uniform Building Code Valuation Tables without supporting evidence regarding the relationship between the fees and services rendered, are such fees valid?

The Attorney General presented the following conclusions in response to the questions raised above:

- A local agency is prohibited from charging building permit and similar fees which exceed the estimated reasonable costs of services rendered unless the amounts of fees are approved by the electorate
- A local agency may not charge building permit and similar fees based upon the Uniform Building Code Valuation Tables which are in excess of the estimated reasonable costs of providing the services rendered unless the amounts of the fees are approved by the electorate.
- If a local agency charges building permit and similar fees based on the Uniform Building Code Valuation Tables without supporting evidence regarding the relationship between the fees and the services rendered, such fees are invalid to the extent they exceed the reasonable costs of providing the services rendered.

In addition, the Attorney General noted that the valuation tables are contained in a private publication issued by a nongovernmental association (ICBO), which presents no evidence of the following critical factors pertaining to the establishment of charges for service:

- That the fees set by these tables approximate the estimated costs of the specified services in any particular local jurisdiction in California; and,
- That any cost analysis has been made by the ICBO with respect to relation between the tables and costs of providing services

Finally, the Attorney General concluded that the Government Code sections related to charges for service do not confirm the reasonableness of fees set forth by the ICBO valuation tables, and that a jurisdiction may not adopt or charge the fees set forth in the tables.

Although the Attorney General's opinion specifically discusses the use of the UBC Valuation Tables, the Matrix Consulting Group considers this opinion equally applicable to the IBC Valuation Tables recently re-issued by the ICC for the following reasons:

- The ICBO/ICC have historically issued Valuation Tables for both the UBC and IBC in order to accommodate jurisdictions in California and across the country that adopt different code systems.
- The methodology utilized by ICBO/ICC to establish the construction cost multipliers for both tables is the same, where national averages of construction cost by building occupancy type present factors that reflect the value of construction per square foot.

However, in addition to the Attorney General's opinion, the Matrix Consulting Group also notes the following significant issues with the Valuation Tables:

- Valuation Tables have no correlation to the specific cost of providing services encumbered by a jurisdiction. The true costs of providing building permitting services in any jurisdiction are actually correlated to the level of effort required by City staff, not the cost of construction.
- Valuation Tables' components are subject to economic factors, which fluctuate at a higher frequency than typical costs encumbered by government agencies such as salaries, benefits, and overhead.
- Valuation Table-based fees generally result in an imbalance of revenue between commercial versus residential development. Based on the Matrix Consulting

Group's experience in analyzing building permit operations, valuation based fees for commercial occupancies do not consider the economies of scale achieved in required effort and costs associated with plan review and inspection of large projects.

Even with the knowledge and points stated above, utilization of the Valuation Table methodology for establishing building permit fees still remains the standard fee setting mechanism for most jurisdictions in California. In recent years, however, many jurisdictions have implemented cost based charging systems that do not rely on the valuation tables.

There are analyses that can closer correlate the cost of providing services to the charges for service established using the Valuation Table methodology. However, the Matrix Consulting Group considers it a best management practice for jurisdictions to move away from the Valuation Table fee setting methodology traditionally employed by governmental agencies. By performing a more thorough analysis that connects staff hours and costs to various project types and sizes, a jurisdiction can establish and implement building permit fees that are more in line with the requirements set forth in Government Code 66014 (a), which provides that "...fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged".

### 3. METHODOLOGY

The Matrix Consulting Group utilizes a cost allocation methodology, commonly known and accepted as the “bottom-up” approach to establishing User Fees. The term means that several cost components are calculated for each fee or service. These components then build upon each other to comprise the total cost for providing the service. The components of a full cost calculation for the City of Modesto’s building permit services are shown in the tables below. The following presents a breakdown of costs included in the fee calculation results shown in the appendix to this report:

<b>Cost Component</b>	<b>Description</b>
<b>Direct</b>	Fiscal Year 2010/11 budgeted salaries, benefits and allowable departmental expenditures
<b>Departmental Overhead</b>	Building Safety Division administration / management and clerical support, as well as a relative portion of CED Administrative Costs
<b>Citywide Overhead</b>	City costs associated with central service costs such as payroll, human resources, budgeting, City management, etc. These costs are established through the City’s detailed Cost Allocation Plan.

The general steps utilized by the project team to determine allocations of cost components to a particular fee or service are:

- Create a list of building occupancy types and miscellaneous project items
- Identify average time to process, plan check, and inspect each occupancy and/or project item
- Utilize the comprehensive allocation of staff time to establish an allocation basis for the other cost components; and,
- Distribute the appropriate amount of the other cost components to each fee or service based on the staff time allocation basis, or other reasonable basis.

The result of these allocations provides detailed documentation for the reasonable estimate of the actual cost of providing each service. The following are

critical points about the use of time estimates and the validity of cost allocation models.

## **1. USE OF TIME ESTIMATES**

Time estimates are a measure of the service levels required to perform a particular service. One of the key study assumptions utilized in the “bottom up” approach is the use of time estimates for the provision of each fee related service. Utilization of time estimates is a reasonable and defensible approach, especially since these estimates are developed by experienced staff members who understand the service levels and processes unique to the City of Modesto.

The project team worked closely with the City’s staff in developing time estimates with the following criteria:

- Estimates are representative of average times for providing service. Extremely difficult or abnormally simple projects are excluded from the analysis;
- Estimates provided by staff are reviewed and approved by the department, and often involve multiple iterations before a Study is finalized;

The Matrix Consulting Group agrees that while the use of time estimates is not a perfect approach, it is the best alternative available for setting a standard level of service for which to base a jurisdiction’s fees for service, and it meets the requirements of California law.

## **2. VALIDITY OF THE COST ALLOCATION ANALYTICAL MODEL**

Various mathematical “cross-checks” validate the use of our cost allocation model for establishing fees for service. In addition to the collection of time estimate data for each fee or service included in the User Fee Study, annual volume of activity data assumptions are also a critical component. Collecting data on the estimated volume of activity for each fee or service provides assurance that 100% of staff resources are

accounted for and allocated to a fee for service, or “other non fee” related category. Since there are no objectives to make a profit in establishing user fees, it is very important to ensure that services are not estimated at a level that exceeds budgeted resource capacity. If at least and not significantly more than 100% of staff resources are accounted for, then no more than 100% of costs associated with providing services will be allocated to individual services in the Study.



## 4. BUILDING SAFETY DIVISION - DETAILED RESULTS

The motivation behind a cost of services (User Fee) analysis is for the City Council and City Staff to maintain services at a level that is both accepted and effective for the community, and also to maintain control over the policy and management of these services.

The Building Safety Division maintains all City building codes and standards. The Division assists residents and developers with all building permits. All new construction projects in the City must go through the Plan Review and Building Inspection process completed by the Division.

As shown in the following table, the net result of the Study found an overall undercharge for services performed by the Building and Safety Division.

Projected Annual Revenue at Current Fees	Projected Annual Revenue at Full Cost per Unit	Annual Revenue Surplus / (Subsidy)	Cost Recovery Rate
\$1,099,000	\$1,448,000	\$(349,000)	76%

*\*Note: Figures shown above are rounded to the nearest thousand for reporting purposes.*

The results of the analysis for the Building Safety Division identified an overall annual subsidy of approximately \$349,000 provided to the public for plan review and inspection services. At current fee levels, the Division is recovering approximately 74% of the total City costs associated with providing its services.

Discussion of results in this chapter is intended as a summary of extensive and voluminous cost allocation documentation produced during the Study. The full analytical results were provided to City staff under separate cover from this summary report. The

attached table to this report includes more detailed cost calculation results for the Building Safety Division from two perspectives:

- **First, on a “Per Unit” Basis:** comparing the full cost of providing each unit of service to the current fee for each unit of service (where applicable).
- **Second, on an annualized basis:** the project team utilized volume of activity estimates to project annual subsidies and revenue impacts associated with the implementation of each fee for service at full cost recovery levels.

It should be noted that the results presented in this report are not a precise measurement. In general, the a cost of service analysis takes a “snapshot in time”, where the most current fiscal year of adopted budgeted cost information is compared to the most current complete fiscal year of revenue and workload data available. Workload data may then be adjusted to reflect “reasonable and defensible” estimates for purposes of analysis. Changes to the structure of fee names, along with the use of time estimates allow only for a reasonable projection of subsidies and revenue. Consequently, the Council and City staff should rely conservatively upon these estimates to gauge the impact of implementation going forward.

The Division wished to consider alternatives to the Valuation Table methodology for establishing building permit fees, for many of the reasons previously discussed in Chapter 2. As such, the Matrix Consulting Group worked with City staff to undergo a thorough analysis that connects staff hours and costs by various project types to fees for service.

Attachment A displays the resulting Building and Safety services cost calculations by major grouping of project types.

- **New Construction and Tenant Improvements:** focuses on the full cost of services related to the permitting, plan review, and inspection of new occupancies, commercial tenant improvements, residential additions, and

residential remodels. Important points to note about the fee structure in this section:

- Project types and sizes in this section were established on a per project and / or square footage size basis.
  - Smaller and more routine type projects are charged on a flat / per unit basis
  - Complex, larger projects are charged on a deposit basis, with tracking of staff hours and billing based on fully burdened hourly rates. The deposit amount for each project can be set at an amount up to and not exceeding the number shown in the "Total Cost per Unit" column of the table.
- **Minor Remodels and Improvements:** presents full cost of services results related to small projects that do not fit directly into the structure identified for in the "New Construction and Tenant Improvements" section above. Common projects seen in this area include minor residential and commercial improvements such as re-roofs, window replacement, retaining walls, pools, etc. These project types and sizes were analyzed on a flat-fee, per project basis.
  - **MPE Simple Stand Alone Permits:** presents full cost of services results related to Mechanical, Plumbing and Electrical projects that are "stand-alone" or "singular" in nature, meaning they are not part of an application for a project shown in either section noted above.
  - **Fee Supporting and Other Non-Fee Related Activities:** Accounts for the amount of time spent by the Building Official and administrative support to the Neighborhood Preservation program. Costs associated with this activity are not included in the fees for service established above, and would require alternate funding sources.
  - **Blended Full Cost Recovery Hourly Rates:** Establishes a full cost recovery hourly rate for the plan review and inspection functions of the Division. These rates would be charged against any deposit-based project, or in the event that the Division received a rare project for which a fee was not established through this study. These hourly rates could also be charged for "service required in excess of standard" on smaller projects, such as excessive plan review revisions or failed inspections.

## 5. CONCLUSION

The City of Modesto engaged the Matrix Consulting Group to determine the total cost of services provided to its citizens and businesses building permitting services. To calculate the total cost services, Matrix Consulting Group employed both a widely accepted and defensible methodology, as well as the experience and input of City staff to complete the necessary data collection and discussion to complete the analysis. City leaders can now use this information to make informed decisions and set its fees to meet the fiscal and policy goal objectives of the City.

Overall, this Cost of Services Study concluded that the City under-recovers its costs by approximately \$349,000 per year providing its *fee-related* services. While the detailed documentation of the Study will show an over-collection for certain fees (on a per unit basis), and an undercharge for others, overall, the City is providing an annual subsidy to fee payers for all services included in the analysis.

The project team recommends the City try to recover as much of the service costs as is feasible. For most fee related services, the Matrix Consulting Group recommends setting fees at 100% cost recovery. However, as discussed in previous chapters of this report, several policy factors often warrant adoption of fee levels at less than 100%.

**ATTACHMENT**

**Cost Recovery Report Table**

Cost Recovery Report Table - Fee Related Services Only

FEE NO.	Fee Name	Fee Type (D = Deposit / F = Flat / AC = Annual Cost / H = Hourly)	Current Fee / Deposit (\$)	Total Cost Per Unit (\$)	Surplus / (Deficit) per Unit (\$)	Annual Recoverable Volume	Revenue at Current Fee - Annual (\$)	Total Cost - Annual (\$)	Surplus / (Deficit) - Annual (\$)
<b>NEW CONSTRUCTION AND TENANT IMPROVEMENTS</b>									
1	Comm w/o interior impr.	D	9,731	4,541	5,190	3	29,193	13,624	15,569
2	Comm w/ interior impr.	D	14,958	14,504	(448)	6	84,348	87,022	(2,674)
3	Residential 2nd Unit	F	1,145	1,911	(766)	-	-	-	-
4	Residential Custom Home / Duplex (5,000 s.f or less)	F	1,857	2,801	(1,144)	-	-	-	-
5	Residential Custom Home / Duplex (greater than 5,001 s.f.)	D	3,250	2,801	449	-	-	-	-
6	Residential Tract - master plan review	F	-	2,041	(2,041)	-	-	-	-
7	Residential Tract - Production Home	F	1,000	1,884	(884)	31	31,000	58,418	(27,418)
8	Apartment / condo	D	16,500	4,555	11,945	5	82,500	22,777	59,723
9	Hotel / Motel	D	43,000	27,096	15,904	-	-	-	-
10	Accessory Building (<500 s.f.)	F	550	514	36	23	12,650	11,811	839
11	Residential Addition (<500 s.f.)	F	734	1,492	(758)	-	-	-	-
12	Residential Addition (> 500 s.f.)	D	1,130	2,003	(873)	-	-	-	-
13	Commercial Addition (<3,000 s.f.)	F	1,533	2,113	(580)	9	13,797	19,016	(5,219)
14	Commercial Addition (>3,000 sf)	D	-	2,113	(2,113)	-	-	-	-
15	TI (<3,000 s.f.)	F	1,533	1,585	(32)	175	268,275	273,921	(5,646)
16	TI (>3,000 sf)	D	2,870	1,905	965	-	-	-	-
<b>MINOR REMODELS / IMPROVEMENTS</b>									
21	Residential Remodel (no or minor structural review required)	F	439	694	(255)	384	168,576	266,379	(97,803)
27	Residential Garage	F	385	1,014	(629)	-	-	-	-
28	Minor Residential Improvements: Such as Deck, Patio Cover, Carport, Awning, Balcony, Deck, covered Porch, Enclosed Patio	F	203	524	(321)	64	12,992	33,510	(20,518)
29	Minor Commercial Improvements: Such as Deck, Patio Cover, Carport, Awning, Balcony, Deck, covered Porch, Enclosed Patio, Single Interior Partition, Demising Wall	F	-	1,047	(1,047)	-	-	-	-
30	Demolition	F	169	237	(68)	39	6,591	9,231	(2,640)
40	Re-roof - Residential	F	192	275	(83)	795	152,640	218,312	(65,672)
41	Re-roof - Commercial	F	-	439	(439)	-	-	-	-
42	Signs (all types)	F	385	252	133	165	63,525	41,577	21,948
47	Swimming Pool (All Types)	F	515	432	83	59	30,385	25,459	4,926
62	Mobile home permit- Installation	F	230	524	(294)	4	920	2,094	(1,174)
66	Fee Collection for Fire / Annual MH	F	-	55	(55)	21	-	1,158	(1,156)
67	City / County Sphere	F	-	92	(92)	13	-	1,192	(1,192)
<b>MPE SIMPLE STAND ALONE PERMITS (see MPE Expanded Tab)</b>									
71	MPE Permit Processing	F	-	92	(92)	1,383	-	126,802	(126,802)
72	Minor MPE Single / COMBO	F	89	170	(82)	1,383	121,836	235,258	(113,423)
73	MPE Comm/ Industrial (per project)	F	-	712	(712)	-	-	-	-
91	E - PV Systems - Residential	F	-	262	(262)	-	-	-	-
92	E - PV Systems - Commercial	D	-	854	(854)	-	-	-	-

**Cost Recovery Report Table - Fee Related Services Only**

FEE NO.	Fee Name	Fee Type (D = Deposit / F = Flat / AC = Annual Cost / H = Hourly )	Current Fee / Deposit (\$)	Total Cost Per Unit (\$)	Surplus / (Deficit) per Unit (\$)	Annual Recoverable Volume	Revenue at Current Fee - Annual (\$)	Total Cost - Annual (\$)	Surplus / (Deficit) - Annual (\$)
<b>FEE SUPPORTING AND OTHER NON-FEE RELATED ACTIVITIES</b>									
96	Neighborhood Preservation Division Support (annual time)	AC	-	225,425	(225,425)	-	-	-	-
<b>BLENDED FULL COST RECOVERY HOURLY RATES</b>									
101	Plan Review - General (Non-Structural)	H	127	183	(56)	1	127	183	(56)
102	Inspection	H	-	170	(170)	1	-	170	(170)
<b>TOTAL - ALL ACTIVITIES</b>							<b>1,098,714</b>	<b>1,447,912</b>	<b>(349,198)</b>

Notes: Above fees do not include outsourced structural review costs.

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**User Fee Study**  
**BUILDING SAFETY DIVISION**  
FY 10-11

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**MODESTO, CALIFORNIA**

**Final Results: August 25, 2010**

**matrix**  
consulting group



**Schedule of Current and Potential Fees**

Fee No	Fee Name	Fee Type (V=Valuation, F=flat, H=Hourly, AC=Annual Cost, NF = Non-Fee Related, P = %)	Annual Volume Performed	Annual Volume Collected	Variance	Current Fee / Revenue (\$)
<b>NEW CONSTRUCTION AND TENANT IMPROVEMENTS</b>						
1	Comm w/o interior impr.	D	3	3	0	\$9,731.00
2	Comm w/ interior impr.	D	6	6	0	\$14,058.00
3	Residential 2nd Unit	F	1	0	1	\$1,145.00
4	Residential Custom Home / Duplex (5,000 s.f or less)	F	1	0	1	\$1,657.00
5	Residential Custom Home / Duplex (greater than 5,001 s.f.)	D	1	0	1	\$3,250.00
6	Residential Tract - master plan review	F	1	0	1	\$0.00
7	Residential Tract - Production Home	F	31	31	0	\$1,000.00
8	Apartment / condo	D	5	5	0	\$16,500.00
9	Hotel / Motel	D	1	0	1	\$43,000.00
10	Accessory Building (<500 s.f.)	F	23	23	0	\$550.00
11	Residential Addition (<500 s.f.)	F	1	0	1	\$734.00
12	Residential Addition (> 500 s.f.)	D	1	0	1	\$1,130.00
13	Commercial Addition (<3,000 s.f.)	F	9	9	0	\$1,533.00
14	Commercial Addition (>3,000 sf)	D	1	0	1	\$0.00
15	TI (<3,000 s.f.)	F	175	175	0	\$1,533.00
16	TI (>3,000 sf)	D	1	0	1	\$2,870.00
<b>MINOR REMODELS / IMPROVEMENTS</b>						
21	Residential Remodel (no or minor structural review required)	F	384	384	0	\$439.00
27	Residential Garage	F	1	0	1	\$385.00
28	Minor Residential Improvements: Such as Deck, Patio Cover, Carport, Awning, Balcony, Deck, covered Porch, Enclosed Patio	F	64	64	0	\$203.00
29	Minor Commercial Improvements: Such as Deck, Patio Cover, Carport, Awning, Balcony, Deck, covered Porch, Enclosed Patio, Single Interior Partition, Demising Wall	F	1	0	1	\$0.00
30	Demolition	F	39	39	0	\$169.00
31	Duplicate / Replacement Job Card	F	1	0	1	\$0.00

Fee No	Fee Name	Fee Type (V=Valuation, F=flat, H=Hourly, AC=Annual Cost, NF = Non-Fee Related, P = %)	Annual Volume Performed	Annual Volume Collected	Variance	Current Fee / Revenue (\$)
32	Freestanding Wall or Fence (Non-Engineered)- 0 - 100 l.f.	F	1	0	1	\$0.00
33	Freestanding Wall or Fence (Non-Engineered)- ea add'l 100 l.f.	F	1	0	1	\$0.00
34	Freestanding Wall or Fence (Engineered)- 0 - 100 l.f.	F	1	0	1	\$0.00
35	Freestanding Wall or Fence (Engineered)- ea add'l 100 l.f.	F	1	0	1	\$0.00
36	Stucco / Siding Application - Commercial - up to 500 s.f.	F	1	0	1	\$0.00
37	Stucco / Siding Application - Commercial - ea add'l 500 s.f.	F	1	0	1	\$0.00
38	Stucco / Siding Application - Residential - up to 500 s.f.	F	1	0	1	\$0.00
39	Stucco / Siding Application - Residential - ea add'l 500 s.f.	F	1	0	1	\$0.00
40	Re-roof - Residential	F	795	795	0	\$192.00
41	Re-roof - Commercial	F	1	0	1	\$0.00
42	Signs (all types)	F	165	165	0	\$385.00
43	Storage Racks - ≤ 8 ft. high - 0 - 100 l.f.	F	1	0	1	\$0.00
44	Storage Racks - ≤ 8 ft. high - ea add'l 100 l.f.	F	1	0	1	\$0.00
45	Storage Racks - > 8 ft. high - 0 - 100 l.f.	F	1	0	1	\$0.00
46	Storage Racks - > 8 ft. high - ea add'l 100 l.f.	F	1	0	1	\$0.00
47	Swimming Pool (All Types)	F	59	59	0	\$515.00
52	ADA Parking/Re-striping (≤ 1 stall)	F	1	0	1	\$0.00
53	ADA Parking/Re-striping (> 1 stall)	F	1	0	1	\$0.00
54	Window / Door / Sliding Glass Door (≤ 5)	F	1	0	1	\$0.00
55	Window / Door / Sliding Glass Door (> 6)	F	1	0	1	\$0.00
56	Relocate Building	F	1	0	1	\$0.00
59	First Time Home Buyers Inspection	F	1	0	1	\$0.00
60	Mobile home permit- Site Prep	F	1	0	1	\$0.00
61	Mobile home permit- Foundation	F	1	0	1	\$0.00
62	Mobile home permit- Installation	F	4	4	0	\$230.00
63	Relocate Building	F	1	0	1	\$0.00
64	Grading (first 10K CY)	F	9	9	0	\$2,151.00
65	Grading Inspection - (each add'l 10K CY)	F	1	0	1	\$0.00
66	Fee Collection for Fire / Annual MH	F	21	21	0	\$0.00

Fee No	Fee Name	Fee Type (V=Valuation, F=flat, H=Hourly, AC=Annual Cost, NF = Non-Fee Related, P = %)	Annual Volume Performed	Annual Volume Collected	Variance	Current Fee / Revenue (\$)
67	City / County Sphere	F	13	13	0	\$0.00
	<b>MPE SIMPLE STAND ALONE PERMITS (see MPE Expanded Tab)</b>					
71	MPE Permit Processing	F	1383	1383	0	\$0.00
72	Minor MPE Single / COMBO	F	1383	1383	0	\$88.10
73	MPE Comm/ Industrial (per project)	F	1	0	1	\$0.00
91	E - PV Systems - Residential	F	1	0	1	\$0.00
92	E - PV Systems - Commercial	D	1	0	1	\$0.00
	<b>FEE SUPPORTING AND OTHER NON-FEE RELATED ACTIVITIES</b>					
96	Neighborhood Preservation Division Support (annual time)	AC	1	1	0	\$0.00
	<b>BLENDED FULL COST RECOVERY HOURLY RATES</b>					
101	Plan Review - General (Non-Structural)	H	10	1	9	\$127.00
102	Inspection	H	10	1	9	\$0.00
NF	<b>NON-USER FEE ACTIVITIES</b>	AC	1	1	0	-

### Net Available Work Hours Calculation

	No of Employees	1	1	1	4	1
Time Category	Source	Sr. Building Inspector	Chief Building Official	Plan Review Engineer	Building Inspector II	Deputy Chief Building Officer
Gross Hours Available	8 hours / 5 days per week	2080	2080	2080	8320	2080
Vacation	Annual Accrual	120	120	120	480	120
Sick	Annual Accrual / Average Taken	48	48	48	192	48
Holiday	Annual - Official City / County	88	88	88	352	88
Training	Annual - Estimated / Budgeted	35	35	35	140	35
Meetings	Annual Estimated	97	145	97	388	97
Breaks	Annual Mandated	120	120	120	480	120
Office Hours	Annual Estimated	360	120	120	1440	120
<b>Subtotal of Reductions</b>		<b>(868)</b>	<b>(676)</b>	<b>(628)</b>	<b>(3472)</b>	<b>(628)</b>
<b>TOTAL NET AVAILABLE HOURS</b>		<b>1212</b>	<b>1404</b>	<b>1452</b>	<b>4848</b>	<b>1452</b>

### Net Available Work Hours Calculation

	No of Employees	1.5	1	1	1
Time Category	Source	Admin Office Assistant II	Admin Office Assistant III	Sr. Admin Office Assistant	Account Clerk
Gross Hours Available	8 hours / 5 days per week	3120	2080	2080	2080
Vacation	Annual Accrual	180	120	120	120
Sick	Annual Accrual / Average Taken	72	48	48	48
Holiday	Annual - Official City / County	132	88	88	88
Training	Annual - Estimated / Budgeted	12	8	8	8
Meetings	Annual Estimated	145.5	97	97	97
Breaks	Annual Mandated	180	120	120	120
Office Hours	Annual Estimated	180	120	120	120
<b>Subtotal of Reductions</b>		<b>(902)</b>	<b>(601)</b>	<b>(601)</b>	<b>(601)</b>
<b>TOTAL NET AVAILABLE HOURS</b>		<b>2219</b>	<b>1479</b>	<b>1479</b>	<b>1479</b>

### Net Available Work Hours Calculation

	No of Employees		12.5
Time Category	Source	Average per Employee	Total
Gross Hours Available	8 hours / 5 days per week	2080	26000
Vacation	Annual Accrual	120	1500
Sick	Annual Accrual / Average Taken	48	600
Holiday	Annual - Official City / County	88	1100
Training	Annual - Estimated / Budgeted	25	316
Meetings	Annual Estimated	101	1261
Breaks	Annual Mandated	120	1500
Office Hours	Annual Estimated	216	2700
<b>Subtotal of Reductions</b>		<b>(718)</b>	<b>(8977)</b>
<b>TOTAL NET AVAILABLE HOURS</b>		<b>1362</b>	<b>17024</b>

**Schedule of Cost Inputs - Salaries and Benefits**

<b>CLASSIFICATION</b>	<b>SALARY (\$)</b>	<b>BENEFITS (\$)</b>	<b>TOTAL (\$)</b>	<b>FTE</b>	<b>AVE NET AVAIL HOURS</b>
Chief Building Official	111,690	36,354	148,044	1.00	1,362
Plan Review Engineer / BI II	139,946	49,080	189,026	2.00	2,724
Sr BI / Building Inspector II	280,064	70,650	350,714	4.00	5,448
Deputy Chief Building Officer	101,194	33,738	134,932	1.00	1,362
Admin Office Assistant II	54,141	22,752	76,893	1.50	2,043
Admin Office Assistant III	42,636	22,578	65,214	1.00	1,362
Sr. Admin Office Assistant	44,846	16,914	61,760	1.00	1,362
Account Clerk	40,636	16,086	56,722	1.00	1,362
<b>SUBTOTAL SALARIES AND BENEFITS</b>	<b>815,153</b>	<b>268,152</b>	<b>1,083,305</b>	<b>12.50</b>	<b>17,024</b>

Schedule of Cost Inputs - Direct and Indirect Costs

BUDGETED EXPENSE	AMOUNT	NOTES / SOURCE
<b>Personnel Salaries &amp; Benefits</b>		
Salaries & Wages	\$ 815,153	
Benefits	\$ 268,152	
<b>Subtotal Personnel Cost</b>	<b>\$ 1,083,305</b>	
<b>Operating Services &amp; Supplies</b>		
Postage	\$ 1,600	
Mail Services - Inside	\$ 5,019	
Printing and Binding	\$ 4,000	
Business Expenses	\$ 1,000	
Training Expenses	\$ 7,300	
Utilities	\$ 3,750	
Equipment Pool Maintain	\$ 10,172	
Records Services - Outside	\$ 360	
Repair & Maint - Outside Forces	\$ 10,475	
Equipment Pool Replace	\$ 22,500	
Services, Professional & Other	\$ 18,950	
Delivery Services	\$ 100	
Infrastructure Tech & Infor	\$ 7,737	
Replacement Tech & Info	\$ 15,280	
Operations Tech & Info	\$ 204,768	
Phones Tech & Infor	\$ 8,405	
Building Service - City Forces	\$ 62,332	
Office Supplies	\$ 6,000	
Books and Periodicals	\$ 6,700	
Tools, Shop and Field Supplies	\$ 3,480	
Memberships & Dues	\$ 765	
Liability Insurance	\$ 37,793	
Housing Demolition	\$ 2,000	
<b>Subtotal Operating Cost</b>	<b>\$ 440,486</b>	
<b>Excluded Costs</b>		
Services, Professional & Other	\$ (18,950)	Pass through of outside consultant review as needed
<b>Subtotal Excluded Cost</b>	<b>\$ (18,950)</b>	
<b>Overhead</b>		
CED Administration	\$ 58,420	MCG CED Allocation based on FTE
Citywide Overhead	\$ 169,384	Current Cost Allocation Plan FY 0910
<b>Subtotal Overhead Cost</b>	<b>\$ 227,804</b>	
<b>TOTAL COSTS</b>	<b>\$ 1,732,645</b>	



Time Estimate Collection Worksheet

			1	2	3	4	5	6	7	8	9	10	11	12
EMPLOYEE	DEPT/DIV. GENERAL & ADMIN.	NEW CONSTRUCTI ON AND TENANT IMPROVEME NTS	Comm w/o Interior Impr.	Comm w/ Interior Impr.	Residential 2nd Unit	Residential Custom Home/ Duplex (5,000 s.f. or less)	Residential Custom Home / Duplex (greater than 5,001 s.f.)	Residential Tract - master plan review	Residential Tract - Production Home	Apartment / condo	Hotel / Motel	Accessory Building (<500 s.f.)	Residential Addition (<500 s.f.)	Residential Addition (> 500 s.f.)
Chief Building Official	817.20		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Plan Review Engineer / BI II	0.00		11.50	29.00	3.00	6.00	6.00	0.00	1.00	10.00	55.00	1.01	3.50	3.50
Sr. BI / Building Inspector II	0.00		14.30	54.00	8.00	10.00	10.00	12.00	10.00	16.00	100.00	1.93	5.00	8.00
Deputy Chief Building Officer	1362.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Admin Office Assistant II	2043.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Admin Office Assistant III	817.20		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sr. Admin Office Assistant	1362.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Account Clerk	1362.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual Volume	1.00		3.00	6.00	1.00	1.00	1.00	1.00	31.00	5.00	1.00	23.00	1.00	1.00
<b>Total Time Per Unit</b>	<b>7763.40</b>		<b>25.80</b>	<b>83.00</b>	<b>11.00</b>	<b>16.00</b>	<b>16.00</b>	<b>12.00</b>	<b>11.00</b>	<b>26.00</b>	<b>155.00</b>	<b>2.94</b>	<b>8.50</b>	<b>11.50</b>

Time Estimate Collection Worksheet

	13	14	15	16		21	22	27	28	29	30	40	41	42
EMPLOYEE	Commercial Addition (<3,000 s.f.)	Commercial Addition (>3,000 sf)	TI (<3,000 s.f.)	TI (>3,000 sf)	MINOR REMODELS / IMPROVEMENTS	Residential Remodel (no or minor structural review required)	Residential Remodel (City portion, add outsourced structural)	Residential Garage	Minor Residential Improvements: Such as Deck, Patio Cover, Carport, Awning, Balcony, Deck, covered Porch, Enclosed Patio	Minor Commercial Improvements: Such as Deck, Patio Cover, Carport, Awning, Balcony, Deck, covered Porch, Enclosed Patio, Single Interior Partition, Demising Wall	Demolition	Re-roof - Residential	Re-roof - Commercial	Signs (all types)
Chief Building Official	0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Plan Review Engineer / BI II	4.63	4.63	2.97	2.97		1.00	1.00	2.10	1.00	2.00	0.66	0.44	1.00	0.53
Sr BI / Building Inspector II	7.43	7.43	6.00	6.00		3.00	3.00	3.70	2.00	4.00	0.68	1.14	1.50	0.91
Deputy Chief Building Officer	0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Admin Office Assistant II	0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Admin Office Assistant III	0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sr. Admin Office Assistant	0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Account Clerk	0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Annual Volume	9.00	1.00	175.00	1.00		364.00	1.00	1.00	64.00	1.00	39.00	795.00	1.00	165.00
Total Time Per Unit	12.06	12.06	6.97	10.97		4.00	4.00	5.80	3.00	6.00	1.34	1.58	2.50	1.44

Time Estimate Collection Worksheet

	47	52	56	67		71	72	73	91	92		95		101
EMPLOYEE	Swimming Pool (All Types)	Mobile home permit-Installation	Fee Collection for Fire / Annual MH	City / County Spheres	MPE SIMPLE STAND ALONE PERMITS (see MPE Expanded Tab)	MPE Permit Processing	Minor MPE Single / COMSD	MPE Comm/ Industrial (per project)	E-PV Systems - Residential	E-PV Systems - Commercial	FEE SUPPORTING AND OTHER NON-FEE RELATED ACTIVITIES	Neighborhood Preservation Division Support (annual line)	BLENDED FULL COST RECOVERY HOURLY RATES	Plan Review - General (Non-Structural)
Chief Building Official	0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	0.00		544.80		0.00
Plan Review Engineer / BI II	0.47	1.00	0.00	0.50		0.50	0.00	1.00	0.50	1.00		0.00		1.00
Sr. BI / Building Inspector I	2.03	2.00	0.00	0.00		0.00	1.00	3.00	1.00	4.00		0.00		0.00
Deputy Chief Building Officer	0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	0.00		0.00		0.00
Admin Office Assistant II	0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	0.00		0.00		0.00
Admin Office Assistant III	0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	0.00		544.80		0.00
Sr. Admin Office Assistant	0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	0.00		0.00		0.00
Account Clerk	0.00	0.00	0.00	0.00		0.00	0.00	0.00	0.00	0.00		0.00		0.00
Annual Volume	69.00	4.00	21.00	13.00		1383.00	1383.00	1.00	1.00	1.00		1.00		10.00
Total Time Per Unit	2.50	3.00	0.50	0.50		0.50	1.00	4.00	1.50	5.00		1089.60		1.00

Time Estimate Collection Worksheet

EMPLOYEE	102	CROSS CHECKS			
	Inspection	HOURS UTILIZED	HOURS AVAIL / POSITION	BALANCE AVAILABLE	% UTILIZED
Chief Building Official	0.00	1,362	1,362	(0)	100.01%
Plan Review Engineer / BI II	0.00	2,618	2,724	106	96.12%
Sr BI / Building Inspector II	1.00	5,991	5,448	(543)	109.97%
Deputy Chief Building Officer	0.00	1,362	1,362	(0)	100.01%
Admin Office Assistant II	0.00	2,043	2,043	(0)	100.01%
Admin Office Assistant III	0.00	1,362	1,362	(0)	100.01%
Sr. Admin Office Assistant	0.00	1,362	1,362	(0)	100.01%
Account Clerk	0.00	1,373	1,362	(11)	109.78%
Annual Volume	10.00	17,472	17,024		
Total Time Per Unit	1.00				3%





Total Cost Allocation Calculations

	191	182
Distribution % Based on Personnel Costs		
Medford	815,131	484,145
Sumner	369,354	171,753
Subtotal (Total Personnel Costs)	1,184,485	655,898
Other Agencies		
Police	1,420	1,073
Fire	6,618	3,727
Public Works	1,025	728
Sanitation	1,206	834
Training Expenses	7,350	4,489
Utilities	3,790	2,411
Community Development	11,240	7,212
Police Services - Grants	40,276	27,277
Police & Maint. - Grants/Forfeits	16,426	11,141
Recruitment/Recruitment Costs	22,800	14,541
Recruitment/Recruitment & Other	16,100	10,744
Departmental Support & Other	7,237	4,946
Apprenticeship/Train & Infr.	14,250	9,171
Professional Services	3,189	2,101
Printing/Train & Infr.	62,332	39,813
Building Services - City Forests	4,725	3,117
Miscellaneous Support	8,250	5,367
Travel Expenses	3,427	2,272
Tools, Equip and Field Supplies	37,785	24,848
Miscellaneous & Debt	2,820	1,846
Miscellaneous	2,820	1,846
Miscellaneous Expenses	48,848	32,567
<b>TOTAL PERSONNEL COSTS</b>	<b>1,680,000</b>	<b>1,011,011</b>
Sumner (Personnel & Other)	(18,000)	(111)
Sumner (Materials)	(18,000)	(111)
<b>Total Indirect Costs</b>	<b>1,662,000</b>	<b>1,010,899</b>
PROPERTY GENERAL & ADMIN DET. %	0.125%	0.085%
POLICE MAINTENANCE	0.78%	0.51%
Police Departmental Costs	1,504,241	1,150,152
Sumner	55,420	42,187
Other Administration	182,339	138,559
Police Dispatch	227,994	174,994
<b>SUBTOTAL ANNUAL ALLOCATED COSTS</b>	<b>1,969,994</b>	<b>1,405,902</b>
Sumner	48,420	36,946
Police (Total Indirect Allocation)	1,921,574	1,368,956
Allocation	(51,600)	(38,954)
<b>TOTAL ANNUAL ALLOCATED COSTS</b>	<b>1,869,974</b>	<b>1,330,002</b>

**Cost Recovery Report Table - Fee Related Services Only**

FEE NO.	Fee Name	Fee Type (D = Deposit / F = Flat / AC = Annual Cost / H = Hourly)	Current Fee / Deposit (\$)	Total Cost Per Unit (\$)	Surplus / (Deficit) per Unit (\$)	Annual Recoverable Volume	Revenue at Current Fee - Annual (\$)	Total Cost - Annual (\$)	Surplus / (Deficit) - Annual (\$)
<b>NEW CONSTRUCTION AND TENANT IMPROVEMENTS</b>									
1	Comm w/o interior impr.	D	9,731	4,541	5,190	3	29,193	13,624	15,569
2	Comm w/ interior impr.	D	14,058	14,504	(446)	6	84,348	87,022	(2,674)
3	Residential 2nd Unit	F	1,145	1,911	(766)	-	-	-	-
4	Residential Custom Home / Duplex (5,000 s.f or less)	F	1,657	2,801	(1,144)	-	-	-	-
5	Residential Custom Home / Duplex (greater than 5,001 s.f.)	D	3,250	2,801	449	-	-	-	-
6	Residential Tract - master plan review	F	-	2,041	(2,041)	-	-	-	-
7	Residential Tract - Production Home	F	1,000	1,884	(884)	31	31,000	58,418	(27,418)
8	Apartment / condo	D	16,500	4,555	11,945	5	82,500	22,777	59,723
9	Hotel / Motel	D	43,000	27,096	15,904	-	-	-	-
10	Accessory Building (<500 s.f.)	F	550	514	36	23	12,650	11,811	839
11	Residential Addition (<500 s.f.)	F	734	1,492	(758)	-	-	-	-
12	Residential Addition (> 500 s.f.)	D	1,130	2,003	(873)	-	-	-	-
13	Commercial Addition (<3,000 s.f.)	F	1,533	2,113	(580)	9	13,797	19,016	(5,219)
14	Commercial Addition (>3,000 sf)	D	-	2,113	(2,113)	-	-	-	-
15	TI (<3,000 s.f.)	F	1,533	1,565	(32)	175	268,275	273,921	(5,646)
16	TI (>3,000 sf)	D	2,870	1,905	965	-	-	-	-
<b>MINOR REMODELS / IMPROVEMENTS</b>									
21	Residential Remodel (no or minor structural review required)	F	439	694	(255)	384	168,576	266,379	(97,803)
27	Residential Garage	F	385	1,014	(629)	-	-	-	-
28	Minor Residential Improvements: Such as Deck, Patio Cover, Carport, Awning, Balcony, Deck, covered Porch, Enclosed Patio	F	203	524	(321)	64	12,992	33,510	(20,518)
29	Minor Commercial Improvements: Such as Deck, Patio Cover, Carport, Awning, Balcony, Deck, covered Porch, Enclosed Patio, Single Interior Partition, Demising Wall	F	-	1,047	(1,047)	-	-	-	-
30	Demolition	F	169	237	(68)	39	6,591	9,231	(2,640)
40	Re-roof - Residential	F	192	275	(83)	795	152,640	218,312	(65,672)
41	Re-roof - Commercial	F	-	439	(439)	-	-	-	-
42	Signs (all types)	F	385	252	133	165	63,525	41,577	21,948
47	Swimming Pool (All Types)	F	515	432	83	59	30,385	25,459	4,926
62	Mobile home permit- Installation	F	230	524	(294)	4	920	2,094	(1,174)
66	Fee Collection for Fire / Annual MH	F	-	55	(55)	21	-	1,156	(1,156)
67	City / County Sphere	F	-	92	(92)	13	-	1,192	(1,192)
<b>MPE SIMPLE STAND ALONE PERMITS (see MPE Expanded Tab)</b>									
71	MPE Permit Processing	F	-	92	(92)	1,383	-	126,802	(126,802)
72	Minor MPE Single / COMBO	F	88	170	(82)	1,383	121,836	235,259	(113,423)
73	MPE Comm/ Industrial (per project)	F	-	712	(712)	-	-	-	-
91	E - PV Systems - Residential	F	-	262	(262)	-	-	-	-
92	E - PV Systems - Commercial	D	-	864	(864)	-	-	-	-



**Cost Recovery Report Table - Fee Related Services Only**

FEE NO.	Fee Name	Fee Type (D = Deposit / F = Flat / AC = Annual Cost / H = Hourly )	Current Fee / Deposit (\$)	Total Cost Per Unit (\$)	Surplus / (Deficit) per Unit (\$)	Annual Recoverable Volume	Revenue at Current Fee - Annual (\$)	Total Cost - Annual (\$)	Surplus / (Deficit) - Annual (\$)
<b>FEE SUPPORTING AND OTHER NON-FEE RELATED ACTIVITIES</b>									
96	Neighborhood Preservation Division Support (annual time)	AC	-	225,425	(225,425)	-	-	-	-
<b>BLENDED FULL COST RECOVERY HOURLY RATES</b>									
101	Plan Review - General (Non-Structural)	H	127	183	(56)	1	127	183	(56)
102	Inspection	H	-	170	(170)	1	-	170	(170)
<b>TOTAL - ALL ACTIVITIES</b>							<b>1,098,714</b>	<b>1,447,912</b>	<b>(349,198)</b>

Notes: Above fees do not include outsourced structural review costs.

**Small Project Permit Fees**  
 City of Modesto Building Safety Division

**Table M-1**  
 (Based on Matrix Consulting Group User Fee Study)

Permit Category	Avg Volume / Year	Current Fee Per Unit	Full Cost Recovery per Unit	Rcmd Fee Per Unit	Avg Val of Project*	Rcmd Fee% of Val	Current Fee % of Val	Subsidy (Annual)	% Increase (for recmd fee)	% Increase (for full cost recovery)
Water Heaters	118	\$81.00	\$265.00	\$110.00	\$790.33	14%	10%	\$18,290.00	36%	227%
Res. Reroof	611	\$192.00	\$278.00	\$278.00	\$8,069.97	3%	2%	\$0.00	45%	45%
HVAC Changeouts	425	\$86.00	\$265.00	\$190.00	\$8,809.81	2%	1%	\$31,875.00	121%	208%
Service Changes	265	\$87.00	\$265.00	\$190.00	\$2,542.87	7%	3%	\$19,875.00	118%	205%
Residential Garage/Carport	23	\$338.00	\$1,026.00	\$750.00	\$16,802.43	4%	2%	\$6,348.00	122%	204%
Res. Patio	66	\$211.00	\$529.00	\$390.00	\$5,460.26	7%	4%	\$9,174.00	85%	151%
Residential Remodel	259	\$519.00	\$702.00	\$702.00	\$26,051.77	3%	2%	\$0.00	35%	35%

**TOTAL ANNUAL COST** **\$1,447,912.00**

**ANNUAL REVENUE** **\$1,098,714.00**

**BUDGET DEFICIT** **\$349,198.00**

**SUBSIDY W/O FEE INCREASE - SMALL PROJECT PERMITS ONLY** **\$281,712.00** *81% of budget deficit*

**ANNUAL REVENUE INCREASE w/RECOMMENDED FEE** **\$196,150.00** *56% of budget deficit*

**TOTAL SUBSIDY NEEDED w/ RECOMMENDED FEE** **\$85,562.00** *6% of budget*

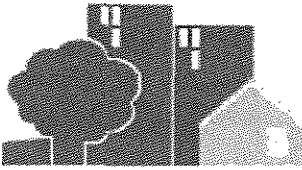
*\*sample data from Jan 2008 to December 2009*

Vacant Boarded Building Program Costs

Attachment E

Position	Hourly Rate	Annual Rate	Overhead	Grand Total
Chief Building Official		\$111,694.33	1.5832	\$176,834.46
Bldg Inspection Program Coordinator		\$96,313.77	1.5832	\$152,483.96
Code Enforcement Officer	\$26.2716		1.5832	\$41.5932
Admin Office Asst II	\$17.6971		1.5832	\$28.0180

Total CEO Inspection Time 2010	1,394.51
Total Admin Time	66.00
Total CEO Cost	\$58,002.13
Total Admin Cost	\$1,849.19
 Subtotal	 \$59,851.32
 Bldg Inspection Program Coordinator CBO	 \$15,248.40 \$1,768.34
 Total Vacant Monitoring Cost	 \$136,719.38



**City of Modesto**

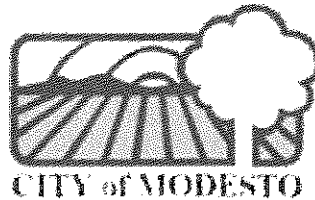
Community and Economic Development Department  
Building Safety and Neighborhood Preservation Division

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# 2011 Fee Schedule

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## Building Inspection and Plan Review Services



Effective July 1, 2011

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# Fee Policies and Procedures

## Intent and Purpose

The intent of this fee schedule is to cover the cost of providing building inspection and plan review services for new construction projects to ensure compliance with the currently adopted Building Codes. Previous fee schedules were based on the cost of the project or valuation. To better provide cost recovery to City of Modesto and to be fully transparent to the general public this cost based fee system has been developed. However, the City of Modesto recognizes that some fees may not fully cover the cost of services for the following rationale:

- 1) **Encouragement of building code compliance.** Keeping fees for certain services below full cost recovery may provide better compliance from the community. If the cost of inspection and plan review is near the cost of construction citizens may be compelled to opt to proceed with the project without permits and inspection.
- 2) **Affect on demand for a particular service.** Raising a fee for service may reduce the number participants in a fee program. This is largely the case for small residential projects, where the cost to the homeowner of obtaining a permit must be in accordance with the perceived value of the service provided.

In order to effectively administer this fee system, the Chief Building Official and or the Community and Economic Development Director must be responsible for the assessment and interpretation of this schedule. It is the intent of this Department to seek the most reasonable fee category for the project description provided to cover the costs associated with the service of plan review and inspections.

## Minimum fees and per hour charges

**Minimum Fee Permit.** This fee was established to provide the Building Safety Division flexibility in assisting citizens, contractors, designers and developers with code compliance prior to issuance of a project permit and still recover the cost associated with this service. It is a non refundable fee and includes but not limited to the following services:

- One stop inspection
- Code Consultation
- Re inspection Fee
- Small projects that do not fit in the fee schedule.

**Per Hour Charges.** At the discretion of the Chief Building Official and or the Community and Economic Development Director, an hourly charge may be applied to provide additional service not already covered by the original permit. It is a non refundable fee and includes but not limited to the following services:

- Plan review for revisions of approved plans.
- Unscheduled or out of sequence inspection.
- After hours inspection
- Re inspection

### **Fee Category Definitions**

**Accessory Building:** a small structure 120 to 500 square feet that is accessory to the main structure. Used for storage only and is not habitable.

**Apartment/Condo:** a single building with multiple living units as defined by the California Building Code that are not classified as one or two family dwellings by the California Residential Code.

**Custom Residential Dwelling:** One or Two family dwelling as defined in the California Residential Code not a part of a "in process" subdivision. This may include "infill" lots.

**Deposit:** Monies collected at the time application that may or may not cover the cost of services provided. City staff will monitor time spent on projects that are deposit based. Plan review costs will be analyzed and the applicant will be given an itemized statement of these costs upon plan approval. Inspection costs will be analyzed upon final inspection approval. If a refund is due, it will be given to the applicant upon issuance of Certificate of Occupancy. The balance of additional costs will be due prior to issuance of the Certificate of Occupancy.

**Garage:** a residential or commercial accessory structure that is used for storage only and is not habitable. Commercial accessory garage under this fee schedule may not be larger than 720 square feet and may not be used for any other purpose than storage. Other commercial garage structures will fall under the New Building without interior improvements fee category.

**Master Plan Review:** A fee will be due once the master plans of a subdivision have been approved. This fee does not include the administration and lot review of the individual dwelling permits.

**Mechanical Plumbing Electrical – Minor.** This fee includes but not limited to HVAC replacements and new systems, plumbing repairs and maintenance, electrical circuitry for new lighting and electrical outlets, service changes and similar projects in residential and small commercial applications. Large commercial systems such as boilers and advanced mechanical systems will be assessed at the MPE commercial and Industrial category.

**Production Home:** Single Family Dwellings as defined in the California Residential Code that are a part of a subdivision. This fee covers the cost of administration, lot line review and inspections of each individual single family dwelling. Each single family dwelling will require a permit.

**Residential Remodel:** This fee category covers small residential projects not covered in any other category. Structural plan review would not be covered in this fee category. Should a structural plan review be needed for the project, a structural plan review would be included in the fee at the per hour charge listed in this schedule.

## Residential Fee Schedule

<b>Custom Residential Dwelling including duplex (Includes MPE)</b>	
Small Residential Units including granny flats up to 1,300 square Feet	\$1,911
Dwellings up to 5,000	\$2,801
Dwellings 5,000 or greater	\$2,801 deposit
<b>Residential Dwelling - Tract Homes (Includes MPE)</b>	
Master Plan Review per development	\$2,041
Production Home (each)	\$1,884
<b>Residential Additions, Remodels, Minor Improvements and Repairs</b>	
Additions less than or equal to 500 square feet (includes MPE)	\$1,492
Additions >500 square feet (includes MPE)	\$2,003 deposit
Residential Remodel (no structural review needed) (includes MPE)	\$694
Improvements*: Decks, Patio Enclosures and Covers, Carports, Covered porch, etc	\$524
Accessory Buildings: 120 to 500 square feet (>500 square feet see Garage)	\$514
Garage	\$1,014
Re-roofing*	\$275
Mobile Home Installation (Park installation and permanent foundation)	\$524

## Commercial Fee Schedule

<b>New Construction (Includes MPE)</b>	
New Building with without Interior Improvements (Shell)	\$4,541 deposit
New Building with Interior Improvements	\$14,504 deposit
Apartment/Condo	\$4,555 deposit
Hotel/Motel	\$27,096 deposit
<b>Commercial Additions (Includes MPE)</b>	
<3,000 square feet	\$2,113
>3,000 square feet	\$2,113 deposit
<b>Commercial Remodels, Tenant Improvements, Minor Improvements and Repairs</b>	
Tennant Improvement 500 to3,000 square feet (Includes MPE)	\$1,565
Tennant Improvement >3,000 square feet (Includes MPE)	\$1,905 deposit
Minor Improvements and Remodels: Decks, awnings, carports, Single interior partition and demising walls, tenant improvements up to 500 square feet.	\$1,047
Accessory Buildings < 500 square feet (>500 square feet see Garage)	\$514
Garage (up to 720 square feet)	\$1,014
Re-roofing	\$439
<b>Accessibility Review</b>	
ADA CBC Chapter 11 Accessibility Review (hourly rate)	\$183
Certified Access Specialist Review and Inspection* (hourly rate)	\$90/hr
Admin Processing Fee	\$32
<i>*Currently in process of a RFP for these services</i>	



**Miscellaneous Fees**

<b>Mechanical Plumbing Electrical</b>	
Mechanical Plumbing Electrical - Minor* (see definitions)	\$262
Water Heater Replacement*	\$262
Mechanical Plumbing Electrical - Commercial/Industrial	\$804
Electrical Photovoltaic -- Residential	\$262
Electrical Photovoltaic -- Commercial	\$864 deposit
<b>Miscellaneous</b>	
Demolition	\$237
Signs (all types)	\$252
Swimming Pool (All types)	\$432
Vacant Building Registration (NPU)	\$203
Minimum Fee*	\$190
May be charged at the Chief Building Official and or Director's discretion and is non refundable.	
Hourly rates	
Inspection	\$170
Plan Review(Non Structural)	\$183
Plan Review* (Structural)	\$200
<i>*Currently in process of a RFP for these services</i>	

\*Corresponds to Table M-1 subsidy for City Council consideration.

**Proposed Fees - Planning Applications**

September 23, 2010

Application Type	Existing Fee	Proposed Fee	Difference
<b>Zoning Actions</b>			
P-D Zone	\$7,415	\$4,972	-\$2,443
P-D Amendment (Planning Commission approval)	\$6,372	\$4,178	-\$2,194
P-D Amendment (City Council approval)	\$7,415	\$4,972	-\$2,443
Rezone <sup>1</sup>	\$2,982	\$3,375	\$393
Prezone <sup>2</sup>	\$2,982	\$3,375	\$393
Development Agreement	T&M, \$5,000 deposit	T&M, \$5,000 deposit	n/a
Development Agreement Amendment	T&M, \$5,000 deposit	\$3,905	n/a
Precise Plan/Precise Plan Amendment	\$7,317	\$4,972	-\$2,345
Area Plan	None	\$4,178	n/a
Annexation	\$11,753	\$4,833	-\$6,920
<b>Minor Zoning Actions</b>			
CUP With Development	\$6,275	\$4,178	-\$2,097
CUP Without Development	\$6,275	\$1,892	-\$4,383
CUP, signs and cell facilities	\$6,275	\$1,540	-\$4,735
CUP in single-family dwelling	\$330	\$805	\$475
Variance	\$6,168	\$2,049	-\$4,119
Variance for single-family dwelling	\$330	\$805	\$475
Exception	None	\$2,049	n/a
Development Plan Review <sup>2</sup>	None <sup>1</sup>	\$2,756	n/a
Development Plan Review, minor alteration <sup>2</sup>	None <sup>2</sup>	\$391	n/a
Development Plan Review, minor residential <sup>3</sup>	\$330	\$514	\$184
Final Development Plan, Planning Commission approval	\$5,275	\$4,178	-\$2,097
Final Development Plan, administrative approval	\$6,275	\$2,756	-\$3,519
Plot Plan Review (Planning Commission/BZA approval)	\$5,388	\$4,178	-\$1,210
Administrative Approval of Revised Plans	\$547	\$391	-\$156
<b>Land Division</b>			
Tentative Subdivision Map	\$6,534	\$4,178	-\$2,356
Tentative Parcel Map	\$5,369	\$2,493	-\$2,876
Lot Line Adjustment	\$314	\$647	\$333
Reversion to Acreage	\$4,728	None	n/a
Parcel Map Waiver	\$4,728	None	na/
Certificate of Compliance	\$1,512	None	n/a
<b>General Plan/Specific Plan</b>			
General Plan Amendment	T&M, \$5,000 deposit	\$4,972	n/a
Specific Plan review	T&M, \$10,000 deposit	T&M, \$10,000 deposit	n/a
Specific Plan Amendment (City Council approval)	\$7,962	\$4,972	-\$2,990
Specific Plan Amendment (administrative approval)	None	\$2,756	n/a
<b>Environmental Review</b>			
Environmental Impact Report	T&M, 30% of contract deposit	T&M, \$10,000 deposit	n/a
Mitigated Negative Declaration	T&M, \$5,000 deposit	T&M, \$5,000 deposit	n/a
Initial Study	\$518	\$309	-\$209
Staff evaluation of special studies	T&M, \$3,000 deposit	None	n/a
<b>Miscellaneous</b>			
Street/alley Abandonment	\$8,718	\$4,972	-\$3,746
Walkway Abandonment	\$5,525	None	n/a
Time Extension (Planning Commission/BZA approval)	\$4,884	\$1,214	-\$3,670
Time Extension (administrative approval)	\$4,884	\$100	-\$4,784
Concept Review <sup>5</sup>	\$1,109	\$1,980	\$881
Director Determination (administrative approval)	None	\$100	n/a
Williamson Act Cancellation	None	\$1,885	n/a
Appeals of Administrative Decisions <sup>4</sup>	\$200	\$349	\$149
Referral of Plans to Planning Commission/BZA	None	\$1,020	n/a
Building Plan Check	None	\$72	n/a
Address Change	None	\$107	n/a
Zoning Verification Letter	\$39	\$54	\$15

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 and holding hearing

5 Fee is currently subsidized (50% of actual cost)

6 Task Force recommendation - no fee

## Planning Draft Fee Policies

**Concurrent Processing:** When two or more entitlement applications related to a single development proposal on the same parcel are submitted simultaneously, the application fees shall be the highest fee plus half of the fees for the remaining applications (exclusive of CEQA processing fees).

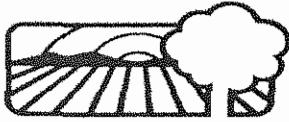
### 1. Time and Materials Fees:

- a. When multiple entitlement applications are filed for the same project and one or more of the applications is a time and materials fee, then the entire project shall be treated as a time and materials project for fee purposes.
- b. When deposited funds drop below 50% of the initial deposit amount, then additional funds shall be required to be deposited in an amount to be determined by the Director. This requirement may be waived by the Director if it is determined that additional funds are not needed to complete the entitlements or the entitlements are inactive.
- c. Once the project is completed, withdrawn or returned, the applicant shall be returned the balance of any remaining unused funds.

### 2. Refunds (non time & materials fees):

- a. If an application is withdrawn or returned before it is deemed complete or within two weeks of submittal, whichever occurs first, then the applicant shall be entitled to a full refund.
- b. If an application is withdrawn or returned after the initial period described above but no later than six months after submittal and prior to scheduling for a hearing or an administrative decision, then the applicant shall be refunded half of the application fees submitted.
- c. After six months from application submittal, or once an application has been scheduled for a public hearing or administrative decision, whichever occurs first, no refunds shall be given.

3. **Authority to determine fee when none exists:** If an application is made for an entitlement where no fee has been established, then the Director shall determine the appropriate fee based on the adopted fees for similar entitlements or entitlements requiring a similar process or amount of staff time.



**City of Modesto**  
**Community & Economic Development**  
**Land Development Engineering**

1010 Tenth Street, Suite 3100, Modesto CA 95354 (209) 571-5569 (209) 577-5461 fax

**Encroachment Permit Fees<sup>1</sup> - Proposed 2011**

Type of Permit/Service <sup>a</sup>	Fee <sup>7</sup>		Staking <sup>4</sup>		Trench Restoration Fee	Paving <sup>4,11</sup>	
	Amount	Unit	Amount	Unit		Amount	Unit
Curb & curb cuts - drive approach (100 l.f. Max.)	\$220.00	lot <sup>9</sup>	\$4.50	l.f.		\$6.80	l.f.
Sidewalk (<100 l.f.)	\$220.00	lot <sup>9</sup>					
Sewer service from lot to main <sup>2,13</sup>	\$79.00	each			<b>See Chart</b>		
Sewer main (50 l.f.) <sup>2,3,13</sup>	\$79.00	each	\$0.72	l.f.	<b>below</b>		
Storm drain (through curb)	\$170.00	each					
Utilities - major construction <sup>2,5,13</sup>	\$79.00	each				\$6.80	s.f.
Utilities - service & repair <sup>2,5</sup>	\$260.00	each				\$6.80	s.f.
Temporary street/right-of-way closures	\$290.00	day					
Street lights <sup>2</sup>	\$530.00	each					
Rockwells or storm drain connectors <sup>13</sup>	\$79.00	each					
Street construction <sup>13</sup>	\$79.00	each					
Misc. improvements <sup>10,13</sup>	\$79.00	each					
Application Pre-Inspection	\$95.00	each					
Lane Closure Traffic Control Plan Review	\$60.00	each					
Detour Traffic Control Plan Review	\$120.00	each					
Monitoring/Extraction Well-Application Fee	\$110.00	each					
Monitoring/Extraction Well-Inspection Fee	\$91.00	each					
Install refractor steel pole	\$340.00	each					
Added refractor steel pole	\$340.00	each					
Install utility wood pole mount	\$810.00	each					
Added utility wood pole mount	\$840.00	each					
Install Street Light Standard	\$310.00	each					
Soil core sample	\$260.00	each					
Investigation of site <sup>6</sup>	tbd.						
Other work not listed <sup>12</sup>	tbd.						

**Trench Restoration Fee Schedule**  
(See "NOTE" below)

PCI	Trench Depth over 4 feet	Trench Depth 4 feet or less
<b>Between 100 and 70*</b>	$(W+4) \times L = SF \times \$2.50$	$(W+2) \times L = SF \times \$2.50$
<b>Between 69 and 26**</b>	$(W+4) \times L = SF \times \$1.25$	$(W+2) \times L = SF \times \$1.25$
<b>Between 25 and 0</b>	No Fee	No fee

\* \$2.50 per s.f. of Trench Influence Area

\*\* \$1.25 per s.f. of Trench Influence Area

**NOTE:** The following companies have executed Pavement Maintenance Agreements with the City of Modesto and are **NOT** subject to the Trench Restoration Fee: AT&T, MID and PG&E

References: Previous Resolution 2003-446 and MMCs 5-6.08, 7-1.08, 7-1.108, 7-2.02, 7-2.15, 7-2.23, 7-2.28, 7-2.29, 7-2.32 and 7-2.33.

## Encroachment Fees Schedule Notes & Footnotes

- 1 Additional fees charged if City employees perform paving or staking services.
- 2 A trench restoration fee of \$2.50/s.f. is charged in addition.
- 3 Applicant shall pay an additional \$3.75/l.f. for small laterals designed and drawn by the City.
- 4 Where no fee is shown, the work is to be performed by others as needed.
- 5 Utility relocation required for City projects is not subject to a charge.
- 6 Uninitiated Street Work will be assessed a "double fee" penalty.
- 7 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
- 8 Permits are required for all work done in all public rights-of-way, including public utility easements.
- 9 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).
- 10 Improvements not otherwise listed such as water line extensions, irrigation lines, irrigation line replacements, storm drain lines, etc.
- 11 Chargeable only when paving is done by City. Developer/Owner shall repave all trenches, unless otherwise approved by the City Engineer.
- 12 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.
- 13 Inspection to be charged on a time and material basis.



**City of Modesto  
Community & Economic Development  
Land Development Engineering**

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**Engineering Development Fees - Proposed 2011**

Resolution ??

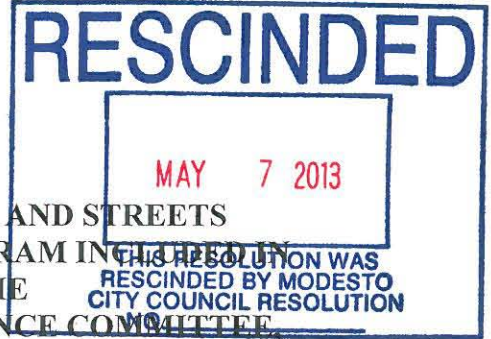
SERVICE	FEE
Reversion to acreage checking fee	\$900.00 each
Final parcel map checking fee	\$1,620.00 each
<b>Final Subdivision map checking fee</b>	
First 10 lots	\$2,600.00 each
Each additional lot	\$23.00 each
Improvement plan checking fee	T&M
On-Site Storm Drain Review	T&M
Rough Grading Review	T&M
Summary Abandonment	\$2,240.00 each
Property owner's association doc. checking fee	\$350.00 each
Street Trees - <i>furnished &amp; installed by City</i>	\$200.00 each
Monument Deposit Fee - <i>refundable</i>	\$360.00 per monument
Street Signs - <i>Each intersection &amp; installed by City</i>	\$280.00 each
<b>PRINT FEES</b>	
Bonds - 18" x 26"	\$0.43 each
Certificate of Correction	\$300.00 each
Legal Description Check Fee <sup>A</sup>	\$260.00 each
Reciprocal Access Agreement Preparation Fee	\$790.00 each
Water Availability Analysis	Cost + \$1,000 each
Water and Wastewater Capacity Analysis	Cost + \$1,000 each
Reimbursement Agreements	\$1,850.00 each
Will-Serve Letter Fee <sup>B</sup>	\$460.00 each
Outside Service Agreement Fee	\$200.00 each
Stormwater Quality Review Fee	T&M each
GIS Subdivision Mapping Fee	\$290.00 each
Microfilm Fee	\$1.00 page
As-Built Process Fee	\$170.00 each
PUE and PE Dedication & Abandonment Fee <sup>C</sup>	\$460.00 each

## **Engineering Development Fees - Notes & Footnotes**

**Note: Uninitiated Street Work will be assessed a "double fee" penalty**

- A. Land Surveyor portion of charge will be on a T&M basis because this effort varies significantly**
- B. Significant additional connection fees apply. Accordingly, 50% subsidy is recommended.**
- C. The proposed fee does not include Land Surveyor review cost. Land Surveyor time will be charged on a time & materials basis.**

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-105



RESOLUTION AMENDING THE PARKS, AIR QUALITY, AND STREETS PORTIONS OF THE CAPITAL FACILITIES FEES PROGRAM IN THE RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2010-272, AS RECOMMENDED BY THE COMPREHENSIVE FEES TASK FORCE AND THE FINANCE COMMITTEE, AND RESTATING ALL OTHER PROVISIONS IN RESOLUTION NOS. 2010-272 2013-177 AND 2006-055

WHEREAS, California Government Code Section 66000 et seq., and Modesto Municipal Code Sections 8-1.904 et seq. authorize the City Council, by resolution, to establish a Capital Facilities Fees Program (CFF) for the construction and acquisition of certain public facilities, and

WHEREAS, on June 24, 2003, the City Council, by Resolution No. 2003-309, amended Resolution No. 88-649, as amended, and adopted the 2003 CFF Update Report on file with the City Clerk for City facilities associated with capital items related to police, fire, parks, transit, streets, air quality, governmental facilities and administration of the CFF, and

WHEREAS, on January 24, 2006, the City Council, by Resolution No. 2006-055, amended and restated Resolution No. 2003-309 which increased land values for property acquisition, increased funding available to acquire right-of-way for expressways, and established the 2006 CFF Program, and

WHEREAS, on June 22, 2010, the City Council, by Resolution No. 2010-272, amended and restated Resolution No. 2006-055 which updated the 2006 CFF Program to decrease land values for property acquisition due to market conditions, and

WHEREAS, the fees collected pursuant to this resolution will be used to finance the public capital facilities identified in the 2003 CFF Update Report and some additional



right-of-way acquisition which is necessary to construct expressways identified in the 2003 CFF Update Report, and

WHEREAS, due to market conditions, land values have continued to decrease dramatically, and

WHEREAS, the Council has asked that any significant increases or decreases be presented on an ongoing basis to make certain that development is paying its share, and

WHEREAS, the Comprehensive Fees Task Force appointed by Council directed staff to review the three largest cost components of the CFF Program, Streets, Parks and Air Quality, to determine if adjustments could be made that would reduce overall costs of these components, and

WHEREAS, staff revised the City's capital facilities projects outlined in the 2003 CFF Update reducing the number of streets projects and thus, cost estimates, and removing parks and air mitigation projects that have been eliminated due to the decline in construction costs and decrease in land values, which is memorialized in the 2011 Capital Facilities Fees Summary Report, a copy of which is **attached** as **Exhibit A** (Summary), and

WHEREAS, by recommendation of the Comprehensive Fees Task Force, staff proposes that the 2010 CFF should be amended to reflect these changes in costs, and

WHEREAS, the Notice of Public Hearing was published in the Modesto Bee on March 8, 2011, and

WHEREAS, the matter was set for public hearing on March 22, 2011, at 5:30 p.m., in the City Council Chambers, Basement Level, located at 1010 Tenth Street, at which date and time said hearing was opened and closed, and

WHEREAS, the Council has determined that it is necessary and appropriate to update the 2010 CFF in order to reflect the decrease in land value costs, and

WHEREAS, Resolution No. 2010-272 is hereby amended solely with respect to the establishment of new Streets, Parks and Air Quality CFF to reflect the decrease in capital facilities projects and cost estimates,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 2010-272 is hereby amended, and that Council hereby finds and determines as follows:

- A. That 2011 Capital Facilities Fees shall be established to reflect the decrease in capital facilities projects and cost estimates, and
- B. That the implementation and payment of the 2011 Capital Facilities Fees shall be for all new development and maps vested after September 3, 2003.
- C. This resolution shall become effective on and after the date of its adoption, and that the fees shall become effective 60 days from the adoption of this resolution.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2010-272 is hereby reaffirmed and restated herein in its entirety as follows:

- A. Overview of Fees Determination: Capital Facilities Fees levied by the City shall be the result of two factors described in this paragraph:
  - 1. The Full Recovery Fees reflect the full cost allocation to each category of new development of capital facilities necessary to serve growth.
  - 2. The annual inflation adjustment will escalate fees by the amount of inflation.

B. Full Recovery Capital Facilities Fees: The Full Recovery Capital Facilities Fees (CFF) levied on each category of development in the City of Modesto shall be the fees levied per **Attachment A**. Land use categories shall have the definition contained in Item G-2 below.

C. Automatic Annual Inflation Adjustment: All fees shall be automatically adjusted for inflation by the City's Director of Utility Planning & Projects (formerly known as Engineering and Transportation and/or Public Works). The annual adjustment shall be based on the annual change in the San Francisco Bay Area Engineering News Record (ENR) Construction Cost Index through the proceeding December.

BE IT FURTHER RESOLVED, that

A-1. There is a reasonable relationship between the need for the public facilities designated in the reports and analysis, and in the City's General Plan and Specific Plans generated in accordance with that plan, and the City's Capital Improvement Plan, and the impacts of the type of development for which the corresponding fees are charged.

B-1. There is a reasonable relationship between the fees, uses, and the types of development for which the fee is charged.

C-1. There is a reasonable relationship between the amount of the various fees and the cost of the public facilities or portions of the public facilities attributable to the development and types of development upon which the various fees are imposed.

D-1. The cost estimates set forth in the reports and analysis are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by future development will not exceed the total costs of constructing the public facilities just referenced.

E-1. The 2003 CFF Update Report and analysis establish a linkage or nexus between development in the City's Annexation Areas (unincorporated area of the City's General Plan Area) and the need for additional public facilities or improvements to existing public facilities within the City of Modesto as well as within the Annexation Areas. Therefore, the term "development" as used in the preceding four subparagraphs shall include but not be limited to, development in the City's Annexation Areas that may be approved or allowed by Stanislaus County, prior to the annexation of said Annexation Areas or portions thereof to the City of Modesto. Because of this clearly established nexus, it is the intention of the City Council of the City of Modesto that the fees created by this resolution for streets facilities, air quality facilities, and public transportation facilities be imposed by the County of Stanislaus on development approved of or allowed by the County of Stanislaus in the City's Annexation Areas area and collected by the City of Modesto, and

BE IT FURTHER RESOLVED that:

A-2. The 2006 Capital Facilities Fees are hereby adopted as shown in **Exhibit B**, and

B-2. The City Council finds that only projects shown in the adopted 2003 CFF Update Report including the acquisition of all right of way necessary to develop the expressways identified in the 2003 CFF Report, are eligible for receipt of CFF funds and individual projects shall be flexibly budgeted within total dollar limits of the capital programs of the two principal fee components as follows:

- a. Fees for Community Facilities, which include Police, Fire, Parks, Government and Administration.
- b. Fees for Transportation, which include Streets, Transit and Air Quality.

As long as the overall dollar amounts of the capital programs for these two components are not exceeded, individual eligible projects may vary from the estimates shown in the CFF Update Report, and

C-2. The Council of the City of Modesto establishes the following guidelines for implementation and payment of the 2003 Capital Facilities Fees, so that a development project that is not vested under State law would be subject to the fees in place prior to adoption of Resolution No. 2003-309 on September 1, 2003, if the development project meets any of the following criteria:

- a. The development is the subject of a written Development Agreement (as defined by Government Code Section 65864, et seq.) between the City and the proposed developer, if within City limits, or the County, if outside

City limits but within the Sphere of Influence, and the Development Agreement expressly vests the project at a specific, pre-September 3, 2003, CFF rate.

- b. The development is the subject of a building permit application which has been deemed complete by the City, if within City limits, or the County, if outside City limits but within the City's Sphere of Influence, prior to September 3, 2003; or, for development which is not subject to permit by the City or County, e.g., a hospital, an application equivalent to a building permit application which has been deemed complete by the State permitting agency prior to September 3, 2003.
- c. All vesting tentative subdivision and parcel maps for which an application is deemed complete, and approved, prior to September 3, 2003, until the expiration of the map's vesting status, and

D-2 The Council of the City of Modesto establishes the following guidelines for implementation and payment of the 2006 Capital Facilities Fees, so that a development project that is not vested under State law would be subject to the fees in place prior to January 25, 2006, if the development project meets any of the following criteria:

- a. The development is the subject of a written Development Agreement (as defined by Government Code Section

65864, et seq.) between the City and the proposed developer, if within City limits, or the County, if outside City limits but within the Sphere of Influence, and the Development Agreement expressly vests the project at a specific, pre-January 25, 2006, CFF rate.

- b. The development is the subject of a building permit application which has been deemed complete by the City, if within City limits, or the County, if outside City limits but within the City's Sphere of Influence, prior to January 25, 2006; or, for development which is not subject to permit by the City or County, e.g., a hospital, an application equivalent to a building permit application which has been deemed complete by the State permitting agency prior on or before March 25, 2006.
- c. All vesting tentative subdivision and parcel maps for which an application is deemed complete, and approved, on or before January 24, 2006, until the expiration of the map's vesting status, and

E-2. CFF shall be due and payable at the time a building permit is issued, unless otherwise approved by Council resolution, as set forth in Modesto Municipal Code Section 8-1.904, and

F-2. The City Council shall annually review one or more components of the capital program that form the basis of calculating the Capital Facilities

Fees. This policy in no way prevents the upward adjustment of fees due to annual inflation, and

- G-2. For purposes of the fees the following definitions of land use development categories shall apply. Uses not defined in these definitions shall be charged at rates to be determined by the CFF Administrator using land use determinations and trip generation estimates acceptable to the Administrator.

#### RESIDENTIAL

Single Family: Typically 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.

Multiple Family: Includes 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. This category also applies to mobile homes and hotel/motel uses.

Medium Density: Shall mean duplex or triplex buildings located on a single lot designed for occupancy by two or three families.

Senior Housing: Includes retirement communities restricted to adults or senior citizens, congregate care facilities, and similar residential uses.

#### INDUSTRIAL

Manufacturing/Light Industrial/Industrial Park -- 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 to be in this category include uses such as those listed below:

- 1) Electronics assembly, paper products
- 2) Metal fabricator
- 3) Bottling plant
- 4) Cabinet shop
- 5) Machine shop
- 6) Sheet-metal shop



- 7) Welding shop
- 8) Wholesale shop
- 9) Printing plant
- 10) Material testing labors manufacturer
- 11) Food processor, brewery, bakery
- 12) Recycling facility
- 13) Burning operations for lumber and wood products
- 14) Junk handling, processing, storage
- 15) Landfill, waste products disposal or transfer station
- 16) Manufacture, fabrication, processing, packaging and treatment of explosives, oil and great products, chemicals and chemical products.
- 17) Rock crushing
- 18) Pulp and paper mill
- 19) Reduction, processing and storage of offal, dead animals, bones or similar materials
- 20) Septic tank, cesspool servicing
- 21) Stockyard
- 22) Tannery
- 23) Vehicle salvaging, wrecking

Mixed Industrial Uses – when a development proposal contains more than an incidental mixture of uses, the general type of uses should be segregated and treated separately for the purpose of calculating development fees.

#### WAREHOUSE DISTRIBUTION/HEAVY

Warehouse Distribution – Facilities in which the primary activity is the storage of materials or in which the primary activity is receiving and shipping materials. Use which are considered to be in this category include uses such as those listed below:

- 1) Freight
- 2) Warehousing
- 3) Corporation yard, freight yard
- 4) Equipment rental yard
- 5) Moving and storage service
- 6) Bulk feed storage
- 7) Lumberyard
- 8) Sand, gravel, building materials dealer

#### 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.

General: All other types of general and professional offices.

## COMMERCIAL

Small Retail (less than 50,000 square feet)

Convenience markets, often with on-site gasoline pumps, usually 24-hours or extended hours.

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, although some on-site seating is usually provided.

Sit-down restaurants where food is ordered and consumed in the restaurant, and customers generally stay less than one hour; frequently belong to chains and typically serve breakfast, lunch and dinner. This category also includes all drinking establishments—bars and cocktail lounges—except those in conjunction with low turnover restaurants. The latter are charged the low turnover rate.

Sit-down restaurants which generally have turnover rates of one hour or longer, typically do not serve breakfast, and may or may not serve lunch.

Banks – full service banking institutions with or without drive-up windows.

Savings and Loan institutions, including thrift and credit unions, with or without drive-up windows, which typically offer fewer financial services than banks and are typically smaller in gross floor area than banks. If a given Savings and Loan is 5,000 gross square feet or more, or provides full banking services, it should be treated as a bank.

Other retail includes a wide range of retail and service uses, both free-standing 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 car sales. May include uses in small retail category if in a shopping center.

## OTHER

Church: Structures primarily designed as a place for public worship.

Day Care and School: An educational, vocational or day care facility.

Hospital: A structure designed for health services, both inpatient and outpatient; that includes surgical care of the sick or injured of the physically ill and/or therapeutic treatment for the mentally ill. Included as an integral part of a hospital or laboratories, outpatient 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. A separate set of offices on the same site for physicians is considered “professional offices”.

Mini-Warehouse: A personal storage facility not associated with industrial use.

Nursing Home: Structures designed for use as a convalescent hospital, or a retirement home, or a twenty-four hour care center for seven or more persons in addition to members of the family.

For purposes of interpreting these definitions, the term “Commercial Use” shall mean those uses designated as permitted or conditional uses in the C-1, C-2 and C-3 Zones of Title 10 of the Modesto Municipal Code.

BE IT FURTHER RESOLVED by the City Council that the Director of Community and Economic Development is authorized to present proposals to the City Council for transfer of CFF waiver from existing buildings to other locations based upon the following criteria:

- A. The project involves commercial/industrial job retention of at least 25 jobs or redevelopment of blighted areas.
- B. The beneficiary of the transfer is the owner of the existing building or the existing building is demolished and was not given a waiver when rebuilt.

BE IT FURTHER RESOLVED by the City Council that the findings of Initial Study EA C&ED No. 2003-20 are hereby acknowledged, namely,

- A. The proposed 2003 CFF Update is within the scope of the General Plan covered by the Modesto Urban Area General Report Plan 2003 Final Master Environmental Impact Report (SCH#1999082041) (FMEIR).
- B. The proposed 2003 CFF Update will have no new additional significant effect on the environment not addressed in the FMEIR and no new or additional mitigation measures are required.
- C. As per Public Resources Code Section 21157.1, no new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act for the 2003 CFF Update.
- D. There are no specific features that are unique to the proposed project that require project specific mitigation measures. All feasible mitigation measures set forth in the FMEIR Update that are appropriate to the 2003 CFF Update shall be incorporated in the 2003 CFF Update.
- E. No new or additional mitigation measures are required for the proposed 2003 Update. All certified mitigation measures identified in the FMEIR will apply citywide including this project as appropriate.
- F. The initial study EA/C&ED 2003-20 provides substantial evidence to support findings A through E above.

BE IT FUTHER RESOLVED, by the City Council that in addition to other findings made by this resolution, the City Council further finds that the California Environmental Quality Act (CEQA) does not apply to the adoption of this resolution pursuant to Sections 10561 and 15273 of the State CEQA Guidelines because:

- A. The fees established by this resolution will be collected, in part, for the purpose of obtaining funds to be used for capital projects which are necessary to maintain the current level of services within the City, including the construction of police, fire facilities, parks and recreation facilities, other city facilities, air quality facilities, public transportation facilities and street facilities as well as the purchase of certain items of capital equipment.
  
- B. However, the addition of capital facilities to new neighborhoods will not take effect until there has been CEQA review of the development projects which will pay for said capital facilities via the Capital Facilities Fee mechanism established or increased by this resolution. Such CEQA review will take place at the annexation, zoning, and/or subdivision stages of each development project. In addition, the construction of each capital facility will be subject to CEQA review. It is therefore reasonably certain that this resolution which either established or increased Capital Facilities Fees to fund Capital Facilities that will be necessary in the event growth continues to occur will not, by itself, have any possibility of causing a significant effect on the environment.

BE IT FURTHER RESOLVED by the City Council that should any fee provision, clause, paragraph or subparagraph be held invalid or unconstitutional, that invalidity or unconstitutionality shall not affect other provisions or applications thereof which can be given effect with the invalid fee, provision, clause, paragraph or subparagraph, and to this end, the provisions of this resolution are declared severable. By adopting this resolution,

the City Council hereby declares that it would have adopted this resolution without that fee, provision, clause, paragraph or subparagraph.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

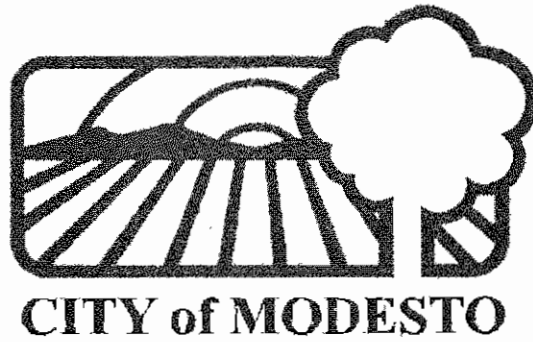
ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**2011  
CAPITAL FACILITIES FEES  
SUMMARY REPORT**

**DRAFT**

**January 26, 2011**

**Prepared by:  
City of Modesto Comprehensive Fees Task Force**

## City of Modesto Comprehensive Fees Task Force

### Voting Members:

Rick Dahlseid	Citizen-at-Large
Sandra Lucas	Citizen-at-Large
Marshall Riddle	Citizen-at-Large
Deborah Riggs	Citizen-at-Large
David Wright, Jr.	Alternate Citizen-at-Large
Duke Leffler	Commercial Broker
Jan Marie Ennenga	Manufacturer's Council Representative
Richard Tatoyan	Construction Industry Committee Representative
Bill Zoslocki	Building Industry Association Representative

### Non-Voting Members:

Greg Nyhoff	City Manager
H. Brent Sinclair	Director of Community and Economic Development
Amy Gedney	Infrastructure Finance Program Administrator
Nick Pinhey	Director of Utility Planning and Projects
Gloriette Beck	Director of Finance

On January 27, 2011, the Comprehensive Fees Task Force took the following actions:

- 1) Accepted the Summary Report dated January 26, 2011, for the CFF Program and recommended the report be forwarded to the Finance Committee for review.
- 2) Recommended a biennial review of the CFF Program to coincide with the Urban Growth Review.



## INTRODUCTION

In April 2010, the City of Modesto established a Comprehensive Fees Task Force, CFTF, to review all development related fees. One component of those fees is the City's Capital Facilities Fees, CFF, which are collected on new development for "brick and mortar" facilities. This type of fee is codified in the California Government Code §56000.

The current state of the economy has resulted in limited new development and significant decreases in land values and construction costs. The CFF, which was last reviewed in 2006, is in need of an overhaul to address changing market conditions and community economic objectives. The three largest cost components of the CFF program are Streets, Parks, and Air Quality Mitigation. Therefore, the CFTF directed staff to review these components to determine if adjustments could be made that would reduce the overall costs of these three components. Attachment "A" shows the current breakout of CFF components per land use type.

The CFTF systematically and pragmatically reviewed possible changes to the CFF program. The review entailed a realistic look at population projections and anticipated roadway needs. The final result is a fee that represents roads that will need improvements in the near term and an earnest plan to revise current practices and policies of roadway development.

## METHODOLOGY

### Streets

The CFTF reviewed past and projected population numbers as presented in the General Plan, shown in Attachment "B". Subsequent to revised population forecasts, the Streets component was revised, but produced a very small change in the overall cost estimates. This is documented in Attachment "C" by the City's consultant Omni-Means. In an effort to further review the fee, staff determined projects based on two criteria: 1) within twenty years, and 2) beyond twenty years. That methodology is shown in Attachment "D".

Reducing the project list resulted in significantly reduced roadway projects and thus, cost estimates. Table 1 shows the differences between each of the reductions listed above for each land use type.

**Table 1. CFF Streets Component: Existing Fee, Proposed Fee with Population Adjustments, and Proposed Fee with General Plan Assumptions and only within 20-Year Projects**

Land Use	Existing Fee	Proposed Fee with Population Adjustments	Proposed Fee with GP Assumptions and only within 20-Year Projects
Single-Family*	\$8,596	\$12,036	\$6,268
Multi-Family*	\$6,008	\$8,339	\$4,342
Senior Housing*	\$3,782	\$18,096	\$3,782
Hotel/Motel**	\$5,432		\$3,259
Retail <50,000 sf**	\$17,603	\$18,096	\$9,423
Retail 50,000 - 100,000 sf**	\$14,581	\$15,023	\$7,823
Retail 100,000 -300,00 sf**	\$12,279	\$12,680	\$6,603
Retail >300,000 sf**	\$11,442	\$11,829	\$6,160
Medical Office**	\$22,502	\$22,858	\$11,903
General Office**	\$9,678	\$11,061	\$5,760
Hospital**	\$13,911		\$8,347
Daycare**	\$7,682		\$4,609
Church**	\$1,637		\$982
Nursing Home**	\$2,396		\$1,438
Industrial (Manufacturing)**	\$3,754	\$4,288	\$2,233
Industrial (Warehousing)**	\$2,637	\$3,008	\$1,566

\* Per Dwelling Unit

\*\* Per 1,000 Square Feet

## Parks

Park development over the past eight years has been funded by a combination of CFD (i.e. Village One #2 and Coffee-Claratina) and Parks CFF. The 2003 CFF Parks component was adopted at \$4,384 per Dwelling Unit Equivalent, DUE, and, due to inflation adjustments, is now \$5,803 per DUE. Lower construction costs over the past few years have decreased the fee significantly as construction costs are now just above the rate used for the 2003 update. Additionally, some parks were sold (17<sup>th</sup> and G) and others removed as they are no longer planned which decreased the fee by a minor amount. Parks CFF is collected per residential unit and not assessed to any other type of land use (i.e. commercial, industrial, medical).

During the height of the building boom, land values peaked at \$350,000 per acre resulting in an increase in the fees. The current land value is set at \$150,000 per acre, except for land in flood plains which is still set at \$30,000 per acre, lowering the fee significantly. This update anticipates 120,590 DUEs at Build-Out; an increase of about 5,000 DUEs from the 2003 update, lowering the fee approximately \$200 per DUE. This update revises park acreage to conform to the General Plan; 2A/1,000 DUEs for Community Park and 1A/1,000 DUEs for Neighborhood Park, slightly offsetting a decrease in the fee. The 2010 Parks CFF was reviewed for relevancy based on today's land and construction values to determine if the Parks CFF fee needed to be updated. The recommended 2011 Parks CFF is \$610 less than the current fee of \$5,803, or \$5,193, per citywide DUE. Table 2 shows the differences between each of the reductions listed above for each residential land use type.

## Air Quality

Staff also reviewed the Air Quality Mitigation fee for possible changes, adding some facilities and eliminating other facilities, and recommends the fee be revised down from the current fee of \$1,679 to \$548 per DUE, a reduction of \$1,131 per DUE.

**Table 2. Existing and Proposed Parks and Air Quality Mitigation CFF**

Land Use*	Existing PARKS	Proposed PARKS	Existing AIR MITIGATION	Proposed AIR MITIGATION
Single Family	\$5,803	\$5,193	\$1,679	\$548
Multi- Family	\$3,607	\$3,228	\$1,072	\$722
Senior Housing	\$3,518	\$3,148	\$1,046	\$702

\* Per Dwelling Unit

## SUMMARY & NEXT STEPS

In reviewing the projects, cost estimates, and needs within the CFF components, a systematic approach was taken to ensure that: 1) a nexus for the fee is maintained, and 2) a balance is maintained that does not cripple the City's ability to develop new parklands and roadways. To that end, this revised fee addresses concerns that the CFF is too high and development cannot occur. However, it should also be noted that reducing project lists also reduces the amount to be collected for projects deemed necessary in the 20 plus year horizon.

In an effort to strike a balance between needed infrastructure and anticipated new development, the CFTF thoroughly reviewed areas of modification within the CFF components. As a result, the Streets, Parks, and Air Mitigation components were significantly modified to reflect: 1) land value changes, 2) need for projects, and 3) timeline for construction. Table 3 illustrates the existing fees and the new proposed fees to go into effect in early spring of 2011.

Since the CFF program reflects the identified infrastructure based on the General Plan, it has become increasingly obvious that the City's Circulation Element needs to be revised, which hopefully will result in a dynamic Modesto Transportation Plan that will reflect not only needed roadways and other transportation facilities, but will also identify how they will be funded and maintained over time.

Furthermore, a significant amount of effort has gone into reviewing and discussing the CFF components as well as the needs of new development to ensure that development is feasible. As a result, this revised 2011 CFF Program represents an interim solution. As noted above, staff will be investigating and presenting a Modesto Transportation Plan that will more fully address a financial plan to construct and maintain roadways within Modesto.

Table 3. Existing & Proposed 2011 CFF

Land Use	Police		Fire		Parks		General Gov't.		Administration		Streets		Transit		Air Mitigation		Total	Total	%	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed		
Residential	Single-Family	\$ 852	\$ 852	\$ 363	\$ 363	\$5,803	\$ 5,193	\$ 479	\$ 479	\$ 272	\$ 272	\$ 8,596	\$ 6,268	\$ 91	\$ 91	\$1,679	\$ 548	\$18,135	\$14,066	-22%
	Multi-Family	\$ 513	\$ 513	\$ 167	\$ 167	\$3,607	\$ 3,228	\$ 294	\$ 294	\$ 146	\$ 146	\$ 6,008	\$ 4,342	\$ 64	\$ 64	\$1,072	\$ 722	\$11,871	\$ 9,476	-20%
	Senior Housing	\$ 500	\$ 500	\$ 164	\$ 164	\$3,518	\$ 3,148	\$ 288	\$ 288	\$ 104	\$ 104	\$ 3,782	\$ 3,782	\$ 34	\$ 34	\$1,046	\$ 705	\$ 9,436	\$ 8,735	-8%
Non-Residential (Per 1,000 Square Feet)	Hotel/Hotel (Room = 500 SF)	\$ 194	\$ 194	\$ 64	\$ 64			\$ 111	\$ 111	\$ 82	\$ 82	\$ 5,432	\$ 3,259	\$ 57	\$ 57			\$ 5,940	\$ 3,767	-37%
	Retail <50,000 SF	\$ 231	\$ 231	\$ 76	\$ 76			\$ 133	\$ 133	\$ 255	\$ 255	\$17,603	\$ 9,423	\$ 187	\$ 187			\$18,485	\$10,305	-44%
	Retail 50,000-100,000 SF	\$ 231	\$ 231	\$ 75	\$ 75			\$ 132	\$ 132	\$ 212	\$ 212	\$14,581	\$ 7,823	\$ 154	\$ 154			\$15,385	\$ 8,627	-44%
	Retail 100,000-300,000 SF	\$ 232	\$ 232	\$ 76	\$ 76			\$ 133	\$ 133	\$ 180	\$ 180	\$12,279	\$ 6,603	\$ 130	\$ 130			\$13,030	\$ 7,354	-44%
	Retail >300,000 SF	\$ 231	\$ 231	\$ 75	\$ 75			\$ 133	\$ 133	\$ 168	\$ 168	\$11,442	\$ 6,160	\$ 170	\$ 170			\$12,169	\$ 6,887	-43%
	Medical Office	\$ 386	\$ 386	\$ 126	\$ 126			\$ 221	\$ 221	\$ 328	\$ 328	\$22,502	\$11,903	\$ 238	\$ 238			\$23,801	\$13,202	-45%
	General Office	\$ 386	\$ 386	\$ 126	\$ 126			\$ 222	\$ 222	\$ 148	\$ 148	\$ 9,678	\$ 5,760	\$ 102	\$ 102			\$10,662	\$ 6,744	-37%
	Hospital	\$ 385	\$ 385	\$ 126	\$ 126			\$ 222	\$ 222	\$ 207	\$ 207	\$13,911	\$ 8,347	\$ 147	\$ 147			\$14,998	\$ 9,434	-37%
	Daycare	\$ 386	\$ 386	\$ 126	\$ 126			\$ 222	\$ 222	\$ 120	\$ 120	\$ 7,682	\$ 4,609	\$ 81	\$ 81			\$ 8,617	\$ 5,544	-36%
	Church	\$ 391	\$ 391	\$ 127	\$ 127			\$ 225	\$ 225	\$ 34	\$ 34	\$ 1,637	\$ 982	\$ 17	\$ 17			\$ 2,431	\$ 1,776	-27%
	Nursing Home	\$ 389	\$ 389	\$ 127	\$ 127			\$ 224	\$ 224	\$ 45	\$ 45	\$ 2,396	\$ 1,438	\$ 25	\$ 25			\$ 3,206	\$ 2,248	-30%
	Industrial (Manufacturing)	\$ 165	\$ 165	\$ 54	\$ 54			\$ 95	\$ 95	\$ 57	\$ 57	\$ 3,754	\$ 2,233	\$ 39	\$ 39			\$ 4,164	\$ 2,643	-37%
	Industrial (Warehousing)	\$ 166	\$ 166	\$ 54	\$ 54			\$ 95	\$ 95	\$ 42	\$ 42	\$ 2,637	\$ 1,566	\$ 28	\$ 28			\$ 3,022	\$ 1,951	-35%

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**2010 CAPITAL FACILITIES FEES - Breakdown by Revenue Source**  
City of Modesto

	Fire		Police		Parks		General Gov't.		Air Mitigation		Streets		Transit		Admin.		TOTAL
	Fee	%	Fee	%	Fee	%	Fee	%	Fee	%	Fee	%	Fee	%	Fee	%	
<b>Residential (per unit)</b>																	
Single Family	\$363	2.00%	\$852	4.70%	\$5,803	32.00%	\$479	2.64%	\$1,679	9.26%	\$8,596	47.40%	\$91	0.50%	\$272	1.50%	\$18,135
Multi Family	\$167	1.41%	\$513	4.32%	\$3,607	30.38%	\$294	2.48%	\$1,072	9.03%	\$6,008	50.60%	\$64	0.54%	\$146	1.23%	\$11,874
Senior Housing	\$164	1.74%	\$500	5.30%	\$3,518	37.29%	\$288	3.05%	\$1,046	11.09%	\$3,782	40.08%	\$34	0.36%	\$104	1.10%	\$9,435
<b>Non-Residential (per 1,000 sq. ft.)</b>																	
Hotel./Motel (room = 500 sq. ft.)	\$64	1.07%	\$194	3.26%	\$0	0.00%	\$111	1.87%	\$0	0.00%	\$5,432	91.46%	\$57	0.96%	\$82	1.38%	\$5,939
<b>Retail</b>																	
<50,000 SF	\$76	0.41%	\$231	1.25%	\$0	0.00%	\$133	0.72%	\$0	0.00%	\$17,603	95.24%	\$187	1.01%	\$255	1.38%	\$18,483
50 - 100,000 SF	\$75	0.49%	\$231	1.50%	\$0	0.00%	\$132	0.86%	\$0	0.00%	\$14,581	94.77%	\$154	1.00%	\$212	1.38%	\$15,386
100 - 300,000 SF	\$76	0.58%	\$232	1.78%	\$0	0.00%	\$133	1.02%	\$0	0.00%	\$12,279	94.26%	\$130	1.00%	\$180	1.38%	\$13,027
>300,000 SF	\$75	0.62%	\$231	1.90%	\$0	0.00%	\$133	1.09%	\$0	0.00%	\$11,442	94.02%	\$120	0.99%	\$168	1.38%	\$12,170
Medical Office	\$126	0.53%	\$386	1.62%	\$0	0.00%	\$221	0.93%	\$0	0.00%	\$22,502	94.54%	\$238	1.00%	\$328	1.38%	\$23,802
General Office	\$126	1.18%	\$386	3.62%	\$0	0.00%	\$222	2.08%	\$0	0.00%	\$9,678	90.77%	\$102	0.96%	\$148	1.39%	\$10,662
Hospital	\$126	0.84%	\$385	2.57%	\$0	0.00%	\$222	1.48%	\$0	0.00%	\$13,911	92.75%	\$147	0.98%	\$207	1.38%	\$14,998
Daycare	\$126	1.46%	\$386	4.48%	\$0	0.00%	\$222	2.58%	\$0	0.00%	\$7,682	89.14%	\$81	0.94%	\$120	1.39%	\$8,618
Church	\$127	5.23%	\$391	16.07%	\$0	0.00%	\$225	9.25%	\$0	0.00%	\$1,637	67.35%	\$17	0.70%	\$34	1.40%	\$2,431
Nursing Home	\$127	3.95%	\$389	12.14%	\$0	0.00%	\$224	6.99%	\$0	0.00%	\$2,396	74.74%	\$25	0.78%	\$45	1.41%	\$3,206
Industrial (Manufacturing)	\$54	1.29%	\$165	3.97%	\$0	0.00%	\$95	2.29%	\$0	0.00%	\$3,754	90.13%	\$39	0.94%	\$57	1.37%	\$4,165
Industrial (Warehousing)	\$54	1.78%	\$166	5.48%	\$0	0.00%	\$95	3.16%	\$0	0.00%	\$2,637	87.27%	\$28	0.93%	\$42	1.38%	\$3,022

*(Fees Effective on 08/22/2010)*

Attachment "A"

City of Modesto Single Family Residential (SFR) and Multi-Family Residential (MFR) Permits

Fiscal Year Ending	ACTUAL SFR	ACTUAL MFR	ACTUAL DUES	ACTUAL +	ACTUAL DUES							
	YTD + 40 Yr AVERAGE	YTD + 40 Yr AVERAGE	+ 2003 CFF Projection	AVERAGE TOTAL DUES	+ REVISED Projected DUES							
1960	402	0	402	402	402							
1961	621	0	621	621	621							
1962	830	0	830	830	830							
1963	507	57	507	564	564							
1964	492	369	492	861	861							
1965	438	152	436	588	588							
1966	485	266	485	751	751							
1967	444	177	444	621	621							
1968	458	615	458	1,073	1,073							
1969	483	364	463	827	827							
1970	500	752	500	1,252	1,252							
1971	782	939	782	1,721	1,721							
1972	960	1,068	960	2,028	2,028							
1973	1,084	703	1,064	1,767	1,767							
1974	1,029	483	1,009	1,472	1,472							
1975	1,179	159	1,179	1,347	1,347							
1976	1,409	197	1,409	1,606	1,606							
1977	1,927	875	1,927	2,902	2,902							
1978	1,613	890	1,613	2,503	2,503							
1979	975	902	975	1,877	1,877							
1980	722	720	722	1,450	1,450							
1981	812	307	812	919	919							
1982	261	129	261	390	390							
1983	427	375	427	802	802							
1984	547	929	547	1,476	1,476							
1985	851	1,081	851	1,932	1,932							
1986	1,658	685	1,658	2,343	2,343							
1987	1,957	658	1,957	2,615	2,615							
1988	1,761	535	1,761	2,296	2,296							
1989	2,327	1,029	2,327	3,356	3,356							
1990	1,937	466	1,937	2,405	2,405							
1991	572	104	572	676	676							
1992	283	10	293	303	303							
1993	492	13	492	505	505							
1994	230	124	230	354	354							
1995	186	9	186	195	195							
1996	282	0	282	282	282							
1997	304	4	304	308	308							
1998	571	62	571	653	653							
1999	836	7	836	843	843							
2000	1,553	16	1,553	1,569	1,569							
2001	1,525	94	1,525	1,619	1,619							
2002	1,118	8	1,118	1,126	1,126							
2003	958	21	996	1,019	1,019							
2004	563	95	563	656	656							
2005	645	276	645	921	921							
2006	656	39	656	695	695							
2007	271	252	271	523	523							
2008	172	40	172	212	212							
2009	37	0	37	37	37							
2010	14	0	14	14	14							
2011	700	344	700	1,044	110	SFR	MFR					
2012	700	344	800	1,044	220	100	10					
2013	700	344	900	1,044	330	200	20					
2014	700	344	1500	1,044	440	300	30					
2015	700	344	2000	1,044	600	400	40					
2016	700	344	2500	1,044	710	500	100					
2017	700	344	3000	1,044	820	600	120					
2018	700	344	3500	1,044	950	700	150					
2019	700	344	4500	1,044	1,060	800	160					
2020	700	344	4500	1,044	1,280	900	180					
2021	700	344	4500	1,044	1,400	1,100	190					
2022	700	344	4500	1,044	1,360	1,200	200					
2023	700	344	4000	1,044	1,160	1,000	180					
2024	700	344	3500	1,044	1,050	1,000	160					
2025	700	344	3500	1,044	900	900	150					
2026	700	344	3000	1,044	800	800	100					
2027	700	344	1000	1,044	650	700	100					
2028	700	344	900	1,044	540	600	50					
2029	700	344	800	1,044	430	500	40					
2030	700	344	700	1,044	310	400	30					
						300	10					
<b>TOTAL ALL YEARS</b>						<b>54,834</b>	<b>24,056</b>	<b>21,234</b>	<b>78,880</b>	<b>73,249</b>		
<b>Actual AVG</b>						<b>803</b>	<b>337</b>	<b>803</b>	<b>722</b>	<b>722</b>		
<b>Projected average DUES</b>						<b>700</b>	<b>344</b>	<b>2545</b>	<b>1044</b>	<b>757</b>	<b>660</b>	<b>87</b>
<b>2010-2032 TOTAL</b>						<b>14,014</b>	<b>6,880</b>	<b>50,314</b>	<b>20,894</b>	<b>15,154</b>	<b>13,200</b>	<b>1,940</b>





CITY OF MODESTO  
 2000 J STREET, SUITE 200  
 MODESTO, CA 95354  
 (209) 526-7000

## TECHNICAL MEMORANDUM

**To:** City of Modesto **Date:** November 19, 2010  
**Attn:** Amy Gedney, Tina Rocha **Project:** City of Modesto CFF Fee &  
**From:** Marty Inouye, Todd Tregenza **Areas of Benefit Update**  
**Re:** Preliminary Fee Calculations Based **Job No.:** 25-4750-03  
 On 20-Year Projection Model Run **File No.:** C569MEM011.DOC  
**CC:**

### INTRODUCTION

This memorandum has been prepared by OMNI-MEANS to document progress made in the efforts to create a 20-year fee program, based on buildout of 20-year land use projections, that includes four distinct areas of benefit. A previous memorandum entitled *Approval of Technical Assumptions For 20-Year Projection Land-Uses* was sent out by OMNI-MEANS and approved by the City. This next memorandum provides the methodologies OMNI-MEANS used to determine necessary improvements for the 20-year land use projections and develop a preliminary fee calculation for areas of benefit that divide the City into four quadrants.

### BASELINE "GENERAL PLAN BUILDOUT" FEE

Prior to developing a new fee, OMNI-MEANS determined it was necessary to estimate the potential fee citywide, and by quadrant, for full build-out of the General Plan travel demand model land uses. This would provide a baseline comparison for the calculated 20-year fee, presented at the end of this memorandum. Without providing such a baseline comparison, it would be difficult to gauge the effect of the subsequent "20-Year Projection" fee calculations.

### "GENERAL PLAN BUILDOUT" ADDED GROWTH

Table 1 presents the growth in dwelling units and employees assumed in the General Plan buildout model.

TABLE 1  
 "GENERAL PLAN BUILDOUT" ADDED LAND USES

Land Use Activity	General Plan Growth ("Buildout minus Existing")	Unit Type
Single-Family	31,603	Dwelling Units
Multi-Family	17,292	Dwelling Units
<i>Total Dwelling Units</i>	<i>48,895</i>	<i>Dwelling Units</i>
Retail	38,770	Employees
Service	40,015	Employees
Other	60,888	Employees
Education	2,961	Employees
Government	2,801	Employees
<i>Total Employees</i>	<i>145,435</i>	<i>Employees</i>

As presented in Table 1, the General Plan added land uses assumed in the travel demand model include 145,435 new employees and 48,895 new dwelling units. Using an assumed 2 person per Multi-Family

Dwelling Unit (MFDU) and 3 person per Single-Family Dwelling Unit (SFDU) density average, this amounts to an added population of 129,393.

#### ESTIMATION OF GENERAL PLAN TRAFFIC FEE

The "General Plan Buildout" traffic fee was estimated using the land-uses presented in Table 1. These land uses were assigned to each of the four designated quadrants. Under this scenario, all CFF improvements were included in the fee calculation. The fee was calculated on a citywide basis as well as on a quadrant basis.

#### Citywide "General Plan Buildout" Fee Calculation

In this scenario, all CFF improvement costs were assigned to all General Plan added growth extracted from the travel demand model. Retail employees were split evenly between the four retail use sizes. 20 percent of service employees were assigned to Medical Office and the remained to General Office. Table 2 presents the resulting fee.

TABLE 2  
"GENERAL PLAN BUILDOUT" CITYWIDE FEE CALCULATION

Land Use Code Category	Final Weighted Fee per Unit	Unit
SFDU	\$ 10,953	D.U.
MFDU	\$ 7,588	D.U.
Retail (lesser than 50,000 sq.ft. floor area)	\$ 16,468	KSF
Retail (50,000 sq.ft. to 99,999 sq.ft. floor area)	\$ 13,671	KSF
Retail (100,000 sq.ft. to 300,000 sq.ft. floor area)	\$ 11,539	KSF
Retail (greater than 300,000 sq.ft. floor area)	\$ 10,765	KSF
Office (Medical Office)	\$ 20,801	KSF
Office (General Office)	\$ 10,066	KSF
Business Park (Service)	\$ 6,947	KSF
Business Park (Manufacturing)	\$ 4,004	KSF
Industrial (Manufacturing)	\$ 3,902	KSF
Industrial (Warehousing)	\$ 2,738	KSF

As presented in Table 2, the fee per SFDU under this scenario is \$10,953. Because all technical assumptions, including trip generation and pass-by rates, will remain consistent from hereon out, the SFDU fee can be used as a barometer to gauge the fee amount. This will be referred to as the fee per equivalent dwelling unit (EDU).

#### Quadrant-Based "General Plan Buildout" Fee Calculation

In this scenario, all CFF intersection, roadway, and traffic signal projects were assigned to one of the four City-designated quadrants. These costs were then applied to the amount of growth found in each quadrant. Lastly, a flat citywide adjustment was applied to each quadrant's fees to account for shared citywide costs like interchanges and reductions such as StanCOG funding, amongst others. Table 3 presents the "General Plan Buildout" fee per EDU for each quadrant.

TABLE 3  
"GENERAL PLAN BUILDOUT" QUADRANT FEE COMPARISON

Quadrant	Trip Generation	Improvement Costs Assigned	Fee per "EDU"
Quadrant 1	383,528	\$ 274,433,224	\$ 8,560
Quadrant 2	335,813	\$ 225,737,271	\$ 8,041
Quadrant 3	275,730	\$ 280,283,926	\$ 12,160
Quadrant 4	124,645	\$ 244,790,179	\$ 23,493
Citywide	1,119,717	\$ 1,025,244,600	\$ 10,953

As presented in Table 3, assuming buildout of the full General Plan, and inclusion of all CFF projects, the fee per quadrant varies significantly. The fee per quadrant ranges from \$ 8,041 per EDU for Quadrant 2 to \$ 23,493 per EDU for Quadrant 4. This variation is due to the relative parity in improvement costs assigned to each quadrant compared to the significant variation in trip generation, or growth, included in each quadrant.

### CITY OF MODESTO 20-YEAR PROJECTION SCENARIO

The prior memorandum issued by OMNI-MEANS, entitled *Technical Assumptions For 20-Year Projection Land-Uses*, detailed the process undertaken to develop "20-Year Projection" land uses in each quadrant. This section summarizes the land use growth differences between "General Plan Buildout" and "20-Year Projection" scenarios and the resulting changes in needed CFF improvements. Only land uses within the City of Modesto planning area were adjusted to reflect "20-Year Projection" growth, meaning the land uses outside the City are still assumed to develop to "General Plan Buildout" amounts in this scenario.

### "20-YEAR PROJECTION" TO "GENERAL PLAN BUILDOUT" COMPARISON

Table 4 presents the growth in dwelling units and employees assumed in the "20-Year Projection" model and presents the percent reduction in growth relative to the "General Plan Buildout" land uses.

TABLE 4  
"20-YEAR PROJECTION" ADDED LAND USES AND COMPARISON TO "GENERAL PLAN BUILDOUT"

Land Use Activity	20-Year Projection Growth ("Buildout minus Existing")		General Plan Growth ("Buildout minus Existing")		Percent Reduction
		Unit Type		Unit Type	
Single-Family	9,046	Dwelling Units	31,603	Dwelling Units	71.4 %
Multi-Family	6,094	Dwelling Units	17,292	Dwelling Units	64.8 %
Total Dwelling Units	15,140	Dwelling Units	48,895	Dwelling Units	69.0 %
Retail	7,785	Employees	38,770	Employees	79.9 %
Service	11,023	Employees	40,015	Employees	72.5 %
Other	11,227	Employees	60,888	Employees	81.6 %
Education	1,329	Employees	2,961	Employees	55.1 %
Government	1,626	Employees	2,801	Employees	42.0 %
Total Employees	32,990	Employees	145,435	Employees	77.3 %

As presented in Table 4, the "20-Year Projection" land use growth would equate to 15,140 new dwelling units and 32,990 new employees. The 15,140 new dwelling units equates to an added 39,326 persons using the densities described under Table 1. Overall, as presented in Table 4, the "20-Year Projection" represents 69% less housing growth and 77% less employment growth than the "General Plan Buildout".

**"20-YEAR PROJECTION" NEEDED IMPROVEMENTS**

A list of needed intersection, roadway, and interchange improvements was compiled for the City's "20-Year Projection" growth. All State Route 99 interchange projects were found to be required. However, only one urban interchange was selected to be included. Traffic signal projects were all assumed to be included. A full list of the roadway and intersection improvements selected is provided as Appendix Tables 1 and 2 of this memorandum. Table 5 presents the total costs for each improvement category found to be needed and compares this cost to the full CFF cost.

**TABLE 5**  
**"20-YEAR PROJECTION" NEEDED IMPROVEMENT COSTS AND FULL CFF COST COMPARISON**

Improvement Category	"20-Year Projection" Total Cost	"General Plan Buildout" Total Cost	Percent Reduction
Intersections	\$ 229,171,001	\$ 268,171,586	14.5 %
Roadways	\$ 432,189,625	\$ 649,676,851	33.5 %
Traffic Signals	\$ 11,976,620	\$ 11,976,620	-
Interchanges	\$ 96,044,961	\$ 220,531,575	56.4 %
Adjustments*	\$ (125,112,031)	\$ (125,112,031)	-
<b>Totals</b>	<b>\$ 644,270,176</b>	<b>\$ 1,025,244,600</b>	<b>37.2 %</b>

\*Adjustments include reductions for existing deficiencies, StanCOG funding, existing CFF balance, and CFF funds expended as calculated by OMNI-MEANS and the City of Modesto in 2008.

As presented in Table 5, the overall cost reduction to the total CFF projects list when only the needed projects under the "20-Year Projection" is roughly 37%. Because the land use reduction amongst which this cost is spread is reduced between 69% and 77%, as presented in Table 4, the resulting fee is significantly higher because there is less growth into which to divide the new costs. Table 6 presents the Citywide fee calculations for this scenario.

**TABLE 6**  
**"20-YEAR PROJECTION" PRELIMINARY CITYWIDE FEE CALCULATION**

Land Use Code Category	Final Weighted Fee per Unit	Unit
SFDU	\$ 26,146	D.U.
MFDU	\$ 18,114	D.U.
Retail (lesser than 50,000 sq.ft. floor area)	\$ 39,310	KSF
Retail (50,000 sq.ft. to 99,999 sq.ft. floor area)	\$ 32,633	KSF
Retail (100,000 sq.ft. to 300,000 sq.ft. floor area)	\$ 27,543	KSF
Retail (greater than 300,000 sq.ft. floor area)	\$ 25,696	KSF
Office (Medical Office)	\$ 49,652	KSF
Office (General Office)	\$ 24,028	KSF
Business Park (Service)	\$ 16,582	KSF
Business Park (Manufacturing)	\$ 9,557	KSF
Industrial (Manufacturing)	\$ 9,315	KSF
Industrial (Warehousing)	\$ 6,535	KSF

As presented in Table 6, the citywide cost per EDU would be \$26,146. Quadrant-based calculations are not included in this memorandum for this scenario, because the base citywide cost is clearly infeasible. Because the fee amount is so much greater in this scenario than the base fee presented in Table 2, OMNI-MEANS decided to examine another, potentially more realist scenario, in which the land-uses outside the City of Modesto are also reduced proportionately to the City's "20-Year Projection" levels.

## COUNTYWIDE 20-YEAR GROWTH SCENARIO

For this analysis, the land use growth outside the City limits was also reduced by 75% (a rough average of the City's "20-Year Projection" 69% to 77% reduction). The theory behind this reduction is that any economic factors that go into determining the City's planned growth over the next 20 years will likely affect communities outside the City planning area as well.

### IDENTIFICATION OF "NEEDED" CFF FACILITIES

This effort identified the CFF projects within the City that were most sensitive to County demand. If a facility's projected traffic volumes were reduced significantly in the "Countywide 20-Year Growth" scenario, that facility was not included in the CFF fee calculations. The rationale for this methodology is that facilities that are most affected by regional demand should not be fully funded by the City growth.

As with the previous "20-Year Projection" scenario described above, all State Route 99 interchange projects were included, and one urban interchange was included. Traffic signal projects were all assumed to be included. A full list of the roadway and intersection improvements selected for the "Countywide 20-Year Growth" scenario is provided as Appendix Tables 3 and 4 of this memorandum. Table 7 presents the total costs for each improvement category found to be needed and compares this cost to the full CFF cost.

**TABLE 7**  
**"COUNTYWIDE 20-YEAR GROWTH" NEEDED IMPROVEMENT COSTS AND FULL CFF COST COMPARISON**

Improvement Category	"Countywide 20-Year Growth" Total Cost	"General Plan Buildout" Total Cost	Percent Reduction
Intersections	\$ 97,580,963	\$ 268,171,586	63.6 %
Roadways	\$ 216,100,927	\$ 649,676,851	66.7 %
Traffic Signals	\$ 11,976,620	\$ 11,976,620	-
Interchanges	\$ 96,044,961	\$ 220,531,575	56.4 %
Adjustments*	\$ (125,112,031)	\$ (125,112,031)	-
<b>Totals</b>	<b>\$ 296,591,440</b>	<b>\$ 1,025,244,600</b>	<b>71.1 %</b>

\*Adjustments include reductions for existing deficiencies, StanCOG funding, existing CFF balance, and CFF funds expended as calculated by OMNI-MEANS and the City of Modesto in 2008.

As presented in Table 7, the reduction in costs in the "Countywide 20-Year Growth" is much greater than the City-only "20-Year Projection" scenario. The overall cost reduction, 71%, is now much closer to the reduction in land uses assumed in the City (69% to 77%). Table 8 presents the Citywide fee calculations for this scenario.

**TABLE 8**  
**"COUNTYWIDE 20-YEAR GROWTH" PRELIMINARY CITYWIDE FEE CALCULATION**

Land Use Code Category	Final Weighted Fee per Unit	Unit
SFDU	\$ 12,036	D.U.
MFDU	\$ 8,339	D.U.
Retail (lesser than 50,000 sq.ft. floor area)	\$ 18,096	KSF
Retail (50,000 sq.ft. to 99,999 sq.ft. floor area)	\$ 15,023	KSF
Retail (100,000 sq.ft. to 300,000 sq.ft. floor area)	\$ 12,680	KSF
Retail (greater than 300,000 sq.ft. floor area)	\$ 11,829	KSF
Office (Medical Office)	\$ 22,858	KSF
Office (General Office)	\$ 11,061	KSF
Business Park (Service)	\$ 7,634	KSF
Business Park (Manufacturing)	\$ 4,400	KSF
Industrial (Manufacturing)	\$ 4,288	KSF
Industrial (Warehousing)	\$ 3,008	KSF

As presented in Table 8, the fee per SFDU under the "Countywide 20-Year Growth" scenario is \$12,036. This fee amount compares more favorably to the fee amount presented in Table 2 of this memorandum. Table 9 presents the fees per EDU in each quadrant under the "Countywide 20-Year Growth" scenario, and compares them the per EDU fee for "General Plan Buildout" presented in Table 3.

**TABLE 9**  
**"COUNTYWIDE 20-YEAR GROWTH" QUADRANT FEE COMPARISON**

Quadrant	"Countywide 20-Year Growth"			"General Plan Buildout"			% Change
	Trip Generation	Improvement Costs Assigned	Fee per "EDU"	Trip Generation	Improvement Costs Assigned	Fee per "EDU"	
Quadrant 1	143,274	\$ 90,572,501	\$ 7,562	583,528	\$ 274,433,224	\$ 8,560	- 11.7 %
Quadrant 2	50,721	\$ 45,659,116	\$ 10,769	335,813	\$ 225,737,271	\$ 8,041	+ 33.9%
Quadrant 3	57,650	\$ 81,868,820	\$ 16,988	275,730	\$ 280,283,926	\$ 12,160	+ 39.7 %
Quadrant 4	43,129	\$ 78,491,003	\$ 21,771	124,645	\$ 244,790,179	\$ 23,493	- 6.3 %
Citywide	294,774	\$ 296,591,440	\$ 12,036	1,119,717	\$ 1,025,244,600	\$ 10,953	+ 9.9 %

As presented in Table 9, the fee decreases or increases between the "General Plan Buildout" scenario and the "Countywide 20-Year Growth" scenario depending on which quadrant the development is in. The per EDU fee on a city-wide basis increases about 10% from \$10,953 to \$12,036. However, the per EDU fee decreases in Quadrants 1 and 4 by 11.7% and 6.3% respectively. The fee increases in Quadrants 2 and 3 by 33.9% and 39.7% percent, per EDU, respectively.

## CONCLUSION

The City-only "20-Year Projection" scenario is not likely a feasible CFF fee solution. The cost per EDU are too high in this scenario. This is because the improvement costs are only reduced by about 30% while the land uses into which those costs are divided into are reduced by about 69% to 77%.

The "Countywide 20-Year Growth" scenario, however, fares better in maintaining parity with the "General Plan Buildout" scenario fee calculations. The fees increase and decrease depending on which quadrant the development project is located in, yet the overall citywide fee is only slightly greater than the "General Plan Buildout" citywide fee. This is because the improvement costs are reduced 71%, which is closer to the 69% to 77% reduction in growth.

Notwithstanding this improvement in fee amounts, the methodology by which the "Countywide 20-Year Growth" projects list was generated needs to be further examined. The projects removed from the list will possibly still be needed in 20 years, because of specific localized growth, and regional growth, yet these improvements may be unfunded under the proposed fee structure. The calculations in this memorandum represent a very preliminary look at what the fee could look like under the "Countywide 20-Year Growth" scenario, but further consideration must be made as to what projects, or what percent of projects, are included.

In future discussions, it may be determined that the projects heavily used by regional traffic should not be fully removed from the CFF program if they are still needed. Future considerations for the fee program may include:

- Partial City CFF funding of needed roadways that are heavily used by the County;
- Partial (or half-width) project cost estimates that widen roadways to an interim width;
- Providing for more growth in areas that would otherwise have high fees; and,
- Revisiting the quadrant system to provide fewer or more areas of benefits.

# APPENDIX



**APPENDIX TABLE 1  
ROADWAY PROJECTS NOT NEEDED IN CITY-ONLY "20-YEAR PROJECTION"**

QUADRANT	CFR ROAD PROJECT I.D.	CFR ROAD PROJECT EXTENTS	CFR PROJ LANES	TOTAL COST	CFR COST	NEEDED LANES FOR LOS D	NEED CFR PROJ?
Q3	R7TH01	SIERRA TO RIVER	4	\$27,013,912	\$27,002,357	4	YES
Q4	R7TH02	CROWSLANDING TO HATCH	4	\$10,285,216	\$10,285,216	2	NO
Q3	R9TH01	CARPENTER TO NEEDHAM	6	\$17,562,335	\$17,562,335	4	NO
Q1	RBANG001	TULLY TO MCHENRY	4	\$2,058,384	\$2,244,616	2	NO
Q1	RBECKWITH01	NEW ROAD TO DAKOTA	4	\$2,470,590	\$1,203,107	4	YES
Q1	RBECKWITH02	DAKOTA TO BRINK	4	\$5,811,196	\$4,686,659	6	YES
Q3	RBLUGUM01	FOUST TO ROSEMORE	4	\$1,409,058	\$1,409,058	2	NO
Q1	RBRIGGSMORE01	SISK TO MCHENRY	6	\$21,544,820	\$21,544,820	8	YES
Q2	RBRIGGSMORE02	MCHENRY TO OAKDALE	6	\$14,183,577	\$14,183,577	8	YES
Q2	RBRIGGSMORE03	OAKDALE TO ROSELLE	6	\$3,361,836	\$3,361,836	6	YES
Q2	RBRIGGSMORE04	ROSELLE TO CLAUS	6	\$5,269,643	\$5,269,643	6	YES
Q2	RBRIGGSMORE05	CLAUS TO CITY GEN. PLAN EDRY	4	\$4,840,634	\$3,799,223	2	NO
Q2	RBRIGGSMORE06	COFFEE TO OAKDALE	8	\$3,431,102	\$3,431,102	8	YES
Q1	RBRINK01	PELANDALE TO DAKOTA	4	\$3,857,056	\$3,078,743	6	YES
Q1	RBRINK02	DAKOTA TO BECKWITH	4	\$9,643,491	\$5,837,862	2	NO
Q1	RBRINK03	BECKWITH TO SHOEMAKE	4	\$10,314,074	\$4,496,813	6	YES
Q3	RBRINK04	SHOEMAKE TO CARPENTER	4	\$1,902,798	\$1,902,798	2	YES
Q3	RCALIFORNIA01	NEBRASKA TO CARPENTER	4	\$7,296,671	\$1,537,787	2	NO
Q3	RCARPENTER01	9TH TO BLUE GUM	6	\$1,543,497	\$1,543,497	8	YES
Q3	RCARPENTER02	BLUE GUM TO KANSAS	6	\$7,280,883	\$7,645,361	6	YES
Q3	RCARPENTER03	KANSAS TO MAZE	6	\$3,324,249	\$3,324,249	6	YES
Q3	RCARPENTER04	MAZE TO CALIFORNIA	6	\$1,417,818	\$1,019,790	6	YES
Q3	RCARPENTER05	CALIFORNIA TO PARADISE	6	\$10,231,151	\$9,939,279	4	YES
Q3	RCARPENTER06	PARADISE TO HATCH	6	\$8,021,090	\$7,695,833	4	YES
Q3	RCARPENTER07	HATCH TO WHITMORE	6	\$7,551,067	\$6,264,613	2	NO
Q3	RCARPENTER08	5TH TO WOODLAND	8	\$335,791	\$335,791	6	NO
Q3	RCARPENTER09	ROBERTSON TO WHITMORE	8	\$6,640,884	\$6,640,884	4	NO
Q1	RCHAPMAN01	KIERNAN TO PELANDALE	4	\$1,322,548	\$472,800	2	NO
Q2	RCLARATINA01	MCHENRY TO COFFEE	6	\$7,648,647	\$4,811,447	4	YES
Q1	RCLARATINA02	COFFEE TO OAKDALE	6	\$6,120,917	\$6,127,257	4	YES
Q2	RCLARATINA03	OAKDALE TO ROSELLE	6	\$9,378,809	\$6,772,091	2	NO
Q1	RCLARATINA04	ROSELLE TO R/R TRACKS	4	\$6,743,371	\$1,163,167	2	NO
Q2	RCLARIBEL01	MCHENRY TO COFFEE	6	\$7,065,548	\$5,259,049	10	YES
Q2	RCLARIBEL02	COFFEE TO OAKDALE	6	\$8,642,725	\$6,493,694	10	YES
Q2	RCLARIBEL03	OAKDALE TO ROSELLE	6	\$7,990,588	\$5,708,871	8	YES
Q1	RCLARIBEL04	ROSELLE TO CLAUS	6	\$11,719,607	\$9,514,574	10	YES
Q2	RCLARIBEL05	ROSELLE TO TERMINAL	8	\$2,790,470	\$2,790,470	10	YES
Q2	RCLARIBEL06	MCHENRY TO OAKDALE	8	\$13,396,378	\$13,396,378	10	YES
Q2	RCLAUS01	CLARIBEL TO SYLVAN	6	\$10,909,953	\$5,934,429	10	YES
Q1	RCLAUS02	SYLVAN TO FLOYD	4	\$2,337,816	\$761,208	10	YES
Q2	RCLAUS03	FLOYD TO BRIGGSMORE	4	\$3,134,242	\$1,326,544	10	YES
Q4	RCLAUS04	BRIGGSMORE TO SCENIC	6	\$3,472,189	\$3,472,189	10	YES
Q4	RCLAUS05	SCENIC TO GARST	6	\$1,251,914	\$1,059,114	10	YES
Q4	RCLAUS06	GARST TO YOSEMITE	6	\$2,396,386	\$2,086,786	10	YES
Q2	RCLAUS07	SYLVAN TO BRIGGSMORE	8	\$8,362,518	\$2,912,845	10	YES

## Attachment "C"

QUADRANT	CFR ROAD PROJECT I.D.	CFR ROAD PROJECT EXTENTS	CFR PRJ LANES	TOTAL COST	CFR COST	NEEDED LANES FOR LOS D	NEED CFR PRI?
Q2	RCLAUS06	SYLVAN TO BRIGGSMORE	8	\$7,273,544	\$7,273,544	10	YES
Q2	RCOFFEE01	CLARIBEL TO CLARATINA	4	\$6,680,839	\$2,229,234	2	NO
Q2	RCOFFEE02	CLARATINA TO MABLE	4	\$1,280,954	\$375,425	2	NO
Q3	RCROWSLANDING01	7TH TO 99	6	\$1,446,777	\$1,446,777	4	YES
Q3	RCROWSLANDING02	99 TO HATCH	6	\$2,059,234	\$1,722,483	6	YES
Q3	RCROWSLANDING03	HATCH TO WHITMORE	6	\$5,386,616	\$5,066,884	6	YES
Q3	RCROWSLANDING04	SR 99 TO HATCH	8	\$3,602,171	\$3,602,171	6	NO
Q1	RDAKOTA01	SALIDA TO BECKWITH	6	\$9,126,507	\$7,197,123	4	YES
Q4	RELVISTA01	SCENIC TO YOSEMITE	6	\$9,507,030	\$9,507,030	6	YES
Q4	RFINCH01	MITCHELL TO GARNER	4	\$6,542,761	\$4,754,335	2	NO
Q4	RGARNER01	YOSEMITE TO FINCH	6	\$6,048,235	\$4,167,195	8	YES
Q4	RGARNER02	FINCH TO COLUMBIA RIVER	6	\$5,801,965	\$3,872,621	8	YES
Q4	RGARST01	CLAUS TO CHURCH	4	\$12,384,844	\$10,231,441	4	YES
Q3	RHATCH01	CARPENTER TO CROWS LANDING	4	\$11,589,543	\$18,601,091	4	YES
Q4	RHATCH02	CROWS LANDING TO 7TH	4	\$7,152,637	\$7,152,637	4	YES
Q1	RKIERNAN01	CHAPMAN TO DALE	6	\$4,848,674	\$3,308,146	6	YES
Q1	RKIERNAN02	DALE TO PRESCOTT	6	\$10,527,093	\$8,023,744	8	YES
Q1	RKIERNAN03	PRESCOTT TO TULLY	6	\$8,976,026	\$6,153,143	8	YES
Q1	RKIERNAN04	TULLY TO MCHENRY	6	\$7,981,919	\$6,384,755	10	YES
Q4	RLAKEWOOD01	BRIGGSMORE TO SCENIC	4	\$1,475,895	\$1,475,895	4	YES
Q4	RLINCOLN01	SCENIC TO YOSEMITE	4	\$5,089,783	\$5,089,783	2	NO
Q3	RMAZE01	MORSE TO CARPENTER	4	\$6,116,546	\$2,100,189	2	NO
Q3	RMAZE02	CARPENTER TO 99	4	\$10,624,484	\$9,297,390	4	YES
Q1	RMCHENRY01	KIERNAN TO PELANDALE	6	\$2,120,039	\$1,510,633	6	YES
Q1	RMCHENRY02	PELANDALE TO STANDIFORD	6	\$2,282,103	\$2,282,103	6	YES
Q1	RMCHENRY03	FLOYD TO BRIGGSMORE	8	\$2,460,904	\$2,460,905	8	YES
Q1	RMCHENRY04	BANGS TO WOODROW	8	\$4,955,688	\$4,955,688	6	NO
Q4	RMITCHELL01	YOSEMITE TO FINCH	6	\$7,017,981	\$6,073,411	6	YES
Q4	RMITCHELL02	FINCH TO CITY LIMIT	6	\$1,456,485	\$510,815	6	YES
Q4	RMORGAN01	HATCH TO WHITMORE	4	\$6,735,298	\$5,052,153	2	NO
Q1	RMORSE01	NORTH TO SHOEMAKE	4	\$6,630,273	\$3,299,824	2	NO
Q1	RMORSE02	SHOEMAKE TO MAZE	4	\$18,280,992	\$16,295,051	2	NO
Q3	RNEBRASKA01	MAZE TO CALIFORNIA	4	\$1,896,908	\$945,308	2	NO
Q1	RNEWROAD01	MURPHY TO BECKWITH	4	\$10,126,494	\$6,634,527	2	NO
Q4	RNOISEMANG1	CITY LIMIT TO YOSEMITE	2	\$2,018,412	\$997,608	2	NO
Q2	ROAKDALE01	CLARIBEL TO CLARATINA	6	\$1,033,892	\$1,600,068	2	YES
Q2	ROAKDALE02	CLARATINA TO SYLVAN	6	\$4,783,280	\$2,734,378	4	YES
Q2	ROAKDALE04	FLOYD TO BRIGGSMORE	6	\$3,994,589	\$3,994,589	6	YES
Q4	ROAKDALE05	BRIGGSMORE TO SCENIC	6	\$8,620,547	\$8,620,347	6	YES
Q3	RPARADISE01	NEBRASKA TO CARPENTER CARPENTER TO MARTIN LUTHER KING	4	\$8,183,664	\$6,650,948	2	NO
Q3	RPARADISE02		4	\$5,132,310	\$5,132,310	4	YES
Q1	RPELANDALE01	CHAPMAN TO DALE	6	\$2,930,443	\$2,930,443	6	YES
Q1	RPELANDALE02	DALE TO PRESCOTT	6	\$4,264,957	\$3,854,813	6	YES
Q1	RPELANDALE03	PRESCOTT TO TULLY	6	\$5,380,585	\$4,619,453	6	YES
Q1	RPELANDALE04	TULLY TO MCHENRY	6	\$9,223,337	\$7,737,295	6	YES
Q1	RPRESCOTT01	KIERNAN TO PELANDALE	4	\$4,055,203	\$1,157,052	2	NO

## Attachment "C"

QUADRANT	CFF ROAD PROJECT I.D.	CFF ROAD PROJECT EXTENTS	CFF PRJ LANES	TOTAL COST	CFF COST	NEEDED LANES FOR LOSS D	NEED CFF PRJ?
Q1	RPRESCOTT03	PLAZA TO BRIGGSMORE	6	\$507,765	\$507,765	4	NO
Q1	RPRESCOTT04	PELANDALE TO CHEYENNE	6	\$1,080,291	\$1,080,291	4	NO
Q4	RRIVERSIDE01	YOSEMITE TO MITCHELL	4	\$4,385,346	\$4,385,346	2	NO
Q2	RRUSSELL01	CLARIBEL TO CLARATINA	4	\$4,487,150	\$1,320,509	2	NO
Q2	RRUSSELL02	CLARATINA TO SLYVAN	4	\$7,812,495	\$671,653	2	NO
Q4	RSANTAFE01	TOLLUMNE RIVER TO YOSEMITE	4	\$6,184,082	\$6,193,154	4	YES
Q4	RSCENIC01	OAKDALE TO LAKEWOOD	4	\$5,905,361	\$4,198,833	4	YES
Q4	RSCENIC02	LAKEWOOD TO CLAUS	4	\$6,514,570	\$6,559,116	2	NO
Q1	RSHOEMAKER01	MORSE TO BRINK	4	\$3,874,744	\$736,981	2	NO
Q1	RSISK01	CONANT TO BRIGGSMORE	6	\$1,124,828	\$7,124,828	6	YES
Q1	RSISK02	STANDFORD TO RUMBLE	6	\$1,057,741	\$1,057,741	6	YES
Q1	RSTANDIFORD01	DALE TO PRESCOTT	6	\$10,038,376	\$10,038,376	6	YES
Q1	RSTANDIFORD02	PRESCOTT TO TULLY	6	\$9,216,103	\$9,216,103	4	NO
Q1	RSTANDIFORD03	TULLY TO MCHENRY	6	\$12,094,059	\$12,094,059	4	NO
Q2	RSYLVAN01	MCHENRY TO OAKDALE	6	\$23,410,913	\$23,410,913	4	NO
Q1	RTULLY01	KIERNAN TO PELANDALE	6	\$4,773,718	\$956,991	4	YES
Q1	RTULLY02	PELANDALE TO STANDFORD	6	\$6,513,775	\$6,014,526	4	NO
Q1	RTULLY03	BANGS TO PELANDALE	8	\$671,204	\$0	4	NO
Q1	RTULLY04	STANDFORD TO WOODROW	6	\$978,402	\$978,402	4	NO
Q3	RWHITMORE01	CARPENTER TO CROWS LANDING	4	\$14,545,566	\$11,636,141	2	NO
Q3	RWHITMORE02	CROWS LANDING TO MORGAN	4	\$4,796,941	\$3,222,198	4	YES
Q3	RWOODLAND01	CARPENTER TO KEARNEY	4	\$8,111,801	\$8,111,801	4	YES
Q4	RYOSEMITE01	D TO EL VISTA	6	\$18,736,835	\$18,736,835	6	YES
Q4	RYOSEMITE02	EL VISTA TO LINCOLN	6	\$14,070,229	\$13,198,602	6	YES
Q4	RYOSEMITE03	LINCOLN TO CLAUS	6	\$5,983,515	\$5,822,052	6	YES
Q4	RYOSEMITE04	CLAUS TO SANTA FE	6	\$7,266,428	\$6,191,040	6	YES
Q4	RYOSEMITE05	SANTA FE TO CITY LIMIT	6	\$1,252,188	\$1,007,858	4	NO

## Attachment "C"

APPENDIX TABLE 2  
INTERSECTION PROJECTS NOT NEEDED IN CITY-ONLY "20-YEAR PROJECTION"

QUADRANT	CFF INTERSECTION PROJECT ID	CROSS ROAD	NO. of LEGS	TRAFFIC SIGNAL	TOTAL COST	CFF COST	IMPROVEMENT NEEDED?
Q1	XBECKWITH01	NEW ROAD	3	NEW	\$ 4,380,372	\$ 2,372,914	NO
Q1	XBECKWITH02	DAKOTA	4	NEW	\$ 15,965,345	\$ 14,101,270	YES
Q1	XBECKWITH03	BRINK	4	NEW	\$ 5,826,427	\$ 3,795,230	YES
Q1	XBRIGGSMORE01	MCHENRY	4	MOD	\$ 6,231,176	\$ 6,231,172	YES
Q2	XBRIGGSMORE02	OAKDALE	4	MOD	\$ 5,471,628	\$ 6,330,977	YES
Q2	XBRIGGSMORE03	ROSELLE	4	MOD	\$ 5,180,261	\$ 4,896,261	YES
Q2	XBRIGGSMORE04	CLAUS	4	NEW	\$ 8,564,713	\$ 7,115,781	YES
Q3	XCALIFORNIA01	NEBRASKA	3	NEW	\$ 5,198,904	\$ 3,180,225	NO
Q3	XCALIFORNIA02	CARPENTER	4	MOD	\$ 5,743,839	\$ 4,373,376	YES
Q3	XCARPENTER01	BLUE GUM	4	MOD	\$ 5,199,354	\$ 5,019,131	YES
Q3	XCARPENTER02	KANSAS	4	MOD	\$ 4,165,941	\$ 4,165,937	YES
Q2	XCLARATINA01	COFFEE	4	NEW	\$ 5,503,161	\$ 5,047,235	YES
Q2	XCLARATINA02	OAKDALE	4	NEW	\$ 6,497,622	\$ 4,024,564	YES
Q2	XCLARATINA03	ROSELLE	4	NEW	\$ 5,689,014	\$ 4,027,652	NO
Q2	XCLARIBEL01	COFFEE	4	NEW	\$ 3,732,383	\$ 3,263,189	YES
Q2	XCLARIBEL02	OAKDALE	4	NEW	\$ 3,344,511	\$ 1,867,852	YES
Q2	XCLARIBEL03	ROSELLE	3	NEW	\$ 3,672,902	\$ 2,425,173	YES
Q2	XCLARIBEL04	CLAUS	4	NEW	\$ 7,147,301	\$ 6,493,140	YES
Q3	XCROWSLANDING01	7TH	3	NEW	\$ 9,958,335	\$ 9,991,584	YES
Q4	XFINCH01	MITCHELL	3	MOD	\$ 2,000,896	\$ 1,924,349	YES
Q4	XFINCH02	GARNER	4	NEW	\$ 9,150,169	\$ 8,335,840	YES
Q4	XGARST01	CLAUS	3	NEW	\$ 4,152,224	\$ 3,460,877	YES
Q3	XHATCH01	CARPENTER	3	NEW	\$ 10,849,188	\$ 10,075,442	YES
Q3	XHATCH02	CROWS LANDING	4	MOD	\$ 7,325,528	\$ 7,325,524	YES
Q4	XHATCH03	7TH	3	MOD	\$ 4,396,556	\$ 4,396,556	NO
Q1	XKIERNAN02	DALE	4	NEW	\$ 4,030,304	\$ 2,971,721	YES
Q1	XKIERNAN03	PRESCOTT	4	NEW	\$ 5,932,199	\$ 3,465,532	YES
Q1	XKIERNAN04	TULLY	4	NEW	\$ 3,392,789	\$ 2,374,681	YES
Q1	XKIERNAN05	MCHENRY	4	NEW	\$ 3,577,649	\$ 2,754,223	YES
Q3	XMAZE01	MORSE	3	NEW	\$ 5,128,392	\$ 2,486,077	NO
Q3	XMAZE02	CARPENTER	4	MOD	\$ 8,805,611	\$ 8,895,273	YES
Q3	XPARADISE01	NEBRASKA	3	NEW	\$ 5,013,652	\$ 2,771,348	NO
Q3	XPARADISE02	CARPENTER	4	MOD	\$ 10,698,448	\$ 9,682,807	YES
Q1	XPELANDALE01	SISK	3	MOD	\$ 1,025,385	\$ 989,037	YES
Q1	XPELANDALE02	CHAPMAN	3	NEW	\$ 899,393	\$ 876,364	YES
Q1	XPELANDALE03	DALE	4	MOD	\$ 1,955,184	\$ 1,889,673	YES
Q1	XPELANDALE04	PRESCOTT	4	NEW	\$ 2,972,069	\$ 2,625,921	YES
Q1	XPELANDALE05	TULLY	4	NEW	\$ 4,782,749	\$ 3,996,220	YES
Q1	XPELANDALE06	MCHENRY	4		\$ 3,600,334	\$ 3,242,433	YES
Q4	XSCENIC02	OAKDALE	4	MOD	\$ 5,443,820	\$ 5,365,504	YES
Q4	XSCENIC03	LAKWOOD	4	NEW	\$ 16,407,438	\$ 16,407,438	YES
Q4	XSCENIC04	CLAUS	3	MOD	\$ 5,150,652	\$ 4,814,213	YES
Q1	XSHOEMAKE02	BRINK	3	NEW	\$ 2,630,411	\$ 1,839,155	YES
Q1	XSTANDFORD01	TULLY	4	MOD	\$ 6,747,025	\$ 6,747,021	NO
Q1	XSTANDFORD02	MCHENRY	4	MOD	\$ 8,825,500	\$ 8,825,496	NO

## Attachment "C"

QUADRANT	CFF INTERSECTION PROJECT ID	CROSS ROAD	NO. of LEGS	TRAFFIC SIGNAL	TOTAL COST	CFF COST	IMPROVEMENT NEEDED?
Q1	XWHITMORE01	CARPENTER	3	NEW	\$ 3,651,788	\$ 2,946,218	NO
Q3	XWHITMORE02	CROWS LANDING	4	MOD	\$ 2,410,012	\$ 1,598,490	YES
Q4	XWHITMORE03	MORGAN	4	MOD	\$ 3,161,270	\$ 1,247,078	NO
Q4	XYOSEMITE01	EL VISTA	4	MOD	\$ 14,551,139	\$ 14,551,135	YES
Q4	XYOSEMITE01	LINCOLN	3		\$ 2,258,199	\$ 2,253,901	YES
Q4	XYOSEMITE03	CLAUS	4		\$ 6,586,093	\$ 5,705,176	YES
Q4	XYOSEMITE04	SANTA FE	4	MOD	\$ 12,609,903	\$ 12,689,104	YES

## Attachment "C"

APPENDIX TABLE 3  
ROADWAY PROJECTS NOT NEEDED IN "COUNTYWIDE 20-YEAR GROWTH"

QUADRANT	ROAD PROJECT I.D.	EXTENTS	LANES	TOTAL COST	CFR COST	NEEDED CAPACITY	NEEDED IN COUNTY REDUCED TEST?
Q3	R7TH01	SIERRA TO RIVER	4	\$27,013,912	\$27,002,357	2	NO
Q4	R7TH02	CROWSLANDING TO HATCH	4	\$10,285,218	\$10,285,218	2	NO
Q3	R9TH01	CARPENTER TO NEEDHAM	6	\$17,562,355	\$17,562,355	4	NO
Q1	RBANGS01	TULLY TO MCHENRY	4	\$7,068,381	\$2,244,616	2	NO
Q1	RBECKWITH01	NEW ROAD TO DAKOTA	4	\$2,470,390	\$1,203,107	4	YES
Q1	RBECKWITH02	DAKOTA TO BRINK	4	\$5,812,196	\$4,686,659	6	YES
Q3	RBLUEGUM01	POUST TO ROSEMORE	4	\$1,409,058	\$1,409,058	2	NO
Q1	RBRIGGSMORE01	SISK TO MCHENRY	6	\$21,544,820	\$21,544,820	6	NO
Q2	RBRIGGSMORE02	MCHENRY TO OAKDALE	6	\$14,183,577	\$14,183,577	8	YES
Q2	RBRIGGSMORE03	OAKDALE TO ROSELLE	6	\$5,361,836	\$5,361,836	6	YES
Q2	RBRIGGSMORE04	ROSELLE TO CLAUS	6	\$5,269,645	\$5,269,645	4	NO
Q2	RBRIGGSMORE05	CLAUS TO CITY GEN. PLAN BDRY	4	\$4,840,658	\$3,799,223	2	NO
Q2	RBRIGGSMORE06	COFFEE TO OAKDALE	8	\$3,431,102	\$3,431,102	8	YES
Q1	RBRINK01	PELANDALE TO DAKOTA	4	\$3,857,056	\$3,078,743	6	YES
Q1	RBRINK02	DAKOTA TO BECKWITH	4	\$9,645,491	\$5,037,862	2	NO
Q1	RBRINK03	BECKWITH TO SHOEMAKE	4	\$10,514,074	\$4,496,813	6	YES
Q3	RBRINK04	SHOEMAKE TO CARPENTER	4	\$1,902,798	\$1,902,798	2	YES
Q3	RCALIFORNIA01	NEBRASKA TO CARPENTER	4	\$7,296,671	\$1,537,787	2	NO
Q3	RCARPENTER01	9TH TO BLUE GUM	6	\$1,543,497	\$1,543,497	6	NO
Q3	RCARPENTER02	BLUE GUM TO KANSAS	6	\$7,280,883	\$7,645,361	4	NO
Q3	RCARPENTER03	KANSAS TO MAZE	6	\$3,324,249	\$3,324,249	4	NO
Q3	RCARPENTER04	MAZE TO CALIFORNIA	6	\$1,417,418	\$1,019,790	4	NO
Q3	RCARPENTER05	CALIFORNIA TO PARADISE	6	\$10,251,151	\$9,939,279	4	YES
Q3	RCARPENTER06	PARADISE TO HATCH	6	\$8,021,090	\$7,695,833	4	YES
Q3	RCARPENTER07	HATCH TO WHITMORE	6	\$7,551,067	\$6,264,613	2	NO
Q3	RCARPENTER08	9TH TO WOODLAND	8	\$335,791	\$335,791	6	NO
Q3	RCARPENTER09	ROBERTSON TO WHITMORE	8	\$6,640,884	\$6,640,884	4	NO
Q1	RCHAPMAN01	KIERNAN TO PELANDALE	4	\$3,322,548	\$472,800	2	NO
Q2	RCLARATINA01	MCHENRY TO COFFEE	6	\$7,648,647	\$4,811,447	4	YES
Q2	RCLARATINA02	COFFEE TO OAKDALE	6	\$6,320,917	\$6,122,257	2	NO
Q2	RCLARATINA03	OAKDALE TO ROSELLE	6	\$9,378,809	\$6,772,091	2	NO
Q2	RCLARATINA04	ROSELLE TO R/R TRACKS	4	\$6,743,371	\$1,165,167	2	NO
Q2	RCLARIBEL01	MCHENRY TO COFFEE	6	\$7,065,548	\$5,259,049	8	NO
Q2	RCLARIBEL02	COFFEE TO OAKDALE	6	\$8,642,725	\$6,493,694	8	NO
Q2	RCLARIBEL03	OAKDALE TO ROSELLE	6	\$7,990,588	\$5,708,871	8	YES
Q2	RCLARIBEL04	ROSELLE TO CLAUS	6	\$11,719,607	\$9,814,574	8	NO
Q2	RCLARIBEL05	ROSELLE TO TERMINAL	8	\$2,790,470	\$2,790,470	8	NO
Q2	RCLARIBEL06	MCHENRY TO OAKDALE	8	\$13,396,378	\$13,396,378	8	NO
Q2	RCLAUS01	CLARIBEL TO SYLVAN	6	\$10,909,943	\$5,934,429	8	NO
Q2	RCLAUS02	SYLVAN TO FLOYD	4	\$2,537,816	\$761,208	8	NO
Q2	RCLAUS03	FLOYD TO BRIGGSMORE	4	\$3,139,242	\$1,326,544	8	NO
Q4	RCLAUS04	BRIGGSMORE TO SCENIC	6	\$3,472,189	\$3,472,189	10	YES
Q4	RCLAUS05	SCENIC TO GARST	6	\$1,251,914	\$1,059,114	10	YES
Q4	RCLAUS06	GARST TO YOSEMITE	6	\$2,396,386	\$2,086,786	8	NO

## Attachment "C"

QUADRANT	ROAD PROJECT I.D.	EXTENTS	LANES	TOTAL COST	CFR COST	NEEDED CAPACITY	NEEDED IN COUNTY REDUCED TEST?
Q2	RCLAUS07	SYLVAN TO BRIGGSMORE	8	\$8,362,518	\$2,912,845	8	NO
Q2	RCLAUS08	SYLVAN TO BRIGGSMORE	8	\$7,273,544	\$7,273,544	8	NO
Q2	RCOFFEE01	CLARIBEL TO CLARATINA	4	\$6,680,839	\$2,229,234	7	NO
Q2	RCOFFEE02	CLARATINA TO MABLE	4	\$1,280,954	\$375,425	2	NO
Q3	RCROWSLANDING01	7TH TO 99	6	\$1,446,777	\$1,446,777	4	YES
Q3	RCROWSLANDING02	99 TO HATCH	6	\$2,059,234	\$1,722,483	6	YES
Q3	RCROWSLANDING03	HATCH TO WHITMORE	6	\$5,386,516	\$5,066,884	4	NO
Q3	RCROWSLANDING04	SR 99 TO HATCH	8	\$3,602,171	\$3,602,171	6	NO
Q1	RDAKOTA01	SALIDA TO BECKWITH	6	\$9,126,507	\$7,197,123	4	YES
Q4	RELVISTA01	SCENIC TO YOSEMITE	6	\$9,507,030	\$9,507,030	6	YES
Q4	RFINCH01	MITCHELL TO GARNER	4	\$6,542,761	\$4,754,335	2	NO
Q4	RGARNER01	YOSEMITE TO FINCH	6	\$6,648,235	\$4,167,105	6	NO
Q4	RGARNER02	FINCH TO TOLLUMNE RIVER	6	\$5,801,965	\$3,872,621	6	NO
Q4	RGARST01	CLAUS TO CHURCH	4	\$12,584,844	\$10,231,441	2	NO
Q3	RHATCH01	CARPENTER TO CROWS LANDING	4	\$11,580,543	\$10,601,091	4	YES
Q4	RHATCH02	CROWS LANDING TO 7TH	4	\$7,162,637	\$7,162,637	4	YES
Q1	RKIERNAN01	CHAPMAN TO DALE	6	\$4,848,674	\$3,308,146	6	YES
Q1	RKIERNAN02	DALE TO PRESCOTT	6	\$10,327,003	\$8,023,744	8	YES
Q1	RKIERNAN03	PRESCOTT TO TULLY	6	\$8,970,026	\$6,163,143	8	YES
Q1	RKIERNAN04	TULLY TO MCHENRY	6	\$7,981,919	\$6,384,755	8	NO
Q4	RLAKEWOOD01	BRIGGSMORE TO SCENIC	4	\$1,475,895	\$1,475,895	2	NO
Q4	RLINCOLN01	SCENIC TO YOSEMITE	4	\$5,089,783	\$5,089,783	2	NO
Q3	RMAZE01	MORSE TO CARPENTER	4	\$6,116,546	\$2,100,189	2	NO
Q3	RMAZE02	CARPENTER TO 99	4	\$10,625,484	\$9,297,390	4	YES
Q1	RMCHENRY01	KIERNAN TO PELANDALE	6	\$2,126,039	\$1,510,633	4	NO
Q1	RMCHENRY02	PELANDALE TO STANDIFORD	6	\$2,282,103	\$2,282,103	6	YES
Q1	RMCHENRY03	FLOYD TO BRIGGSMORE	8	\$2,460,905	\$2,460,905	8	YES
Q1	RMCHENRY04	BANGS TO WOODROW	8	\$4,955,688	\$4,955,688	6	NO
Q4	RMITCHELL01	YOSEMITE TO FINCH	6	\$7,017,981	\$6,073,411	6	YES
Q4	RMITCHELL02	FINCH TO CITY LIMIT	6	\$1,456,485	\$510,815	6	YES
Q4	RMORGAN01	HATCH TO WHITMORE	4	\$6,735,298	\$5,052,155	2	NO
Q1	RMORSE01	NORTH TO SHOEMAKE	4	\$6,630,273	\$3,299,824	2	NO
Q1	RMORSE02	SHOEMAKE TO MAZE	4	\$18,240,992	\$16,296,051	2	NO
Q3	RNEBRASKA01	MAZE TO CALIFORNIA	4	\$1,896,908	\$945,308	2	NO
Q1	RNEWROAD01	MURPHY TO BECKWITH	4	\$10,126,494	\$6,634,527	2	NO
Q4	RNORSEMAN01	CITY LIMIT TO YOSEMITE	2	\$2,018,413	\$997,608	2	NO
Q2	ROAKDALE01	CLARIBEL TO CLARATINA	6	\$5,035,492	\$1,660,068	2	YES
Q2	ROAKDALE02	CLARATINA TO SYLVAN	6	\$4,783,280	\$2,734,378	4	YES
Q2	ROAKDALE04	FLOYD TO BRIGGSMORE	6	\$3,994,589	\$3,994,589	6	YES
Q4	ROAKDALE05	BRIGGSMORE TO SCENIC	6	\$8,620,347	\$8,620,347	6	YES
Q3	RPARADISE01	NEBRASKA TO CARPENTER	4	\$8,483,664	\$6,650,948	2	NO
Q3	RPARADISE02	CARPENTER TO MARTIN LUTHER KING	4	\$5,132,310	\$5,132,310	4	YES
Q1	RPELANDALE01	CHAPMAN TO DALE	6	\$2,930,443	\$2,930,443	6	YES
Q1	RPELANDALE02	DALE TO PRESCOTT	6	\$4,264,957	\$3,854,813	4	NO
Q1	RPELANDALE03	PRESCOTT TO TULLY	6	\$5,380,985	\$4,613,453	6	YES

## Attachment "C"

QUADRANT	ROAD PROJECT I.D.	EXTENTS	LANES	TOTAL COST	CFR COST	NEEDED CAPACITY	NEEDED IN COUNTY REDUCED TEST?
Q1	RPELANDALE04	TULLY TO MCHENRY	6	\$9,223,237	\$7,737,793	4	NO
Q1	RPRESCOTT01	KIERNAN TO PELANDALE	4	\$4,053,203	\$1,157,052	2	NO
Q1	RPRESCOTT03	PLAZA TO BRIGGSMORE	6	\$507,765	\$507,765	4	NO
Q1	RPRESCOTT04	PELANDALE TO CHEYENNE	6	\$1,080,291	\$1,080,291	4	NO
Q4	RRIVERSIDE01	YOSEMITE TO MITCHELL	4	\$4,385,346	\$4,385,346	2	NO
Q2	RROSELLE01	CLARIBEL TO CLARATINA	4	\$4,487,150	\$1,320,309	2	NO
Q2	RROSELLE02	CLARATINA TO SLYVAN	4	\$3,812,495	\$671,653	2	NO
Q4	RSANTAFE01	TOULUMNE RIVER TO YOSEMITE	4	\$6,184,382	\$6,293,134	2	NO
Q4	RSCENIC01	OAKDALE TO LAKEWOOD	4	\$5,905,361	\$4,198,833	4	YES
Q4	RSCENIC02	LAKEWOOD TO CLAUS	4	\$6,514,370	\$6,559,116	2	NO
Q1	RSHOEMAKE01	MORSE TO BRINK	4	\$3,874,744	\$736,981	2	NO
Q1	RSISK01	CONANT TO BRIGGSMORE	6	\$2,124,828	\$2,124,828	6	YES
Q1	RSISK02	STANDIFORD TO RUMBLE	6	\$1,057,741	\$1,057,741	6	YES
Q1	RSTANDIFORD01	DALE TO PRESCOTT	6	\$10,038,376	\$10,038,376	6	YES
Q1	RSTANDIFORD02	PRESCOTT TO TULLY	6	\$9,216,103	\$9,216,103	4	NO
Q1	RSTANDIFORD03	TULLY TO MCHENRY	6	\$22,094,059	\$22,094,059	4	NO
Q2	RSYLVAN01	MCHENRY TO OAKDALE	6	\$23,410,913	\$23,410,913	4	NO
Q1	RTULLY01	KIERNAN TO PELANDALE	6	\$4,773,718	\$956,991	4	YES
Q1	RTULLY02	PELANDALE TO STANDIFORD	6	\$6,513,775	\$6,014,526	4	NO
Q1	RTULLY03	BANGS TO PELANDALE	8	\$671,204	\$0	4	NO
Q1	RTULLY04	STANDIFORD TO WOODROW	6	\$978,402	\$978,402	4	NO
Q3	RWHITMORE01	CARPENTER TO CROWS LANDING	4	\$14,545,566	\$11,636,141	2	NO
Q3	RWHITMORE02	CROWS LANDING TO MORGAN	4	\$4,796,941	\$3,222,198	2	NO
Q3	RWOODLAND01	CARPENTER TO KEARNEY	4	\$8,111,801	\$8,111,801	4	YES
Q4	RYOSEMITE01	D TO EL VISTA	6	\$18,736,835	\$18,736,835	4	NO
Q4	RYOSEMITE02	EL VISTA TO LINCOLN	6	\$14,070,229	\$13,198,602	6	YES
Q4	RYOSEMITE03	LINCOLN TO CLAUS	6	\$5,983,515	\$5,822,052	4	NO
Q4	RYOSEMITE04	CLAUS TO SANTA FE	6	\$7,266,428	\$6,191,040	4	NO
Q4	RYOSEMITE05	SANTA FE TO CITY LIMIT	6	\$1,252,188	\$1,007,858	4	NO



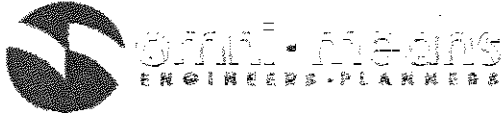
## Attachment "C"

APPENDIX TABLE 4  
 INTERSECTION PROJECTS NOT NEEDED IN "COUNTYWIDE 20-YEAR GROWTH"

QUADRANT	PROJECT ID	CROSS ROAD	NO. OF LEGS	TRAFFIC SIGNAL	TOTAL COST	CFR COST	NEEDED IN COUNTY REDUCED TEST?
Q1	XBECKWITH01	NEW ROAD	3	NEW	\$ 4,380,372	\$ 2,372,914	NO
Q1	XBECKWITH02	DAKOTA	4	NEW	\$ 15,965,345	\$ 14,101,270	YES
Q1	XBECKWITH03	BRINK	4	NEW	\$ 5,826,427	\$ 3,795,230	YES
Q1	XBRIGGSMORE01	MCHENRY	4	MOD	\$ 6,231,176	\$ 6,231,172	YES
Q2	XBRIGGSMORE02	OAKDALE	4	MOD	\$ 6,471,628	\$ 6,530,077	YES
Q2	XBRIGGSMORE03	ROSELLE	4	MOD	\$ 5,180,201	\$ 4,896,261	NO
Q2	XBRIGGSMORE04	CLAUS	4	NEW	\$ 8,564,713	\$ 7,115,781	NO
Q3	XCALIFORNIA01	NEBRASKA	3	NEW	\$ 5,196,904	\$ 5,180,225	NO
Q3	XCALIFORNIA02	CARPENTER	4	MOD	\$ 5,743,839	\$ 4,373,376	NO
Q3	XCARPENTER01	BLUE GUM	4	MOD	\$ 3,199,954	\$ 3,019,131	NO
Q3	XCARPENTER02	KANSAS	4	MOD	\$ 4,165,941	\$ 4,165,937	NO
Q2	XCLARATINA01	COFFEE	4	NEW	\$ 5,505,161	\$ 5,047,235	NO
Q2	XCLARATINA02	OAKDALE	4	NEW	\$ 6,497,022	\$ 4,024,564	NO
Q2	XCLARATINA03	ROSELLE	4	NEW	\$ 5,689,014	\$ 4,027,652	NO
Q2	XCLARIBEL01	COFFEE	4	NEW	\$ 3,732,383	\$ 3,263,189	NO
Q2	XCLARIBEL02	OAKDALE	4	NEW	\$ 3,344,511	\$ 1,857,852	NO
Q2	XCLARIBEL03	ROSELLE	3	NEW	\$ 1,672,902	\$ 2,425,173	NO
Q2	XCLARIBEL04	CLAUS	4	NEW	\$ 7,142,301	\$ 6,493,140	NO
Q3	XCROWSLANDING01	7TH	3	NEW	\$ 9,958,335	\$ 9,991,584	NO
Q4	XFINCH01	MITCHELL	3	MOD	\$ 2,000,896	\$ 1,924,549	YES
Q4	XFINCH02	GARNER	4	NEW	\$ 9,150,169	\$ 8,335,840	NO
Q4	XGARST01	CLAUS	3	NEW	\$ 4,152,224	\$ 3,460,877	NO
Q3	XHATCH01	CARPENTER	3	NEW	\$ 10,849,188	\$ 10,075,442	YES
Q3	XHATCH02	CROWS LANDING	4	MOD	\$ 7,325,528	\$ 7,325,524	YES
Q4	XHATCH03	7TH	3	MOD	\$ 4,396,556	\$ 4,396,556	NO
Q1	XKIERNAN02	DALE	4	NEW	\$ 4,030,304	\$ 2,971,721	YES
Q1	XKIERNAN03	PRESCOTT	4	NEW	\$ 5,932,199	\$ 3,465,532	YES
Q1	XKIERNAN04	TULLY	4	NEW	\$ 3,392,789	\$ 2,374,681	NO
Q1	XKIERNAN05	MCHENRY	4	NEW	\$ 3,577,649	\$ 2,754,223	NO
Q3	XMAZE01	MORSE	3	NEW	\$ 5,128,592	\$ 2,486,077	NO
Q3	XMAZE07	CARPENTER	4	MOD	\$ 9,805,611	\$ 8,895,273	NO
Q3	XPARADISE01	NEBRASKA	3	NEW	\$ 5,013,652	\$ 2,771,348	NO
Q3	XPARADISE02	CARPENTER	4	MOD	\$ 10,698,448	\$ 9,682,807	YES
Q1	XPELANDALE01	SISK	3	MOD	\$ 1,025,383	\$ 989,037	YES
Q1	XPELANDALE02	CHAPMAN	3	NEW	\$ 899,393	\$ 876,364	YES
Q1	XPELANDALE03	DALE	4	MOD	\$ 1,955,184	\$ 1,889,673	NO
Q1	XPELANDALE04	PRESCOTT	4	NEW	\$ 2,972,069	\$ 2,625,921	NO
Q1	XPELANDALE05	TULLY	4	NEW	\$ 4,782,749	\$ 3,996,220	NO
Q1	XPELANDALE06	MCHENRY	4		\$ 3,600,334	\$ 3,242,433	YES
Q4	XSCENIC02	OAKDALE	4	MOD	\$ 5,448,820	\$ 5,165,504	YES
Q4	XSCENIC03	LAKESWOOD	4	NEW	\$ 16,407,438	\$ 16,407,438	NO
Q4	XSCENIC04	CLAUS	3	MOD	\$ 5,150,651	\$ 4,814,213	YES
Q1	XSHOEMAKE02	BRINK	3	NEW	\$ 2,630,411	\$ 1,839,155	YES
Q1	XSTANDIFORD01	TULLY	4	MOD	\$ 6,747,025	\$ 6,747,021	NO
Q1	XSTANDIFORD02	MCHENRY	4	MOD	\$ 8,825,500	\$ 8,825,496	NO
Q3	XWHITMORE01	CARPENTER	3	NEW	\$ 3,651,788	\$ 2,946,218	NO

Attachment "C"

QUADRANT	PROJECT ID	CROSS ROAD	NO. of LEGS	TRAFFIC SIGNAL	TOTAL COST	OFF COST	NEEDED IN COUNTY REDUCED TEST?
Q3	XWHITMORE02	CROWS LANDING	4	MOD	\$ 2,410,012	\$ 1,598,490	NO
Q4	XWHITMORE03	MORGAN	4	MOD	\$ 3,161,270	\$ 1,247,078	NO
Q4	XYOSEMITE01	EL VISTA	4	MOD	\$ 14,551,139	\$ 14,551,135	YES
Q4	XYOSEMITE02	LINCOLN	3		\$ 2,258,169	\$ 2,253,961	NO
Q4	XYOSEMITE03	CLAUS	4		\$ 6,586,955	\$ 5,705,176	NO
Q4	XYOSEMITE04	SANTA FE	4	MOD	\$ 12,609,903	\$ 12,609,104	NO



# DRAFT TECHNICAL MEMORANDUM

**To:** City of Modesto **Date:** January 26, 2011  
**Attn:** Amy Gedney, Tina Rocha **Project:** City of Modesto CFF Fee &  
**From:** Marty Inouye, Todd Tregenza **Areas of Benefit Update**  
**Re:** Draft Fee Calculation For 20-Year **Job No.:** 25-4750-03  
 Priority Improvement Projects Program **File No.:** C569MEM012.DOC  
**CC:**

## INTRODUCTION

This memorandum has been prepared by OMNI-MEANS to update progress made in the effort to create a 20-year fee program for the City of Modesto. A previous memorandum entitled *Preliminary Fee Calculations Based On 20-Year Projection Model Run* presented CFF fee comparisons of various 20-year growth scenarios with the City divided into four quadrants; however the fee results were disparate between quadrants and the resulting fee amounts would not be feasible or representative of future City growth in each area. After initial review and discussion with the City, it was determined that a new scenario should be analyzed. This new growth scenario, with results presented in this memorandum, assumes a full General Plan buildout but selectively excluding projects that may not be needed in the next 20 years.

## BASELINE "GENERAL PLAN BUILDOUT" FEE

Prior to developing a new fee, OMNI-MEANS determined it was necessary to estimate the potential fee citywide, and by quadrant, for full build-out of the General Plan travel demand model land uses. This would provide a baseline comparison for the calculated 20-year fee, presented subsequently in this memorandum. Without providing such a baseline comparison, it would be difficult to gauge the effect of the subsequent "20-Year Projection" fee calculation.

## "GENERAL PLAN BUILDOUT" ADDED GROWTH

Table 1 presents the growth in dwelling units and employees assumed in the General Plan buildout model.

TABLE 1  
"GENERAL PLAN BUILDOUT" ADDED LAND USES

Land Use Activity	General Plan Growth ("Buildout minus Existing")	Unit Type
Single-Family	31,603	Dwelling Units
Multi-Family	17,292	Dwelling Units
<i>Total Dwelling Units</i>	<i>48,895</i>	<i>Dwelling Units</i>
Retail	38,770	Employees
Service	40,015	Employees
Other	60,888	Employees
Education	2,961	Employees
Government	2,801	Employees
<i>Total Employees</i>	<i>145,435</i>	<i>Employees</i>

As presented in Table 1, the General Plan added land uses assumed in the travel demand model include 145,435 new employees and 48,895 new dwelling units. Using an assumed 2 person per Multi-Family Dwelling Unit (MFDU) and 3 person per Single-Family Dwelling Unit (SFDU) density average, this amounts to an added population of 129,393.

#### ESTIMATION OF GENERAL PLAN TRAFFIC FEE

The "General Plan Buildout" traffic fee was estimated using the land-uses presented in Table 1. These land uses were assigned to each of the four designated quadrants. Under this scenario, all CFF improvements were included in the fee calculation. The fee was calculated on a citywide basis. Table 2 presents the improvements included in the ensuing calculations. Improvement project costs were adjusted to reflect current unit costs per City direction.

**TABLE 2  
CFF IMPROVEMENT COSTS INCLUDING ALL PROJECTS**

Category	Total Cost	Exactions	Outside Funding	City & Other Funding	CFF Cost
Subtotal Intersection Projects	\$317,629,497	(\$42,183,250)			\$275,446,248
Subtotal Roadway Projects	\$780,369,685	(\$119,341,621)		(\$27,625,072)	\$633,402,992
Subtotal Traffic Signal Projects	\$11,976,620	-			\$11,976,620
Subtotal Interchange & Freeway Projects	\$378,906,614	-	(\$158,375,040)		\$220,531,574
Existing Deficiencies		-	-	(\$6,266,294)	(\$6,266,294)
Adjustments			(\$69,160,886)		(\$69,160,886)
<b>Total Street Improvement Projects</b>	<b>\$1,488,882,416</b>	<b>(\$161,524,870)</b>	<b>(\$227,535,926)</b>	<b>(\$33,891,366)</b>	<b>\$1,065,930,254</b>
Existing CFF Fund Balance					(\$32,914,851)
CFF Funds Expended					(\$16,770,000)
<b>CFF to be Collected</b>					<b>\$1,016,245,403</b>

As presented in Table 2, if the all projects, including those required beyond 20 years, are included in the CFF fee calculation, a total of \$1,016,245,403 would need to be collected after accounting for various adjustments and alternate funding sources.

#### Citywide "General Plan Buildout" Fee Calculation

In this scenario, all CFF improvement costs were assigned to all General Plan added growth extracted from the travel demand model. Retail employees were split evenly between the four retail use sizes. 20 percent of service employees were assigned to Medical Office and the remained to General Office. Table 3 presents the resulting fee.

**TABLE 3  
CITYWIDE FEE CALCULATION INCLUDING ALL PROJECTS**

Land Use Code Category	Final Weighted Fee per Unit	Unit
SFDU	\$ 10,857	D.U.
MFDU	\$ 7,522	D.U.
Retail (lesser than 50,000 sq.ft. floor area)	\$ 16,324	KSF
Retail (50,000 sq.ft to 99,999 sq.ft. floor area)	\$ 13,551	KSF
Retail (100,000 sq.ft to 300,000 sq.ft. floor area)	\$ 11,437	KSF
Retail (greater than 300,000 sq.ft. floor area)	\$ 10,670	KSF
Office (Medical Office)	\$ 20,618	KSF
Office (General Office)	\$ 9,977	KSF
Business Park (Service)	\$ 6,886	KSF
Business Park (Manufacturing)	\$ 3,969	KSF
Industrial (Manufacturing)	\$ 3,868	KSF
Industrial (Warehousing)	\$ 2,714	KSF

As presented in Table 2, the fee per SFDU under this scenario would be \$10,857. Because all technical assumptions, including trip generation and pass-by rates, will remain consistent from hereon out, the SFDU fee can be used as a barometer to gauge the fee amount. This will be referred to as the fee per equivalent dwelling unit (EDU).

### 20-YEAR PRIORITY IMPROVEMENTS FEE

This alternative scenario uses the same land use growth model from the General Plan Buildout, but circulation improvements that will not be needed in the next 20 years are excluded from the analysis. The selection of transportation projects excluded or modified in the alternative scenario was determined by the City, and a full list of the roadway and intersection improvements is presented in the appendix. Table 4 presents the improvements included in the ensuing calculations. Improvement projects were only included if they were determined to be needed within the next 20 years per City direction.

TABLE 4  
CFF IMPROVEMENT COSTS INCLUDING ONLY "20-YEAR" PROJECTS

Category	Total Cost	Exactions	Outside Funding	City & Other Funding	CFF Cost
Subtotal Intersection Projects	\$220,324,261	(\$27,584,996)			\$192,739,265
Subtotal Roadway Projects	\$343,150,108	(\$28,995,994)		(\$27,625,072)	\$286,529,042
Subtotal Traffic Signal Projects	\$11,976,620	-			\$11,976,620
Subtotal Interchange & Freeway Projects	\$378,906,614	-	(\$158,373,040)		\$220,531,574
Existing Deficiencies		-	-	(\$6,266,294)	(\$6,266,294)
Adjustments			(\$69,160,886)		(\$69,160,886)
<b>Total Street Improvement Projects</b>	<b>\$954,357,603</b>	<b>(\$56,580,990)</b>	<b>(\$227,535,926)</b>	<b>(\$33,891,366)</b>	<b>\$636,349,321</b>
Existing CFF Fund Balance					(\$32,914,851)
CFF Funds Expended					(\$16,770,000)
<b>CFF to be Collected</b>					<b>\$586,664,470</b>

As presented in Table 4, if the only projects identified by the City as being needed within the next 20 years are included in the CFF fee calculation, a total of \$586,664,470 would need to be collected after accounting for various adjustments and alternate funding sources. This represents a roughly 42% decrease in collected CFF funds.

#### Citywide "20-Year Projects Only" Fee Calculation

In this scenario, only the improvements that are identified as needed in the next 20 years are included in the fee calculation. These improvement costs, summarized in Table 4, will be spread among full General Plan buildout land uses, presented in Table 1. Retail employees were split evenly between the four retail use sizes. 20 percent of service employees were assigned to Medical Office and the remainder to General Office. Table 5 presents the resulting fee after removing projects identified for the new 20 years.

**TABLE 5**  
**CITYWIDE FEE CALCULATION INCLUDING ONLY "20-YEAR" PROJECTS**

<b>Land Use Code Category</b>	<b>Final Weighted Fee per Unit</b>	<b>Unit</b>
SFDU	\$ 6,268	D.U.
MFDU	\$ 4,342	D.U.
Retail (lesser than 50,000 sq.ft.floor area)	\$ 9,423	KSF
Retail (50,000 sq.ft.to 99,999 sq.ft. floor area)	\$ 7,823	KSF
Retail (100,000 sq.ft.to 300,000 sq.ft. floor area)	\$ 6,603	KSF
Retail (greater than 300,000 sq.ft. floor area)	\$ 6,160	KSF
Office (Medical Office)	\$ 11,903	KSF
Office (General Office)	\$ 5,760	KSF
Business Park (Service)	\$ 3,975	KSF
Business Park (Manufacturing)	\$ 2,291	KSF
Industrial (Manufacturing)	\$ 2,233	KSF
Industrial (Warehousing) <sup>4</sup>	\$ 1,566	KSF

As presented in Table 5, the "20-Year Projects Only" citywide fee would result in a \$6,268 fee per SFDU. This is about \$4,500 less per SFDU than the fee would be if all projects including those beyond 20 years are included.

### POTENTIAL IMPLICATIONS

Should the "20-Year Projects Only" fee program be adopted, there are some potential implications beyond the lower fee cost per unit that deserve mention. Such issues are inherent to narrowing down the CFF projects list and may require adjustments to City policy.

First, when development occurs, if the developer is found responsible for construction of or contribution towards the construction of an improvement that is not within the "20-Year Projects Only" fee program, that developer should not be eligible for reimbursement until and unless the constructed project is later added back into a subsequent fee program.

Second, when or if projects beyond the "20-Year Projects Only" program are added back into the program, the fee cost per unit may increase for subsequent development. Specifically, whatever amount of development occurs between now and a future fee program will no longer be eligible to share in a future, potentially greater fee program. This means that unless new growth beyond the current General Plan is added to buildout land-use projections at the time of adding additional projects back into the program, there will be a lesser amount of development than there is today into which a greater amount of costs will be spread. The costs per unit at that point could then plausibly increase beyond the fee amounts presented in Table 3 unless alternate funding sources are identified for the projects removed in this proposed "20-Year Only" fee program.

### CONCLUSION

Previous efforts to test an alternate fee structure were based on reducing the amount of development projected over 20 years, this approach was not feasible because it was determined that despite reductions in land use development, significant improvements could still be deemed necessary based on daily capacity thresholds. This approach, on the other hand, retains all the assumed development for general plan buildout, but reduces the improvements list based on a prioritization of projects developed by the City. While other improvements could be determined to be necessary if evaluated on a daily volume threshold basis, a prioritization of improvements sought over the next 20 years will provide the City with a program tailored to fund the highest priority set of these improvements.

The "20-Year Projects Only" improvement costs are about 42% less than the costs including all projects. The resulting fee is also, therefore, 42% lower in this scenario, since the costs are being apportioned to the same amount of new growth (full General Plan buildout). The fee amounts presented in Table 5 show that when only projects identified as needed for the next 20 years are included the resulting fee will be significantly lower than current fees or than the fees that would result by including all CFF projects.

# APPENDIX



## Attachment "D"

APPENDIX TABLE 1  
ROADWAY PROJECTS

PROJECT ID	PROJECT EXTENTS	LANES	LENGTH	TOTAL COST	CFF COST	IN 20-YEARS?
R7TH01	SIERRA TO RIVER	4	2020	\$ 27,898,554	\$ 27,887,000	YES
R7TH02	CROWSLANDING TO HATCH	4	5760	\$ 10,023,020	\$ 10,023,020	NO
R9TH01	CARPENTER TO NEEDHAM	6	9035	\$ 17,527,748	\$ 17,527,748	NO
RBANGS01	TULLY TO MCHENRY	4	5180	\$ 6,981,995	\$ 2,167,233	YES
RBECKWITH01	NEW ROAD TO DAKOTA	4	1280	\$ 2,504,393	\$ 1,216,458	NO
RBECKWITH02	DAKOTA TO BRINK	4	1950	\$ 5,823,979	\$ 4,689,395	NO
RBLUEGUM01	POUST TO ROSEMORE	4	1310	\$ 1,544,839	\$ 1,544,839	YES
RBRIGGSMORE01	SISK TO MCHENRY	6	10980	\$ 21,419,674	\$ 21,419,674	YES
RBRIGGSMORE02	MCHENRY TO OAKDALE	6	9200	\$ 14,311,136	\$ 14,311,136	YES
RBRIGGSMORE03	OAKDALE TO ROSELLE	6	3740	\$ 5,162,593	\$ 5,162,593	YES
RBRIGGSMORE04	ROSELLE TO CLAUS	6	3710	\$ 5,072,277	\$ 5,072,277	YES
RBRIGGSMORE05	CLAUS TO CITY GEN PLAN BDRY	4	3210	\$ 5,066,629	\$ 3,943,188	NO
RBRIGGSMORE06	COFFEE TO OAKDALE	8	5137	\$ 3,431,102	\$ 3,431,102	YES
RBRINK01	PELANDALE TO DAKOTA	4	1000	\$ 3,970,744	\$ 3,180,992	NO
RBRINK02	DAKOTA TO BECKWITH	4	4905	\$ 9,796,524	\$ 5,123,602	NO
RBRINK03	BECKWITH TO SHOEMAKE	4	6785	\$ 10,669,287	\$ 4,585,457	NO
RBRINK04	SHOEMAKE TO CARPENTER	4	1555	\$ 1,920,698	\$ 1,920,698	YES
RCALIFORNIA01	NEBRASKA TO CARPENTER	4	3895	\$ 7,367,534	\$ 1,552,974	NO
RCARPENTER01	9TH TO BLUE GUM	6	520	\$ 1,600,114	\$ 1,600,114	YES
RCARPENTER02	BLUE GUM TO KANSAS	6	3780	\$ 7,426,992	\$ 7,791,471	YES
RCARPENTER03	KANSAS TO MAZE	6	1135	\$ 3,433,215	\$ 3,433,215	YES
RCARPENTER04	MAZE TO CALIFORNIA	6	1120	\$ 1,480,192	\$ 1,082,564	YES
RCARPENTER05	CALIFORNIA TO PARADISE	6	3900	\$ 10,487,646	\$ 10,175,776	YES
RCARPENTER06	PARADISE TO HATCH	6	1800	\$ 8,242,657	\$ 7,917,400	YES
RCARPENTER07	HATCH TO WHITMORE	6	3068	\$ 7,699,421	\$ 6,412,967	YES
RCARPENTER08	9TH TO WOODLAND	8	2937	\$ 335,791	\$ 335,791	YES
RCARPENTER09	ROBERTSON TO WHITMORE	8	4480	\$ 6,640,884	\$ 6,640,884	YES
RCHAPMAN01	KIERNAN TO PELANDALE	4	2670	\$ 3,383,649	\$ 482,448	YES
RCLARATINA01	MCHENRY TO COFFEE	6	3780	\$ 7,629,214	\$ 4,792,015	YES
RCLARATINA02	COFFEE TO OAKDALE	6	3730	\$ 6,448,537	\$ 6,249,977	YES
RCLARATINA03	OAKDALE TO ROSELLE	6	3700	\$ 9,483,552	\$ 8,876,833	YES
RCLARATINA04	ROSELLE TO R/R TRACKS	4	3540	\$ 6,864,879	\$ 1,184,424	YES
RCLARIBEL01	MCHENRY TO COFFEE	6	3750	\$ 7,083,359	\$ 5,276,860	NO
RCLARIBEL02	COFFEE TO OAKDALE	6	3750	\$ 8,704,504	\$ 6,555,474	NO
RCLARIBEL03	OAKDALE TO ROSELLE	6	3830	\$ 7,891,651	\$ 5,709,934	NO
RCLARIBEL04	ROSELLE TO CLAUS	6	3720	\$ 11,848,844	\$ 3,943,812	NO
RCLARIBEL05	ROSELLE TO TERMINAL	8	1534	\$ 2,790,470	\$ 2,790,470	NO
RCLARIBEL06	MCHENRY TO OAKDALE	8	8068	\$ 13,396,378	\$ 13,396,378	NO
RCLAUS01	CLARIBEL TO SYLVAN	6	6400	\$ 11,141,063	\$ 6,086,200	YES
RCLAUS02	SYLVAN TO FLOYD	4	2445	\$ 2,597,977	\$ 775,114	YES
RCLAUS03	FLOYD TO BRIGGSMORE	4	2760	\$ 3,240,230	\$ 1,406,156	YES
RCLAUS04	BRIGGSMORE TO SCENIC	6	1810	\$ 3,499,366	\$ 3,499,366	YES
RCLAUS05	SCENIC TO GARST	6	335	\$ 1,311,255	\$ 1,111,181	YES
RCLAUS06	GARST TO YOSEMITE	6	3875	\$ 2,379,176	\$ 2,063,902	YES

## Attachment "D"

PROJECT ID	PROJECT EXTENTS	LANES	LENGTH	TOTAL COST	OFF COST	IN 20-YEARS?
RCLAUS07	SYLVAN TO BRIGGSMORE	8	5359	\$ 8,362,518	\$ 2,912,845	NO
RCLAUS08	SYLVAN TO BRIGGSMORE	8	5145	\$ 7,273,544	\$ 7,273,544	NO
RCOFFEE01	CLARIBEL TO CLARATINA	4	2650	\$ 6,861,499	\$ 2,348,191	NO
RCOFFEE02	CLARATINA TO MABLE	4	635	\$ 1,379,651	\$ 670,014	YES
RCROWSLANDING01	7TH TO 99	6	960	\$ 1,453,981	\$ 1,453,981	YES
RCROWSLANDING02	99 TO HATCH	6	2355	\$ 2,091,868	\$ 1,745,467	YES
RCROWSLANDING03	HATCH TO WHITMORE	6	4060	\$ 5,714,576	\$ 5,372,766	YES
RCROWSLANDING04	SR 99 TO HATCH	8	2355	\$ 3,602,171	\$ 3,602,171	NO
RNAKOTA01	SALIDA TO BECKWITH	6	3165	\$ 9,187,661	\$ 7,262,419	NO
RELVISTA01	SCENIC TO YOSEMITE	6	3890	\$ 9,741,605	\$ 9,741,605	NO
RFINCH01	MITCHELL TO GARNER	4	4920	\$ 6,882,081	\$ 5,021,566	NO
RGARNER01	YOSEMITE TO FINCH	6	3280	\$ 5,910,321	\$ 4,035,535	NO
RGARNER02	FINCH TO TOULUMNE RIVER	6	2936	\$ 5,901,503	\$ 3,890,204	NO
RGARST01	CLAUS TO CHURCH	4	4625	\$ 12,799,505	\$ 10,594,835	NO
RHATCH01	CARPENTER TO CROWS LANDING	4	9405	\$ 11,905,143	\$ 10,925,891	NO
RHATCH02	CROWS LANDING TO 7TH	4	2925	\$ 6,999,641	\$ 6,999,641	YES
RKIERNAN01	CHAPMAN TO DALE	6	2410	\$ 4,801,122	\$ 3,260,594	NO
RKIERNAN02	DALE TO PRESCOTT	6	3760	\$ 10,281,373	\$ 7,978,114	NO
RKIERNAN03	PRESCOTT TO TULLY	6	3890	\$ 9,052,633	\$ 6,245,750	NO
RKIERNAN04	TULLY TO MCHENRY	6	3730	\$ 7,929,605	\$ 6,332,441	NO
RLAKEWOOD01	BRIGGSMORE TO SCENIC	4	2915	\$ 1,562,630	\$ 1,562,630	NO
RLINCOLN01	SCENIC TO YOSEMITE	4	4865	\$ 5,287,263	\$ 5,287,263	NO
RMAZE01	MORSE TO CARPENTER	4	3670	\$ 6,258,146	\$ 2,166,125	NO
RMAZE02	CARPENTER TO 99	4	5940	\$ 11,005,568	\$ 9,574,710	NO
RMCHENRY01	KIERNAN TO PELANDALE	6	2610	\$ 2,338,662	\$ 1,715,745	YES
RMCHENRY02	PELANDALE TO STANDIFORD	6	2630	\$ 2,447,652	\$ 2,447,652	YES
RMCHENRY03	FLOYD TO BRIGGSMORE	8	2154	\$ 2,460,905	\$ 2,460,905	NO
RMCHENRY04	BANGS TO WOODROW	6	4077	\$ 4,955,688	\$ 4,955,688	NO
RMITCHELL01	YOSEMITE TO FINCH	6	5670	\$ 7,410,352	\$ 6,387,730	NO
RMITCHELL02	FINCH TO CITY LIMIT	6	2360	\$ 1,616,784	\$ 725,493	NO
RMORGAN01	HATCH TO WHITMORE	4	4250	\$ 6,728,894	\$ 5,062,419	NO
RMORSE01	NORTH TO SHOEMAKE	4	3463	\$ 6,749,933	\$ 3,406,145	NO
RMORSE02	SHOEMAKE TO MAZE	4	9282	\$ 18,749,930	\$ 16,754,210	NO
RNEBRASKA01	MAZE TO CALIFORNIA	4	1305	\$ 1,923,994	\$ 961,798	NO
RNEWROAD01	MURPHY TO BECKWITH	4	4660	\$ 10,448,371	\$ 6,880,142	NO
RNCORSEMAN01	CITY LIMIT TO YOSEMITE	2	1535	\$ 2,065,897	\$ 1,021,120	NO
ROAKDALE01	CLARIBEL TO CLARATINA	6	2615	\$ 5,203,612	\$ 1,715,889	YES
ROAKDALE02	CLARATINA TO SYLVAN	6	2645	\$ 5,102,427	\$ 2,938,178	YES
ROAKDALE04	FLOYD TO BRIGGSMORE	6	2740	\$ 4,267,143	\$ 4,267,143	YES
ROAKDALE05	BRIGGSMORE TO SCENIC	6	3705	\$ 8,947,571	\$ 8,947,571	YES
RPARADISE01	NEBRASKA TO CARPENTER	4	4220	\$ 8,270,957	\$ 6,417,694	NO
RPARADISE02	CARPENTER TO MARTIN LUTHER KING	4	6185	\$ 5,317,166	\$ 5,317,166	YES
RPELANDALE01	CHAPMAN TO DALE	6	2410	\$ 2,854,251	\$ 2,854,251	YES
RPELANDALE02	DALE TO PRESCOTT	6	3780	\$ 4,504,298	\$ 4,094,155	YES
RPELANDALE03	PRESCOTT TO TULLY	6	3950	\$ 5,705,132	\$ 4,938,000	YES
RPELANDALE04	TULLY TO MCHENRY	6	3740	\$ 9,250,819	\$ 7,870,166	YES

## Attachment "D"

PROJECT ID	PROJECT EXTENTS	LANES	LENGTH	TOTAL COST	CFF COST	IN 20-YEARS?
RPRESCOTT01	KIERNAN TO PELANDALE	4	2455	\$ 4,279,745	\$ 1,321,901	YES
RPRESCOTT03	PLAZA TO BRIGGSMORE	6	611	\$ 507,765	\$ 507,765	NO
RPRESCOTT04	PELANDALE TO CHEYENNE	6	1918	\$ 1,080,291	\$ 1,080,291	NO
RRIVERSIDE01	YOSEMITE TO MITCHELL	4	3940	\$ 4,385,346	\$ 4,385,346	NO
RROSELLE01	CLARIBEL TO CLARATINA	4	2650	\$ 4,644,620	\$ 1,417,866	YES
RROSELLE02	CLARATINA TO SLYVAN	4	2635	\$ 3,960,819	\$ 756,539	YES
RSANTAFE01	TOULUMNE RIVER TO YOSEMITE	4	4745	\$ 6,273,185	\$ 6,381,938	NO
RSCENIC01	OAKDALE TO LAKEWOOD	4	4160	\$ 5,900,832	\$ 4,211,049	NO
RSCENIC02	LAKWOOD TO CLAUS	4	4045	\$ 6,928,107	\$ 6,972,853	NO
RSHOEMAKE01	MORSE TO BRINK	4	2361	\$ 3,942,266	\$ 749,852	NO
RSISK01	CONANT TO BRIGGSMORE	6	3451	\$ 2,124,828	\$ 2,124,828	NO
RSISK02	STANDIFORD TO RUMBLE	6	956	\$ 1,057,741	\$ 1,057,741	NO
RSTANDIFORD01	DALE TO PRESCOTT	6	5810	\$ 10,342,258	\$ 10,342,258	YES
RSTANDIFORD02	PRESCOTT TO TULLY	6	4890	\$ 4,738,306	\$ 4,738,306	YES
RSTANDIFORD03	TULLY TO MCHENRY	6	4030	\$ 11,149,466	\$ 11,149,466	YES
RSYLVAN01	MCHENRY TO OAKDALE	6	9280	\$ 11,737,299	\$ 11,737,299	YES
RTULLY01	KIERNAN TO PELANDALE	6	2445	\$ 5,028,397	\$ 1,130,096	YES
RTULLY02	PELANDALE TO STANDIFORD	6	2745	\$ 6,764,398	\$ 6,211,668	YES
RTULLY03	BANGS TO PELANDALE	6	637	\$ 671,204	\$ -	YES
RTULLY04	STANDIFORD TO WOODROW	6	824	\$ 978,402	\$ 978,402	NO
RWHITMORE01	CARPENTER TO CROWS LANDING	4	9305	\$ 14,676,504	\$ 11,556,203	NO
RWHITMORE02	CROWS LANDING TO MORGAN	4	3985	\$ 4,952,334	\$ 3,307,499	YES
RWOODLAND01	CARPENTER TO KEARNEY	4	4040	\$ 8,234,127	\$ 8,234,127	YES
RYOSEMITE01	D TO EL VISTA	6	8890	\$ 19,228,821	\$ 19,228,821	NO
RYOSEMITE02	EL VISTA TO LINCOLN	6	3955	\$ 14,430,388	\$ 13,490,269	NO
RYOSEMITE03	LINCOLN TO CLAUS	6	3220	\$ 6,426,471	\$ 6,265,008	NO
RYOSEMITE04	CLAUS TO SANTA FE	6	4590	\$ 7,489,922	\$ 6,343,107	NO
RYOSEMITE05	SANTA FE TO CITY LIMIT	6	1015	\$ 1,213,848	\$ 972,136	NO

Attachment "D"

APPENDIX TABLE 2  
INTERSECTION PROJECTS

PROJECT ID	CROSS ROAD	NO. of LEGS	TRAFFIC SIGNAL	TOTAL COST	CFF COST	IN 20-YEARS?
XBECKWITH01	NEW ROAD	3	NEW	\$ 4,565,530	\$ 2,536,492	NO
XBECKWITH02	DAKOTA	4	NEW	\$ 16,123,596	\$ 14,301,286	NO
XBECKWITH03	BRINK	4	NEW	\$ 6,074,260	\$ 4,046,398	NO
XBRIGGSMORE01	MCHENRY	4	MOD	\$ 6,331,725	\$ 6,331,721	YES
XBRIGGSMORE02	OAKDALE	4	MOD	\$ 6,761,293	\$ 6,610,929	YES
XBRIGGSMORE03	ROSELLE	4	MOD	\$ 5,368,155	\$ 5,085,380	YES
XBRIGGSMORE04	CLAUS	4	NEW	\$ 8,549,884	\$ 7,140,410	YES
XCALIFORNIA01	NEBRASKA	3	NEW	\$ 5,395,953	\$ 3,346,796	NO
XCALIFORNIA02	CARPENTER	4	MOD	\$ 5,884,757	\$ 4,507,564	YES
XCARPENTER01	BLUE GUM	4	MOD	\$ 5,372,858	\$ 5,184,364	YES
XCARPENTER02	KANSAS	4	MOD	\$ 4,296,465	\$ 4,296,461	YES
XCLARATINA01	COFFEE	4	NEW	\$ 5,671,769	\$ 5,205,918	YES
XCLARATINA02	OAKDALE	4	NEW	\$ 6,703,654	\$ 4,180,452	YES
XCLARATINA03	ROSELLE	4	NEW	\$ 5,637,944	\$ 4,104,759	YES
XCLARIBEL01	COFFEE	4	NEW	\$ 3,915,852	\$ 3,361,054	NO
XCLARIBEL02	OAKDALE	4	NEW	\$ 3,513,688	\$ 1,948,615	YES
XCLARIBEL03	ROSELLE	3	NEW	\$ 3,840,205	\$ 2,528,270	YES
XCLARIBEL04	CLAUS	4	NEW	\$ 7,268,743	\$ 6,618,332	YES
XCROWSLANDING01	7TH	3	NEW	\$ 10,164,784	\$ 10,198,042	YES
XFINCH01	MITCHELL	3	MOD	\$ 2,078,224	\$ 2,019,835	YES
XFINCH02	GARNER	4	NEW	\$ 9,273,510	\$ 8,586,334	YES
XGARST01	CLAUS	3	NEW	\$ 4,214,464	\$ 3,546,457	YES
XHATCH01	CARPENTER	3	NEW	\$ 10,913,615	\$ 10,158,194	YES
XHATCH02	CROWS LANDING	4	MOD	\$ 7,303,486	\$ 7,303,482	YES
XHATCH03	7TH	3	MOD	\$ 4,539,176	\$ 4,539,175	YES
XKIERNAN02	DALE	4	NEW	\$ 4,225,484	\$ 3,125,401	NO
XKIERNAN03	PRESCOTT	4	NEW	\$ 6,153,015	\$ 3,655,375	YES
XKIERNAN04	TULLY	4	NEW	\$ 3,531,926	\$ 2,510,948	YES
XKIERNAN05	MCHENRY	4	NEW	\$ 3,665,422	\$ 2,837,477	YES
XMAZE01	MORSE	3	NEW	\$ 5,363,767	\$ 2,695,015	NO
XMAZE02	CARPENTER	4	MOD	\$ 9,875,560	\$ 8,968,501	YES
XPARADISE01	NEBRASKA	3	NEW	\$ 5,284,389	\$ 2,940,632	NO
XPARADISE02	CARPENTER	4	MOD	\$ 10,832,881	\$ 9,809,068	YES
XPELANDALE01	SISK	3	MOD	\$ 1,135,371	\$ 1,088,222	YES
XPELANDALE02	CHAPMAN	3	NEW	\$ 1,042,378	\$ 1,003,165	YES
XPELANDALE03	DALE	4	MOD	\$ 2,151,298	\$ 2,062,681	YES
XPELANDALE04	PRESCOTT	4	NEW	\$ 3,313,232	\$ 2,924,459	YES
XPELANDALE05	TULLY	4	NEW	\$ 4,937,081	\$ 4,156,891	YES
XPELANDALE06	MCHENRY	4		\$ 3,854,777	\$ 3,500,562	YES
XSCENIC02	OAKDALE	4	MOD	\$ 5,549,413	\$ 5,473,882	YES
XSCENIC03	LAKEWOOD	4	NEW	\$ 16,532,497	\$ 16,532,496	NO
XSCENIC04	CLAUS	3	MOD	\$ 5,360,585	\$ 5,016,384	YES
XSHOEMAKE02	BRINK	3	NEW	\$ 2,774,220	\$ 1,965,959	YES
XSTANDIFORD01	TULLY	4	MOD	\$ 6,816,385	\$ 6,816,381	YES

## Attachment "D"

PROJECT ID	CROSS ROAD	NO. of LEGS	TRAFFIC SIGNAL	TOTAL COST	CFF COST	IN 20-YEARS?
XSTANDIFORD02	MCHENRY	4	MOD	\$ 8,910,282	\$ 8,910,278	YES
XWHITMORE01	CARPENTER	3	NEW	\$ 3,803,359	\$ 3,085,894	YES
XWHITMORE02	CROWS LANDING	4	MOD	\$ 2,585,806	\$ 1,729,304	YES
XWHITMORE03	MORGAN	4	MOD	\$ 3,398,525	\$ 1,329,977	YES
XYOSEMITE01	EL VISTA	4	MOD	\$ 14,713,317	\$ 14,713,313	NO
XYOSEMITE02	LINCOLN	3		\$ 2,357,451	\$ 2,355,358	NO
XYOSEMITE03	CLAUS	4		\$ 6,694,328	\$ 5,797,362	YES
XYOSEMITE04	SANTA FE	4	MOD	\$ 12,753,141	\$ 12,752,741	NO

## Attachment "D"

APPENDIX TABLE 3  
TRAFFIC SIGNALS PROJECTS

TYPE	LOCATION	THROUGH LANES	CROSS LANES	LEGS	COST
NEW	Carver Road and Future Road South of Kiernan Avenue	2	2	4	\$ 187,164
NEW	Prescott Road and Cheyenne Avenue	4	2	4	\$ 236,426
NEW	Coffee Road and Sylvan Meadows Drive	4	2	4	\$ 236,426
NEW	College Avenue and Bowen Avenue	4	2	4	\$ 236,426
NEW	Coffee Road and Brighton Avenue	4	2	4	\$ 236,426
NEW	Tully Road and Princeton Avenue	4	2	4	\$ 236,426
NEW	College Avenue and Princeton Avenue / Grswold Avenue	4	2	4	\$ 236,426
NEW	Rosemore Avenue and Woodland Avenue	2	2	4	\$ 187,164
NEW	Coffee Road and East Morris Avenue	4	2	3	\$ 177,319
NEW	Rosemore Avenue and Kansas Avenue	2	2	4	\$ 187,164
NEW	Tuolumne Boulevard and Neece Drive	4	2	3	\$ 177,319
NEW	La Loma Avenue and Buena Vista Avenue	2	2	4	\$ 187,164
NEW	La Loma Avenue and Miller Avenue	2	2	5	\$ 233,955
NEW	Orangeburg Avenue and Sonoma Avenue	2	2	3	\$ 140,373
NEW	Orangeburg Avenue and Lillian Drive	2	2	3	\$ 140,373
NEW	Floyd Avenue and Dana Lane	2	2	3	\$ 140,373
NEW	Seventh Street and K Street	2	2	4	\$ 187,164
NEW	Sixth Street and K Street	2	2	4	\$ 187,164
NEW	Sisk Road and Conant Avenue	4	2	3	\$ 177,319
NEW	Snyder Avenue and Carver Road	2	2	4	\$ 187,164
NEW	Snyder Avenue and Marsalia Way	2	2	3	\$ 140,373
NEW	Sisk Road and Brenner	4	2	3	\$ 177,319
NEW	Orangeburg Avenue and Rose Avenue	2	2	4	\$ 143,972
NEW	Tully Road and Stoddard Avenue	4	2	3	\$ 177,319
NEW	Eleventh Avenue and M Street	2	2	4	\$ 143,972
NEW	Bangs Avenue and Carver Road	2	2	4	\$ 187,164
NEW	Prescott Road and Sheldon Avenue	4	2	3	\$ 177,319
NEW	Orangeburg Avenue and Enslin Avenue	4	2	4	\$ 236,426
NEW	Orangeburg Avenue and Florida Avenue	4	2	3	\$ 177,319
NEW	Sylvan Avenue and Esta Avenue	4	2	3	\$ 177,319
NEW	Sylvan Avenue and Road F	4	2	3	\$ 177,319
NEW	Sylvan Avenue and Litt Road	4	2	4	\$ 236,426
NEW	Floyd Avenue and Lincoln Oak Dr.	4	2	3	\$ 177,319
NEW	Floyd Avenue and Esta Avenue	4	2	4	\$ 236,426
NEW	Oakdale Road and Road G	4	2	3	\$ 177,319
NEW	Roselle Avenue and Road D	4	2	4	\$ 236,426
NEW	Roselle Avenue and Kodiak Drive	4	2	4	\$ 236,426
NEW	Roselle Avenue and Bellharbour Drive	4	2	4	\$ 236,426
NEW	Roselle Avenue and Merle Avenue	4	2	4	\$ 236,426
HIGH COST MOD	G Street and Seventh Street	3	2	3	\$ 183,830
HIGH COST MOD	H Street and Seventh Street	3	2	3	\$ 183,830
HIGH COST MOD	I Street and Seventh Street	4	2	4	\$ 235,327
HIGH COST MOD	Seventh Street and L Street	2	2	4	\$ 202,852
HIGH COST MOD	Needham Street and L Street	4	2	3	\$ 184,614
HIGH COST MOD	Needham Street and 14th Street	4	2	3	\$ 184,614

## Attachment "D"

TYPE	LOCATION	THROUGH LANES	GROSS LANES	LEGS	COST
HIGH COST MOD	McHenry / Downey / Avenue and J Street	4	4	5	\$ 334,753
HIGH COST MOD	10th Street and D Street	4	2	5	\$ 188,262
HIGH COST MOD	Bodern Street and Scenic Drive	4	2	3	\$ 184,614
HIGH COST MOD	Ninth Street and Tuolumne Boulevard	4	4	4	\$ 267,803
HIGH COST MOD	Yosemite Boulevard and Church Street	4	2	3	\$ 184,614
HIGH COST MOD	McHenry Avenue and Rumble Road	5	2	4	\$ 266,234
HIGH COST MOD	McHenry Avenue and Floyd Avenue	6	2	4	\$ 266,234
HIGH COST MOD	North Emerald Avenue and Kansas Avenue	2	2	4	\$ 202,852
HIGH COST MOD	Coffee Road and Scenic Drive	4	4	3	\$ 200,852
LOW COST MOD	Tully Road and Coldwell Avenue	4	2	4	\$ 65,421
LOW COST MOD	Tully Road and West Roseburg Avenue	4	2	4	\$ 65,421
LOW COST MOD	Tully Road and West Granger Avenue	4	2	4	\$ 65,421
LOW COST MOD	Tully Road and Woodrow Avenue	4	2	3	\$ 65,421
LOW COST MOD	Tully Road and West Rumble Road	4	2	4	\$ 65,421
LOW COST MOD	Tully Road and Mount Vernon Drive	4	2	4	\$ 65,421
LOW COST MOD	College Avenue and Stoddard Avenue	4	2	4	\$ 65,421
LOW COST MOD	College Avenue and Coldwell Avenue	4	2	4	\$ 65,421
LOW COST MOD	College Avenue West Roseburg Avenue	4	2	4	\$ 65,421
LOW COST MOD	College Avenue and West Granger Avenue	4	2	4	\$ 65,421
LOW COST MOD	Ninth Street and G Street	4	3	3	\$ 65,048
LOW COST MOD	Ninth Street and H Street	4	3	3	\$ 65,048
LOW COST MOD	Ninth Street and I Street	4	4	4	\$ 79,070
LOW COST MOD	Ninth Street and J Street	4	4	4	\$ 79,070
LOW COST MOD	Ninth Street and K Street	4	4	4	\$ 79,070
LOW COST MOD	College Avenue and Orangeburg	4	4	4	\$ 79,070

## Attachment "D"

APPENDIX TABLE 4  
INTERCHANGE PROJECTS

PROJECT ID	CROSS ROAD	Comments	TOTAL COST	Assumed Outside Funding	CFF COST
IKIERNAN01	SR99		\$ 60,000,000	\$ 37,939,211	\$ 22,060,789
IPELANDALE01	SR99		\$ 60,200,000	\$ 18,152,752	\$ 42,047,248
IBECKWITH01	SR99		\$ 33,220,000	\$ 16,283,077	\$ 16,936,923
IBriggsmore Avenue	CLAUS	Urban Interchange	\$ 14,299,764		\$ 14,299,764
IFloyd Avenue	CLAUS	Urban Interchange	\$ 15,520,590		\$ 15,520,590
ISylvan Avenue	CLAUS	Urban Interchange	\$ 16,576,500		\$ 16,576,500
ISanta Fe Railroad OH	CLAUS	Urban Interchange	\$ 9,089,760		\$ 9,089,760
ICLARIBEL01	COFFEE	Urban Interchange	\$ 15,000,000		\$ 15,000,000
ICLARIBEL02	OAKDALE	Urban Interchange	\$ 15,000,000		\$ 15,000,000
IKIERNAN02	MCHENRY	Urban Interchange	\$ 15,000,000		\$ 15,000,000
IPELANDALE02	MCHENRY	Urban Interchange	\$ 15,000,000		\$ 15,000,000
SR132 from SR99 to Morse*		Freeway Project. CFF Cost = City Contribution	\$ 110,000,000	\$ 86,000,000	\$ 24,000,000
<b>Total Interchange Projects</b>			<b>\$ 378,906,614</b>	<b>\$ 158,375,040</b>	<b>\$ 220,531,574</b>



**AMENDED**  
on May 7, 2013  
By Resolution 2013-177

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2011-106**

**AMENDED**  
on June 28, 2011  
By Resolution 2011-231

**RESOLUTION APPROVING THE COMPREHENSIVE FEES TASK FORCE  
RECOMMENDATIONS FOR POLICY PROCESS AND PROCEDURAL  
CHANGES AND AMENDING RESOLUTION NOS. 2010-272, 2003-446, 205-278,  
2007-287 AND 2008-070**

**AMENDED**  
on 5-1-2013  
By Resolution 2013-164  
#5

WHEREAS, one of the primary objectives of the Comprehensive Fees Task Force was to evaluate fee increases in a coordinated fashion and ensure they were aligned with all planning and financing efforts, and

WHEREAS, moving in this direction involves various policy and procedure changes that will benefit the fee program in the short and long term, and

WHEREAS, the following recommended policy or process changes will make improvements to that end by:

1. amending Resolution No. 2010-272 to allow for an annual review and approval of all Capital Facilities Fees inflationary adjustments by the Finance Committee and City Council
2. amending Resolution Nos. 2003-446 and 2005-278 to allow for an annual review and approval of all Development User Fees inflationary adjustments by the Finance Committee and City Council
3. exploring an alternative to the construction cost index for the Capital Facilities Fees inflationary index
4. amending Resolution No. 2010-272 to allow for an annual review of Capital Facilities Fees land valuation costs by the Finance Committee
5. amending Resolution No. 2007-287 to allow for an annual review of the wastewater co-efficient table by staff and Finance Committee

**RESCINDED**  
only items  
1, 2, 3, 4  
MAY 7 2013  
THIS RESOLUTION WAS  
RESCINDED BY MODESTO  
CITY COUNCIL RESOLUTION  
NO. 2013-177

6. amending Resolution No. 2008-070 to allow for a uniform and streamlined fee deferral program for Capital Facilities Fees, water and wastewater connection fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Comprehensive Fees Task Force recommendations for policy, process and procedural changes by:

1. amending Resolution No. 2010-272 to allow for an annual review and approval of all Capital Facilities Fees inflationary adjustments by the Finance Committee and City Council
2. amending Resolution Nos. 2003-446 and 2005-278 to allow for an annual review and approval of all Development User Fees inflationary adjustments by the Finance Committee and City Council
3. exploring an alternative to the construction cost index for the Capital Facilities Fees inflationary index
4. amending Resolution No. 2010-272 to allow for an annual review of Capital Facilities Fees land valuation costs by the Finance Committee
5. amending Resolution No. 2007-287 to allow for an annual review of the wastewater co-efficient table by staff and Finance Committee
6. amending Resolution No. 2008-070 to allow for a uniform and streamlined fee deferral program for Capital Facilities Fees, water and wastewater connection fees.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that this resolution shall become effective on and after the date of its adoption, and that the policy, process and procedural changes shall become effective on July 1, 2011.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-107**

**RESOLUTION APPROVING THE MARY E. GROGAN COMMUNITY PARK  
UPDATED DESIGN DEVELOPMENT REPORT AND MASTER PLAN, AND  
CERTIFYING THE FINDING OF CONFORMANCE WITH THE GENERAL  
PLAN MASTER EIR (EA/PR&N 2011-03)**

WHEREAS, the Mary E. Grogan Community Park Master Plan was initially approved by Council on September 14, 2004, by Resolution 2004-470, and

WHEREAS, in 2007 staff determined the need to add the Northeast Community Services Facility, which adds to the park site a 24-hour Police Precinct and a Fire Station, and

WHEREAS, over the past two years staff have worked with Moore Jacofano Goltsman to update the existing Mary E. Grogan Community Park Master Plan and Design Development Report, and

WHEREAS, on January 11, 2011, the City of Modesto Capital Improvement Program (CIP) Task Force approved the development of Phases 1 & 2 of the Mary E. Grogan Community Park using Village One Capital Facilities District (CFD) funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Updated Design Development Report and Master Plan for the Mary E. Grogan Community Park.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby certifies the Finding of Conformance with the General Plan MEIR (EA/PR&N 2011-03).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22<sup>nd</sup> day of March, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-108**

**RESOLUTION AMENDING THE FISCAL YEAR 2010-11 GENERAL FUND  
OPERATING BUDGET TO ALLOCATE \$24,000 FOR THE ADDITION OF AND  
TO INCREASE SERVICE CREDIT REVENUE BY THE SAME AMOUNT FOR  
MANAGING THE DEVELOPMENT OF MARY E. GROGAN COMMUNITY  
PARK AND ASSISTING IN THE DEVELOPMENT OF ADDITIONAL PARKS,  
RECREATION, & NEIGHBORHOODS DEPARTMENT CAPITAL  
IMPROVEMENT PROJECTS**

WHEREAS, on January 11, 2011, the City of Modesto CIP Task Force approved the development of Phases 1 & 2 of the Mary E. Grogan Community Park using Village One CFD funding, and

WHEREAS, during the past two years, staffing for Park Planning and Development has been reduced from five (5) full-time employees to one (1) full-time and two (2) part-time employees, and

WHEREAS, due to the increased quantity of current Parks, Recreation, and Neighborhoods Department Capital Improvement Projects, staff recommends allocating one full-time Parks Project Coordinator in the current fiscal year with annual funding of \$114,548,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the Fiscal Year 2010-2011 Operating Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 22<sup>nd</sup> day of March, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**BUDGET ADJUSTMENT DETAIL**  
**FISCAL YEAR 2010-11 MARY E. GROGAN COMMUNITY PARK**

<b>General Fund Operating Budget :</b>		
Increase Service Credit Revenue	0100-310-3120-4909	-24,000
Increase Salary/Benefit Expense	0100-310-3120-0181/0191	24,000



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-109**

**RESOLUTION APPOINTING JEANNE MACDONALD TO THE CITY OF  
MODESTO HOUSING REHABILITATION LOAN COMMITTEE**

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

WHEREAS, the Economic Development Committee met on March 14, 2011, and recommended appointment of Jeanne MacDonald to the Housing Rehabilitation Loan Committee,

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

SECTION 1. Jeanne MacDonald is hereby appointed to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2015.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-110**

**RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE 2011-2012  
ANNUAL ENGINEER'S REPORT FOR 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") 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, LMAD No. 1 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly, and

WHEREAS, the annual assessment for LMAD No. 1 has remained the same since 1996, and

WHEREAS, the City has contracted with Willdan Financial Services, Inc. to evaluate and recommend a course of action to address an increase in maintenance expenses as well as replacement of aging infrastructure within LMAD No. 1, and

WHEREAS, said course of action may include, but not be limited to, a Proposition 218 ballot measure and/or consolidation of LMAD No. 1 with the City's Landscape Maintenance Assessment District No. 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the annual assessment for LMAD No. 1 has remained the same since 1996, and

BE IT FURTHER RESOLVED that the City has contracted with Willdan Financial Services, Inc. to evaluate and recommend a course of action to address an increase in maintenance expenses as well as replacement of aging infrastructure within LMAD No. 1, and

BE IT FURTHER RESOLVED that said course of action may include, but not be limited to, a Proposition 218 ballot measure and/or consolidation of LMAD No. 1 with the City's Landscape Maintenance Assessment District No. 2, and

BE IT FURTHER RESOLVED that the Administrator of the Infrastructure Financing Programs is designated by this Council as the Engineer of Work for Landscape Maintenance Assessment District 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 5<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-111**

**RESOLUTION DIRECTING STAFF TO PREPARE AND FILE THE 2011-2012  
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") 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 Subdivisions Units 1 & 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 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly, and

WHEREAS, the City has contracted with Willdan Financial Services, Inc. to evaluate and recommend a course of action to address an increase in maintenance expenses as well as replacement of aging infrastructure within Landscape Maintenance Assessment District No. 1 ("LMAD No. 1"), and

WHEREAS, said course of action may include, but not be limited to, a Proposition 218 ballot measure and/or consolidation of LMAD No. 1 with the City's LMAD No. 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there are no proposed new improvements or any substantial changes in existing improvements in Landscape Maintenance Assessment District No. 2, and

BE IT FURTHER RESOLVED that the City has contracted with Willdan Financial Services Inc. to evaluate and recommend a course of action to address an increase in maintenance expenses as well as replacement of aging infrastructure within Landscape Maintenance Assessment District No. 1, and

BE IT FURTHER RESOLVED that said course of action may include, but not be limited to, a Proposition 218 ballot measure and/or consolidation of Landscape Maintenance Assessment District No.1 with the City's Landscape Maintenance Assessment District No. 2, and

BE IT FURTHER RESOLVED, that the Administrator of the Infrastructure Financing Programs is designated by this Council as the Engineer of Work for Landscape Maintenance Assessment District 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 5<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-112

RESOLUTION APPROVING A NEW CAPITAL IMPROVEMENT PROGRAM ACCOUNT FOR THE PROJECT TITLED, "7<sup>TH</sup> STREET BRIDGE AT THE TUOLUMNE RIVER" AND AMENDING THE FISCAL YEAR 2010-2011 CAPITAL IMPROVEMENT PROGRAM BUDGET TO ALLOCATE CAPITAL FACILITY FEE RESERVES IN THE AMOUNT OF \$50,000 TO FUND A PORTION OF THE PRELIMINARY ENGINEERING ACTIVITIES FOR THE 7<sup>TH</sup> STREET BRIDGE PROJECT

WHEREAS, the 7<sup>th</sup> Street Bridge at the Tuolumne River was built in 1916 and has a sufficiency rating of 2 on a scale of 1 to 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 7<sup>th</sup> Street Bridge requires reconstruction or replacement to meet standards for seismic events, and

WHEREAS, City staff recommends approving a new CIP Account 1410-140-H033 for the project titled, "7<sup>th</sup> Street Bridge at the Tuolumne River", and

WHEREAS, the Fiscal Year 2010-2011 Capital Improvement Program budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves a new Capital Improvement Program Account 1410-140-H033 for the project titled, "7<sup>th</sup> Street Bridge at the Tuolumne River" and approves the amendment of the Fiscal Year 2010-2011 Capital Improvement Program budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Finance Director or her 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 5<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**EXHIBIT A**

**BUDGET ADJUSTMENT DETAIL  
FISCAL YEAR 2010-2011  
FOR 7<sup>th</sup> STREET BRIDGE PROJECT**

<b>Revenue:</b>	<b>Account</b>	<b>Amount</b>
Capital Facility Fee Reserves	1410-800-8000-8003	\$50,000
<b>Expense:</b>		
Allocate to Preliminary Engineering	1410-140-H033-6010	\$50,000

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-113**

**RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE PRELIMINARY ENGINEERING PHASE OF THE 7<sup>TH</sup> STREET BRIDGE PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the 7<sup>th</sup> Street Bridge at the Tuolumne River was built in 1916 and has a sufficiency rating of 2 on a scale of 1 to 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 7<sup>th</sup> Street Bridge requires reconstruction or replacement to meet standards for seismic events, and

WHEREAS, the estimated cost for the preliminary engineering phase of the project is \$3.2 Million and 88.53% of the project is expected to be funded with state and federal funds leaving a 11.47% local match requirement to be split equally between the City of Modesto and Stanislaus County, and

WHEREAS, Stanislaus County recognizes that this bridge is an important link between the County and downtown Modesto and has agreed to be the lead agency for the 7<sup>th</sup> Street Bridge project, and

WHEREAS, Stanislaus County requests that the City of Modesto approves a Memorandum of Agreement for preliminary engineering costs associated with the 7<sup>th</sup> Street Bridge Project at the Tuolumne River,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Agreement between the City of

Modesto and Stanislaus County for preliminary engineering costs associated with the 7<sup>th</sup> Street Bridge Project at the Tuolumne River.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-114**

**RESOLUTION DECLARING AS SURPLUS FROM MARCH 1, 2011 THROUGH FEBRUARY 28, 2012 THE FOLLOWING ITEMS: LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY FROM THE POLICE DEPARTMENT, EXCESS PROPERTY ACCUMULATED BY THE CITY AND SURPLUS CITY VEHICLES AND EQUIPMENT; AND AUTHORIZING THE PURCHASING DIVISION TO SELL THE SAME BY SEALED BID, CONSIGNMENT, PUBLIC AUCTION, ONLINE AUCTION, ONLINE, OR AS SCRAP, OR DONATE TO ELIGIBLE NON-PROFIT ORGANIZATIONS**

WHEREAS, Section 801 of the City Charter authorizes the City Manager to sell obsolete, unclaimed, or surplus personal property of the City with the approval of the City Council, and

WHEREAS, the City's surplus items consist of: (1) lost, stolen, unclaimed and/or seized property from the Police Department, (2) excess property accumulated by the City, and (3) surplus City vehicles and equipment, and

WHEREAS, currently the City's auctioneering services are provided by the Auction House, and

WHEREAS, the Purchasing Division will also sell selected surplus property online through PublicSurplus.com, an online auction company, or directly online, and

WHEREAS, the items sold online would consist of surplus items that could possibly bring a higher price over use of a conventional auction, and

WHEREAS, revenues from the sale of surplus Fleet vehicles/equipment are deposited into the Fleet Replacement Fund 7210, and

WHEREAS, all revenues received from the sale of non-rolling stock are either deposited in the originating fund or in the General Fund,

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

SECTION 1. The City Council, in accordance with Section 801 of the City Charter and Section 2-7.06 of the Modesto Municipal Code, hereby declares as surplus from March 1, 2011, through February 28, 2012, the property items set forth above.

SECTION 2. The City Manager, or the Purchasing Manager, acting as the City Manager's designated representative, are hereby authorized and directed to sell same by sealed bid, consignment, public auction, online auction, online or as scrap or to donate to an eligible non-profit (501c3) organization.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-115**

**RESOLUTION APPROVING AN AGREEMENT WITH  
PROPERTYROOM.COM FOR A ONE-YEAR TERM FOR ONLINE  
AUCTIONING OF LOST, STOLEN, UNCLAIMED AND/OR SEIZED  
PROPERTY FROM THE MODESTO POLICE DEPARTMENT; AND  
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE  
THE AGREEMENT**

WHEREAS, Section 801 of the City Charter authorizes the City Manager to sell obsolete, unclaimed, or surplus personal property of the City with the approval of the City Council, and

WHEREAS, the City's surplus items consist of: (1) lost, stolen, unclaimed and/or seized property from the Police Department, (2) excess property accumulated by the City, and (3) surplus City vehicles and equipment, and

WHEREAS, currently the City's auctioneering services are provided by the Auction House, and

WHEREAS, the Purchasing Division also sells selected surplus property online through PublicSurplus.com, an online auction company, or directly online, and

WHEREAS, the Police Department would like to renew an agreement for selling selected items online with PropertyRoom.com for a one-year term, and

WHEREAS, all revenues received from the sale of lost, stolen, unclaimed and/or seized property from the Police Department will be deposited in the General Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with PropertyRoom.com for a one-year term for online auctioning of lost, stolen, unclaimed and/or seized property from the Modesto Police Department.



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 5<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-116**

**RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF ONE DUMP TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS, WATER DIVISION THROUGH THE FLEET SERVICES DIVISION, TO DELTA TRUCK CENTER, FRENCH CAMP, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR A TOTAL ESTIMATED COST OF \$116,661**

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 10/11 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The dump truck was included in the FY 10/11 new vehicles and heavy equipment list authorized by the City Manager and is a replacement vehicle, and

WHEREAS, the truck has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list. This dump truck falls under the City's compliance program, approved by the California Air Resources Board, requiring a progressive program to remove older diesel trucks from service, and

WHEREAS, the Purchasing Division issued RFB No. 1011-17, for the purchase of one dump truck to twenty-three (23) prospective bidders posted the bid on the City's website and formally advertised as required by law. Four (4) of the twenty-three (23) prospective bidders were located within Stanislaus County, one of which is a local vendor, and

WHEREAS, RFB's were formally opened in the City Clerk's office. Of the twenty-three (23) prospective bidders, four (4) companies chose to respond; one

prospective bidder is located in Stanislaus County. The local vendor chose not to submit a bid at this time. All four (4) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of one dump truck to Delta Truck Center, French Camp, CA, for the total estimated cost of \$116,661, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2010-11 in the following appropriation unit: 7210-480-5814- 5531, 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 and contract for the purchase of a dump truck to Delta Truck Center, French Camp, CA, for the Public Works Department, Fleet Services Division, conforms to the Modesto Municipal Code,

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 dump truck for the Department of Public Works, Water Division through the Fleet Services Division, to Delta Truck Center, French Camp, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase orders for a total estimated cost of \$116,661.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-117**

**RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF ONE TRUCK TRACTOR FOR THE DEPARTMENT OF PUBLIC WORKS, STREETS DIVISION THROUGH THE FLEET SERVICES DIVISION, TO VALLEY PETERBILT, TURLOCK, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR A TOTAL ESTIMATED COST OF \$113,000**

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 10/11 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The truck tractor was included in the FY 10/11 new vehicles and heavy equipment list authorized by the City Manager and is a replacement vehicle, and

WHEREAS, the truck has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list. This truck tractor falls under the City's compliance program, approved by the California Air Resources Board, requiring a progressive program to remove older diesel trucks from service, and

WHEREAS, the Purchasing Division issued RFB No. 1011-16, for the purchase of one truck tractor to sixteen (16) prospective bidders posted the bid on the City's website and formally advertised as required by law. Four (4) of the sixteen (16) prospective bidders were located within Stanislaus County, none of which is a local vendor, and

WHEREAS, RFB's were formally opened in the City Clerk's office. Of the sixteen (16) prospective bidders, four (4) companies chose to respond; one prospective

bidder is located in Stanislaus County. All four (4) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of one truck tractor to Valley Peterbilt, Turlock, CA, for the total estimated cost of \$113,000, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2010-11 in the following appropriation unit: 7210-480-5814- 5527, 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 one truck tractor to Valley Peterbilt, Turlock, CA, for the Department of Public Works, Fleet Services Division, conforms to the Modesto Municipal Code,

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 truck tractor for the Department of Public Works, Streets Division through the Fleet Services Division, to Valley Peterbilt, Turlock, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase orders for a total estimated cost of \$113,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

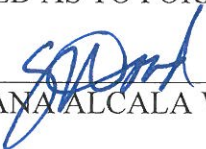
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-118**

**RESOLUTION APPROVING AN AGREEMENT WITH URS CORPORATION DBA URS CORPORATION AMERICAS (URS) FOR DESIGN SERVICES FOR THE INSTALL NEW WELL IN DEL RIO PROJECT IN AN AMOUNT NOT TO EXCEED \$78,047 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$7,805 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$85,852, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the new well in Del Rio will be one of the two new wells proposed in the Del Rio water service area, and

WHEREAS, these wells were identified in the Water System Engineer's Report, as well as the supplemental Technical Memorandum for the Del Rio system, dated May 22, 2008, and

WHEREAS, this well installation is necessary to correct existing deficiencies within the system, and is required to be operational by July 2013, and

WHEREAS, this requirement is based on the July 15, 2005 Settlement Agreement between the City and the Del Rio Community Association, and

WHEREAS, the scope of work for this agreement will generally include design of a new test well and production well, as well as monitoring the construction of the new well, and

WHEREAS, as part of this work, URS will provide an analysis of soil and water samples taken during the well drilling in order to recommend the appropriate soil depths to draw water from, and

WHEREAS, in addition, URS will provide an analysis of draw-down effects, if any, to nearby adjacent private wells, and



WHEREAS, this draw-down analysis is to address concerns that have been expressed by some of the neighbors that the new well may negatively affect how their existing private wells operate, and

WHEREAS, on April 7, 2009, by Resolution No. 2009-149, the City Council approved a short-list of hydrogeologists to be used on a rotating, as-needed basis, consisting of the following firms: Brown & Caldwell, URS, and West Yost Associates, Inc., and

WHEREAS, on February 2, 2010, by Resolution No. 2010-052, Council approved an agreement with URS for Design Services for Install New Well in Tivoli project, and

WHEREAS, URS was selected for the new well in Tivoli agreement in compliance with Administrative Directive 3.1: Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, and

WHEREAS, URS has already completed some work for the new Tivoli Development well design, but that project has since been deferred until development begins to move forward, and

WHEREAS, accordingly, the agreement with URS for the Tivoli well design has been terminated, and

WHEREAS, in addition, there are requirements from the Del Rio Settlement Agreement to provide a new domestic production well by 2013, and

WHEREAS, therefore, the City has determined the Del Rio well to be a higher priority than other new well installation projects because of the deadline established in the Settlement Agreement, and

WHEREAS, since both the Tivoli and Del Rio well designs are very similar, work that URS has performed for Tivoli can be easily applied to the Del Rio project, and

WHEREAS, URS has the resources available for the Del Rio well due to the termination of the Tivoli project; whereas the other two short-listed firms are already working on active well projects for the City, and

WHEREAS, finally, URS is considered a qualified firm with the required experience and expertise in hydrogeology, and

WHEREAS, for these reasons, City staff recommends approving a new agreement with URS for the Del Rio well design, and

WHEREAS, City staff recommends approving an Agreement with URS as the City does not have the staffing level or subject matter expertise to provide design services for the Install New Well in Del Rio project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with URS Corporation dba URS Corporation Americas for design services for the Install New Well in Del Rio project in an amount not to exceed \$78,047 for the identified scope of services, plus \$7,805 for additional services (if needed), for a maximum total amount of \$85,852.

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 5<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-119**

**RESOLUTION ACCEPTING THE WORK BY CLYDE WHEELER, INC., FOR THE "E. COOLIDGE AREA WATERLINE REPLACEMENT" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$735,989.28**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the E. Coolidge Area Waterline Replacement project has been completed by Clyde Wheeler Inc., in accordance with the contract agreement dated April 13, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the E. Coolidge Area Waterline Replacement project is hereby accepted as complete from said contractor Clyde Wheeler, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling \$735,989.28 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-120**

**A RESOLUTION DENYING THE APPEAL OF STANISLAUS TOWING SERVICES, INC., REGARDING THE TERMINATION OF THEIR TOWING SERVICE AGREEMENT BY THE MODESTO POLICE DEPARTMENT**

WHEREAS, on April 13, 2009, City of Modesto entered into a Non-Exclusive, Non-Consensual Towing Service Franchise Towing Service Agreement with Stanislaus Towing Services, Inc. , and

WHEREAS, On February 22, 2011, the Modesto Police Department notified Stanislaus Towing Services, Inc. owner, Ronald Hannink that the agreement was immediately terminated pursuant to Section 20 (B):

20. COMPLIANCE WITH THE LAW

- B. In the event that FRANCHISEE or any agent or employee of FRANCHISEE is cited, arrested and/or charged with any misdemeanor or felony driving offense, any crime involving stolen or embezzled vehicles, fraud related to the towing business, stolen or embezzled property, crimes of violence, driving while under the influence of alcohol and/or drugs, possession and/or sales of drugs or crimes of moral turpitude, FRANCHISEE may be immediately suspended or terminated at the discretion of the Chief of Police and/or FRANCHISEE's employee or agents Tow Driver Permit may be immediately suspended or revoked, notwithstanding any provision of this Agreement to the contrary. FRANCHISEE shall notify the Tow Administrator within seventy-two 72 hours of any citation or arrest of the FRANCHISEE or any known citation or arrest of any agent or employee of the FRANCHISEE,

and

WHEREAS, The Stanislaus County District office filed misdemeanor charges against Ronald and Stephanie Hannink for the following California Vehicle Violations:

22658 (L) (1) (A) - Removing a vehicle from private property without first obtaining written authorization from doing so from the property owner, or lessee, who must have been present at the time of removal and verified the violation.

22658 (j) (2) – Knowingly charging an excessive rate.

22658 (L) (1) (C) (iii) – Failure to provide to vehicle owner with notice providing information on local law enforcement agency.

22658 (L) (1) (C) (i) – Failure to provide vehicle owner written notification of authorization to tow,

and

WHEREAS, based on these charges, Stanislaus Towing Services Agreement with the City of Modesto was terminated, and

WHEREAS, on February 22, 2011, the Modesto Police Department notified Stanislaus Towing Services, Inc. owner, Ronald Hannink, that the agreement was immediately terminated, and

WHEREAS, on March 7, 2011, Brunn & Flynn, on behalf of Stanislaus Towing Services, Inc. submitted a Notice of Appeal, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council at its regular meeting place in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at 5:30 p.m. on April 5, 2011, at which date and time said public hearing was held and evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing the Council found and determined that said appeal should be denied, and the decision should be affirmed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Stanislaus Towing Services, Inc., to a decision by the Modesto Police Department to terminate their Towing Service Agreement with the City of Modesto, is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of April, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Hawn, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: Geer, Marsh

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-121**

**RESOLUTION REQUIRING THAT CANDIDATES FOR THE NOVEMBER 8, 2011, REGULAR MUNICIPAL ELECTION PAY A \$500.00 DEPOSIT AS A CONDITION OF HAVING HIS OR HER CANDIDATE STATEMENT INCLUDED IN THE VOTER PAMPHLET AND REQUIRING THE CITY CLERK TO BILL SUCH CANDIDATES FOR THEIR PRO RATA SHARE OF THE ACTUAL COST OF THE PRINTING OF SUCH STATEMENTS AFTER THE ELECTION**

WHEREAS, pursuant to Section 85300 of the Political Reform Act, added by Proposition 73 of the June 1988 Statewide Primary Election, Public Funds; Prohibition, “No public officer shall expend and no candidate shall accept any public monies for the purpose of seeking elective office”, and

WHEREAS, State Elections Code Section 13307(e) provides that before the opening of the nomination period, the Council must determine whether the candidates shall pay for their statements and it was determined that candidates will be charged a \$500.00 deposit at the time of filing their nomination form, and

WHEREAS, the City Clerk was directed, pursuant to Election Code Section 13307(c) to bill the candidate for any additional actual expense or refund any excess paid depending on the final actual cost,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that candidates for election in the Regular Municipal Election to be held on November 8, 2011, shall be required to pay a \$500 deposit as a condition of having his or her candidate statement included in the voter pamphlet.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of April, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside, Lopez, Marsh

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-122**

**RESOLUTION OF THE CITY OF MODESTO REQUESTING FROM THE STANISLAUS COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE CITY OF MODESTO GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2011, REQUESTING THE SERVICES OF THE REGISTRAR OF VOTERS, ELECTIONS DIVISION OF THE COUNTY OF STANISLAUS TO CONDUCT THE ELECTION ON BEHALF OF THE CITY OF MODESTO AND THE MODESTO CITY SCHOOL BOARD**

WHEREAS, the City of Modesto will hold an election on November 8, 2011 for the purpose of electing a Mayor, four (4) Councilmembers (District 1, 3, 5 and 6), and three (3) Modesto City School Board members; and

WHEREAS, the City of Modesto respectively requests that the Stanislaus County Registrar of Voters, Elections Division, furnish all other services, facilities, supplies, equipment, etc. necessary for the election; and

WHEREAS, the City of Modesto City Clerk's Office will be responsible for issuing/collecting election information, publishing the Notice of Election and the Nominees for Public Office; and

WHEREAS, the City of Modesto will reimburse the County of Stanislaus for all actual costs for services performed to conduct the municipal election on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby formally requests from the Board of Supervisors of Stanislaus County, California, to consolidate the City of Modesto's Municipal Election with the County's General Election to be held on November 8, 2011, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to conduct the election on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-123**

**RESOLUTION OF THE CITY OF MODESTO REQUESTING FROM THE STANISLAUS COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE CITY OF MODESTO RUN-OFF ELECTION FOR MAYOR BY MAIL, IF NECESSARY, TO BE HELD ON FEBRUARY 7, 2012, REQUESTING THE SERVICES OF THE REGISTRAR OF VOTERS, ELECTIONS DIVISION OF THE COUNTY OF STANISLAUS TO CONDUCT THE RUN-OFF ELECTION FOR MAYOR BY MAIL ON BEHALF OF THE CITY OF MODESTO**

WHEREAS, the City of Modesto will hold a run-off election for Mayor by Mail, if necessary, to be held on February 7, 2012; and

WHEREAS, the City of Modesto respectfully requests that the Stanislaus County Registrar of Voters, Elections Division, furnish all other services, facilities, supplies, equipment, etc. necessary for a Run-Off Election for Mayor by Mail, if necessary, to be held on February 7, 2012; and

WHEREAS, the City of Modesto City Clerk's Office will be responsible for issuing/collecting election information, publishing the Notice of Election and the Nominees for Public Office; and

WHEREAS, the City of Modesto will reimburse the County of Stanislaus for all actual costs for services performed to conduct the municipal election on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby formally requests from the Board of Supervisors of Stanislaus County, California, to conduct the City of Modesto's Run-Off Election for Mayor by mail, if necessary, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to conduct the run-election 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 12<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-124**

**A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF RIGHT TURN LANE STREET IMPROVEMENTS AT NORTHBOUND DALE ROAD TO EASTBOUND SNYDER AVENUE, SOUTHBOUND OAKDALE ROAD TO WESTBOUND SYLVAN AVENUE, AND WESTBOUND SYLVAN AVENUE TO NORTHBOUND BOYCE LANE PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH ROSS F. CARROLL, INC. IN THE AMOUNT OF \$699,277; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the Construction of Right Turn Lane Street Improvements at Northbound Dale Road to Eastbound Snyder Avenue, Southbound Oakdale Road to Westbound Sylvan Avenue, and Westbound Sylvan Avenue to Northbound Boyce Lane project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Construction of Right Turn Lane Street Improvements at Northbound Dale Road to Eastbound Snyder Avenue, Southbound Oakdale Road to Westbound Sylvan Avenue and Westbound Sylvan Avenue to Northbound Boyce Lane project were opened at 11:00 a.m. on March 1, 2011, and later tabulated by the Director of Community and Economic Development for the consideration of the Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$699,277 received from Ross F. Carroll, Inc. be accepted as the lowest responsible bid and the contract be awarded to Ross F. Carroll, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Construction of Right Turn Lane Street Improvements at Northbound Dale Road to Eastbound Snyder Avenue,

Southbound Oakdale Road to Westbound Sylvan Avenue, and Westbound Sylvan Avenue to Northbound Boyce Lane project, accepts the bid of Ross F. Carroll, Inc. in the amount of \$699,277, and awards Ross F. Carroll, Inc. the contract.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST.   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-125**

**RESOLUTION REJECTING ALL BIDS FOR THE PROJECT TITLED, “DALE ROAD CCTV AND CCTV SYSTEM UPGRADE,” AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT**

WHEREAS, Traffic Engineering staff applied for, and received, Congestion Mitigation Air Quality (CMAQ) funding for the construction and upgrade of the Closed Circuit Television (CCTV) system, and

WHEREAS, this project will construct CCTV cameras on Dale Road at Bangs Avenue and Veneman Avenue, and

WHEREAS, in addition, this project will upgrade our first generation CCTV cameras and communication equipment, and

WHEREAS, bids for this project were opened on January 25, 2011, and

WHEREAS, Tennyson Electric, Inc. was determined to be the responsible low bidder, and

WHEREAS, staff received a protest from Collins Electric Company, and

WHEREAS, staff recommends rejecting all bids, reducing the scope of work, and re-bidding the project, and

WHEREAS, if the Council rejects all bids, staff will reduce the scope of work for the “Dale road CCTV and CCTV System Upgrade” project to equate the project with the budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids for the project titled, “Dale Road CCTV and CCTV System Upgrade,” and authorizes staff to re-advertise the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-126**

**RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 ANNUAL  
OPERATING BUDGET**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2010-2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the Fiscal Year 2010-2011 budgets have been adjusted as shown in **Exhibit A**, which is incorporated by reference herein..

BE IT FURTHER RESOLVED that the Director of Finance, 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 12<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## EXHIBIT A

### **FINANCE**

An adjustment is necessary to recognize \$19,527 in previously unbudgeted service credit revenue in the Water Fund (Fund 6100) from the Water, Sewer and Storm Drain Funds due to an increase in costs for the Utilities Division of the Finance Department as a result of the Finance Department Reorganization approved by Council on June 1, 2010 by Resolution 2010-23. Additionally, this adjustment grants authority to appropriate \$12,484 from Water Fund reserves, \$9,924 from Wastewater Fund reserves and \$9,603 from Storm Drain Fund reserves to offset the increased service credit expense from Utility Billing & Collections.

An adjustment is necessary to reduce budgeted service credit revenue by \$1,233 in the Cashiering Division of the Finance Department in the Water Fund (Fund 6100) due to a decrease in costs as a result of the Finance Department Reorganization approved by Council on June 1, 2010 by Resolution 2010-23.

### **PARKS, RECREATION AND NEIGHBORHOODS**

With the approval of the City Manager's Office, the department requested bids from local vendors for assistance in mistletoe abatement. Three bids were received with the lowest coming in at \$49,500. This budget adjustment appropriates \$49,500 from the General Fund (Fund 0100) reserves to provide funding within the PR&N's Community Forestry operating budget to contract with the outside vendor for this service.

### **PUBLIC WORKS**

On October 6, 2009 the City Council by Resolution, #2009-518 approved Capital Improvement Project P007, Agricultural Wells at Community Parks, within Parks, Recreation and Neighborhoods Department, authorizing the installation of agricultural wells at seven community parks. The estimated cost of the project is \$350,000, which is funded by a loan from the Water Fund (Fund 6100) to Parks, Recreation and Neighborhoods to be repaid over seven years beginning in Fiscal Year 2011-12. An adjustment is necessary to postpone the funding of the of \$350,000 loan from the Water Fund due to a delay in the project. This adjustment also postpones the first repayment transfer from Fiscal Year 2011-12 to begin in Fiscal Year 2012-13.

### **SURFACE TRANSPORTATION FUNDS (Multi –Dept.)**

Each revenue source for street maintenance and related functions (including street lighting, electrical, traffic, tree trimming, etc.) is accumulated in individual sub-funds, then transferred-out to the various operating organizations or projects for appropriation based on eligibility, priority and timing of expenditures. The following adjustments are necessary for proper management of these funds:

- 1.) Amend the multi year revenue budgets for Gas Tax (Highway Users Tax) revenues in the Gas Tax sub-fund (Fund 0730) based on the latest projections obtained from the League of California Cities for fiscal year 2010-11. Revenues are being increased by \$2,366,762, with the most significant being H&S Code Section 2103, which was created in March 2010 as a replacement for Prop 142 revenues.
- 2.) Amend the multi year budget to include two new transfers totaling \$386,477 from the Gas Tax sub-fund (Fund 0730) to cover charges incurred in Traffic Liability in the

Surface Transportation Fund (Fund 0700) that were originally projected to be covered by fund reserves.

- 3.) Pavement Maintenance using Garbage Fees in the Surface Transportation Fund (Fund 0700) is planned to change from multi-year to fiscal year budget in 2011-12. The Streets Division anticipates spending only approximately \$25,000 of a current available budget of \$1,351,469. An adjustment is needed to reduce the existing multi year expense budget by \$1,326,469 and reduce the budgeted transfer by \$763,221 from the Surface Transportation Fund (Fund 0740) to the Gas Tax Fund (Fund 0700). Another adjustment will made at year end for any balances.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-127**

**A RESOLUTION DEDICATING NET REVENUES OF THE SEWER ENTERPRISE FUND TO PAYMENT OF ANY AND ALL CLEAN WATER STATE REVOLVING FUND FINANCING. THIS DEDICATED SOURCE OF REVENUE SHALL REMAIN IN EFFECT THROUGHOUT THE TERM OF SUCH FINANCING UNLESS MODIFICATION OR CHANGE OF SUCH DEDICATION IS APPROVED IN WRITING BY THE STATE WATER RESOURCES CONTROL BOARD; AND RESCINDING RESOLUTION NO. 2010-521**

WHEREAS, the City of Modesto has the authority to construct, operate, and maintain the City of Modesto Wastewater Collection and Treatment System, and

WHEREAS, the City of Modesto desires to address water quality problems and to prevent pollution of the waters of the State,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes and dedicates net revenues of the sewer enterprise fund to be used for payment of any and all Clean Water State Revolving Fund Financing throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board and for payment of existing City sewer bonds.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2010-521 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-128**

**RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, INC. FOR HYDRAULIC MODELING SERVICES FOR CANNERY SEGREGATION LINE IN AN AMOUNT NOT TO EXCEED \$69,196 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$6,919 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$76,115, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the original River Trunk was installed in the 1940s to collect flows from the canneries, and

WHEREAS, this trunk was extended to and begins at the Sutter Avenue Wastewater Treatment Plant (Sutter Ave. Plant) as a 60" pipe, running east along the Tuolumne River, and alternating between single and parallel segments with diameters varying between 48 and 24 inches to the Beard Industrial Park, and

WHEREAS, multiple areas of the City are now tributary to the River Trunk, and

WHEREAS, a second River Trunk was constructed in parallel to the original and this pipeline was converted to the Cannery Segregation Line (CSL) in 1999, and

WHEREAS, the CSL begins at the Sutter Ave. Plant as a 66-inch pipe varying in diameter to 12 inches, and normally carries cannery waste between July and September (canning season), and

WHEREAS, due to the conversion of the second River Trunk to the CSL, the 48-inch diameter segment of the River Trunk will surcharge during Peak Wet Weather Flow (PWWF) conditions, and

WHEREAS, during storm events in the non-canning season, the CSL will serve as the relief sewer for the River Trunk, and



WHEREAS, during canning season when the water from the CSL reaches the Sutter Ave. Plant, it is pumped through a 60-inch effluent pipeline to the Jennings Road Facility where it is normally land applied, and

WHEREAS, in order to maintain business, the canning season customers of the CSL have requested a higher level of reliability for this pipeline, and

WHEREAS, if there were a catastrophic failure of the CSL, there is concern for the continuity of the flow especially impacting their short season, and

WHEREAS, the City specifically needs to increase the reliability of the River Trunk and the CSL, at the same time, without building another parallel pipe, and

WHEREAS, in accordance with Administrative Directive 3.1, "Selection Procedures for Professional Consultants who Provide Architectural and Engineering Services for Capital Projects", an accelerated selection process was approved by the Director of Utility Planning and Projects with the following results, and

WHEREAS, Requests for Proposals (RFPs) were sent to the following top 5 ranked professional consultants who were prequalified and maintained on the roster for On-Call Engineering Services by the Public Works Department: Brown & Caldwell, Carollo Engineers, Nolte Associates, Stantec Consulting, and West Yost Associates, and

WHEREAS, on February 8, 2011, four proposals were reviewed by a Selection Committee comprised of the CFO of Stanislaus Food Products, a Cannery Segregation customer, as well as Public Works Department - Wastewater Division and Utility Planning and Projects Department staff, and

WHEREAS, following the interviews, the Selection Committee determined that West Yost was the most qualified consultant firm to provide these services, and

WHEREAS, City staff does not have some of the subject matter expertise for this type of project, specifically computer modeling of miles of large sanitary sewage pipeline networks, and

WHEREAS, using outside professional services will enable this project to be completed in a timely manner, and

WHEREAS, City staff recommends approving an agreement with West Yost for hydraulic modeling services for Cannery Segregation Line as the City does not have the staffing level to complete the hydraulic modeling for the Cannery Segregation Line project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Hydraulic Modeling Services for Cannery Segregation Line with West Yost Associates, Inc. for an amount not to exceed \$69,196 for the identified scope of services, plus \$6,919 for additional services (if needed), for a maximum total amount of \$76,115.

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 12<sup>th</sup> day of April, 2011, by Councilmember Lopez who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-129**

**RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 OPERATING BUDGET IN THE AMOUNT OF \$6,414 IN ORDER TO FULLY FUND THE AGREEMENT FOR HYDRAULIC MODELING SERVICES FOR CANNERY SEGREGATION LINE, INCLUDING ENGINEERING / DESIGN / ADMINISTRATION SUPPORT BY CITY STAFF**

WHEREAS, certain budgetary transactions are necessary in the amount of \$6,414, in order to fully fund the agreement for hydraulic modeling services along with engineering/design/administration by City staff for the Cannery Segregation Line, and

WHEREAS, the Fiscal Year 2010-2011 operating 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 2010-2011 operating budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 12<sup>th</sup> day of April, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**REQUEST FOR BUDGET ADJUSTMENT**

**EXHIBIT A**

Contact Person: Gail Clement  
 Telephone No.: 15538  
 Department: Utility Planning & Projects

Council Action Date: 4/12/11  
 Resolution Number: \_\_\_\_\_

Fund Title: Sewer Operations Fund

FY: 10-11  
 Transfer No. \_\_\_\_\_

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
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**DEPARTMENTAL REVENUES**

<b>FROM</b>					
<b>TO</b>					

**APPROPRIATIONS**

<b>FROM</b>					
11-6210-480-5212-0235	5212C	\$45,164	(\$6,414)	\$ 38,750	Sewer Collections Services Prof & Other Wastewater Reserves Contingency
11-6210-800-8000-8003		(\$292,707)	(\$6,414)	(\$299,121)	
<b>TO</b>					
11-6210-800-8000-8003		(\$299,121)	\$6,414	(\$292,707)	Wastewater Reserves Contingency
MY-6210-480-5277-0255	5277C	\$ -	\$6,414	\$6,414	On-call Engineering WQC Svc City Forces

**COMMENTS/JUSTIFICATION**

This budget amendment is being made to transfer funds 1) from Object 0235-Services Professional & Other in Operating Org. 5212-Sewer Collections back to Wastewater Reserves, 2) then from Wastewater Reserves to Object 0255-Services City Forces in Multi-year Operating Org. 5277 On-call Engineering WQC to provide funding for design staff time. This transfer includes engineering/design/administration costs to administer a consultant agreement with West Yost Associates, Inc. for Hydraulic Modeling Services for Cannery Segregation Line for the project. Realized savings in Object 0235 in Operating Org. 5212 are now being transferred to Multi-year Org. 5277 to cover the costs of staff time for the agreement. There are sufficient funds in Org. 5212 to effect this transfer to cover the costs of the required reappropriation of funds to MY Org. 5277 necessary for design staff time for the project.

AUTHORIZATION (check if required)	SIGNATURE	DATE
DEPUTY DIRECTOR (PW) DEPARTMENT DIRECTOR (PW) or AUTHORIZED ASSISTANT		3-21-2011
DEPUTY DIRECTOR (UP&P) DEPARTMENT DIRECTOR (UP&P) or AUTHORIZED ASSISTANT		3-21-11
FINANCE DIRECTOR		3/22/11
CITY MANAGER		3/21/2011

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-130**

**A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(490) (ACACIA MEMORIAL PARK ASSOCIATION OF MODESTO)**

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Acacia Memorial Park Association of Modesto on November 8, 2010, to reclassify from Low-Density Residential, R-1, to Planned Development Zone, P-D(490) to allow for the expansion of the existing cemetery to the south, property located on the south side of E. Morris Avenue, south of Auburn Street, described as follows:

R-1 to P-D(490)

All that certain real property in the northeast quarter of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

The West 275.00 feet of Block 603 of the City of Modesto as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records.

Also including the southerly half of E. Morris Avenue and the easterly half of the alley between Blocks 594 and 603 all being immediately adjacent to the above described property.

WHEREAS, a public hearing was held by the Planning Commission on January 24, 2011, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission continued the item to the February 28, 2011, hearing in order to allow the applicants and property owners in the vicinity an opportunity to discuss possible options regarding the fencing, landscaping and access ways for the proposed project, and

WHEREAS, after a public hearing held on February 28, 2011, 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. 2011-01, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed zone change to P-D is consistent with the Modesto Urban Area General Plan. The General Plan designates this area as "MU" (Mixed-Use), which allows for institutional uses.
2. The conditions of approval will ensure that the proposed project is compatible with the adjacent residential and existing park and cemetery uses.
3. The proposed rezone will tie the new cemetery with the existing cemetery to the south P-D(490).

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 12, 2011, 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 Acacia Memorial Park Association of Modesto for a Planned Development Zone should be granted as consistent with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2011-01 and set forth above, and

WHEREAS, the Council has introduced Ordinance No. 3548-C.S. on the 12<sup>th</sup> day of April, reclassifying the above-described property from Low-Density Residential, R-1 to Planned Development Zone, P-D(490),

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



SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(490), is hereby approved subject to the following conditions:

PLANNING

1. Prior to issuance of a building permit, a wall/fence plan for the north & east property lines shall be submitted by the applicant for approval by the CED Director or designee. The plans shall include a seven-foot (7') high decorative masonry block wall on the north and east property lines equivalent to the masonry wall on the Bodem Avenue frontage of the existing cemetery, to be set back from the north property line, a minimum of 10 feet, as approved by the Director.
2. Prior to final inspection, walls shall be treated with a graffiti-proof coating along the northern property line to the satisfaction of the Director of Community and Economic Development or Designee. Construction drawings shall note the type of graffiti treatment used.
3. Prior to issuance of a building permit, an Arborist Report shall be required and a copy of the report shall be submitted for review to the Director of Community and Economic Development or Designee.
4. 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.
5. Signs permitted for the project site shall be as follows:
  - a. One gateway monument sign as defined in Code Section 10-2.2112 (a), identifying the "Acacia Memorial Park" cemetery. The gateway monument sign shall maintain a maximum height of thirty-six (36") inches or three feet (3') high and a maximum signage area of twelve (12) square feet.

PARKS

6. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Director of Parks, Recreation and Neighborhoods or designee. Proposed Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
7. Screen landscaping equivalent to the landscape treatment on the Bodem Avenue frontage of the existing cemetery shall be located on the north side of the decorative masonry wall on E. Morris Avenue within the ten (10') foot front yard set back. Screen landscaping that grows to the height of the chain link fence on the west property line shall be included on the landscape and irrigation plan submitted for approval by the Director of Parks, Recreation and Neighborhoods or designee.

## LAND DEVELOPMENT ENGINEERING

8. Prior to the issuance of a building permit, improvement plans for any required improvements shall be prepared by a Registered Civil Engineer and approved by the City Engineer or designee. Improvements shall be constructed in accordance with the approved plans.
9. All public improvements shall be designed and constructed according to City of Modesto Standard Specifications or as required for the public health and safety by the City Engineer or designee.
10. Prior to issuance of a building permit, the developer shall dedicate public utility easements as required by the utility companies and the City Engineer or designee.
11. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the respective utility company, Modesto Irrigation District, and/or City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be dedicated as required.

## STORMWATER QUALITY

12. Prior to the issuance of a Grading or Building Permit, whichever occurs first, the Developer shall obtain coverage for the construction project under the General Construction Activity Permit (General Permit) issued by the State Water Resources Control Board (SWRCB). To obtain coverage under the General Permit, a Notice of Intent (NOI) must be filed with the SWRCB. Submit one copy of NOI to Land Development Engineering, Stormwater.
13. Upon receipt of NOI, the SWRCB will issue a Waste Discharge Identification Number (WDID Number) to the construction permit. Submit one copy of the WDID Number to Land Development Engineering, Stormwater.
14. The General Construction Permit requires the Developer to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) for the construction project. Submit one copy of the SWPPP to Land Development Engineering, Stormwater for review.
15. Prior to the issuance of a Grading or Building Permit, whichever occurs first, the Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, vegetative strip, or other approved proprietary device) to remove pollutants from the first ½” of stormwater runoff from the site, to the satisfaction of the City Engineer or designee.

16. Prior to the issuance of a Grading or Building Permit, whichever occurs first, the property owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering for recording, to the satisfaction of the City Engineer or designee.

#### GENERAL CONDITIONS

17. Prior to the issuance of a building permit, all development shall conform to the development plan and building elevations titled "Acacia Memorial Cemetery – Lawn Crypt Layout" stamped approved by the City Council.
18. All department Conditions of Approval for the project shall be included on the sheet following the title sheet, which shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
19. 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.
20. All construction documentation shall be coordinated for consistency, including but not limited to, 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 Division.
21. 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 attorney's 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.
22. 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, building permit and plan check fees.
23. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris, and all exposed wall surfaces shall be kept free of graffiti.

24. All signs shall conform to the sign requirements of the R-1 Zone.
25. Prior to issuance of a sign permit, individual sign plans for the project shall be submitted for separate review and approval prior to installation.

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

26. AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are 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 the use.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.)
32. 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.
33. 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.

34. AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.
35. AQ-51: Limit traffic speeds on unpaved roads to 15 mph.
36. 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%).
37. AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
38. AQ-54: Install wind breaks at windward side(s) of construction areas.
39. AQ-55: 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 (20%) opacity limitation.
40. AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.
41. N-3: 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.
42. 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."

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), pile-driving equipment, vibrating roller, sand blaster, guniting 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.
- h. 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.

43. MEIR Table V-8-1 (b-f)

- a. 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.

- b. 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.
- c. 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.
- d. 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.
- e. 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.

SECTION 2. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 3. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 4. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(490), 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 12, 2011, 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 12<sup>th</sup> day of April, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Muratore,  
Mayor Ridenour

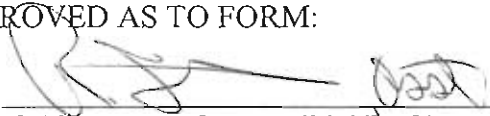
NOES: Councilmembers:

ABSENT: Councilmembers: Marsh

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By:   
Community & Economic Development Department  
Planning Division



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-131**

**A 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): AMENDING SECTION 28-3-9 OF THE ZONING MAP TO REZONE FROM LOW-DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(490), PROPERTY LOCATED ON THE SOUTH SIDE OF E. MORRIS AVENUE, SOUTH OF AUBURN STREET. (ACACIA MEMORIAL PARK ASSOCIATION 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, Acacia Memorial Park Association of Modesto has proposed that the zoning designation for property located on the south side of E. Morris Avenue, south of Auburn Street be amended to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(490), in the City of Modesto (“the subsequent project”) to allow for the expansion of the existing cemetery to the south, 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 2010-35 (“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 23, 2011, 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 12, 2011, 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 to Planned Development Zone, P-D(490), 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 City of Modesto has reviewed the adequacy of the Master EIR and the Council of the City of Modesto makes the following finding:

1. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified or that 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 12<sup>th</sup> day of April, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2010-35

**City of Modesto**

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

**Initial Study Environmental Checklist  
C&ED No. 2010-07**

**For the proposed:**

**Rezone to Planned Development, (P-D)  
For Cemetery Expansion of  
Acacia Memorial Park**

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

**12-02-2010**

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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 'Old John Muir Elementary School Site' 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: Rezone to Planned Development, (P-D) for an expansion to the Acacia Memorial Park Cemetery
- B. Address or Location: South side of E. Morris Ave., east of Thomas B. Scott Park
- C. Applicant: Acacia Memorial Park, 801 Scenic Drive, Modesto, CA 95350
- D. City Contact Person: Rita Doscher  
  
Project Manager: Rita Doscher  
Department: Community and Economic Development  
Phone Number: (209) 577-5279  
E-mail address: rdoscher@modestogov.com
- E. Current General Plan Designation(s): Mixed-Use (MU)
- F. Current Zoning Classification(s): Low-Density Residential (R-1)
- G. Surrounding Land Uses:  
North: Low-Density Residential (R-1) uses  
South: Planned Development, P-D(490) – Cemetery & Mausoleum  
East: Medium-Density Residential (R-2) uses

West: Low-Density Residential (R-1) – Thomas B. Scott Park

- 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 allow the development of the property for interment services and the permanent burial and memorialization of the dead. No above-ground structures are currently planned. The site will be accessed from one existing and one proposed new driveway on E. Morris Avenue. The applicant is proposing a three-foot-high wall with two three-foot-high gates along the northern property line.

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

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

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

**Original signed copy on file with CEDD**

\_\_\_\_\_  
Project Manager

Associate Planner  
\_\_\_\_\_  
Title

December 2, 2010  
\_\_\_\_\_  
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 checked="" type="checkbox"/>	<input 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"/>

#### **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 project does not require mitigation measures 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
<b>TRAFFIC AND CIRCULATION</b>				
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.	[ ]	[ ]	[ ]	[X]
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
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).	[ ]	[ ]	[ ]	[X]
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	[ ]	[ ]	[ ]	[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, and so on.	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7) The proposed project would result in an increase in energy consumption associated with the operation on highway project, rail improvements, and aviation facilities (on a per capita basis) in excess of that considered in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1 & 3) The proposed project is consistent with the General Designation and the traffic volumes assumed in the MIER. The project will not result in an increase 100 additional trips than what was assumed in the MIER or degradation below LOS D and therefore no new mitigation measures are necessary.
- (2) The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). The City Engineering and Traffic Department has evaluated the project and has determined that the existing design layout of the project is in accordance to City standards.
- (4) Police and Fire Staff have reviewed this proposal and have indicated that there is no emergency access problem.
- (5) The City does not have an established parking ratio for a cemetery. City staff has reviewed the project and determined the project has provided sufficient on-site parking for the proposed cemetery.
- (6) The proposed project has been reviewed by Traffic, Planning and Transit staff and would not conflict with any adopted plans for alternative transportation.
- (7) The proposed project would not result in an increase in energy consumption 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<sub>x</sub>) (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 (PM<sub>10</sub>) and 2.5 microns or less in diameter (PM<sub>2.5</sub>) (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<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.

**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-40 and AQ-42 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
<b>DEGRADATION OF AIR QUALITY</b>				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> 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.	[ ]	[ ]	[ ]	[X]
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> .	[ ]	[ ]	[ ]	[X]
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
General Plan.				
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.	[ ]	[ ]	[ ]	[X]
5) The proposed project would create objectionable odors affecting a substantial number of people.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project was referred to the San Joaquin Valley Unified Air Pollution Control District who determined that the project would not have a significant effect on the ambient air quality with the incorporation of the mitigation measures listed above.
- (2) This project incorporates the best management practices for PM10 reduction established by the SJVUAPD (see mitigation measures above).
- (3) Applicable General Plan Policies will be applied to the project; therefore, project-specific effects will be less than significant for this impact (see mitigation measures above).
- (4) The land uses proposed are not in themselves significant contributors to air pollution levels and therefore the primary source of air pollution associated with the development would be traffic related. Since the traffic impacts are within the scope of the MEIR, so are the traffic-related air quality impacts. The PM10 emissions created through construction activities will be mitigated as called for by the MEIR with the mitigation measure listed above.
- (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:

There mitigation to be applied to this project includes N-3 and N-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 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
<b>GENERATION OF NOISE</b>				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	[ ]	[ ]	[ ]	[X]
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1,2,3) The project is consistent with the noise policies of the General Plan. General Plan MEIR Mitigation Measure N-7 requires non-residential development to demonstrate that the project will incorporate measures to reduce noise impacts to a less than significant level. Consideration must be given to both the Commercial threshold of significance and the Multi-family residential threshold of significance, since the property to the east is designated High-Density Residential (R-3). The MEIR maintains the “normally acceptable” level of noise for Commercial uses is 70dBA, while the “conditionally acceptable” is up to 75dBA. The “conditionally acceptable” level may be used when noise mitigations have been included in the project design. The “normally acceptable” Multi-family residential threshold is 65dBA, while the “conditionally acceptable” level is up to 70dBA. The exterior noise level is measured at the common outdoor recreation areas for Multi-Family developments (MEIR Mitigation Measure N-4).
- (4) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. There will be some construction related noise, but the noise mitigation measure N-3 called for by the General Plan for projects within the baseline developed area, has been incorporated.

**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 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
<b>EFFECTS ON AGRICULTURAL LANDS</b>				
1) The proposed project is inconsistent with the Urban Area General Plan’s policies relating to agricultural land.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the General Plan land use policies. It is an infill project proposed within the urbanized area of the City. The site is currently vacant and no agricultural land will be converted for the development of the proposed projects.
- (2) The project is within the Baseline-Developed area of the City and therefore will not result in the development of land outside the 2008 planning area boundaries.
- (3) The project site is not zoned for agriculture nor is it under Williamson Act contract.
- (4) The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The General Plan designates the property as Mixed 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 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
<b>INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</b>				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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 determined that 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 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: No additional direct impacts were identified in the Master EIR.

**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
<b>Increased Demand for Sanitary Sewer Services</b>				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

Discussion:

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



- (2) The project is consistent with the Mixed Use designation and will not generate any sewer flows within the project site.
- (3) The project was referred to Land Development Engineering Staff who determined there was not issue as the project will not generate sewer flows.

## **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 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**

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
<b>LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</b>				
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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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-7-1a through V 7-1e 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-7-1a through V 7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly 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 the measures listed in MEIR 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
<b>DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</b>				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	[ ]	[ ]	[ ]	[X]
3) The proposed project would modify or demolish a structure more than 50 years in age.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the archeological and historical resource policies in the General Plan.
- (2 & 3) There are no existing structures on the project 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 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:

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-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
<b>INCREASED DEMAND FOR STORM DRAINAGE</b>				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
site and increase infiltration, resulting in no net increase in runoff before and after development.				

Discussion:

- (1) The project is consistent with the storm drain policies in the Urban Area General Plan.
- (2) 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."

**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:

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-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
<b>LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</b>				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	[ ]	[ ]	[ ]	[X]
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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 offsite.	[ ]	[ ]	[ ]	[X]
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	[ ]	[ ]	[ ]	[X]
6) The proposed project would violate water quality standards or waste discharge requirements.	[ ]	[ ]	[ ]	[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 Urban Area General Plan.	[ ]	[ ]	[ ]	[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 Urban Area General Plan implementation.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the flooding and water quality policies in the General Plan.
- (2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

- (3) The project is not located within a 100-year flood plain and is limited to commercial uses.
- (4) The project is not located within a 100-year flood plain.
- (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 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.

## **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
<b>INCREASED DEMAND FOR PARKS AND OPEN SPACE</b>				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project would eliminate parks or open space.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the parks and open space policies in the General Plan.
- (2) The project is on a vacant site designated for Commercial/ Mixed Use development. The project would not eliminate an existing park or designated open space.
- (3) The project is designated for Commercial/Mixed Use development and would not cause an increase in the use of existing neighborhood and regional 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
<b>INCREASED DEMAND FOR SCHOOLS</b>				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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 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
<b>INCREASED DEMAND FOR POLICE SERVICES</b>				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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
<b>INCREASED DEMAND FOR FIRE SERVICES</b>				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	[ ]	[ ]	[ ]	[X]

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.
- (3) The project would not significantly impact adjacent fire districts or result in the elimination of fire projection 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
<b>GENERATION OF SOLID WASTE</b>				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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, and no indication was given that there would be a problem serving this 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 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
<b>GENERATION OF HAZARDOUS MATERIALS</b>				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the hazardous materials policies in the General Plan.
- (2) The project does 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 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.
- (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
<b>GEOLOGY, SOILS, AND MINERAL RESOURCES</b>				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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 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
<b>ENERGY</b>				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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
<b>GENERATION OF HAZARDOUS MATERIALS</b>				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the policies relating the visual resources in the General Plan.
- (2) The project would not impact views from riverside areas and parks.
- (3) 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 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:

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>LAND USE AND PLANNING</b>				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the Mixed Use land use designation in the General Plan.
- (2) The project would not divide an established community. The area to the north and west of the site is existing residential development, and to the east is an existing park. To the south is the existing Acacia Memorial Cemetery. The previous use on the site was originally an elementary school, which later was closed and converted to a City run facility and storage.
- (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:

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
<b>CLIMATE CHANGE</b>				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project would result in average automobile trip lengths or CO <sub>2</sub> emissions higher than those assumed in the Master EIR.	[ ]	[ ]	[ ]	[X]
3) The proposed project would conflict with the Sustainable Communities Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The City of Modesto General Plan Master EIR addressed potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The Urban Area General Plan Master EIR (MEIR) 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 by virtue of

the production of greenhouse gases. The MEIR 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 UAGP 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.

The MEIR identifies policies CL-3 through CL-26 as policies in effect that have been determined to reduce, avoid or mitigate air quality environmental impacts within the existing City limits and within the Planned Urbanizing Areas as they annex and develop. These policies include but are not limited to, the use of shade trees to reduce the heat island effect, current energy efficient building standards to reduce energy consumption, and the inclusion of facilities for alternative transportation. The proposed project will develop in accordance with climate change policies included in the UAGP and the MEIR.

The General Plan designation for the site is Mixed Use. The proposed development is consistent with these designations in terms of land-use and intensity.

- (2) Climate change is an inherently cumulative impact because no single project can produce enough greenhouse gases to substantially alter the global climate. No thresholds have been set for individual or cumulative greenhouse gases. Nonetheless, the proposed project would result in greenhouse gas emissions due primarily to automobile travel and energy use for lighting, heating, cooling and other activities. The primary source of CO<sub>2</sub> emissions generated from the project would be related to automobile trips. As identified under the traffic and circulation discussion, traffic engineering staff has determined that the project will be in substantial conformance with the GP MEIR assumptions for traffic generation, the CO<sub>2</sub> emissions generated from the project would also be in substantial conformance with that which was assumed under the GP MEIR analysis.
- (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:**

None.

### **Degradation of Air Quality:**

None.

### **Generation of Noise:**

N-3: 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:**

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:**

MEIR 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:**

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.

**Climate Change:**

None.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-132**

**A RESOLUTION DENYING THE APPEAL BY CHARLES EVINS II OF A  
DECISION BY THE BOARD OF ZONING ADJUSTMENT DENYING A  
VARIANCE TO ALLOW A 33-FOOT HIGH, 48-SQUARE FOOT ELECTRONIC  
MESSAGE BOARD SIGN AT PROPERTY LOCATED ON SIERRA DRIVE  
BETWEEN THE NEW BETHANY MISSIONARY BAPTIST CHURCH AT 315 6<sup>TH</sup>  
STREET AND STATE HIGHWAY 99**

WHEREAS, on January 11, 2011, Charles Evins II applied for a Variance (File No. VAR-11-002) from Section 10-2.2114(e) of the Modesto Municipal Code to allow for a 33-foot high, 48-square foot freestanding electronic message board sign for property located on Sierra Drive between the New Bethany Missionary Baptist Church at 315 6<sup>th</sup> Street and State Highway 99, and

WHEREAS, Sections 10-1.202(a) and 10-2.2501 of the Modesto Municipal Code authorize the Board of Zoning Adjustment to grant variances subject to findings specified in Section 10-2.2502 of the Modesto Municipal Code, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on March 24, 2011, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Board of Zoning Adjustment, by Resolution No. 2011-06, denied the application for a variance from Modesto Municipal Code Section 10-2.2114(e) regulating electronic message board signs, and

WHEREAS, by the same resolution the Board of Zoning Adjustment allowed for a 33-foot high 48-square foot freestanding static-copy non-electronic sign at the subject site, thereby granting a variance from Modesto Municipal Code Section 10-2.2111(a)

Table 21-1 regulating the maximum height of church identification signs in the residential zones of the City, and

WHEREAS on March 24, 2011, an appeal to the denial by the Board of Zoning Adjustment of the application for a variance from Modesto Municipal Code Section 10-2.2114(e) regulating electronic message board signs was filed by Charles Evins II, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on April 12, 2011, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was received and considered,

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

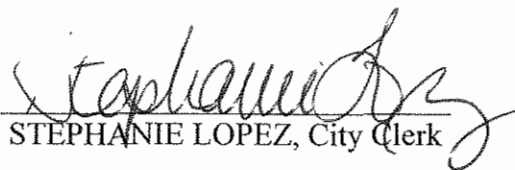
1. That denying the appeal of Charles Evins II and affirming the decision of the Board of Zoning Adjustment to deny a variance to allow for a 33-foot high, 48-square foot freestanding electronic message board sign is required for the following reasons:
  - a. The applicant failed to establish any special circumstances or conditions applicable to this property which do not exist for other properties or buildings in the same zone or immediate vicinity pursuant to Modesto Municipal Code Section 10-2.2502(a).
  - b. The applicant failed to establish any special circumstances or conditions that would deprive the applicant of practical use of the property or buildings due to strict application of the zoning code, pursuant to Modesto Municipal Code Section 10-2.2502(b).
  - c. The applicant failed to establish that granting the variance will be consistent with the purpose and intent of the zoning regulations, pursuant to Modesto Municipal Code Section 10-2.2502(c). Because the current zoning regulations do not authorize electronic message boards for churches, and a church does not fall into one of the existing uses allowed for an electronic message board sign, granting the proposed variance for an electronic message board sign under the current ordinance would not be consistent with the purpose and intent of the zoning regulations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By:   
Community & Economic Development Department  
Planning Division

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-133**

**A RESOLUTION REAPPOINTING PATRICIA GILLUM TO THE CITY OF  
MODESTO PLANNING COMMISSION**

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

WHEREAS, the Economic Development Committee met on March 30, 2011, and recommended reappointment of Patricia Gillum to the Modesto Planning Commission.

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

SECTION 1. Patricia Gillum is hereby reappointed to the Planning Commission with a term expiration of January 1, 2015.

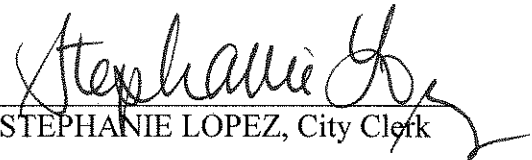
SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed member of the Modesto Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-134**

**A RESOLUTION APPOINTING AMY NEUMANN TO THE CITY OF  
MODESTO PLANNING COMMISSION**

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

WHEREAS, the Economic Development Committee met on March 30, 2011, and recommended appointment of Amy Neumann to the Modesto Planning Commission.

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

SECTION 1. Amy Neumann is hereby appointed to the Modesto Planning Commission with a term expiration of January 1, 2014.

SECTION 2. 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 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

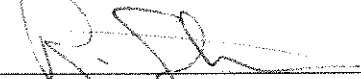
NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-135**

**A RESOLUTION APPOINTING GREG MATAS TO THE CITY OF MODESTO  
BOARD OF ZONING ADJUSTMENT**

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

WHEREAS, the Economic Development Committee met on March 30, 2011, and recommended appointment of Greg Matas to the Modesto Board of Zoning Adjustment.

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

SECTION 1. Greg Matas is hereby appointed to the Modesto Board of Zoning Adjustment with a term expiration of January 1, 2015.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto 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 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-136**

**A RESOLUTION APPOINTING JAYLEN FRENCH TO THE CITY OF  
MODESTO BOARD OF ZONING ADJUSTMENT**

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

WHEREAS, the Economic Development Committee met on March 30, 2011, and recommended appointment of Jaylen French to the Modesto Board of Zoning Adjustment.

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

SECTION 1. Jaylen French is hereby appointed to the Modesto Board of Zoning Adjustment with a term expiration of January 1, 2013.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto 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 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

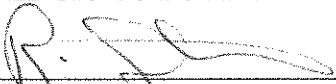
NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-137**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE HUD CURB RAMP IMPROVEMENT PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH NOR-CAL CONCRETE IN THE AMOUNT OF \$205,100.00 FOR THE HUD CURB RAMP IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the HUD Curb Ramp Improvement Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the HUD Curb Ramp Improvement Project were opened at 11:00 a.m. on April 5, 2011, and later tabulated by the Director of Community and Economic Development for the consideration of the Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$205,100.00 received from Nor-Cal Concrete be accepted as the lowest responsible bid and the contract be awarded to Nor-Cal Concrete,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the HUD Curb Ramp Improvement Project, accepts the bid of Nor-Cal Concrete in the amount of \$205,100.00, and awards Nor-Cal Concrete the contract for the HUD Curb Ramp Improvement Project.

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

The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

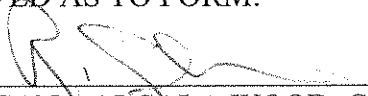
NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-138**

**A RESOLUTION APPROVING THE STREET CLOSURE AND CERTIFIED FARMERS MARKET TO CONDUCT A FARMERS' MARKET ON 10<sup>TH</sup> STREET BETWEEN H AND I STREETS, IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS**

WHEREAS, on June 1, 2011, representatives from Sun Blest Valley Market received the approval of the Council of the City of Modesto for street closure and Certified Farmers' Market on 10<sup>th</sup> Street, between H and I Streets, in downtown Modesto on Saturdays, and

WHEREAS, Sun Blest Valley Market has requested to change the day and hours of operation of the market from Saturday mornings to Thursday evenings, in the same location and under the same conditions as described in **Exhibit A.**, and

WHEREAS, farmers' markets are a permitted use in all areas designated as commercial zones,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the street closure and Certified Farmers' Market on 10<sup>th</sup> Street, between H and I Streets, in the City of Modesto, on Thursday evenings subject to the conditions described in **Exhibit A.**



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:


By:   
SUSANA ALCALA WOOD, City Attorney

Exhibit A  
Conditions of Approval

1. The Market may use 10<sup>th</sup> Street between H and I Streets beginning the first Thursday in May and each Thursday thereafter through the last Thursday in November. The Market will coordinate any schedule conflicts with existing events.
2. The closure of 10<sup>th</sup> Street between H and I Streets will be from 3:00 p.m. to 9:00 p.m., with the actual hours of operation 4:00 p.m. to 8:00 p.m. The hours of 3:00 p.m. – 4:00 p.m. and 8:00 p.m. to 9:00 p.m. will be used for set up and dismantling and clean-up.
3. Three categories of products may be sold to the public:
  - a. Certified agricultural products: defined as raw fruits, nuts, vegetables, honey and eggs in the shell, all in the unprocessed state, grown and sold by a certified farmer with proper documentation.
  - b. Non-certified agricultural products: defined as processed food sold by the farmer that grew them.
  - c. Non-agricultural products: defined as foods that are not certified or non-certified such as baked goods.
4. The Market shall publish a set of market rules and regulations which specify procedural criteria pertaining to:
  - a. Admission of any producer to the market;
  - b. Admission of any agricultural products to the market; and
  - c. Removal of any producer from the market.The Market has the authority to establish specific rules and regulations for:
  - a. Type and number of producers and certified producers admitted;
  - b. Type and number of certified and non-certifiable products admitted; and
  - c. Methods of selling certified and non-certifiable agricultural products.
5. The Market's rules and regulations shall be in writing and shall be made available to anyone who requests a copy. They shall contain a clause that states the Market shall implement and enforce all rules and regulations pertaining to the operation of a certified farmers' market in a fair and equitable manner. A copy of the rules and regulations shall be sent to the Department of Food and Agriculture, Fruit and Vegetable Quality Control Standardization and to the Agricultural Commissioner of Stanislaus County.
6. The Market shall obtain a Certified Farmers' Market Certificate in accordance with the provisions of Section 1392.2(a) of the Food and Agriculture Code of the State of California.
7. The Market, as sponsor, shall obtain a business license in accordance with Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code. The business license is applicable to all of the Market's certified agricultural and non-certified agricultural product vendors. The Market will be exempt from the payment of a business license tax, as provided in Section 6-1.106 of the Municipal Code, when the Market has obtained its non-profit designation from the Secretary of State.

8. Each non-agricultural product vendor must obtain a business license from the City of Modesto in accordance with the provisions of Article 1 of Chapter 1 of Title VI of the Modesto Municipal code.
9. The Market shall remove from 10<sup>th</sup> Street, between H and I Streets, in the City of Modesto and all areas adjacent thereto all trash and debris generated as a result of the farmers' market. The removal of trash and debris shall be completed by 9:00 p.m. on each Thursday that the farmers' market is conducted.
10. The Market shall indemnify, defend and hold the City of Modesto, its officers, agents, employees, and volunteers free and harmless from and against all liabilities, judgments, claims, demands, actions, losses, damages, or costs, including litigation costs and attorney fees from every cause arising directly or indirectly out of, or in any way related to, the Market's use of the area known as 10<sup>th</sup> Street, between H and I Streets, in the City of Modesto and all areas adjacent thereto. Upon demand, the Market shall, at its own expense, defend the City of Modesto, its officers, agents, employees, and volunteers against all such liabilities, claims, judgments, demands, actions, losses, damages or costs.
11. The Market 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. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of the City by certified mail, return receipt requested, for all of the following stated insurance policies.
  - a. 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 or 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 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 producers and subcontractors; products and completed operations as applicable.
  - b. The Market shall provide the City with a separate endorsement evidencing proof of the City's additional insured status as to the General Liability insurance policy. The endorsement must include the applicable policy number.
  - c. For any claims related to this project, the Market's insurance coverage shall be the primary insurance as respects the Market, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the market, its officers, officials, employees, or volunteers shall be excess of the Market's insurance and shall not contribute with it.
12. This authorization shall remain in full force and effect unless and until such time as it is rescinded by the City Council.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-139**

**RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL FOR THE FURNISHING OF AFTER-HOURS ANSWERING SERVICES FOR THE CITY OF MODESTO TO AARDVARK ANSWERING SERVICE, INC., NEW YORK, NY, 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 \$21,300**

WHEREAS, the City of Modesto requires after-hours answering service for customers to report possible emergencies or concerns related to a wide variety of services including water, wastewater, storm drain, community forestry, parks, streets maintenance, and traffic electrical. The after-hours answering service handles approximately 30,000 calls annually. Water and Wastewater services are the subject of the majority of these calls, and

WHEREAS, Council authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for after-hours answering services, and

WHEREAS, the Purchasing Division issued RFP No. 1011-05 After-hours Answering Service to nineteen (19) prospective proposers, posted the proposal on the City's website and formally advertised as required by law. None of the nineteen (19) prospective proposers were local vendors, as there are no local vendors which provide the service, and

WHEREAS, RFP's were formally opened in the City Clerk's office. Five (5) companies chose to respond. Two (2) companies were disqualified for not providing evaluation criteria, which is a requirement for evaluating proposals. Three (3) companies provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of City staff evaluated and graded the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal for the furnishing of after-hours answering services for the City of Modesto, to Aardvark Answering Service, Inc., New York, NY, 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 \$21,300, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2010-11 in the following appropriation units: 4210-54212-53300, 4100-55110-53300, 4480-54222-53300, 0100-35220-53300, 0100-35010-53300, 5800-35130-53300, 1300-42020-53300, 1700-14540-53300, 1700-53130-53300, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid. The award of proposal for the furnishing of after-hours answering services for the City of Modesto, to Aardvark Answering Service, Inc., New York, NY, conforms to the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal for the furnishing of after-hours answering services for the City of Modesto to Aardvark Answering Service, Inc., New York, NY, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of \$21,300.

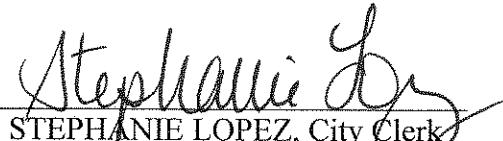
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

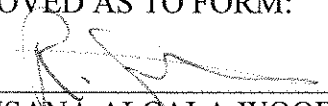
ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-140**

**RESOLUTION APPROVING AN AMENDMENT TO THE EXISTING ORACLE LICENSING AGREEMENT FOR THE PURCHASE OF THE SUPPLY CHAIN MANAGEMENT (SCM) MODULE IN THE APPROXIMATE AMOUNT OF \$7,600 INCLUDING ANNUAL MAINTENANCE; APPROVING AN AMENDMENT/CHANGE ORDER TO THE APPLICATIONS SOFTWARE TECHNOLOGY (AST) ERP SYSTEMS IMPLEMENTATION CONTRACT IN THE APPROXIMATE AMOUNT OF \$114,000 FOR THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT MODULE INCLUDING BAR CODING HARDWARE; AND AMENDING THE FISCAL YEAR 2010-2011 OPERATING BUDGET TO APPROPRIATE FUNDS IN THE AMOUNT OF \$122,000 FROM THE CENTRAL STORES RESERVES TO 5110-12530-53300**

WHEREAS, on May 25, 2010, the City Council, by resolution no. 2010-219 authorized the award of proposal and contract for ERP system implementation services to Applications Software Technology (AST) Corporation, Naperville, IL., and

WHEREAS, A Supply Chain Module with bar coding was a listed desired feature in the initial ERP proposal but was put on hold based on the outcome of a Central Stores re-engineering process , and

WHEREAS, that re-engineering process and decreased staffing levels have shown the need to gain efficiencies, improve accuracy and have accessibility to real time inventory data, and

WHEREAS, the lack of bar coding was listed by the AST implementation consultants as the primary gap for the Oracle Inventory Module, and

WHEREAS, by allowing AST to implement bar coding in the Wave 2 implementation as initially proposed, the City will be afforded a significant savings on implementation costs when compared to a post Wave 3 implementation, and

Whereas, Oracle has offered the City lucrative discounts at a low rate of 65% off its software costs and 60% off of database licensing fees for the Supply Chain Management module, and

WHEREAS, the discounted rate is valid for one year from the original ERP contract signing, or until May 25, 2011, and

WHEREAS, sufficient funds are available in the Central Stores reserves and a budget adjustment will be made to appropriate funds in the amount of \$122,000 for the implementation of the Supply Chain Management module including licensing and bar coding hardware, and

WHEREAS, the Fiscal Year 2010-2011 Operating Budget will 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 authorizes an amendment to the existing Oracle Licensing Agreement for the purchase of a Supply Chain Management module in the approximate amount of \$7,600 including annual maintenance; an amendment /change order to the Applications Software Technology (AST) ERP Systems Implementation contract in the approximate amount of \$114,000 for the implementation of the Supply Chain Management module including bar coding hardware; and amending the Fiscal Year 2010-2011 Operating Budget to appropriate funds in the amount of \$122,000 from the Central Stores reserves to 5110-12530-53300.

BE IT FURTHER RESOLVED the City Manager, or his designee, is hereby authorized to execute said amendments and 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 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCÁLA WOOD, City Attorney

**Request for Budget Adjustment  
(Fiscal Year Operating Cost Centers)**

Contact Person: Terri L. Swearingen Council Action Date: 5/3/2011  
 Telephone: 577-5378 Resolution Number: \_\_\_\_\_  
 Submitting Department: Finance Date Submitted by Dept: \_\_\_\_\_  
 Fund Title: Central Stores Fiscal Year being Adjusted: 10/11

FY	Fund	Cost Center	Account	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
<b>Revenues</b>							
<u>FROM</u>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
<u>TO</u>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	

<b>Expenses</b>							
<u>FROM</u>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
<u>TO</u>							
-	-	-	-			\$0	
11	- 5110	- 12530	- 53300	\$0	\$122,000	\$122,000	Services Professional and Other
-	-	-	-			\$0	

**Justification for Budget Adjustment**

On May 25, 2010, the City Council, by resolution no. 2010-219 authorized the award of proposal and contract for ERP system implementation services to Applications Software Technology (AST) Corporation for a Supply Chain Module with bar coding. This budget adjustment is necessary to transfer \$122,000 from Central Stores Fund Balance Reserves to Central Stores Services Professional and Other for purchase and implementation of Oracle's Supply Chain Module licensing and implementation, and bar coding hardware and implementation.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Administrative Analyst II	<i>Terri L. Swearingen</i>	4/14/2011
Budget and Financial Analysis Manager		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-141**

**RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE FURNISHING OF SEWER ROOT CONTROL SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS, WATER QUALITY CONTROL DIVISION, TO ROOT TAMERS, REDDING, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED 1<sup>ST</sup> BUDGET YEAR COST OF \$45,000**

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of sewer root control services, and

WHEREAS, the Purchasing Division issued RFB No. 1011-09 Sewer Root Control Program to fourteen (14) prospective bidders, posted the bid on the City's website and formally advertised as required by law, and

WHEREAS, bids were formally opened in the City Clerk's office. Three (3) companies chose to respond, all three (3) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the furnishing of sewer root control services to Root Tamers, Redding, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid. The award of bid for the furnishing of sewer root control services to Root Tamers, Redding, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted for the furnishing of sewer root control services in Appropriation Unit: 4210-54212-53100,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the furnishing of sewer root control services for the Department of Public Works, Wastewater Division, to Root Tamers, Redding, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated 1<sup>st</sup> budget year cost of \$45,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-142**

**RESOLUTION APPROVING UPDATED NEIGHBORHOOD STABILIZATION  
PROGRAM 2 (NSP2) LOAN TERMS AND PROGRAM GUIDELINES**

WHEREAS, on May 4, 2009, the Department of Housing and Urban Development (HUD) issued a Notice of Funding Availability (NOFA) for the Neighborhood Stabilization Program 2, and

WHEREAS, the City of Modesto made application to HUD for funding and was informed by HUD on January 14, 2010, that the City of Modesto had been granted \$25 million under the NOFA for NSP2, and

WHEREAS, the City Council of the City of Modesto accepted the grant award at their meeting of January 25, 2010, and

WHEREAS, the City Manager executed the NSP2 grant agreement on February 17, 2010, and

WHEREAS, staff has developed guidelines for allocating the NSP2 funding based on the activities outlined in the approved City of Modesto Neighborhood Stabilization grant application, and

WHEREAS, these guidelines were updated in April 2011 to provide greater specificity to the closing costs which are paid utilizing Neighborhood Stabilization Program funds and to clarify that the Housing Rehabilitation Loan Committee is responsible for approving all homeownership loans through NSP2, and

WHEREAS, these guidelines and loan terms were reviewed and approved by the Citizen's Housing and Community Development Committee (CH&CDC) at its April 27, 2011, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the updated loan terms and guidelines for NSP2 as described on **Attachment 1**, a copy of which is on file in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Marsh, Muratore

NOES: Councilmembers: Lopez

ABSENT: Councilmembers: Mayor Ridenour, Muratore

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## NEIGHBORHOOD STABILIZATION PROGRAM 2 GUIDELINES & LOAN TERMS

### PROPERTY PURCHASES MADE UTILIZING NSP2 FUNDS

- Properties are purchased by for-profit and non-profit developers who have been qualified by CH&CDC
- Properties purchased under the program must meet NSP2 definitions for foreclosed or abandoned residential properties
  - Property acquisition price may not exceed 150% of the area median sales price per (DataQuick) and preference will be given to those properties at or below 100% of the area median sales price.
  - Acquisition cost must be a minimum of 1% under appraised value
- Short sales are permitted per HUD regulation and under the following circumstances
  - Property is owner-occupied **and** will meet income-eligibility requirements, **or**
  - Property has been vacant for 90 days
- Separate loans will be made for acquisition and rehabilitation with both approved by a sub-committee of CH&CDC
- All rehabilitation work must be done to HUD Housing Quality Standards (HQS)

### FOR-PROFIT DEVELOPER – RENTAL PROPERTIES

- Except for the affordability period and leveraging requirement, the loan terms are the same as NSP1:
  - 25-year affordability period (increased from 15-years)
  - 40-year loan period
  - Payments on acquisition and rehabilitation are deferred for first 5 years with no interest or payments made
  - Year 6 payments begin on acquisition costs amortized over 35 years at 3% interest
  - Year 16 payments begin on rehabilitation costs amortized over 25 years at 3% interest
- Developer leveraging of 20% on total project cost is required (up from 10% in NSP1)
- At the sole discretion of the City, in the event the affordability covenant is fulfilled at the end of the fifteen year term, the rehabilitation portion of the loan will be forgiven if the property is sold to a qualifying low-income household.

## NEIGHBORHOOD STABILIZATION PROGRAM 2 GUIDELINES & LOAN TERMS

### NON-PROFIT DEVELOPER – RENTAL PROPERTIES

- Except for the longer affordability period, the loan terms are the same as NSP1:
  - Payments are deferred for 25 years (increased from 15 year)
  - If affordability period is maintained, loan is forgiven in full
  - If affordability is not maintained, the loans are immediately due in full

### DEVELOPERS – RESALE OF PROPERTIES TO QUALIFIED HOUSEHOLDS

- New appraisal is required after rehabilitation work by developer is complete
- Upon second escrow closing, developer is eligible for developer fee
- For all properties except properties located in census tracts within the Airport Revitalization Strategy Area, the developer fee is:
  - \$10,000 per property, **or**
  - \$15,000 per property if property is determined to meet the “blight” definition per Federal regulation and as determined through and acceptable third-party home inspection summary report
- For Airport Neighborhood properties, the developer fee is:
  - \$15,000 per property, **or**
  - \$20,000 per property if property is determined to meet the HUD “blight” definition and as determined through an acceptable third-party home inspection summary report.
- The obligations of the developer towards the acquisition and the rehabilitation loans are released when transferred (either fully or partially) to the new buyer at the close of escrow
- Closing costs (includes items such as title fees, broker commissions, inspection reports, etc), new appraisal costs, and developer fees are considered program costs and are not included in either of the developer loans

*BLIGHTED STRUCTURE: A structure is blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.*

### QUALIFYING HOUSEHOLDS

- Homebuyers will meet criteria similar to that established for the City’s Homebuyer’s Assistance Program, which includes these homebuyer requirements:
  - Must be between 50% and 120% of the area median income
  - Must reside in or work within the city limits of Modesto



## NEIGHBORHOOD STABILIZATION PROGRAM 2 GUIDELINES & LOAN TERMS

- Home being purchased must have been purchased and rehabilitated using the City's NSP2 funds
- Must have a minimum FICO credit score of 620
- Must complete 8 hours of homebuyer counseling through a HUD approved counseling agency
- Must commit 1% of the purchase price
- Homebuyers will have a new loan based on the value established in the second appraisal but not to exceed the total investment in the property (acquisition plus rehabilitation)
  - Maximum 30-year loan period (available in 5-year increments)
  - Monthly payment may not exceed 30% of qualifying income and total debt to income ratio cannot exceed 43% per FHA standards
- Homebuyers are "qualified" for homes up to a certain value as established by their qualifying income
- Homebuyers will be approved by the Housing Rehabilitation Loan Committee

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-143**

**RESOLUTION APPROVING THE APPLICATION(S) FOR GRANT FUNDS FOR THE URBAN GREENING GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84)**

WHEREAS, the Legislature and Governor of the State of California have provided funds for the Urban Greening Grant Program, and

WHEREAS, the Strategic Growth Council has been delegated the responsibility for the administration of this grant program, establishing necessary procedures, and

WHEREAS, said procedures established by the Strategic Growth Council require a resolution certifying the approval of application(s) by the Applicant's governing board before submission of said application(s) to the State, and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the Project(s),

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

1. Approves the filing of applications, as appropriate, for the following projects:
  - A. To purchase, on behalf of the Tuolumne River Regional Park Joint Powers Authority, approximately 1.25 acres near the Tuolumne River Regional Park in order to provide multiple benefits including open space, recreational area and storm water mitigation.
  - B. To improve, on behalf of the Tuolumne River Regional Park Joint Powers Authority, Bellenita Park in the Tuolumne River Regional Park in order to provide multiple benefits including recreational area, storm water mitigation and additional riparian forest land.
  - C. To complete, on behalf of the Tuolumne River Regional Park Joint Powers Authority, a Master Plan for the Carpenter Road Area of the Tuolumne River Regional Park to provide multiple benefits including storm water mitigation, multi-jurisdictional cooperation, riparian habitat improvements, river access.

D. To develop the Helen White Memorial Trail along the Biggs Ditch.

2. Certifies that applicant understands the assurances and certification in the application, and

3. Certifies that applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so, and

4. Certifies that it will comply with the provisions of Section 1771.8 of the State Labor Code regarding payment of prevailing wages on Projects awarded Proposition 84 Funds, and

5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable permits will have been obtained, and

6. Certifies that applicant will work towards the Governor's State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1, and

7. Appoints the Parks, Recreation and Neighborhoods Department Director, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion was duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-144**

**RESOLUTION APPROVING A SUBRECIPIENT AGREEMENT IN WITH  
PROJECT SENTINEL AS PROVIDER OF FAIR HOUSING SERVICES FOR  
THE CITY OF MODESTO FOR FISCAL YEAR 2011-2012, IN AN AMOUNT  
NOT TO EXCEED \$40,000; AND AUTHORIZING THE CITY MANAGER, OR  
HIS DESIGNEE, TO EXECUTE THE SUBRECIPIENT AGREEMENT**

WHEREAS, as an entitlement community for Housing and Urban Development, the City of Modesto is required to proactively address fair housing issues within the community, and

WHEREAS, in a collaborative effort to further fair housing in Modesto and the surrounding area, the City of Modesto, City of Turlock, and the Stanislaus County Community Development Block Grant Consortium developed a joint Request for Proposals in an effort to streamline fair housing services throughout the County by working with a single, qualified, and experienced fair housing agency, and

WHEREAS, as a result of the RFP process, the Modesto office of Project Sentinel was selected as the service provider of fair housing services for Modesto and the surrounding area, and

WHEREAS, this agreement is initially for Fiscal Year 2011-2012, and may be extended for up to four additional one-year terms upon completion of Fiscal Year 2011-2012, and subject to funding availability, satisfactory quarterly and annual performance reviews, and compliance with local, state, and federal guidelines,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a subrecipient agreement with Project Sentinel as provider of fair housing services for the City of Modesto for Fiscal Year 2011-2012, in an amount not to exceed \$40,000.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the subrecipient agreement and any agreement(s) extending the original term.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-145**

**A RESOLUTION AUTHORIZING THE SOLICITATION FOR  
QUALIFICATIONS AND PROPOSALS FROM AIRPORT PLANNING FIRMS  
FOR ENVIRONMENTAL PLANNING SERVICES FOR THE MODESTO CITY-  
COUNTY AIRPORT**

WHEREAS, Modesto City-County Airport is responsible for maintaining protective airspace surrounding the Airport, and

WHEREAS, the Federal Aviation Administration (FAA) and California Department of Transportation – Aeronautics have asked that Modesto Airport pursue obstruction removal for significant tree penetrations into the FAA Part 77 protective airspace surrounding the Airport, and

WHEREAS, because federal grant dollars are being used for this project, the FAA is asking for a permanent solution to this problem, and

WHEREAS, airport environmental planning services are needed to obtain a complete environmental analysis to satisfy NEPA and CEQA requirements before any tree trimming or removal can be done,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the solicitation for qualifications and proposals for airport planning firms for environmental planning services for the Modesto City-County Airport.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

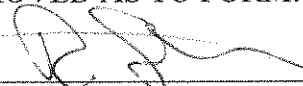
NOES: Councilmember: None

ABSENT: Councilmember: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-146**

**RESOLUTION ACCEPTING THE WORK BY WINGARD ENGINEERING, INC. FOR THE "NEW TRAFFIC SIGNALS INSTALLATION – STANDIFORD AVENUE AT HAHN DRIVE, PRESCOTT ROAD AT CHEYENNE WAY " PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$347,578.97**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the New Traffic Signals Installation – Standiford Avenue at Hahn Drive, Prescott Road at Cheyenne Way project has been completed by Wingard Engineering, Inc., in accordance with the contract agreement dated January 26, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the New Traffic Signals Installation – Standiford Avenue at Hahn Drive, Prescott Road at Cheyenne Way project is hereby accepted as complete from said contractor Wingard Engineering, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, and that payment of amounts totaling \$347,578.97 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May , 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-147**

**RESOLUTION APPROVING AN AGREEMENT WITH WEBSTER ENVIRONMENTAL ASSOCIATES, INC. FOR CONSULTANT SERVICES FOR ODOR AND CORROSION CONTROL FOR CITY OF MODESTO SANITARY SEWER SYSTEM IN AN AMOUNT NOT TO EXCEED \$45,184 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$4,518 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$49,702, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto is experiencing hydrogen sulfide gas (H<sub>2</sub>S) related odors and corrosion of its pipes and equipment throughout the City's sewer collection and treatment systems, and

WHEREAS, as part of the chemical coating maintenance program to control corrosion, and as identified in the Wastewater Collection System Master Plan, City staff is currently considering various solutions, including direct chemical addition to the wastewater, and

WHEREAS, staff has discussed these issues with chemical suppliers who have proposed pilot demonstration projects, and

WHEREAS, Webster Environmental Associates, Inc. (WEA) is an engineering consultant firm that specializes in the testing and control of corrosion and odors, and

WHEREAS, WEA has been involved in similar projects involving odor and corrosion control in various municipalities, and

WHEREAS, WEA will provide support to City staff by evaluating the City sewer system, developing a report with recommendations for the control and mitigation of H<sub>2</sub>S related problems, and providing support with chemical vendor pilot demonstrations projects by evaluating the best potential chemicals and setting well defined limits and objectives for the testing of the chemicals, and

WHEREAS, because the project fee is less than \$50,000 City staff recommends obtaining consultant services from WEA under the “Minor Projects – Fees Less Than \$50,000” provisions of Administrative Directive 3.1, “Selection Procedures for Professional Consultants who Provide Architectural and Engineering Services for Capital Projects”, and

WHEREAS, using outside professional services will enable this project to be completed in a timely manner,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Webster Environmental Associates, Inc. for consultant services for Odor and Corrosion Control for City of Modesto Sanitary Sewer System for an amount not to exceed \$45,184 for the identified scope of services, plus \$4,518 for additional services (if needed), for a maximum total amount of \$49,702.


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 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-148**

**RESOLUTION ACCEPTING THE WORK BY ROSS F. CARROLL, INC. FOR THE "CONSTRUCTION OF RIGHT TURN LANES AT CARPENTER/SISK; ORANGEBURG/SISK;ORANGEBURG/BRIGGSMORE " PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$592,636.00**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Construction of Right Turn Lanes at Carpenter/Sisk; Orangeburg/Sisk; Orangeburg/Briggsmore project has been completed by Ross F. Carroll, Inc., in accordance with the contract agreement dated March 23, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Construction of Right Turn Lanes at Carpenter/Sisk; Orangeburg/Sisk; Orangeburg/Briggsmore project is hereby accepted as complete from said contractor Ross F. Carroll, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, and that payment of amounts totaling \$592,636.00 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-149**

**RESOLUTION ACCEPTING THE WORK BY K. J. WOODS CONSTRUCTION, INC., FOR THE "EMERALD TRUNK LINE REHABILITATION" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$6,209,276.16**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Emerald Trunk Rehabilitation project has been completed by K. J. Woods Construction, Inc., in accordance with the contract agreement dated July 14, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Emerald Trunk Rehabilitation project is hereby accepted as complete from said contractor K. J. Woods Construction, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling \$6,209,276.16 is authorized as provided in the contract.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore


NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-150**

**RESOLUTION APPROVING THE DEPOSIT OF 28 EQUIVALENT DWELLING  
UNITS (EDUs) OF WASTEWATER CAPACITY FROM THE ROSE VILLAS  
SUBDIVISION INTO THE ECONOMIC DEVELOPMENT WASTEWATER  
CAPACITY BANK AND MAKING THIS CAPACITY AVAILABLE AT THE  
CAPACITY BANK RATE OF \$3,665 PER EDU**

WHEREAS, on January 25, 2011, the City Council, by Resolution No. 2011-28, approved the payment of Sewer Bond Redemption charges in lieu of Wastewater Capacity Charges for the redrawn Rose Villas Vesting Tentative Subdivision Map (Map), and

WHEREAS, the redrawn Map resulted in the development being “downsized” from 142 lots to 114 lots, and

WHEREAS, the original capacity for the Rose Villa development had been allocated and accounted for in the City’s wastewater planning at the 142 lot level, thus 28 EDUs of capacity were made available by the re-mapping, and

WHEREAS, these 28 EDUs can now be deposited in the City’s Economic Development Wastewater Capacity Bank (Capacity Bank) and this capacity can be sold to new industrial and commercial users and/or infill development at the Capacity Bank rate of \$3,665 per EDU, and

WHEREAS, the City can then utilize the wastewater capacity to help stimulate economic development and also realize additional revenues to the Wastewater Fund in the amount of \$102,620, and

WHEREAS, it should be noted that this capacity cannot be used for new housing development once it is deposited in the Capacity Bank,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the deposit of 28 Equivalent Dwelling Units (EDUs) of wastewater capacity from the Rose Villas Subdivision into the Economic Development Wastewater Capacity Bank and making this capacity available at the Capacity Bank rate of \$3,665 per EDU.

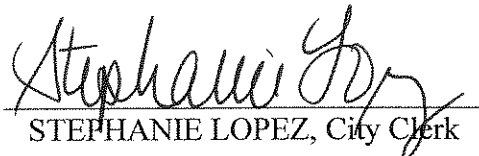
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-151**

**A RESOLUTION ACCEPTING THE WORK BY GEORGE REED, INC., FOR THE "PELANDALE AVENUE WIDENING" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$10,223,863.90**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Pelandale Avenue Widening project has been completed by George Reed, Inc., in accordance with the contract agreement dated August 12, 2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Pelandale Avenue Widening project is hereby accepted as complete from said contractor George Reed, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling \$10,223,863.90 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-152**

**RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY INTERESTS AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS FOR THE ROSELLE AVENUE ROAD WIDENING PROJECT. KIMBERLY M. KUPPENS, PROPERTY OWNER, PROPERTY ADDRESS: 3200 ROSELLE AVENUE, APN: 085-064-003 (FORMERLY APN 085-001-048)**

WHEREAS, on June 9, 2009, the City Council, by Ordinance No. 3516-C.S., incorporated herein by this reference, approved proceeding with the Proposed Operating and Multi-year budgets and the Capital Improvement Program, and

WHEREAS, as part of the Capital Improvement Program, certain City streets, including Roselle Avenue, have been identified for widening, and

WHEREAS, staff has identified eight parcels along the east side of Roselle Avenue for a widening project to widen Roselle Avenue, between Floyd and Sylvan Avenues, from 3 lanes to 4 lanes, including curb, gutter, sidewalks, median, landscaping and street lighting, to improve traffic circulation and reduce traffic congestion in northeast Modesto, and

WHEREAS, it is desirable and necessary for the City of Modesto's Roselle Avenue Road Widening Project ("Project") to acquire title together with all improvements situated thereon and together with all rights appurtenant thereto, and a temporary construction easement, to portions of certain real property on Assessor's Parcel Number 085-064-003 (formerly APN 085-001-048), to widen and improve a portion of Roselle Avenue in the City of Modesto which will improve circulation and traffic and pedestrian safety, and

WHEREAS, in order to construct the project, the City of Modesto is vested with the power of eminent domain to acquire real property for the Project by virtue of Article 1, Section 19, of the Constitution of the State of California; Government Code sections, 37350.5, 37353, 40401 and 40404; Sections 1240.010, 1240.020, 1240.030, 1240.040 , 1240.050, 1240.110, 1240.120, 1240.510, and 1240.610 of the Code of Civil Procedure of the State of California; and California Streets and Highways Code section 10102, and

WHEREAS, the property and property interests described herein and to be acquired are within the Project area and generally located at 3200 Roselle Avenue, City of Modesto, California (the "Subject Property") and include a fee simple title consisting of 1,826 square feet more particularly described in **Exhibit "A,"** and depicted in **Exhibit "A-1"** attached hereto and incorporated herein by this reference, and a temporary construction easement consisting of 1,522 square feet, more particularly described in **Exhibit "B"** and depicted in **Exhibit "B-1"**, attached hereto and incorporated herein by this reference, of the Subject Property identified as Assessor's Parcel No. 085-064-003 (formerly APN 085-001-048), and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the City of Modesto on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

- (c) Whether the property sought to be acquired is necessary for the Project;
- (d) Whether the property is being acquired for a compatible use under Code of Civil Procedure section 1240.510 in that the City's use of the property will not interfere with or impair the continued public use as it now exists or may reasonably be expected to exist in the future;
- (e) Whether the property is being acquired for a more necessary public use under Code of Civil Procedure 1240.610 in that the City's use is a more necessary public use than the use to which the property is appropriated or could be appropriated; and
- (f) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

WHEREAS, pursuant to the provisions of Section 7267.2 of the Government Code of the State of California, the City of Modesto made a written offer to Kimberly M. Kuppens to acquire the subject property for just compensation, and

WHEREAS, the City of Modesto has satisfied the provisions and complied with all requirements of the California Environmental Quality Act ("CEQA") for the Project, and

WHEREAS, a hearing was held on May 3, 2011, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California at which time evidence, both oral and documentary, was received and considered,

**NOW, THEREFORE, IT IS FOUND, DETERMINED, ORDERED AND RESOLVED** as follows:

1. The public interest and necessity require the Project for the acquisition of the fee simple and the temporary construction easement in and through the above-identified parcel of land.
2. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury.



3. The taking of the fee simple title in and to the real property and other property interests as may be more particularly described in **Exhibits "A" and "B"** and depicted in **Exhibits "A-1" and "B-1"** are necessary for the Project.
4. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner of record of the real property.
5. The Subject Property is being acquired for a compatible use under California Code of Civil Procedure section 1240.510 in that the City's use of the Subject Property will not interfere with or impair the continued use of the Subject Property for public utilities as they now exist or may reasonably be expected to exist in the future.
6. The Subject Property is being acquired for a more necessary public use under California Code of Civil Procedure section 1240.610 in that the City's use of the Subject Property is a more necessary public use that the use to which the property is appropriated now or may be appropriated to in the future.
7. Special Counsel, Meyers, Nave, Riback, Silver & Wilson, is hereby authorized, empowered and directed to acquire, in the name of City of Modesto, by condemnation, the Subject Property in accordance with the provisions of the Eminent Domain Law, the Code of Civil Procedure and the Constitution of California; to prepare, prosecute and conduct to conclusion in the name of the City of Modesto such proceedings in the proper court as are necessary for such acquisition and to take such action as may be deemed advisable or necessary in connection therewith; and, to deposit the probable amount of just compensation to the State Treasurer's Condemnation Fund based on an appraisal and apply to the Court for an order of prejudgment possession and use for said public uses and purposes as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on 3<sup>rd</sup> day of May, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh, Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**EXHIBIT "A"**

Revised September 23, 2008  
February 6, 2008  
JN 35-100621

**LEGAL DESCRIPTION**

**APN 085-001-048**

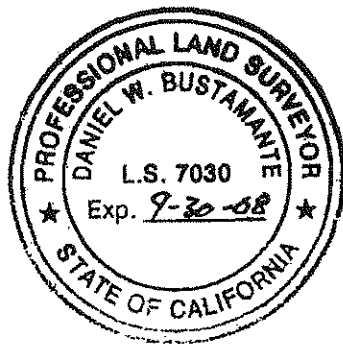
That certain parcel of land situate in Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, being a portion of Parcel 2 shown on a Parcel Map filed on May 3, 1967 in Book 3 of Parcel Maps at Page 67 in the Office of the County Recorder of said Stanislaus County, described as follows:

**BEGINNING** at the southwesterly corner of said Parcel 2 (3PM67); thence leaving said **POINT OF BEGINNING** and along the westerly boundary line of said Parcel 2 North 00°21'56" West 304.36 feet to the northwesterly corner of said Parcel 2; thence leaving said northwesterly corner and along the northerly boundary line of said Parcel 2 North 89°49'28" East 6.00 feet; thence leaving said northerly boundary line parallel with and 51.00 feet East of the centerline of Roselle Avenue South 00°21'56" East 304.36 feet to the southerly boundary line of said Parcel 2; thence along said southerly boundary line South 89°49'54" West 6.00 feet to the **POINT OF BEGINNING**.

**CONTAINING** 1,826 Square Feet, more or less.

**SUBJECT TO** all Covenants, Rights, Rights-of-Way and Easements of record.

**EXHIBIT "B"** attached and by this reference made a part hereof.



  
Daniel W. Bustamante, P.L.S. 7030  
License Expires September 30, 2008

**RBF CONSULTING**  
500 Ygnacio Valley Road, Suite 270  
Walnut Creek, California 94596

9/23/08  
Date

PARCEL 1

3 PM 67

LANDS OF CENTRAL CALIFORNIA  
DEVELOP LLC  
DOC. 2007-0039811  
APN: 085-001-047

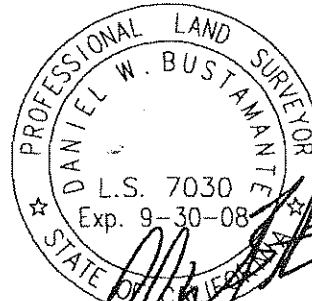
LEGEND

APN	ASSESSOR PARCEL NUMBER
@	CENTERLINE
P.O.B.	POINT OF BEGINNING
S.F.	SQUARE FEET

PARCEL 2

3 PM 67

LANDS OF KUPPENS  
DOC. 2004-0102452  
APN: 085-001-048



3/04/08  
DATE

LOT 24

43 M 42

LAND OF CERALDE  
DOC. 2007-0133025  
APN: 085-063-001

ROSELLE AVENUE (R/W WIDTH VARIES)

N00°21'56"W

SECTION LINE

N00°21'56"W 304.36'

S00°21'56"E 304.36'

45'

45.00'

661.46'

S89°49'54"W  
6.00'

P.O.B.  
SOUTHWESTERLY  
CORNER  
OF PARCEL 2

SOUTHWEST CORNER  
SECTION 12  
T.3S., R.9E. M.D.B. & M.



**EXHIBIT "B"**

SKETCH TO ACCOMPANY A  
LEGAL DESCRIPTION FOR  
RIGHT OF WAY DEDICATION  
A PORTION OF PARCEL 2 (3-PM-67)  
APN: 085-001-048  
AREA: 1,826 S.F. ±  
STANISLAUS COUNTY

SHEET 1 OF 1 SHEETS



500 YONACIO VALLEY ROAD, SUITE 270  
WALNUT CREEK, CALIFORNIA 94596-3847  
925.908.1460 • FAX 925.908.1465 • www.RBF.com

FEBRUARY 28, 2008

J.N. 35-100621

H:\PDATA\35100621\CADD\MAPPING\EXHIBITS\621EX01.DWG \_FONG 3/3/08 10:06 AM

EXHIBIT "A"

Revised February 28, 2008  
February 6, 2008  
JN 35-100621

LEGAL DESCRIPTION  
TEMPORARY CONSTRUCTION EASEMENT

APN 085-001-048

That certain parcel of land situate in Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, being a portion of Parcel 2 shown on a Parcel Map filed on May 3, 1967 in Book 3 of Parcel Maps at Page 67 in the Office of the County Recorder of said Stanislaus County, described as follows:

**COMMENCING** at the southwesterly corner of said Parcel 2 (3PM67); thence leaving said **POINT OF COMMENCEMENT** and along the southerly boundary line of said Parcel 2 North 89°49'54" East 6.00 feet to the **TRUE POINT OF BEGINNING**; thence leaving said southerly boundary line North 00°21'56" West 304.36 feet to the northerly boundary line of said Parcel 2; thence along said northerly boundary line of said Parcel 2 North 89°49'28" East 5.00 feet; thence leaving said northerly boundary line parallel with and 56.00 feet East of the centerline of Roselle Avenue South 00°21'56" East 304.36 feet to the southerly boundary line of said Parcel 2; thence along said southerly boundary line South 89°49'54" West 5.00 feet to the **TRUE POINT OF BEGINNING**.

**CONTAINING** 1,522 Square Feet, more or less.

**SUBJECT TO** all Covenants, Rights, Rights-of-Way and Easements of record.

**EXHIBIT "B"** attached and by this reference made a part hereof.



Daniel W. Bustamante, P.L.S. 7030  
License Expires September 30, 2008

**RBF CONSULTING**  
500 Ygnacio Valley Road, Suite 270  
Walnut Creek, California 94596

3/04/08  
Date

PARCEL 1

3 PM 67

LANDS OF CENTRAL CALIFORNIA  
DEVELOP LLC  
DOC. 2007-0039811  
APN: 085-001-047

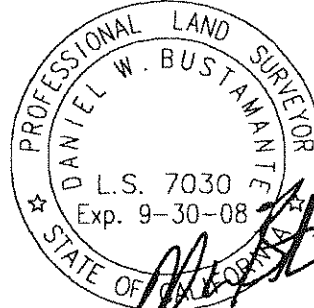
LEGEND

APN ASSESSOR PARCEL NUMBER  
CL CENTERLINE  
P.O.C. POINT OF COMMENCEMENT  
S.F. SQUARE FEET  
T.P.O.B. TRUE POINT OF BEGINNING

PARCEL 2

3 PM 67

LANDS OF KUPPENS  
DOC. 2004-0102452  
APN: 085-001-048



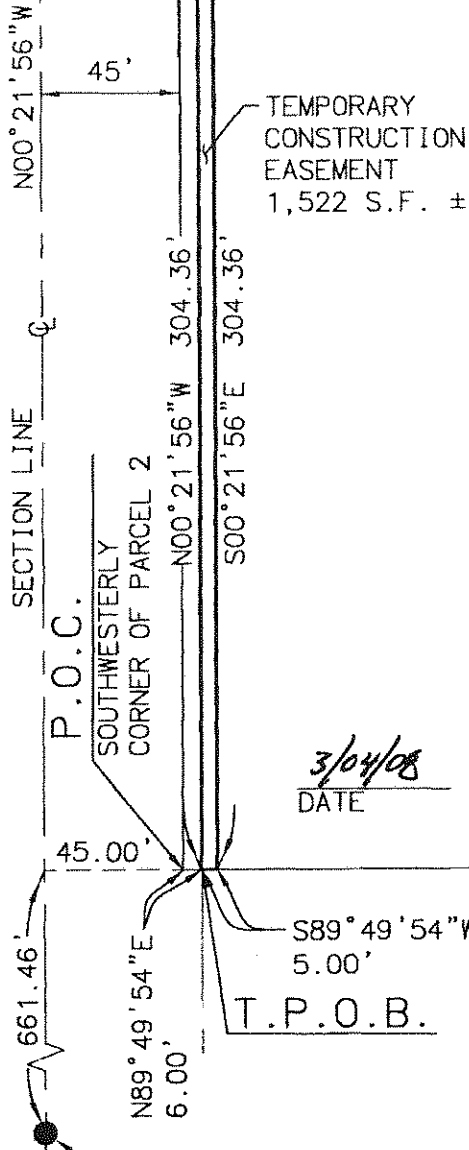
3/04/08  
DATE

LOT 24

43 M 42

LAND OF CERALDE  
DOC. 2007-0133025  
APN: 085-063-001

ROSELLE AVENUE (R/W WIDTH VARIES)



**EXHIBIT "B"**

SKETCH TO ACCOMPANY A  
LEGAL DESCRIPTION FOR  
TEMPORARY CONSTRUCTION EASEMENT  
A PORTION OF PARCEL 2 (3-PM-67)  
APN: 085-001-048  
AREA: 1,522 S.F. ±  
STANISLAUS COUNTY

SHEET 1 OF 1 SHEETS



PLANNING ■ DESIGN ■ CONSTRUCTION

500 YGNACIO VALLEY ROAD, SUITE 270  
WALNUT CREEK, CALIFORNIA 94596-3847  
925.908.1480 • FAX 925.908.1485 • www.RBF.com

FEBRUARY 28, 2008

J.N. 35-100621

H:\PDATA\35100621\CADD\MAPPING\EXHIBITS\521EX07.DWG - JFONG 3/3/08 10:20 am

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-153**

**RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY INTERESTS AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS FOR THE ROSELLE AVENUE ROAD WIDENING PROJECT: MARY A. BARNETT, PROPERTY OWNER. PROPERTY ADDRESS: 3012 KODIAK DRIVE, APN: 085-050-001**

WHEREAS, on June 9, 2009, the City Council, by Ordinance No. 3516-C.S., incorporated herein by this reference, approved proceeding with the Proposed Operating and Multi-year budgets and the Capital Improvement Program, and

WHEREAS, as part of the Capital Improvement Program, certain City streets, including Roselle Avenue, have been identified for widening, and

WHEREAS, staff has identified eight parcels along the east side of Roselle Avenue for a widening project to widen Roselle Avenue, between Floyd and Sylvan Avenues, from 3 lanes to 4 lanes, including curb, gutter, sidewalks, median, landscaping and street lighting, to improve traffic circulation and reduce traffic congestion in northeast Modesto, and

WHEREAS, it is desirable and necessary for the City of Modesto's Roselle Avenue Road Widening Project ("Project") to acquire title together with all improvements situated thereon and together with all rights appurtenant thereto, and a temporary construction easement, to portions of certain real property on Assessor's Parcel Number 085-050-001, to widen and improve a portion of Roselle Avenue in the City of Modesto which will improve circulation and traffic and pedestrian safety, and

WHEREAS, in order to construct the project, the City of Modesto is vested with the power of eminent domain to acquire real property for the Project by virtue of Article

1, Section 19, of the Constitution of the State of California; Government Code sections, 37350.5, 37353, 40401 and 40404; Sections 1240.010, 1240.020, 1240.030, 1240.040 , 1240.050, 1240.110, 1240.120, 1240.510, and 1240.610 of the Code of Civil Procedure of the State of California; and California Streets and Highways Code section 10102, and

WHEREAS, the property and property interests described herein and to be acquired are within the Project area and generally located at 3012 Kodiak Drive, City of Modesto, California (the "Subject Property") and include a fee simple title consisting of 65 square feet more particularly described in **Exhibit "A"**, and depicted in **Exhibit "A-1"** attached hereto and incorporated herein by this reference, and a temporary construction easement consisting of 1,012 square feet, more particularly described in **Exhibit "B"** and depicted in **Exhibit "B-1"**, attached hereto and incorporated herein by this reference, of the Subject Property identified as Assessor's Parcel No. 085-050-001, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the City of Modesto on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) Whether the property sought to be acquired is necessary for the Project;



- (d) Whether the property is being acquired for a compatible use under Code of Civil Procedure section 1240.510 in that the City's use of the property will not interfere with or impair the continued public use as it now exists or may reasonably be expected to exist in the future;
- (e) Whether the property is being acquired for a more necessary public use under Code of Civil Procedure 1240.610 in that the City's use is a more necessary public use than the use to which the property is appropriated or could be appropriated; and
- (f) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

WHEREAS, pursuant to the provisions of Section 7267.2 of the Government Code of the State of California, the City of Modesto made a written offer to Mary A. Barnett to acquire the subject property for just compensation, and

WHEREAS, the City of Modesto has satisfied the provisions and complied with all requirements of the California Environmental Quality Act ("CEQA") for the Project, and

WHEREAS, a hearing was held on May 3, 2011, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California at which time evidence, both oral and documentary, was received and considered,

**NOW, THEREFORE, IT IS FOUND, DETERMINED, ORDERED AND RESOLVED** as follows:

1. The public interest and necessity require the Project for the acquisition of the fee simple and the temporary construction easement in and through the above-identified parcel of land.
2. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury.
3. The taking of the fee simple title in and to the real property and other property interests as may be more particularly described in **Exhibits "A" and "B"** and depicted in **Exhibits "A-1" and "B-1"** are necessary for the Project.

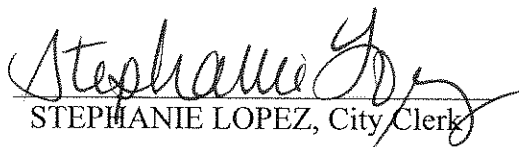
4. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner of record of the real property.
5. The Subject Property is being acquired for a compatible use under California Code of Civil Procedure section 1240.510 in that the City's use of the Subject Property will not interfere with or impair the continued use of the Subject Property for public utilities as they now exist or may reasonably be expected to exist in the future.
6. The Subject Property is being acquired for a more necessary public use under California Code of Civil Procedure section 1240.610 in that the City's use of the Subject Property is a more necessary public use that the use to which the property is appropriated now or may be appropriated to in the future.
7. Special Counsel, Meyers, Nave, Riback, Silver & Wilson, is hereby authorized, empowered and directed to acquire, in the name of City of Modesto, by condemnation, the Subject Property in accordance with the provisions of the Eminent Domain Law, the Code of Civil Procedure and the Constitution of California; to prepare, prosecute and conduct to conclusion in the name of the City of Modesto such proceedings in the proper court as are necessary for such acquisition and to take such action as may be deemed advisable or necessary in connection therewith; and, to deposit the probable amount of just compensation to the State Treasurer's Condemnation Fund based on an appraisal and apply to the Court for an order of prejudgment possession and use for said public uses and purposes as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh, Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

EXHIBIT "A"

December 16, 2008  
JN 35-100621

LEGAL DESCRIPTION

APN 085-050-001

That certain parcel of land situate in Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, being a portion of Lot 1 shown on a Parcel Map filed on May 21, 1973 in Book 16 of Parcel Maps at Page 107 in the Office of the County Recorder of said Stanislaus County, described as follows:

**COMMENCING** at the southwesterly corner of Lot 2 (16PM107); thence along the westerly boundary line of said Lot 2 North 00°32'12" East 121.50 feet to the northwesterly corner of said Lot 2; thence along the northerly boundary line of said Lot 2 North 89°48'28" East 2.58 feet to the **TRUE POINT OF BEGINNING**, said point being on a non-tangent curve concave westerly and having a radius of 646.00 feet, a radial line of said curve from said point bears North 84°21'05" West; thence along said curve northerly 31.88 feet through a central angle of 02°49'39" to a point of reverse curvature with a curve concave easterly and having a radius of 50.00 feet, a radial line of said curve from said point bears South 87°10'44" East; thence along said curve northerly 6.33 feet through central angle of 07°15'16"; thence non-tangent from said curve South 00°32'11" East 38.06 feet to the northerly line of said Lot 2; thence South 89°48'27" West 3.42 feet to the **TRUE POINT OF BEGINNING**.

**CONTAINING** 65 Square Feet, more or less.

**SUBJECT TO** all Covenants, Rights, Rights-of-Way and Easements of record.

**EXHIBIT "B"** attached and by this reference made a part hereof.



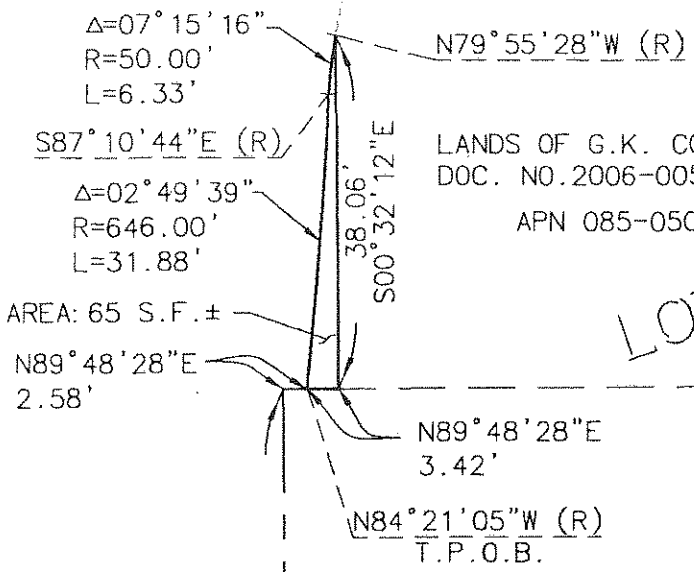
*[Signature]*  
Daniel W. Bustamante, P.L.S. 7030  
License Expires September 30, 2010

12/22/08  
Date

**RBF CONSULTING**  
500 Ygnacio Valley Road, Suite 270  
Walnut Creek, California 94596

H:\PDATA\35100621\CADD\MAPPING\EXHIBITS\621EX014.DWG JFONG 12/24/08 9:08 am

ROSELLE AVENUE (R/W WIDTH VARIES)



LANDS OF G.K. CONSTRUCTION, INC.  
DOC. NO.2006-0052096  
APN 085-050-001

LOT 1

16 PM 107  
LOT 2

LANDS OF WRIGHT  
DOC. NO.2000-0056500  
APN 085-050-002

**LEGEND**

- APN - ASSESSOR PARCEL NUMBER
- T.P.O.B. - TRUE POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- ☉ - CENTERLINE

**EXHIBIT "B"**

SKETCH TO ACCOMPANY A  
LEGAL DESCRIPTION FOR  
A PORTION OF LOT 1 (16-PM-107)  
APN 085-050-001  
CITY OF MODESTO  
COUNTY OF STANISLAUS

SHEET 1 OF 1 SHEET



PLANNING ■ DESIGN ■ CONSTRUCTION

500 YGNACIO VALLEY ROAD, SUITE 270  
WALNUT CREEK, CALIFORNIA 94596-0847  
925.906.1460 • FAX 925.906.1485 • www.RBF.com

DECEMBER 16, 2008

J.N. 35-100621

**EXHIBIT "A"**

December 16, 2008  
JN 35-100621

**LEGAL DESCRIPTION**

**TEMPORARY CONSTRUCTION EASEMENT**

**APN 085-050-001**

That certain parcel of land situate in Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, being a portion of Lot 1 shown on a Parcel Map filed on May 21, 1973 in Book 16 of Parcel Maps at Page 107 in the Office of the County Recorder of said Stanislaus County, described as follows:

**COMMENCING** at the southwesterly corner of said Lot 2 (16PM107); thence North 00°32'12" West 121.50 to the Northwesterly corner of said Lot; thence along the northerly boundary line of said Lot 2 North 89°48'28" East 6.00 feet to the **TRUE POINT OF BEGINNING**; thence North 00°32'11" West 38.06 feet to a point on a non-tangent curve concave southeasterly and having a radius of 50.00 feet, a radial line of said curve from said point bears South 79°55'28" East; thence along said curve northerly 13.10 feet through a central angle of 15°00'49" to a point of compound curvature with a curve concave southeasterly and having a radius of 79.00 feet, a radial line of said curve from said point bears South 64°54'39" East; thence along said curve northeasterly 17.86 feet through a central angle of 12°57'21"; thence tangent from said curve North 38°02'42" East 40.27 feet to the beginning of a curve concave northwesterly and having a radius of 64.00 feet; thence along said curve northeasterly 8.27 feet through a central angle of 07°24'19" to a point of reverse curvature with a curve concave southeasterly and having a radius of 50.00 feet, a radial line of said curve from said point bears South 59°21'37" East; thence along said curve northeasterly 36.46 feet through central angle of 41°46'34" to a point of compound curvature with a curve concave southeasterly and having a radius of 604.00 feet, a radial line of said curves from said point bears South 17°35'03" East; thence along said curve easterly 27.55 feet through a central angle of 02°36'47" to a point of compound curvature with a curve concave southerly and having a radius of 64.00 feet, a radial line of said curves from said point bears South 14°58'16" East; thence along said curve easterly 15.96 feet through a central angle of 14°17'08"; thence non-tangent from said curve South 00°10'02" East 5.00 feet to a point on a non-tangent curve concave southerly and having a radius of 59.00 feet, a radial line of said curve from said point bears South 00°43'47" East; thence along said curve westerly 14.66 feet through a central angle of 14°14'29" to a point of compound curvature with a curve concave southeasterly and having a radius of 599.00 feet, a radial line of said curves from said point bears South 14°58'16" East; thence along said curve westerly 27.32 feet through a central angle of 02°36'47" to a point of compound curvature with a curve concave southeasterly

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and having a radius of 45.00 feet, a radial line of said curves from said point bears South 17°35'03" East; thence along said curve southwesterly 32.81 feet through a central angle of 41°46'33" to a point of reverse curvature with a curve concave northwesterly and having a radius of 69.00 feet, a radial line of said curve from said point bears North 59°21'37" West; thence along said curve southwesterly 8.92 feet through central angle of 07°24'19"; thence tangent from said curve South 38°02'42" West 40.27 feet to the beginning of a tangent curve concave southeasterly and having a radius of 74.00 feet; thence along said curve southwesterly 16.73 feet through a central angle of 12°57'21" to a point of compound curvature with a curve concave southeasterly and having a radius of 45.00 feet, a radial line of said curves from said point bears South 64°54'39" East; thence along said curve southerly 11.34 feet through a central angle of 14°26'17"; thence non-tangent from said curve South 00°32'12" East 32.76 feet; thence North 89°27'48" East 9.00 feet; thence South 00°32'10" East 4.92 feet to the northerly line of said Lot 2; thence along said northerly line South 89°48'29" West 14.00 feet to the **TRUE POINT OF BEGINNING**.

**CONTAINING** 1,012 Square Feet, more or less.

**SUBJECT TO** all Covenants, Rights, Rights-of-Way and Easements of record.

**EXHIBIT "B"** attached and by this reference made a part hereof.

12/22/08  
Date



  
Daniel W. Bustamante, P.L.S. 7030  
License Expires September 30, 2010

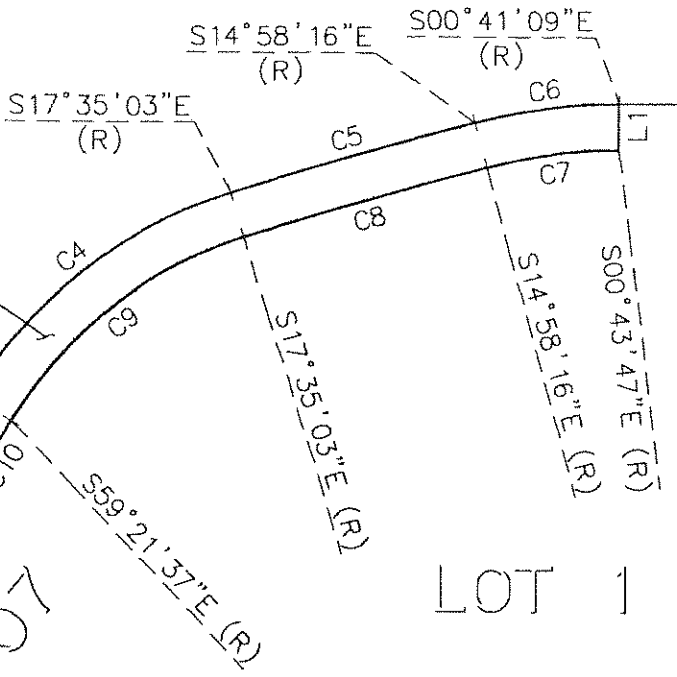
**RBF CONSULTING**  
500 Ygnacio Valley Road, Suite 270  
Walnut Creek, California 94596

LINE DATA TABLE		
NO.	BEARING	LENGTH
L1	N00°10'02"W	5.00'
L2	S89°27'48"W	9.00'
L3	S00°32'10"E	4.92'
L4	S89°48'28"W	14.00'

ROSELLE AVENUE  
(R/W WIDTH VARIES)



AREA: 1,102 S.F. ±  
S59°21'37"E (R)



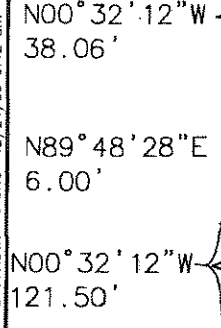
LOT 1

LANDS OF G.K. CONSTRUCTION, INC.  
DOC. NO. 2006-0052096  
APN 085-050-001

CURVE DATA TABLE			
NO.	DELTA	RADIUS	LENGTH
C1	15°00'49"	50.00'	13.10'
C2	12°57'21"	79.00'	17.86'
C3	07°24'19"	64.00'	8.27'
C4	41°46'34"	50.00'	36.46'
C5	02°36'47"	604.00'	27.55'
C6	14°17'08"	64.00'	15.96'
C7	14°14'29"	59.00'	14.66'
C8	02°36'47"	599.00'	27.32'
C9	41°46'33"	45.00'	32.81'
C10	07°24'19"	69.00'	8.92'
C11	12°57'21"	74.00'	16.73'
C12	14°26'17"	45.00'	11.34'

LANDS OF WRIGHT  
DOC. NO. 2000-0056500  
APN 085-050-002

LOT 2



**EXHIBIT "B"**

SKETCH TO ACCOMPANY A  
LEGAL DESCRIPTION FOR  
TEMPORARY CONSTRUCTION EASEMENT  
A PORTION OF LOT 1 (16-PM-107)  
APN 085-050-001  
CITY OF MODESTO  
COUNTY OF STANISLAUS

**LEGEND**

- APN - ASSESSOR PARCEL NUMBER
- T.P.O.B. - TRUE POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT

SHEET 1 OF 1 SHEET



PLANNING ■ DESIGN ■ CONSTRUCTION

500 YGNACIO VALLEY ROAD, SUITE 270  
WALNUT CREEK, CALIFORNIA 94596-3847  
925.906.1460 • FAX 925.906.1465 • www.RBF.com

DECEMBER 16, 2008

J.N. 35-100621



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-154**

**RESOLUTION APPROVING THE CITY OF MODESTO FISCAL YEAR 2011-2012 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ANNUAL ACTION PLAN FOR THE USE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME), AND EMERGENCY SOLUTIONS GRANT (ESG) FUNDS; AUTHORIZING SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PERTAINING TO THE FISCAL YEAR 2011-2012 ANNUAL ACTION PLAN; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE REQUIRED CERTIFICATIONS AND DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, as an entitlement community for Housing and Urban Development, the City of Modesto is required to develop an Annual Action Plan (AAP) that describes anticipated uses of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Investment Partnerships Program (HOME) funds, and

WHEREAS, the City receives these grants annually because of its population size, number of households living below the poverty line, and the number of housing units that are considered substandard, and

WHEREAS, submittal of an AAP is required to receive the City's entitlement grants from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the Citizens' Housing and Community Development Committee recommended support of this item at its April 27, 2011 meeting, and

WHEREAS, a duly noticed public hearing was held by the City Council on May 3, 2011, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider submission of an application to HUD pertaining to the Fiscal Year 2011-2012 HUD Annual Action Plan, which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing

Production and Homeless Assistance, and

WHEREAS, preparation of the AAP requires a citizens participation element, including a 30-day public comment period, and

WHEREAS, the 30-day public comment period began on March 29, 2011, and concluded with a public hearing scheduled for the Council meeting of May 3, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Fiscal Year 2011-2012 U.S. Department of Housing and Urban Development Annual Action Plan for the use of \$2,109,056 in Community Development Block Grant (CDBG) funds, \$1,158,162 in HOME Investment Partnerships Program (HOME) funds, and \$142,518 in Emergency Solutions Grant (ESG) funds, a copy of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development pertaining to the Fiscal Year 2011-2012 Annual Action Plan which describes how the City intends to spend Federal assistance received from the U.S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the required certifications and documents for submittal to the U.S. Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

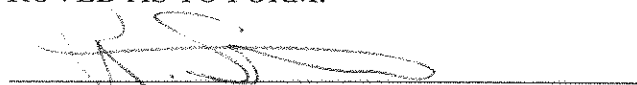
ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-155**

**RESOLUTION APPROVING THE ALLOCATION OF FUNDING IN THE AMOUNTS OF \$458,165 OF COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE GRANTS AND EMERGENCY SOLUTIONS GRANTS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS**

WHEREAS, as an entitlement community for Housing and Urban Development, the City of Modesto is required to develop an Annual Action Plan (AAP) that describes anticipated uses of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and HOME Investment Partnerships Program (HOME) funds, and

WHEREAS, the City is obligated to allocate up to fifteen percent (15%) of the CDBG entitlement funds (plus fifteen percent (15%) of program income received during the prior year), to provide a wide range of public service activities to benefit low and moderate-income residents, and

WHEREAS, the City allocates ninety-five percent (95%) of ESG funding to non-profit agencies for eligible activities on a matching fund basis, and

WHEREAS, these allocations are detailed in the City's AAP, and

WHEREAS, the City released the Fiscal Year 2011-2012 CDBG Public Services and ESG Requests for Proposals (RFP's) on January 28 , 2011 and the proposals were due on March 7, 2011, and

WHEREAS, two technical assistance workshops were held on February 10, 2011, and

WHEREAS, nineteen (19) public service and emergency solutions grant proposals were recommended for either full or partial funding totaling \$458,165

including \$80,000 in CDBG public service funding be utilized to support eligible City recreational services, and

WHEREAS, preparation of the AAP requires a citizens participation element, including a 30-day public comment period, and

WHEREAS, the 30-day public comment period began on March 29, 2011, and concluded with a public hearing scheduled for the Council meeting of May 3, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the allocation of funding in the amounts of \$322,773 in Community Development Block Grant (CDBG) Public Services, \$135,392 in Emergency Solutions Grant (ESG) for Fiscal Year 2011-12.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it additionally approves a continued funding commitment to the Public Service and Emergency Solutions grants recipients through Fiscal Year 2012-13 if entitlement funding is available.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-156**

**RESOLUTION APPROVING THE FISCAL YEAR 2011-2012 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO REFLECT THE APPROVED ALLOCATIONS IN THE DRAFT FISCAL YEAR 2011-2012 ANNUAL ACTION PLAN; AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THESE ACTIONS**

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

WHEREAS, notice has been duly given to the community of the proposed amendment to the HUD Annual Action Plan, and to provide a 30-day comment period, which began March 29, 2011, and ended on May 3, 2011, and

WHEREAS, the Citizens' Housing and Community Development Committee (CH&CDC) considered the proposed Draft Fiscal Year 2011-2012 Annual Action Plan at its April 27, 2011, meeting, and recommended that the City Council approve, and

WHEREAS, a duly noticed public hearing was held by the City Council on May 3, 2011 at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, to consider approval of the proposed Draft Fiscal Year 2011-2012 Annual Action Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Draft Fiscal Year 2011-2012 Annual Action Plan, and incorporated herein by reference and authorizes the Finance Director, or her designee, to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, with motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-157**

**RESOLUTION CALLING FOR A MEASURE TO BE PLACED ON THE  
NOVEMBER 8, 2011, REGULAR MUNICIPAL ELECTION BALLOT FOR THE  
PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY OF  
MODESTO A BALLOT MEASURE AMENDING ARTICLE 9 OF CHAPTER 2  
OF TITLE 8 THE MODESTO MUNICIPAL CODE RELATING TO UTILITY  
USERS' TAX**

WHEREAS, the health, safety and general welfare of the City depend on maintaining existing levels of police protection, fire protection, street maintenance, economic development and parks and recreation services for the public in the City, and

WHEREAS, much of the public services described above are financed with the City's General Fund revenues, and

WHEREAS, approximately twenty percent (20%) of the City's annual General Fund revenues come directly from the collection of the City's Utility Users' Tax, and

WHEREAS, the City Council finds it necessary to amend Article 9 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Utility Users' Tax to modernize outdated provisions in order to avoid legal controversy and to ensure continued collection of Utility Users' Tax on traditional and emerging utility technologies in a fair and equitable manner, and

WHEREAS, pursuant to Proposition 218 (California Constitution, Article XIIC), a "change in methodology" of the Utility Users' Tax requires majority approval of the qualified voters of the City of Modesto, and

WHEREAS, pursuant to California Elections Code Section 9222, the City Council may submit to the qualified voters of the City a proposition, without a petition therefor, by ordinance or resolution, and

WHEREAS, the City intends to hold a General Election on November 8, 2011,  
and

WHEREAS, the City Council desires to submit to the qualified voters of the City  
a Measure asking whether to amend Article 9 of Chapter 2 of Title 8 of the Modesto  
Municipal Code relating to Utility Users' Tax as described above,

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

SECTION 1. Pursuant to California Elections Code Section 9222 and Section  
2(b) of California Constitution Article XIIC, the Council of the City of Modesto  
proposes to and does hereby, by its own motion, submit to the qualified electors of the  
City of Modesto, a measure to amend the Modesto Municipal Code, as follows:

\* \* \* \* \*

ORDINANCE NO. \_\_\_\_\_-C.S.

AN ORDINANCE AMENDING ARTICLE 9 OF  
CHAPTER 2 OF TITLE 8 OF THE MODESTO  
MUNICIPAL CODE RELATING TO UTILITY USERS'  
TAX.

The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Article 9 of Chapter 2 of Title  
8 of the Modesto Municipal Code is hereby amended to read as follows:

**ARTICLE 9. UTILITY USERS' TAX.**

**8-2.901. SHORT TITLE.**

This Article 9 shall be known as the "Utility Users' Tax Law of the City  
of Modesto".

**8-2.902. DEFINITIONS.**

The following words and phrases whenever used in this Article 9, shall be construed as defined in this Section.

- (a) **“Ancillary telecommunication services”** means services that are associated with or incidental to the provision, use or enjoyment of telecommunications services, including but not limited to the following services:
- (1) **“Conference bridging service”** means an ancillary service that links two (2) or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.
  - (2) **“Detailed telecommunications billing service”** means an ancillary service of separately stating information pertaining to individual calls on a customer’s billing statement.
  - (3) **“Directory assistance”** means an ancillary service of providing telephone number information, and/or address information.
  - (4) **“Vertical service”** means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.
  - (5) **“Voice mail service”** means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.
- (b) **“Ancillary video services”** means services that are associated with or incidental to the provision or delivery of video services, including but not limited to electronic program guide services, recording services, search functions, or other interactive services or communications that are associated with or incidental to the provision, use or enjoyment of video services.

- (c) **“Billing address”** shall mean the mailing address of the service user where the service supplier submits invoices or bills for payment by the customer.
- (d) **“City”** shall mean the City of Modesto.
- (e) **“Gas”** shall mean natural or manufactured gas or any alternate hydrocarbon fuel which may be substituted therefor.
- (f) **“Individual service”** shall mean utility service at a single contiguous location. A service user with more than one meter or billing invoice per utility service at a single contiguous location may combine all billings for purposes of calculating the maximum tax amount.
- (g) **“Mobile telecommunications service”** has the meaning and usage as set forth in the Mobile Telecommunications Sourcing Act (*4 U.S.C. Section 124*) and the regulations thereunder.
- (h) **“Month”** shall mean a calendar month.
- (i) **“Non-Utility Service Supplier”** means:
  - (1) a service supplier, other than a supplier of electric distribution services to all or a significant portion of the City, which generates electricity for sale to others, and shall include but is not limited to any publicly-owned electric utility, investor-owned utility, cogenerator, distributed generation provider, exempt wholesale generator (*15 U.S.C. Section 79z-5a*), municipal utility district, federal power marketing agency, electric rural cooperative, or other supplier or seller of electricity;
  - (2) an electric service provider (ESP), electricity broker, marketer, aggregator, pool operator, or other electricity supplier other than a supplier of electric distribution services to all or a significant portion of the City, which sells or supplies electricity or supplemental services to electricity users within the City; or
  - (3) a gas service supplier, aggregator, marketer or broker, other than a supplier of gas distribution services to all or a significant portion of the City, which sells or supplies gas or supplemental services to gas users within the City.

- (j) **“Paging service”** means a “telecommunications service” that provides transmission of coded radio signals for the purpose of activating specific pagers; such transmissions may include messages and/or sounds.
- (k) **“Person”** shall mean, without limitation, any natural individual, firm, trust, common law trust, estate, partnership of any kind, association, syndicate, club, joint stock company, joint venture, limited liability company, corporation (including foreign, domestic, and non-profit), municipal district or municipal corporation (other than the City) cooperative, receiver, trustee, guardian, or other representative appointed by order of any court.
- (l) **“Place of primary use”** means the street address representative of where the customer’s use of the telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer.
- (m) **“Post-paid telecommunication service”** means the telecommunication service obtained by making a payment on a communication-by-communication basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a service number which is not associated with the origination or termination of the telecommunication service.
- (n) **“Prepaid telecommunication service”** means the right to access telecommunication services, which must be paid for in advance and which enables the origination of communications using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.
- (o) **“Private telecommunication service”** means a telecommunication service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels. A communications channel is a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points (i. e., the location where the customer either inputs or receives the communications).

- (p) **“Service address”** means the residential street address or the business street address of the service user. For a telecommunication or video service user, "service address" means either:
- (1) The location of the service user’s telecommunication equipment from which the telecommunication originates or terminates, regardless of where the telecommunication is billed or paid; or,
  - (2) If the location in subsection (1) of this definition is unknown (e.g., mobile telecommunications service or VoIP service), the service address means the location of the service user’s place of primary use.
  - (3) For prepaid telecommunication service, “service address” means the location associated with the service number or, if not known, the point of sale of the services.
- (q) **“Service supplier”** shall mean any entity or person, including the City, that provides utility service to a user of such service within the City.
- (r) **“Service user”** shall mean a person required to pay a tax imposed under the provisions of this Article.
- (s) **“State”** shall mean the State of California.
- (t) **“Streamlined Sales and Use Tax Agreement”** means the multi-state agreement commonly known and referred to as the Streamlined Sales and Use Tax Agreement, as it is amended from time to time.
- (u) **“Tax Administrator”** shall have the Finance Director, or his or her designee.
- (v) **“Telecommunications service”** means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, whatever the technology used. The term “telecommunications services” includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such services are referred to as voice over internet protocol (VoIP) services or are classified by the Federal Communications Commission as

enhanced or value added, and includes video and/or data services that is functionally integrated with “telecommunication services.” “Telecommunications services” include, but are not limited to the following services, regardless of the manner or basis on which such services are calculated or billed: ancillary telecommunication services; intrastate, interstate, and international telecommunication services; mobile telecommunications service; prepaid telecommunication service; post-paid telecommunication service; private telecommunication service; paging service; 800 service (or any other toll-free numbers designated by the Federal Communications Commission); 900 service (or any other similar numbers designated by the Federal Communications Commission for services whereby subscribers who call in to pre-recorded or live service).

- (w) **“Video programming”** means those programming services commonly provided to subscribers by a “video service supplier” including but not limited to basic services, premium services, audio services, video games, pay-per-view services, video on demand, origination programming, or any other similar services, regardless of the content of such video programming, or the technology used to deliver such services, and regardless of the manner or basis on which such services are calculated or billed.
- (x) **“Video services”** means “video programming” and any and all services related to the providing, recording, delivering, use or enjoyment of “video programming” (including origination programming and programming using Internet Protocol, e.g., IP-TV and IP-Video) using one or more channels by a “video service supplier,” regardless of the technology used to deliver, store or provide such services, and regardless of the manner or basis on which such services are calculated or billed, and includes ancillary video services, data services, “telecommunication services,” or interactive communication services that are functionally integrated with “video services.”
- (y) **“Video service supplier”** means any person, company, or service which provides or sells one or more channels of video programming, or provides or sells the capability to receive one or more channels of video programming, including any communications that are ancillary, necessary or common to the provision, use or enjoyment of the video programming, to or from a business or residential address in the City, where some fee is paid, whether directly or included in dues or rental charges for that service, whether or not public rights-of-way are utilized in the delivery of the video programming or communications. A “video

service supplier” includes, but is not limited to, multichannel video programming distributors (as defined in 47 U.S.C.A. Section 522(13)); open video systems (OVS) suppliers; and suppliers of cable television; master antenna television; satellite master antenna television; multichannel multipoint distribution services (MMDS); video services using internet protocol (e.g., IP-TV and IP-Video, which provide, among other things, broadcasting and video on demand), direct broadcast satellite to the extent federal law permits taxation of its video services, now or in the future; and other suppliers of video services (including two-way communications), whatever their technology.

- (z) **“VoIP (Voice Over Internet Protocol)”** means the digital process of making and receiving real-time voice transmissions over any Internet Protocol network.
- (aa) **“800 Service”** means a “telecommunications service” that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name “800,” “855,” “866,” “877,” and “888” toll-free calling, and any subsequent numbers designated by the Federal Communications Commission.
- (bb) **“900 Service”** means an inbound toll “telecommunications service” purchased by a subscriber that allows the subscriber’s customers to call in to the subscriber’s prerecorded announcement or live service. “900 service” does not include the charge for: collection services provided by the seller of the “telecommunications services” to the subscriber, or service or product sold by the subscriber to the subscriber’s customer. The service is typically marketed under the name “900” service, and any subsequent numbers designated by the Federal Communications Commission.

### **8-2.903. CONSTITUTIONAL, STATUTORY, AND OTHER EXEMPTIONS.**

- (a) Nothing in this Article shall be construed as imposing a tax upon any person or service when the imposition of such tax upon such person or service would be in violation of a Federal or State statute, the Constitution of the United States or the Constitution of the State.
- (b) Any service user that is exempt from the tax imposed by this Article pursuant to subsection (a) of this Section shall file an application with the Tax Administrator for an exemption;



provided, however, this requirement shall not apply to a service user that is a State or Federal agency or subdivision with a commonly recognized name for such service. Said application shall be made upon a form approved by the Tax Administrator and shall state those facts, declared under penalty of perjury, which qualify the applicant for an exemption, and shall include the names of all service suppliers serving that service user. If deemed exempt by the Tax Administrator, such service user shall give the Tax Administrator timely written notice of any change in service suppliers so that the Tax Administrator can properly notify the new service supplier of the service user's tax exempt status. A service user that fails to comply with this Article shall not be entitled to a refund of a users' tax collected and remitted to the Tax Administrator from such service user as a result of such noncompliance.

The decision of the Tax Administrator may be appealed pursuant to Section 8-2.920 of this Article. Filing an application with the Tax Administrator and appeal to the City Administrator, or designee, pursuant to Section 8-2.920 of this Article is a prerequisite to a suit thereon.

- (c) The City Council may, by resolution, establish one or more classes of persons or one or more classes of utility service otherwise subject to payment of a tax imposed by this Article and provide that such classes of persons or service shall be exempt, in whole or in part from such tax for a specified period of time.

#### **8-2.904. TELECOMMUNICATION USERS' TAX.**

- (a) There is hereby imposed a tax upon every person in the City using telecommunication services. The tax imposed by this Section shall be at the rate of five and eight-tenths percent (5.8%) of the charges made for such services and shall be collected from the service user by the telecommunication services supplier or its billing agent. There is a rebuttable presumption that telecommunication services, which are billed to a billing or service address in the City, are used, in whole or in part, within the City's boundaries, and such services are subject to taxation under this Section. There is also a rebuttable presumption that prepaid telecommunication services sold within the city are used, in whole or in part, within the City and are therefore subject to taxation under this Section. If the billing address of the service user is different from the service address, the service address of the service user shall be used for purposes of imposing the tax. As used in this Section, the term "charges" shall include the value of any other services, credits, property of every

kind or nature, or other consideration provided by the service user in exchange for the telecommunication services. The maximum annual telecommunication users' tax payable by any service user for an individual service shall be one thousand five hundred dollars (\$1,500.00) for each twelve (12) month period commencing January 1 and ending December 31 of the same calendar year

- (b) "Mobile telecommunications service" shall be sourced in accordance with the sourcing rules set forth in the Mobile Telecommunications Sourcing Act (*4 U.S.C. Section 124*). The Tax Administrator may issue and disseminate to telecommunication service suppliers, which are subject to the tax collection requirements of this Article, sourcing rules for the taxation of other telecommunication services, including but not limited to post-paid telecommunication services, prepaid telecommunication services, VoIP, and private communication services, provided that such rules are based upon custom and common practice that further administrative efficiency and minimize multi jurisdictional taxation (*e.g.*, Streamlined Sales and Use Tax Agreement).
- (c) The Tax Administrator may issue and disseminate to telecommunication service suppliers, which are subject to the tax collection requirements of this Article, an administrative ruling identifying those telecommunication services, or charges therefore, that are subject to or not subject to the tax of subsection (a) above.
- (d) As used in this Section, the term "telecommunication services" shall include, but is not limited to, charges for: connection, reconnection, termination, movement, or change of telecommunication services; late payment fees; detailed billing; central office and custom calling features (including but not limited to call waiting, call forwarding, caller identification and three-way calling); voice mail and other messaging services; directory assistance; access and line charges; universal service charges; regulatory, administrative and other cost recovery charges; local number portability charges; and text and instant messaging. "Telecommunication services" shall not include digital downloads that are not "ancillary telecommunication services," such as music, ring tones, games, and similar digital products.
- (e) To prevent actual multi jurisdictional taxation of telecommunication services subject to tax under this Section, any service user, upon proof to the Tax Administrator that the service user has previously paid the same tax in another state or city on such telecommunication services, shall be allowed a credit against

the tax imposed to the extent of the amount of such tax legally imposed in such other state or city; provided, however, the amount of credit shall not exceed the tax owed to the City under this Section.

- (f) The tax on telecommunication services imposed by this Section shall be collected from the service user by the service supplier. The amount of tax collected in one month shall be remitted to the Tax Administrator, and must be received by the Tax Administrator on or before the twentieth (20th) day of the following month.

#### **8-2.905. ELECTRICITY USERS' TAX.**

- (a) There is hereby imposed a tax upon every person using electricity in the City. The tax imposed by this Section shall be at the rate of six percent (6%) of the charges made for such electricity, and for any supplemental services or other associated activities directly related to and/or necessary for the provision of electricity to the service user, which are provided by a service supplier or non-utility service supplier to a service user. The tax shall be collected from the service user by the service supplier or non-utility service supplier, or its billing agent. The maximum annual electricity users' tax payable by any service user for an individual service shall be one thousand five hundred dollars (\$1,500.00) for each twelve (12) month period commencing January 1 and ending December 31 of the same calendar year.
- (b) As used in this Section, the term "charges" shall apply to all services, components and items that are: i) necessary for or common to the receipt, use or enjoyment of electric service; or, ii) currently are or historically have been included in a single or bundled rate for electric service by a local distribution company to a class of retail customers. The term "charges" shall include, but is not limited to, the following charges:
  - (1) energy charges;
  - (2) distribution or transmission charges;
  - (3) metering charges;
  - (4) stand-by, reserves, firming, ramping, voltage support, regulation, emergency, or other similar charges for supplemental services to self-generation service users;

- (5) customer charges, late charges, service establishment or reestablishment charges, demand charges, fuel or other cost adjustments, power exchange charges, independent system operator (ISO) charges, stranded investment or competitive transition charges (CTC), public purpose program charges, nuclear decommissioning charges, trust transfer amounts (bond financing charges), franchise fees, franchise surcharges, annual and monthly charges, and other charges, fees or surcharges which are necessary for or common to the receipt, use or enjoyment of electric service; and,
- (6) charges, fees, or surcharges for electricity services or programs which are mandated by the California Public Utilities Commission or the Federal Energy Regulatory Commission, whether or not such charges, fees, or surcharges appear on a bundled or line item basis on the customer billing.
- (c) As used in this Section, the term “charges” shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the electricity or services related to the provision of such electricity.
- (d) The Tax Administrator, from time to time, may survey the electric service suppliers to identify the various unbundled billing components of electric retail service that they commonly provide to residential and commercial/industrial customers in the of the City, and the charges therefor, including those items that are mandated by state or federal regulatory agencies as a condition of providing such electric service. The Tax Administrator, thereafter, may issue and disseminate to such electric service suppliers an administrative ruling identifying those components and items which are: i) necessary for or common to the receipt, use or enjoyment of electric service; or, ii) currently are or historically have been included in a single or bundled rate for electric service by a local distribution company to a class of retail customers. Charges for such components and items shall be subject to the tax of subsection (a) above.
- (e) As used in this Section, the term “using electricity” shall not include the mere receiving of such electricity by an electrical corporation or governmental agency at a point within the City for resale.

- (f) The tax on electricity provided by self-production or by a non-utility service supplier not under the jurisdiction of this Article 9 shall be collected and remitted in the manner set forth in Section 8-2.907 of this Article. All other taxes on charges for electricity imposed by this Section shall be collected from the service user by the electric service supplier or its billing agent. The amount of tax collected in one (1) month shall be remitted to the Tax Administrator, and must be received by the Tax Administrator on or before the twentieth (20<sup>th</sup>) day of the following month; or, at the option of the person required to collect and/or remit the tax, such person shall remit an estimated amount of tax measured by the tax billed in the previous month or upon the payment pattern of the service user, which must be received by the Tax Administrator on or before the twentieth (20<sup>th</sup>) day of the following month, provided that such person shall submit an adjusted payment or request for credit, as appropriate, within sixty (60) days following each calendar quarter. The credit, if approved by the Tax Administrator, may be applied against any subsequent remittance that becomes due.

#### **8-2.906. GAS USERS' TAX.**

- (a) There is hereby imposed a tax upon every person using gas in the City, which is transported and delivered through a pipeline or by mobile transport. The tax imposed by this Section shall be at the rate of six percent (6%) of the charges made for such gas, including all services related to the storage, transportation and delivery of such gas. The tax shall be collected from the service user by the service supplier or non-utility service supplier, or its billing agent, and shall apply to all uses of gas, including but not limited to, heating, electricity generation, and the use of gas as a component of a manufactured product. The maximum annual gas users' tax payable by any service user for an individual service shall be one thousand five hundred dollars (\$1,500.00) for each twelve (12) month period commencing January 1 and ending December 31 of the same calendar year.
- (b) As used in this Section, the term "charges" shall apply to all services, components and items for gas service that are: i) necessary for or common to the receipt, use or enjoyment of gas service; or, ii) currently are or historically have been included in a single or bundled rate for gas service by a local distribution company to a class of retail customers. The term "charges" shall include, but is not limited to, the following charges:
- (1) the commodity charges for purchased gas, or the cost of gas owned by the service user (including the actual costs

attributed to drilling, production, lifting, storage, gathering, trunkline, pipeline, and other operating costs associated with the production and delivery of such gas), which is delivered through a gas pipeline distribution system;

- (2) gas transportation charges (including interstate charges to the extent not included in commodity charges);
  - (3) storage charges; provided, however, that the service supplier shall not be required to apply the tax to any charges for gas storage services when the service supplier cannot, as a practical matter, determine the jurisdiction where such stored gas is ultimately used; but it shall be the obligation of the service user to self-collect the amount of tax not applied to any charge for gas storage by the service supplier and to remit the tax to the appropriate jurisdiction;
  - (4) capacity or demand charges, late charges, service establishment or reestablishment charges, transition charges, customer charges, minimum charges, annual and monthly charges, and any other charges which are necessary for or common to the receipt, use or enjoyment of gas service; and,
  - (5) charges, fees, or surcharges for gas services or programs which are mandated by the California Public Utilities Commission or the Federal Energy Regulatory Commission, whether or not such charges, fees, or surcharges appear on a bundled or line item basis on the customer billing.
- (c) As used in this Section, the term “charges” shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the gas or services related to the delivery of such gas.
- (d) The Tax Administrator, from time to time, may survey the gas service suppliers to identify the various unbundled billing components of gas retail service that they commonly provide to residential and commercial/industrial customers in the City, and the charges therefor, including those items that are mandated by state or federal regulatory agencies as a condition of providing such gas service. The Tax Administrator, thereafter, may issue and disseminate to such gas service suppliers an administrative ruling identifying those components and items which are: i) necessary for or common to the receipt, use or enjoyment of gas service; or,

- ii) currently are or historically have been included in a single or bundled rate for gas service by a local distribution company to a class of retail customers. Charges for such components and items shall be subject to the tax of subsection (a) above.
- (e) There shall be excluded from the calculation of the tax imposed in this Section, charges made for gas which is to be resold and delivered through a pipeline distribution system.
- (f) The tax on gas provided by self-production or by a non-utility service supplier not under the jurisdiction of this Article 9 shall be collected and remitted in the manner set forth in Section 8-2.907. All other taxes on charges for gas imposed by this Section shall be collected from the service user by the gas service supplier or its billing agent. The amount of tax collected in one (1) month shall be remitted to the Tax Administrator, and must be received by the Tax Administrator, on or before the twentieth (20<sup>th</sup>) day of the following month; or, at the option of the person required to collect and/or remit the tax, such person shall remit an estimated amount of tax measured by the tax billed in the previous month or upon the payment pattern of the service user, which must be received by the Tax Administrator on or before the twentieth (20<sup>th</sup>) day of the following month, provided that such person shall submit an adjusted payment or request for credit, as appropriate, within sixty (60) days following each calendar quarter. The credit, if approved by the Tax Administrator, may be applied against any subsequent remittance that becomes due.

**8-2.907. COLLECTION OF TAX FROM SERVICE USERS RECEIVING DIRECT PURCHASE OF GAS OR ELECTRICITY.**

- (a) Any service user subject to the tax imposed by Section 8-2.905 or by Section 8-2.906 of this Article, which produces gas or electricity for self-use; which receives gas or electricity, including any related supplemental services, directly from a non-utility service supplier not under the jurisdiction of this Article; or which, for any other reason, is not having the full tax collected and remitted by its service supplier, a non-utility service supplier, or its billing agent on the use of gas or electricity in the City, including any related supplemental services, shall report said fact to the Tax Administrator and shall remit the tax due directly to the Tax Administrator within thirty (30) days of such use, based on the charges for, or value of, such gas or electricity, or supplemental services, as provided in subsection (b). In lieu of paying said actual tax, the service user may, at its option, remit to the Tax Administrator within thirty (30) days of such use an estimated

amount of tax measured by the tax billed in the previous month, or upon the payment pattern of similar customers of the service supplier using similar amounts of gas or electricity, provided that the service user shall submit an adjusted payment or request for credit, as appropriate, within sixty (60) days following each calendar quarter. The credit, if approved by the Tax Administrator in writing, may be applied against any subsequent tax bill that becomes due.

- (b) The Tax Administrator may require said service user to identify its non-utility service supplier, and otherwise provide, subject to audit: invoices; books of account; or other satisfactory evidence documenting the quantity of gas or electricity used, including any related supplemental services, and the cost or price thereof. If the service user is unable to provide such satisfactory evidence, or if the administrative cost of calculating the tax in the opinion of the Tax Administrator is excessive, the Tax Administrator may determine the tax by applying the tax rate to the equivalent charges the service user would have incurred if the gas or electricity used, including any related supplemental services, had been provided by the service supplier that is the primary supplier of gas or electricity within the City. Rate schedules for this purpose shall be available from the City. The maximum annual electricity or gas users' tax payable by any such service user for an individual service shall be fifteen hundred dollars (\$1,500.00) for each twelve-month period commencing January 1 and ending December 31 of the same calendar year.

#### **8-2.908. VIDEO USERS' TAX.**

- (a) There is hereby imposed a tax upon every person in the City using video services. The tax imposed by this section shall be at the rate of three percent (3%) of the charges made for such services and shall be collected from the service user by the video service supplier or its billing agent. There is a rebuttable presumption that video services, which are billed to a billing or service address in the City, are used, in whole or in part, within the City's boundaries, and such services are subject to taxation under this Article. If the billing address of the service user is different from the service address, the service address of the service user shall be used for purposes of imposing the tax. The maximum annual video users' tax payable by any service user for an individual service shall be fifteen hundred dollars (\$1,500.00) for each twelve-month period commencing January 1 and ending December 31 of the same calendar year.



- (b) As used in this section, the term “charges” shall include, but is not limited to, charges for the following:
- (1) regulatory fees and surcharges, franchise fees and access fees (PEG);
  - (2) initial installation of equipment necessary for provision and receipt of video services;
  - (3) late fees, collection fees, bad debt recoveries, and return check fees;
  - (4) activation fees, reactivation fees, and reconnection fees;
  - (5) video programming and video services;
  - (6) ancillary video programming services (e.g., electronic program guide services, search functions, recording functions, or other interactive services or communications that are ancillary, necessary or common to the use or enjoyment of the video services);
  - (7) equipment leases (e.g., remote, recording and/or search devises; converters); and,
  - (8) service calls, service protection plans, name changes, changes of services, and special services.
- (c) As used in this section, the term “charges” shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the video services.
- (d) The Tax Administrator may issue and disseminate to video service suppliers, which are subject to the tax collection requirements of this Article, an administrative ruling identifying those video services, or charges therefor, that are subject to or not subject to the tax of subsection (a) above.
- (e) The tax imposed by this section shall be collected from the service user by the video service supplier, its billing agent, or a reseller of such services. In the case of video service, the service user shall be deemed to be the purchaser of the bulk video service (e.g., an apartment owner), unless such service is resold to individual users, in which case the service user shall be the ultimate purchaser of the video service. The amount of tax collected in one (1) month shall

be remitted to the Tax Administrator, and must be received by the Tax Administrator on or before the twentieth (20th) day of the following month.

**8-2.909. WATER USERS' TAX.**

- (a) There is imposed a tax upon every person using water in the City which is transported and delivered through a pipeline distribution system. The tax imposed by this section shall be at the rate of six percent (6%) of the charges made for such water. The maximum annual water users' tax payable by any such service user for an individual service shall be fifteen hundred dollars (\$1,500.00) for each twelve-month period commencing January 1 and ending December 31 of the same calendar year
- (b) As used in this section, the term "charges" shall apply to all services, components and items that are: i) necessary for or common to the receipt, use or enjoyment of water service; or, ii) currently are or historically have been included in a single or bundled rate for water service by a local distribution company to a class of retail customers. The term "charges" shall include, but is not limited to, the following charges: water commodity charges (potable and non-potable); distribution or transmission charges; metering charges; customer charges; fire protection services; late charges; service establishment or reestablishment charges; franchise fees; franchise surcharges; annual and monthly charges; and other charges, fees and surcharges which are necessary for or common to the receipt, use or enjoyment of water service; and, charges, fees, or surcharges for water services or programs, which are mandated by a water district or a state or federal agency, whether or not such charges, fees, or surcharges appear on a bundled or line item basis on the customer billing.
- (c) As used in this section, the term "charges" shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the water services.
- (d) The Tax Administrator, from time to time, may survey the water service suppliers in the City to identify the various unbundled billing components of water retail service that they commonly provide to residential and commercial/industrial customers in the City, and the charges therefor, including those items that are mandated by a water district or a state or federal agency as a condition of providing such water service. The Tax Administrator, thereafter, may issue and disseminate to such water service

suppliers an administrative ruling identifying those components and items which are: i) necessary for or common to the receipt, use or enjoyment of water service; or, ii) currently are or historically have been included in a single or bundled rate for water service by a local distribution company to a class of retail customers. Charges for such components and items shall be subject to the tax of subsection (a) above.

- (e) There shall be excluded from the base on which the tax imposed in this section is computed charges made for water which is to be resold and delivered through a pipeline distribution system; and charges made by a municipal water department, public utility or a city or municipal water district for water used and consumed by such department, public utility or water district in the conduct of the business of such department, utility or district.
- (f) The tax on water service imposed by this section shall be collected from the service user by the water service supplier or its billing agent. The amount of tax collected in one (1) month shall be remitted to the Tax Administrator, and must be received by the Tax Administrator on or before the twentieth (20th) day of the following month.

#### **8-2.910. BUNDLING TAXABLE ITEMS.**

If any nontaxable charges are combined with and not separately stated from taxable service charges on the customer bill or invoice of a service supplier, the combined charge is subject to tax unless the service supplier identifies, by reasonable and verifiable standards, the portions of the combined charge that are nontaxable and taxable through the service supplier's books and records kept in the regular course of business, and in accordance with generally accepted accounting principles, and not created and maintained for tax purposes. If the service supplier offers a combination of taxable and non-taxable services, and the charges are separately stated, then for taxation purposes, the values assigned the taxable and non-taxable services shall be based on its books and records kept in the regular course of business and in accordance with generally accepted accounting principles, and not created and maintained for tax purposes. The service supplier has the burden of proving the proper valuation and apportionment of taxable and non-taxable charges.

#### **8-2.911. SUBSTANTIAL NEXUS/MINIMUM CONTRACT.**

For purposes of imposing a tax or establishing a duty to collect and remit a tax under this Article, "substantial nexus" and "minimum contacts" shall be construed broadly in favor of the imposition, collection and/or

remittance of the utility users' tax to the fullest extent permitted by State and Federal law, and as it may change from time to time by judicial interpretation or by statutory enactment. Any telecommunication service (including VoIP) used by a person with a service address in the City, which service is capable of terminating a call to another person on the general telephone network, shall be subject to a rebuttable presumption that "substantial nexus/minimum contacts" exists for purposes of imposing a tax, or establishing a duty to collect and remit a tax, under this Article. A service supplier shall be deemed to have sufficient activity in the City for tax collection and remittance purposes if its activities include, but are not limited to, any of the following: maintains or has within the City, directly or through an agent or subsidiary, a place of business of any nature; solicits business in the City by employees, independent contractors, resellers, agents or other representatives; solicits business in the City on a continuous, regular, seasonal or systematic basis by means of advertising that is broadcast or relayed from a transmitter with the City or distributed from a location with the City; or advertises in newspapers or other periodicals printed and published within the City or through materials distributed in the City by means other than the United States mail; or if there are activities performed in the City on behalf of the service supplier that are significantly associated with the service supplier's ability to establish and maintain a market in the City for the provision of utility services that are subject to a tax under this Article.

#### **8-2.912. DUTY TO COLLECT PROCEDURES.**

- (a) **Collection by Service Suppliers:** The duty of service suppliers to collect and remit the taxes imposed by the provisions of this Article shall be performed as follows:
- (1) The tax shall be collected by service suppliers insofar as practicable at the same time as, and along with, the collection of the charges made in accordance with the regular billing practice of the service supplier. Where the amount paid by a service user to a service supplier is less than the full amount of the charge and tax which was accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid. In those cases where a service user has notified the service supplier of refusal to pay the tax imposed on said charges, Section 8-2.916 shall apply.
  - (2) The duty of a service supplier to collect the tax from a service user shall commence with the beginning of the first regular billing period applicable to the service user where all charges normally included in such regular billing are subject to the provisions of this Article. Where a service

user receives more than one billing, one or more being for different periods than another, the duty to collect shall arise separately for each billing period.

- (b) **Filing Return and Payment:** Each person required by this Article to remit a tax shall file a return to the Tax Administrator, on forms approved by the Tax Administrator, on or before the due date. The full amount of the tax collected shall be included with the return and filed with the Tax Administrator. The Tax Administrator is authorized to require such additional information as he or she deems necessary to determine if the tax is being levied, collected, and remitted in accordance with this Article. Returns are due immediately upon cessation of business for any reason. Pursuant to *Revenue and Tax Code Section 7284.6*, the Tax Administrator, and its agents, shall maintain such filing returns as confidential information that is exempt from the disclosure provisions of the Public Records Act.

#### **8-2.913. COLLECTION PENALTIES-SERVICE SUPPLIERS.**

- (a) Taxes collected from a service user are delinquent if not received by the Tax Administrator on or before the due date. Should the due date occur on a weekend or legal holiday, the return must be received by the Tax Administrator on the first regular working day following the weekend or legal holiday. A direct deposit, including electronic fund transfers and other similar methods of electronically exchanging monies between financial accounts, made by a service supplier in satisfaction of its obligations under this Article shall be considered timely if the transfer is initiated on or before the due date, and the transfer settles into the City's account on the following business day.
- (b) If the person required to collect and/or remit the utility users' tax fails to collect the tax (by failing to properly assess the tax on one or more services or charges on the customer's billing) or fails to remit the tax collected on or before the due date, the Tax Administrator shall attach a penalty for such delinquencies or deficiencies at the rate of fifteen percent (15%) of the total tax that is delinquent or deficient in the remittance, and shall pay interest at the rate of seventy-five one-hundredths percent (0.75%) per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent, until paid.
- (c) The Tax Administrator shall have the power to impose additional penalties upon persons required to collect and remit taxes pursuant

to the provisions of this Article for fraud or gross negligence in reporting or remitting at the rate of fifteen percent (15%) of the amount of the tax collected and/or required to be remitted, or as recomputed by the Tax Administrator.

- (d) For collection purposes only, every penalty imposed and such interest that is accrued under the provisions of this Article shall become a part of the tax herein required to be paid.
- (e) Notwithstanding the foregoing, the Tax Administrator may, in his or her discretion, modify the due dates of this Article to be consistent with any uniform standards or procedures that are mutually agreed upon by other public agencies imposing a utility users' tax, or otherwise legally established, to create a central payment location or mechanism.

#### **8-2.914. ACTIONS TO COLLECT.**

Any tax required to be paid by a service user under the provisions of this Article shall be deemed a debt owed by the service user to the City. Any such tax collected from a service user which has not been remitted to the Tax Administrator shall be deemed a debt owed to the City by the person required to collect and remit and shall no longer be a debt of the service user. Any person owing money to the City under the provisions of this Article shall be liable to an action brought in the name of the City for the recovery of such amount, including penalties and interest as provided for in this Article, along with any collection costs incurred by the City as a result of the person's noncompliance with this Article, including, but not limited to, reasonable attorneys' fees. Any tax required to be collected by a service supplier or owed by a service user is an unsecured priority excise tax obligation under *11 U. S. CA. Section 507(a)(8)(C)*. Service suppliers who seek to collect charges for service in bankruptcy proceedings shall also include in any such claim the amount of taxes due the City for those services, unless the Tax Administrator determines that such duty is in conflict with any federal or state law, rule, or regulation or that such action would be administratively impractical.

**8-2.915. DEFICIENCY DETERMINATION AND ASSESSMENT-TAX APPLICATION ERRORS.**

- (a) The Tax Administrator shall make a deficiency determination if he or she determines that any person required to pay or collect taxes pursuant to the provisions of this Article has failed to pay, collect, and/or remit the proper amount of tax by improperly or failing to apply the tax to one or more taxable services or charges. Nothing herein shall require that the Tax Administrator institute proceedings under this Section 8-2.915 if, in the opinion of the Tax Administrator, the cost of collection or enforcement likely outweighs the tax benefit.
- (b) The Tax Administrator shall mail a notice of such deficiency determination to the person required to pay or remit the tax, which notice shall refer briefly to the amount of the taxes owed, plus interest at the rate of seventy-five one-hundredths percent (0.75%) per month, or any fraction thereof, on the amount of the tax from the date on which the tax should have been received by the City. Within fourteen (14) calendar days after the date of service of such notice, the person may request in writing to the Tax Administrator for a hearing on the matter.
- (c) If the person fails to request a hearing within the prescribed time period, the amount of the deficiency determination shall become a final assessment, and shall immediately be due and owing to the City. If the person requests a hearing, the Tax Administrator shall cause the matter to be set for hearing, which shall be scheduled within thirty (30) days after receipt of the written request for hearing. Notice of the time and place of the hearing shall be mailed by the Tax Administrator to such person at least ten (10) calendar days prior to the hearing, and, if the Tax Administrator desires said person to produce specific records at such hearing, such notice may designate the records requested to be produced.
- (d) At the time fixed for the hearing, the Tax Administrator shall hear all relevant testimony and evidence, including that of any other interested parties. At the discretion of the Tax Administrator, the hearing may be continued from time to time for the purpose of allowing the presentation of additional evidence. Within a reasonable time following the conclusion of the hearing, the Tax Administrator shall issue a final assessment (or non-assessment), thereafter, by confirming, modifying or rejecting the original deficiency determination, and shall mail a copy of such final assessment to person owing the tax. The decision of the Tax Administrator may be appealed pursuant to Section 8-2.920 of this

Article. Filing an application with the Tax Administrator and appeal to the City Administrator, or designee, pursuant to Section 8-2.920 of this Article is a prerequisite to a suit thereon.

- (e) Payment of the final assessment shall become delinquent if not received by the Tax Administrator on or before the thirtieth (30th) day following the date of receipt of the notice of final assessment. The penalty for delinquency shall be fifteen percent (15%) on the total amount of the assessment, along with interest at the rate of seventy-five one-hundredths percent (0.75%) per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date of delinquency, until paid. The applicable statute of limitations regarding a claim by the City seeking payment of a tax assessed under this Article shall commence from the date of delinquency as provided in this subsection (e).
- (f) All notices under this Article may be sent by regular mail, postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing.

**8-2.916. ADMINISTRATIVE REMEDY - NON-PAYING SERVICE USERS.**

- (a) Whenever the Tax Administrator determines that a service user has deliberately withheld the amount of the tax owed by the service user from the amounts remitted to a person required to collect the tax, or whenever the Tax Administrator deems it in the best interest of the City, he or she may relieve such person of the obligation to collect the taxes due under this Article from certain named service users for specific billing periods. To the extent the service user has failed to pay the amount of tax owed for a period of two (2) or more billing periods, the service supplier shall be relieved of the obligation to collect taxes due. The service supplier shall provide the City with the names and addresses of such service users and the amounts of taxes owed under the provisions of this Article. Nothing herein shall require that the Tax Administrator institute proceedings under this Section 8-2.916 if, in the opinion of the Tax Administrator, the cost of collection or enforcement likely outweighs the tax benefit.
- (b) In addition to the tax owed, the service user shall pay a delinquency penalty at the rate of fifteen percent (15%) of the total tax that is owed, and shall pay interest at the rate of seventy-five one-hundredths percent (0.75%) per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the due date, until paid.



- (c) The Tax Administrator shall notify the non-paying service user that the Tax Administrator has assumed the responsibility to collect the taxes due for the stated periods and demand payment of such taxes, including penalties and interest. The notice shall be served on the service user by personal delivery or by deposit of the notice in the United States mail, postage prepaid, addressed to the service user at the address to which billing was made by the person required to collect the tax; or, should the service user have a change of address, to his or her last known address.
- (d) If the service user fails to remit the tax to the Tax Administrator within thirty (30) days from the date of the service of the notice upon him or her, the Tax Administrator may impose an additional penalty of fifteen percent (15%) of the amount of the total tax that is owed.

**8-2.917. ADDITIONAL POWERS AND DUTIES OF THE TAX ADMINISTRATOR.**

- (a) The Tax Administrator shall have the power and duty, and is hereby directed, to enforce each and all of the provisions of this Article.
- (b) The Tax Administrator may adopt administrative rules and regulations consistent with provisions of this Article for the purpose of interpreting, clarifying, carrying out and enforcing the payment, collection and remittance of the taxes herein imposed. The administrative ruling shall not impose a new tax, revise an existing tax methodology as stated in this Article, or increase an existing tax, except as allowed by *California Government Code Section 53750(h)(2)*. A copy of such administrative rules and regulations shall be on file in the Tax Administrator's office. To the extent that the Tax Administrator determines that the tax imposed under this Article shall not be collected in full for any period of time from any particular service supplier or service user, that determination shall be considered an exercise of the Tax Administrator's discretion to settle disputes and shall not constitute a change in taxing methodology for purposes of *Government Code Section 53750* or otherwise. The Tax Administrator is not authorized to amend the City's methodology for purposes of *Government Code Section 53750* and the City does not waive or abrogate its ability to impose the utility users' tax in full as a result of promulgating administrative rulings or entering into agreements.

- (c) Upon a proper showing of good cause, the Tax Administrator may make administrative agreements, with appropriate conditions, to vary from the strict requirements of this Article and thereby: (1) conform to the billing procedures of a particular service supplier so long as said agreements result in the collection of the tax in conformance with the general purpose and scope of this Article; or, (2) to avoid a hardship where the administrative costs of collection and remittance greatly outweigh the tax benefit. A copy of each such agreement shall be on file in the Tax Administrator's office, and are voidable by the Tax Administrator or the City at any time.
- (d) The Tax Administrator may conduct an audit, to ensure proper compliance with the requirements of this Article, of any person required to collect and/or remit a tax pursuant to this Article. The Tax Administrator shall notify said person of the initiation of an audit in writing. In the absence of fraud or other intentional misconduct, the audit period of review shall not exceed a period of three (3) years next preceding the date of receipt of the written notice by said person from the Tax Administrator. Upon completion of the audit, the Tax Administrator may make a deficiency determination pursuant to Section 8-2.915 of this Article for all taxes (and applicable penalties and interest) owed and not paid, as evidenced by information provided by such person to the Tax Administrator. If said person is unable or unwilling to provide sufficient records to enable the Tax Administrator to verify compliance with this Article, the Tax Administrator is authorized to make a reasonable estimate of the deficiency. Said reasonable estimate shall be entitled to a rebuttable presumption of correctness.
- (e) Upon receipt of a written request of a taxpayer, and for good cause, the Tax Administrator may extend the time for filing any statement required pursuant to this Article for a period of not to exceed forty-five (45) days, provided that the time for filing the required statement has not already passed when the request is received. No penalty for delinquent payment shall accrue by reason of such extension. Interest shall accrue during said extension at the rate of seventy-five one-hundredths percent (0.75%) per month, prorated for any portion thereof.
- (f) The Tax Administrator shall determine the eligibility of any person who asserts a right to exemption from, or a refund of, the tax imposed by this Article.
- (g) Notwithstanding any provision in this Article to the contrary, the Tax Administrator may waive any penalty or interest imposed

upon a person required to collect and/or remit for failure to collect the tax imposed by this Article if the non-collection occurred in good faith. In determining whether the non-collection was in good faith, the Tax Administrator shall take into consideration the uniqueness of the product or service, industry practice or other precedence. The Tax Administrator may also participate with other utility users' tax public agencies in conducting coordinated compliance reviews with the goal of achieving administrative efficiency and uniform tax application determinations, where possible. To encourage full disclosure and on-going cooperation on annual compliance reviews, the Tax Administrator, and its agents, may enter into agreements with the tax-collecting service providers and grant prospective only effect on any changes regarding the taxation of services or charges that were previously deemed by the service provider, in good faith and without gross negligence, to be non-taxable. In determining whether the non-collection was in good faith and without gross negligence, the Tax Administrator shall take into consideration the uniqueness of the product or service, industry practice or other precedence.

#### **8-2.918. RECORDS.**

- (a) It shall be the duty of every person required to collect and/or remit to the City any tax imposed by this Article to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax as he/she may have been liable for the collection of and remittance to the Tax Administrator, which records the Tax Administrator shall have the right to inspect at a reasonable time.
  
- (b) The City may issue an administrative subpoena to compel a person to deliver, to the Tax Administrator, copies of all records deemed necessary by the Tax Administrator to establish compliance with this Article, including the delivery of records in a common electronic format on readily available media if such records are kept electronically by the person in the usual and ordinary course of business. As an alternative to delivering the subpoenaed records to the Tax Administrator on or before the due date provided in the administrative subpoena, such person may provide access to such records outside the City on or before the due date, provided that such person shall reimburse the City for all reasonable travel expenses incurred by the City to inspect those records, including travel, lodging, meals, and other similar expenses, but excluding the normal salary or hourly wages of those persons designated by the City to conduct the inspection.

- (c) The Tax Administrator is authorized to execute a non-disclosure agreement approved by the City Attorney to protect the confidentiality of customer information pursuant to *California Revenue and Tax Code Sections 7284.6 and 7284.7*.
- (d) If a service supplier uses a billing agent or billing aggregator to bill, collect, and/or remit the tax, the service supplier shall: 1) provide to the Tax Administrator the name, address and telephone number of each billing agent and billing aggregator currently authorized by the service supplier to bill, collect, and/or remit the tax to the City; and, 2) upon request of the Tax Administrator, deliver, or effect the delivery of, any information or records in the possession of such billing agent or billing aggregator that, in the opinion of the Tax Administrator, is necessary to verify the proper application, calculation, collection and/or remittance of such tax to the City.
- (e) If any person subject to record-keeping under this Article unreasonably denies the Tax Administrator access to such records, or fails to produce the information requested in an administrative subpoena within the time specified, then the Tax Administrator may impose a penalty of Five Hundred Dollars (\$500.00) on such person for each day following: 1) the initial date that the person refuses to provide such access; or, 2) the due date for production of records as set forth in the administrative subpoena. This penalty shall be in addition to any other penalty imposed under this Article.

#### **8-2.919. REFUNDS.**

Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this Article from a person or service supplier, it may be refunded as provided in this Section as follows:

- (a) **Written Claim for Refund:** The Tax Administrator may refund any tax that has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this Article from a person or service supplier, provided that no refund shall be paid under the provisions of this Section unless the claimant or his or her guardian, conservator, executor, or administrator has submitted a written claim to the Tax Administrator within one year of the overpayment or erroneous or illegal collection of said tax. Such claim must clearly establish claimant's right to the refund by written records showing entitlement thereto. Nothing herein shall permit the filing of a claim on behalf of a class or group of taxpayers unless each

member of the class has submitted a written claim under penalty of perjury as provided by this Section.

- (b) **Compliance with Claims Act:** The filing of a written claim pursuant to *Government Code Section 935* is a prerequisite to any suit thereon. Any action brought against the City pursuant to this Article shall be subject to the provisions of *Government Code Sections 945.6 and 946*. The Tax Administrator, or the City Council where the claim is in excess of Five Thousand Dollars (\$5,000.00), shall act upon the refund claim within the time period set forth in *Government Code Section 912.4*. If the Tax Administrator/City Council fails or refuses to act on a refund claim within the time prescribed by *Government Section 912.4*, the claim shall be deemed to have been rejected by the City Council on the last day of the period within which the City Council was required to act upon the claim as provided in *Government Code Section 912.4*. The Tax Administrator shall give notice of the action in a form which substantially complies with that set forth in *Government Code Section 913*.
  
- (c) **Refunds to Service Suppliers:** Notwithstanding the notice provisions of subsection (a) of this Section, the Tax Administrator may, at his or her discretion, give written permission to a service supplier, who has collected and remitted any amount of tax in excess of the amount of tax imposed by this Article, to claim credit for such overpayment against the amount of tax which is due the City upon a subsequent monthly return(s) to the Tax Administrator, provided that: 1) such credit is claimed in a return dated no later than one year from the date of overpayment or erroneous collection of said tax; 2) the Tax Administrator is satisfied that the underlying basis and amount of such credit has been reasonably established; and, 3) in the case of an overpayment by a service user to the service supplier that has been remitted to the City, the Tax Administrator has received proof, to his or her satisfaction, that the overpayment has been refunded by the service supplier to the service user in an amount equal to the requested credit.

#### **8-2.920. APPEALS.**

- (a) The provisions of this Section apply to any decision (other than a decision relating to a refund pursuant to Section 8-2.919 of this Article), deficiency determination, assessment, or administrative ruling of the Tax Administrator. Any person aggrieved by any decision (other than a decision relating to a refund pursuant to Section 8-2.919 of this Article), deficiency determination,

assessment, or administrative ruling of the Tax Administrator, shall be required to comply with the appeals procedure of this Section. Compliance with this Section shall be a prerequisite to a suit thereon. [See *Government Code Section 935(b)*]. Nothing herein shall permit the filing of a claim or action on behalf of a class or group of taxpayers.

- (b) If any person is aggrieved by any decision (other than a decision relating to a refund pursuant to Section 8-2.919 of this Article), deficiency determination, assessment, or administrative ruling of the Tax Administrator; he or she may appeal to the City Administrator, or designee, by filing a notice of appeal with the City Clerk within fourteen (14) days of the date of the decision, deficiency determination, assessment, or administrative ruling of the Tax Administrator which aggrieved the service user or service supplier.
- (c) The matter shall be scheduled for hearing before an independent hearing officer selected by the City Administrator, or designee, no more than thirty (30) days from the receipt of the appeal. The appellant shall be served with notice of the time and place of the hearing, as well as any relevant materials, at least five (5) calendar days prior to the hearing. The hearing may be continued from time to time upon mutual consent. At the time of the hearing, the appealing party, the Tax Administrator, and any other interested person may present such relevant evidence as he or she may have relating to the determination from which the appeal is taken.
- (d) Based upon the submission of such evidence and the review of the City's files, the hearing officer shall issue a written notice and order upholding, modifying or reversing the determination from which the appeal is taken. The notice shall be given within fourteen (14) days after the conclusion of the hearing and shall state the reasons for the decision. The notice shall specify that the decision is final and that any petition for judicial review shall be filed within ninety (90) days from the date of the decision in accordance with Code of Civil Procedure Section 1094.6.
- (e) All notices under this Section may be sent by regular mail, postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing.

**8-2.921. REFUND - ANNUAL GROSS INCOME LESS THAN \$8,700.00.**

- (a) A refund of not to exceed thirty dollars (\$30.00) of taxes due and paid under the provisions of this article for utility services rendered in any calendar year shall be made whenever all of the following occur:
- (1) The annual gross income of the household in which the claimant lives is less than eight thousand seven hundred dollars (\$8,700.00) for the claimant's last federal or State personal income tax reporting period.
  - (2) The claimant makes application and files a verified claim in writing with the Finance Director for such refund upon a claim form provided by the Finance Director.
  - (3) The claim is approved by the Finance Director as being in conformance with this section. Only one (1) member of each household may file a claim, and only one (1) claim may be filed for each individual household.
- (b) The claimant shall be the person in whose name the bills for utilities services were rendered. Income of the household means all income of the claimant's household while members of such household and related to the claimant as a spouse or as defined in the *California Revenue and Taxation Code of Sections 17056 and 17057*.
- (c) "Gross income" shall mean the sum of adjusted gross income as used for purposes of the California Personal Income Tax Law, together with the net income from all sources of all kinds, including, but not limited to, alimony, support money, cash public assistance and relief, pensions, annuities, social security, interest on securities (including tax-free interest on governmental securities), realized capital gains, workmen's compensation (not including medical benefits), unemployment insurance income, insurance benefits of all kinds (other than medical), and gifts; except that income shall not include Medicare benefits, Medicaid benefits, gifts of food and gifts between members of the household, the receipt of surplus food or other relief in kind supplied by a governmental agency.
- (d) The claim for such refund, for the preceding calendar year, shall be made only during the period of January 1 to April 15 of each year, and must be accompanied by a copy of the utility bills, together with proof that the utility taxes have been paid by the claimant or some member of the household. No such refund shall be made on any claim filed or post-marked later than the fifteenth day of April.

- (e) No refund shall be made to any person for taxes levied on a utility account for which any utility tax is due and outstanding for the period for which refund is claimed or for any prior period. No refund shall be made of any tax which was paid with public assistance or relief funds which included an allowance to pay the tax.
- (f) Nothing in this section shall be construed to require that any utility company has any obligation to make or furnish, for the purpose of the refund provisions hereof, proof of utility taxes due or utility taxes paid.

**8-2.922. NO INJUNCTION/WRIT OF MANDATE.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this City or against any officer of the City to prevent or enjoin the collection under this Article of any tax or any amount of tax required to be collected and/or remitted.

**8-2.923. NOTICE OF CHANGES TO ORDINANCE.**

If a tax under this Article is added, repealed, increased, reduced, or the tax base is changed, the Tax Administrator shall follow the notice requirements of *California Public Utilities Code Section 799*.

**8-2.924. EFFECT OF STATE AND FEDERAL REFERENCE/AUTHORIZATION.**

Unless specifically provided otherwise, any reference to a State or Federal statute in this Article shall mean such statute as it may be amended from time to time, provided that such reference to a statute herein shall not include any subsequent amendment thereto, or to any subsequent change of interpretation thereto by a State or Federal agency or court of law with the duty to interpret such law, to the extent that such amendment or change of interpretation would require voter approval under California law, or to the extent that such change would result in a tax decrease (as a result of excluding all or a part of a utility service, or charge therefor, from taxation). Only to the extent voter approval would otherwise be required or a tax decrease would result, the prior version of the statute (or interpretation) shall remain applicable; for any application or situation that would not require voter approval or result in a decrease of a tax, provisions of the amended statute (or new interpretation) shall be applicable to the maximum possible extent.



To the extent that the City's authorization to collect or impose any tax imposed under this Article is expanded or limited as a result of changes in State or Federal law, no amendment or modification of this Article shall be required to conform the tax to those changes, and the tax shall be imposed and collected to the full extent of the authorization up to the full amount of the tax imposed under this Article.

**8-2.925. NO INCREASE IN TAX PERCENTAGE OR CHANGE IN METHODOLOGY WITHOUT VOTER APPROVAL; AMENDMENT OR REPEAL.**

This Article 9 of Chapter 2 of Title 8 of the Modesto Municipal Code may be repealed or amended by the City Council without a vote of the People. However, as required by *Article XIII C of the California Constitution*, voter approval is required for any amendment provision that would increase the rate of any tax levied pursuant to this Ordinance. The People of the City of Modesto affirm that the following actions shall not constitute an increase of the rate of a tax:

- (1) The restoration of the rate of the tax to a rate that is no higher than that set by this Ordinance, if the City Council has acted to reduce the rate of the tax;
- (2) An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as such interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Ordinance;
- (3) The establishment a class of persons that is exempt or excepted from the tax or the discontinuation of any such exemption or exception (other than the discontinuation of an exemption or exception specifically set forth in this Ordinance); and
- (4) The collection of the tax imposed by this ordinance, even if the City had, for some period of time, failed to collect the tax.

**8-2.926. INDEPENDENT AUDIT OF TAX COLLECTION, EXEMPTION, REMITTANCE, AND EXPENDITURE.**

The City shall annually verify that the taxes owed under this Article have been properly applied, exempted, collected, and remitted in accordance with this Article, and properly expended according to applicable municipal law. The annual verification shall be performed by a qualified independent third party and the review shall employ reasonable, cost-effective steps to assure compliance, including the use of sampling audits. The verification

shall not be required of tax remitters where the cost of the verification may exceed the tax revenues to be reviewed.

#### **8-2.927. REMEDIES CUMULATIVE.**

All remedies and penalties prescribed by this Article or which are available under any other provision of law or equity, including but not limited to the California False Claims Act (*Government Code Section 12650 et seq.*) and the California Unfair Practices Act (*Business and Professions Code Section 17070 et seq.*), are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Article.

#### **8-2.928. INTERACTION WITH PRIOR TAX.**

- (a) Collection of Tax by Service Providers. Service providers shall begin to collect the tax imposed by this amended Article 9 as soon as feasible after the effective date of the Article, but in no event later than permitted by *Section 799* of the *California Public Utilities Code*.
- (b) Satisfaction of Tax Obligation by Service Users. Prior to April 1, 2012, any person who pays the tax levied pursuant to Article 9 of Chapter 2 of Title 8 of this Code, as it existed prior to its amendment as provided herein, with respect to any charge for a service shall be deemed to have satisfied his or her obligation to pay the tax levied pursuant to Article 9 of Chapter 2 of Title 8 as amended herein, with respect to that charge. The intent of this paragraph is to prevent the imposition of multiple taxes upon a single utility charge during the transition period from the prior Utility Users' Tax ordinance to the amended Utility Users' Tax ordinance (which transition period ends April 1, 2012) and to permit service providers or other persons with an obligation to remit the tax hereunder, during that transition period, to satisfy their collection obligations by collecting either tax.
- (c) In the event that a final court order should determine that the election enacting this Article 9 of Chapter 2 of Title 8 (as amended herein) is invalid for whatever reason, or that any tax imposed under this Article 9 of Chapter 2 of Title 8 (as amended herein) is invalid in whole or in part, then the taxes imposed under Article 9 of Chapter 2 of Title 8 of this Code, as it existed prior to its amendment as provided herein, shall automatically continue to apply with respect to any service for which the tax levied pursuant to this Article 9 has been determined to be invalid. Such automatic continuation shall be effective beginning as of the first date of

service (or billing date) for which the tax imposed by this Article is not valid. However, in the event of an invalidation, any tax (other than a tax that is ordered refunded by the court or is otherwise refunded by the City) paid by a person with respect to a service and calculated pursuant to this Article 9 of Chapter 2 of Title 8 (as amended herein) shall be deemed to satisfy the tax imposed under Article 9 of Chapter 2 of Title 8, as it existed prior to its amendment as provided herein, on that service, so long as the tax is paid with respect to a service provided no later than six months subsequent to the date on which the final court order is published.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by Councilmember \_\_\_\_\_, who moved its introduction and passage to print, which motion being duly seconded by Councilmember \_\_\_\_\_, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED: \_\_\_\_\_

ATTEST:

By \_\_\_\_\_  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By \_\_\_\_\_  
SUSANA ALCALA WOOD, City Attorney

\* \* \* \* \*

SECTION 2. On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to amend the Modesto Municipal Code relating to Utility Users' Tax.

<p><b>Measure A: Utility Users' Tax Reduction and Fairness Measure</b></p> <p>Shall the current Utility Users' Tax Ordinance be amended to reduce the tax on telecommunications users from 6% to 5.8%; modernize the ordinance to reflect changes in federal and state law and to treat taxpayers the same regardless of technology; preserve funding for essential municipal services like law enforcement, gang and drug prevention programs, and fire protection; and all money staying local for services and facilities in Modesto?</p>	Yes
	No

SECTION 3. Pursuant to Section 12114 of the California Elections Code the City Clerk of the City of Modesto is hereby authorized to prepare and sign a Notice of

Measure to be voted on in the form required by law, relating to said measure, and said City Clerk is hereby authorized and directed to publish said Notice in a time and manner required by law in *The Modesto Bee*, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

SECTION 4. The Council hereby orders the City Clerk to submit said measure to the voters at the General Election on November 8, 2011.

SECTION 5. That the County Election Department is authorized to canvass the returns of the Regular Municipal Election.

SECTION 6. That the City Clerk shall certify the passage and adoption of this resolution and enter into the original book of resolutions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour


ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-158**

**RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS  
AT THE NEXT REGULAR MUNICIPAL ELECTION TO BE HELD ON  
NOVEMBER 8, 2011, A BALLOT MEASURE ENTITLED “UTILITY USERS’  
TAX REDUCTION AND FAIRNESS MEASURE”**

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

SECTION 1. Pursuant to Article 11 of Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the Regular Municipal Election to be held on November 8, 2011, a ballot measure entitled “Utility Users’ Tax Reduction and Fairness Measure.”

SECTION 2. That a measure is to appear on the ballot as follows:

<b>Measure A: Utility Users’ Tax Reduction and Fairness Measure</b>  Shall the current Utility Users’ Tax ordinance be amended to reduce the tax on telecommunications users from 6% to 5.8%; modernize the ordinance to reflect changes in federal and state law and to treat taxpayers the same regardless of technology; preserve funding for essential municipal services like law enforcement, gang and drug prevention programs, and fire protection; and all money staying local for services and facilities in Modesto?	Yes
	No

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-159**

**RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF  
THE BALLOT MEASURE ENTITLED "UTILITY USERS' TAX REDUCTION  
AND FAIRNESS MEASURE" TO THE CITY ATTORNEY FOR THE PURPOSE  
OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE**

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 8, 2011, a measure seeking approval of a ballot measure entitled "Utility Users' Tax Reduction and Fairness Measure",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk of the City of Modesto is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-160

RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE BALLOT MEASURE ENTITLED "UTILITY USERS' TAX REDUCTION AND FAIRNESS MEASURE"

WHEREAS, the Modesto City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 8, 2011, a ballot measure entitled "Utility Users' Tax Reduction and Fairness Measure",

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no arguments may be filed with the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-161**

**RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF BADGER WATER METERS WITH ORION AUTOMATED METER READERS FOR THE DEPARTMENT OF PUBLIC WORKS, WATER DIVISION, TO BADGER METER, INC., MILWAUKEE, WI, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF \$1,528,552**

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of Badger Meter brand water meters and automated meter readers, and

WHEREAS, the Purchasing Division issued RFB No. 1011-20 Badger Water Meters with Orion Automated Meter Readers to four (4) prospective bidders and formally advertised as required by law, and

WHEREAS, RFB's were formally opened in the City Clerk's office, three (3) companies chose to respond, all three (3) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of Badger water meters with Orion automated meter readers to Badger Meter, Inc., Milwaukee, WI, 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 Badger water meters with Orion automated meter readers to Badger Water Meters, Inc., Milwaukee, WI, conforms to the Modesto Municipal Code, and

WHEREAS, funds shall be budgeted for the purchase of Badger water meters with Orion automated meter readers in Primary Appropriation Unit: 6180-480-W416,

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 Badger water meters with Orion automated meter readers for the Department of Public Works, Water Division, to Badger Water Meters, Inc., Milwaukee, WI.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of \$1,528,552.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of May 3, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-162**

**RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF A WHEEL LOADER AND BUCKET FOR THE PARKS, RECREATION, AND NEIGHBORHOODS DEPARTMENT, SOLID WASTE DIVISION, COMPOST FACILITY, TO MECOM EQUIPMENT, STOCKTON, CA, FOR AN ESTIMATED TOTAL COST OF \$154,640 FOR A WHEEL LOADER AND HOLT OF CALIFORNIA, STOCKTON, CA, FOR AN ESTIMATED TOTAL COST OF \$27,876 FOR A BUCKET; AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE PURCHASE ORDERS FOR A TOTAL ESTIMATED COST OF \$182,516**

WHEREAS, Council authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of a wheel loader with bucket for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, and

WHEREAS, the Purchasing Division issued RFB No. 1011-12, for the purchase of a wheel loader with bucket to twelve (12) prospective bidders, posted the bid on the City's website and formally advertised as required by law. None of the twelve (12) prospective bidders were local vendors as there are no local vendors which provide this equipment, and

WHEREAS, RFB's were formally opened in the City Clerk's office. Three (3) companies chose to respond, none of the prospective bidders were local vendors. All three (3) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of a wheel loader and bucket for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, to the following companies: Mecom Equipment, Stockton, CA for an estimated total cost of \$154,640 for the purchase of a wheel loader and Holt of California, Stockton, CA for an estimated total cost of \$27,876 for the purchase of a bucket, 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 a wheel loader and a bucket for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, conforms to the Modesto Municipal Code, and

WHEREAS, funds are be budgeted for the purchase of a wheel loader and bucket in Solid Waste field equipment fund 4890-37040-57020,

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 a wheel loader and bucket for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, to Mecom Equipment, Stockton, CA, for an estimated total cost of \$154,640 for a wheel loader and Holt of California, Stockton, CA, for an estimated total cost of \$27,876 for a bucket.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase orders for a total estimated cost of \$182,516.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-163**

**RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 OPERATING  
BUDGET TO MOVE \$18,000 FROM SOLID WASTE FUND RESERVES TO THE  
OPERATING BUDGET ACCOUNT (4890-37040-57020)**

WHEREAS, a budget adjustment is required to move \$18,000 from Solid Waste Fund Reserves to operating budget 4890-37040-57020 to fully purchase a wheel loader and bucket for the Parks, Recreation & Neighborhoods Department, Solid Waste Division, Compost Facility, for a total estimated cost of \$182,516, and

WHEREAS, the Fiscal Year 2010-2011 Operating Budget must be amended as shown on **Exhibit A**, which is **attached** hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2010-2011 Operating Budget in order to fully fund the purchase a wheel loader and bucket for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility.

BE IT FURTHER RESOLVED that the Finance Director, or her 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 10<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**(Fiscal Year Operating Cost Centers)**

Contact Person: Jocelyn Reed                      Council Action Date: \_\_\_\_\_  
 Telephone: 577-5492                                      Resolution Number: \_\_\_\_\_  
 Submitting Department: PRN                              Date Submitted by Dept: \_\_\_\_\_

Fund Title: Solid Waste Fund                      Fiscal Year being Adjusted: 2010-2011

FY	-	Fund	-	Cost Center	-	Account	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

<b>FROM</b>										
-	-	-	-	-	-	-	-	-	\$0	
-	-	-	-	-	-	-	-	-	\$0	
-	-	-	-	-	-	-	-	-	\$0	
<b>TO</b>										
-	-	-	-	-	-	-	-	-	\$0	
-	-	-	-	-	-	-	-	-	\$0	
-	-	-	-	-	-	-	-	-	\$0	

**Expenses**

<b>FROM</b>										
-	-	-	-	-	-	-	-	-	\$0	
-	-	-	-	-	-	-	-	-	\$0	
-	-	-	-	-	-	-	-	-	\$0	
<b>TO</b>										
11	-	4890	37040	-	57020		\$165,486	\$18,000	\$183,486	Non-CIP Capital
-	-	-	-	-	-	-	-	-	\$0	
-	-	-	-	-	-	-	-	-	\$0	

**Justification for Budget Adjustment**

Move \$18,000 from Solid Waste Fund Reserves to 4890-37040-57020.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-164**

**RESOLUTION APPROVING THE RESCISSION AGREEMENT FOR A HOME  
LOAN BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY  
AFFORDABLE HOUSING INC., FOR THE ACQUISITION AND  
REHABILITATION OF THE PROPERTY LOCATED AT 615 5<sup>TH</sup> STREET,  
MODESTO; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO EXECUTE THE AGREEMENT**

WHEREAS, on January 24, 2008, the City of Modesto and Stanislaus County Affordable Housing, Inc. (STANCO) entered into an agreement for funding through the HOME Program allocating \$84,000 to assist STANCO in purchasing property and then rehabilitating the single-family home located at 615 5th Street in Modesto, and

WHEREAS, STANCO, under the HOME agreement, agreed to own, operate and use the property as affordable transitional supportive rental housing for very-low income persons who are homeless, and

WHEREAS, the purchase of this property was never finalized by STANCO, and therefore the City of Modesto and STANCO desire to rescind the HOME Loan Agreement and the Regulatory Agreement, and cancel the Promissory Note and Deed of Trust, and

WHEREAS, no funds were disbursed to STANCO under the HOME Loan Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Rescission Agreement for a HOME loan between the City of Modesto and STANCO for the acquisition and rehabilitation of the property located at 615 5th Street, Modesto.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, with motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-165**

**RESOLUTION APPROVING A FIVE-YEAR LEASE AGREEMENT WITH CBS  
OUTDOOR, INC., AN OUTDOOR ADVERTISING COMPANY, FOR A  
PORTION OF THE PROPERTY LOCATED AT 1601 NINTH STREET; AND  
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE  
THE AGREEMENT**

WHEREAS, CBS Outdoor, Inc., an outdoor advertising company with offices in Stockton, California, operates advertising space on numerous billboard signs throughout Modesto and Stanislaus County, and

WHEREAS, CBS Outdoor, Inc. has a lease agreement for a portion of City property at 1601 Ninth Street (APN 104-001-018) to operate an advertising sign, and

WHEREAS, the property currently contains a CBS Outdoor advertising sign in existence since March 2000, and

WHEREAS, CBS Outdoor, Inc. wishes to execute a new lease agreement for a term of five years, with the option to extend the lease for an additional five years,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a five-year lease agreement with CBS Outdoor, Inc., an outdoor advertising company, for a portion of the property located at 1601 Ninth Street, with the option to renew the lease for an additional five years.

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 10<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-166**

**RESOLUTION AMENDING THE FISCAL YEAR 2010/2011 OPERATING  
BUDGET IN ORDER TO RECOGNIZE \$1,200 IN REVENUE TO PARKS  
SERVICES (0100-35220-46002)**

WHEREAS, during the property acquisitions for the Kansas-Needham Overcrossing project, the City acquired real property from Noble Properties, and the acquisition included an existing outdoor advertising sign lease with CBS Outdoor, Inc., and

WHEREAS, by separate Council action, Council approved a five-year lease agreement with CBS Outdoor, Inc., which will generate \$1,200 for the first year, and

WHEREAS, this action is necessary to recognize the \$1,200 revenue to Parks Services, Account No. 0100-35220-46002 generated from the new lease agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2010/2011 Operating Budget in order to recognize \$1,200 in Revenue to Parks Services (0100-35220-46002).

BE IT FURTHER RESOLVED that the Finance Director, or her 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 10<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

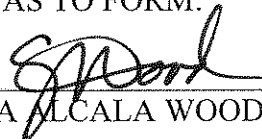
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-167**

**RESOLUTION AMENDING THE FISCAL YEAR 2010/2011 OPERATING  
BUDGET IN ORDER TO RECOGNIZE \$1,200 IN INCREASED EXPENSES TO  
PARKS SERVICES (0100-35220-53300)**

WHEREAS, during the property acquisitions for the Kansas-Needham Overcrossing project, the City acquired real property from Noble Properties, and the acquisition included an existing outdoor advertising sign lease with CBS Outdoor, Inc., and

WHEREAS, by separate Council action, Council approved a five-year lease agreement with CBS Outdoor, Inc., which will generate \$1,200 for the first year, and

WHEREAS, this action is necessary to recognize the \$1,200 in increased expenses to Parks Services, Account No. 0100-35220-53300 generated from the new lease agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2010/2011 Operating Budget in order to recognize \$1,200 in increased expenses to Parks Services (0100-35220-53300).

BE IT FURTHER RESOLVED that the Finance Director, or her 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 10<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-168**

**RESOLUTION ACCEPTING THE WORK BY HAYWARD BAKER, INC. FOR THE EFFLUENT PUMP STATION SOIL STABILIZATION PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$267,603**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Effluent Pump Station Soil Stabilization Project has been completed by Hayward Baker, Inc., in accordance with the contract agreement dated September 7, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Effluent Pump Station Soil Stabilization Project is hereby accepted as complete from said contractor Hayward Baker, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling \$267,603 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

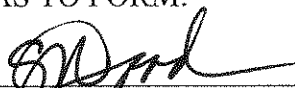
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-169**

**RESOLUTION ACCEPTING THE WORK BY ROLFE CONSTRUCTION FOR THE E. ORANGEBURG AVENUE WATER MAIN REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$457,889.43**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the East Orangeburg Avenue Water Main Replacement project has been completed by Rolfe Construction, in accordance with the contract agreement dated June 22, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the East Orangeburg Avenue Water Main Replacement project is hereby accepted as complete from said contractor Rolfe Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling \$457,889.43 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

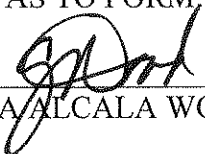
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-170**

**RESOLUTION ACCEPTING THE WORK BY TEICHERT CONSTRUCTION FOR THE DOWNSTREAM WATER SYSTEM IMPROVEMENTS-TIER 2, WEST TANK 12 AND PUMP STATION PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$5,852,232**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Downstream Water System Improvements – Tier 2, West Tank 12 and Pump Station project has been completed by Teichert Construction, in accordance with the contract agreement dated October 28, 2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Downstream Water System Improvements – Tier 2, West Tank 12 and Pump Station project is hereby accepted as complete from said contractor Teichert Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, to release securities upon expiration of statutory periods, and that payment of amounts totaling \$5,852,232 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-171**

**RESOLUTION APPROVING NEIGHBORHOOD STABILIZATION PROGRAM  
1 SUBSTANTIAL AMENDMENT AND ITS SUBMISSION TO THE U.S.  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO INCLUDE  
AS AN ELIGIBLE USE THE REDEVELOPMENT OF A RESIDENTIAL  
PROPERTY FOR NON-RESIDENTIAL END-USE (COMMUNITY CENTER);  
AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO  
EXECUTE ALL RELATED DOCUMENTS**

WHEREAS, in February 2009, the City of Modesto received \$8.1 million from the United States Department of Housing and Urban Development (HUD) as authorized by the Housing and Economic Recovery Act of 2008 (HERA), and

WHEREAS, the City has obligated 100% of these funds on the acquisition and rehabilitation of foreclosed and abandoned properties in accordance with the plan established by the City and approved by HUD for use of these funds, and

WHEREAS, as properties are completed, funds become available through project savings, and become unobligated funds which are available to be re-obligated, and

WHEREAS, staff recommends leveraging these funds with existing Community Development Block Grant (CDBG) funds to fully rehabilitate a property at 805/807 Empire Avenue which is being purchased by the City of Modesto utilizing CDBG funds for use as a community center, and

WHEREAS, the use of these funds will require a Substantial Amendment to Neighborhood Stabilization Program 1 (NSP1) to include as an eligible use the redevelopment of a residential property for non-residential end-use as a community center, and

WHEREAS, the Citizens' Housing and Community Development Committee recommended support of this item at its April 27, 2011 meeting, and

WHEREAS, a duly noticed public hearing was held by the City Council on May 10, 2011, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider the Substantial Amendment to NSP1, and

WHEREAS, a Substantial Amendment requires a citizens participation element, including a 30-day public comment period, and

WHEREAS, the 30-day public comment period began on April 5, 2011, and concluded with a public hearing scheduled for the Council meeting of May 10, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Substantial Amendment to Neighborhood Stabilization Program 1.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of May, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-172**

**RESOLUTION AWARDING THE PROPOSAL FOR THE PURCHASE OF  
MOBILE DATA COMPUTERS (MDC) TO LEHR AUTO ELECTRIC,  
SACRAMENTO, CA AND ROBOVU, PHOENIX, AZ, AND AUTHORIZING THE  
PURCHASING MANAGER TO ISSUE PURCHASE ORDERS FOR THE NOT  
TO EXCEED GRANT AMOUNT OF \$1,079,500**

WHEREAS, in 2009, the Modesto Fire Department applied for the 2009 Assistance to Firefighters Grant, using a regional approach, for the mobile data computer (MDC) needs countywide, and

WHEREAS, this approach allows for the City of Modesto to host the grant activity, which will include the purchasing and distribution of 170 MDC's, antenna and the installation of same to seventeen (17) Fire Departments and Fire Protection Districts countywide, and

WHEREAS, this grant provides for the replacement of the Modesto Fire Department's outdated and unreliable units which are currently in service, and

WHEREAS, the new MDC's will allow the use of tracking capabilities by Dispatch allowing for the dispatch of the closest resource ensuring the fastest response times possible, and

WHEREAS, this grant provides a mechanism for departments/districts which were previously unable to purchase MDC's, the ability to procure this equipment thus increasing that agency's ability to communicate with dispatch, and

WHEREAS, this grant has a twenty percent (20%) match and as such, other departments/districts which have elected to be a part of this grant purchase will fund their match in advance of products being ordered.

WHEREAS, with Council permission, the Fire Department issued a request for proposals for the purchase of mobile data computers through the Purchasing Division, and

WHEREAS, the request for proposals was posted on the City's website and formally advertised as required by law, and

WHEREAS, the request for proposals were formally opened in the City Clerk's office, and

WHEREAS, five (5) companies chose to respond, all but one (1) of the five (5) companies provided responsive and responsible proposals.

WHEREAS, the 'combined' estimate cost is being presented as a potential cost for each vendor, and

WHEREAS, the actual dollar values for each vendor will be dependent on the type of mobile data computers purchased by our partnering agencies on this regional approach grant.

WHEREAS, the total purchase will not exceed the grant value of \$1,079,500.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of the proposal for the purchase of mobile data computers (MDC) to Lehr Auto Electric, Sacramento, CA and RoboVu, Phoenix, AZ, and authorizing the Purchasing Manager to issue purchase orders for the not to exceed grant amount of \$1,079,500.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10<sup>th</sup> day of May, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-173**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE STREET IMPROVEMENTS NORTHBOUND MCHENRY AVENUE TO EASTBOUND BRIGGSMORE AVENUE PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH ROSS F. CARROLL, INC. IN THE AMOUNT OF \$279,086; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the Street Improvements Northbound McHenry Avenue to Eastbound Briggsmore Avenue project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Street Improvements Northbound McHenry Avenue to Eastbound Briggsmore Avenue project were opened at 11:00 a.m. on April 19, 2011, and later tabulated by the Director of Community and Economic Development for the consideration of the Council, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of \$279,086 received from Ross F. Carroll, Inc. be accepted as the lowest responsible bid and the contract be awarded to Ross F. Carroll, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Street Improvements Northbound McHenry Avenue to Eastbound Briggsmore Avenue project, accepts the bid of Ross F. Carroll, Inc. in the amount of \$279,086, and awards Ross F. Carroll, Inc. the contract.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

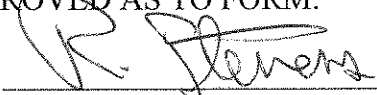
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-174**

**RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS  
FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY  
CREEK MEADOWS SUBDIVISIONS NOS. 1 THROUGH 6, AND SETTING A  
PUBLIC HEARING ON AUGUST 3, 2011, TO CONSIDER THE 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 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, the Council has approved said annual report by motion, 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 that:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 2011-2012.
2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that

the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

- a. Street medians in Creekwood Drive
- b. Areas adjacent to the access control walls along Creekwood Drive
- c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Wednesday, the 3rd day of August, 2011, 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 10<sup>th</sup> 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 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-175**

**RESOLUTION 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 AUGUST 3, 2011 TO CONSIDER THE 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 Engineer, 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, the Council has approved said annual report by motion, 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:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during Fiscal Year 2011-2012.
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 by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Wednesday, the 3rd day of August, 2011, 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 10<sup>th</sup> 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 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

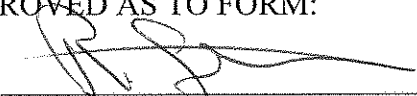
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-176**

**RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2008-683 TO  
REVISE THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT  
AND CONFIDENTIAL NON-SWORN CLASSES TO ADD ACCOUNT  
TECHNICIAN (CONFIDENTIAL)**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2008-683, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2008-683. Exhibit "A" entitled, "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes," attached to Resolution No. 2008-683, is hereby amended as shown on the amended **Exhibit "A"** entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective May 24, 2011," which is **attached** hereto and made a part hereof as though set forth in full herein. Said **Exhibit "A"** adds Account Technician (Confidential) to salary range 416.

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after May 24, 2011.



The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Attorney

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective May 24, 2011

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RANGE	TITLE
407	Administrative Office Assistant II (Confidential)
411	Administrative Office Assistant III (Confidential)
412	Police Clerk II (Confidential)
414	Legal Secretary I
415	Administrative Services Technician I (Confidential) Senior Administrative Office Assistant (Confidential)
<b>416</b>	<b>Account Technician (Confidential)</b>
418	Legal Secretary II Systems Technician I
419	Administrative Services Technician II (Confidential) Workers' Compensation Claims Assistant
420	Deputy City Clerk Employee Benefits Coordinator Executive Assistant Senior Legal Secretary
422	Office Supervisor Systems Technician II Workers' Compensation Claims Examiner I
423	Custodian Supervisor Parking Services Supervisor
424	Buyer
425	Parking Adjudication Program Coordinator Police Facilities Coordinator Public Information Analyst
426	Assistant Planner Central Stores Supervisor Financial Analyst I Senior Systems Technician

RANGE      TITLE

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- 427    Administrative Analyst I  
      Animal Control Supervisor  
      Human Resources Analyst I  
      Police Civilian Supervisor  
      Technology Solutions Analyst I  
      Workers' Compensation Claims Examiner II
  
- 428    Assistant City Clerk
  
- 430    Associate Planner  
      Financial Analyst II  
      Senior Buyer  
      Software Analyst I  
      Systems Engineer I
  
- 431    Administrative Analyst II  
      Events Coordinator  
      Human Resources Analyst II  
      Risk and Loss Control Coordinator  
      Senior Workers' Compensation Claims Examiner  
      Technology Solutions Analyst II
  
- 432    Compost Facility Supervisor  
      Junior Engineer  
      Neighborhood Preservation Supervisor  
      Operations Supervisor  
      Parks Project Coordinator  
      Recreation Supervisor  
      Senior Crime and Intelligence Analyst  
      Wastewater Collection Systems Supervisor  
      Water Quality Control Plant Maintenance Supervisor
  
- 433    Water Resources Analyst
  
- 434    Customer Services Supervisor  
      Financial Analyst III  
      Recycling Program Coordinator  
      Senior Community Development Program Specialist  
      Software Analyst II  
      Systems Engineer II

RANGE      TITLE

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- 435    Assistant Transportation Planner  
      Business Analyst  
      Cultural Services Program Manager  
      Emergency Medical Services Coordinator  
      Facility Supervisor  
      Management Analyst  
      Organizational Development Coordinator  
      Transit Analyst  
      Weed and Seed Program Coordinator
- 436    Assistant Engineer  
      Deputy Fire Marshal  
      Electrical Supervisor  
      Environmental and Water Quality Laboratory Supervisor  
      Environmental Services Supervisor  
      Housing Rehabilitation Supervisor  
      Senior Planner
- 437    Senior Human Resources Analyst
- 438    Associate Land Surveyor  
      Integrated Waste Specialist  
      Property Agent  
      Public Safety Business Services Analyst  
      Senior Financial Analyst  
      Senior Software Analyst  
      Senior Systems Engineer  
      Water Distribution and Production Supervisor
- 439    Administrative Services Officer  
      Associate Transportation Planner  
      Senior Business Analyst
- 440    Associate Engineer  
      Environmental Regulatory Compliance Administrator  
      Recreation Program Manager  
      Water Quality Control Operations Supervisor

RANGE      TITLE

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- 441    Building Maintenance Manager  
      Events Supervisor  
      Fleet Manager  
      Housing and Urban Development Manager  
      Infrastructure Financing Program Administrator  
      Parks Operations Manager  
      Parks Planning and Development Manager  
      Streets Manager  
      Urban Forestry Manager  
      Wastewater Collections Manager
  
- 442    Budget and Financial Analysis Manager  
      Construction Inspection Supervisor  
      Customer Services Manager  
      Principal Accountant  
      Principal Software Analyst  
      Principal Systems Engineer  
      Purchasing Manager
  
- 443    Associate Civil/Traffic Engineer  
      Senior Transportation Planner
  
- 444    Airport Manager  
      Building Inspection Program Coordinator  
      Building Inspection Supervisor  
      Principal Planner  
      Solid Waste Program Manager  
      Transit Manager
  
- 446    Assistant Chief Building Official  
      Information Technology Manager  
      Water Quality Control Plant Manager
  
- 447    Traffic Operations Engineer  
      Water Systems Manager

RANGE	TITLE
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450	Business Development Manager Chief Building Official Planning Manager Senior Civil Engineer
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452	City Engineer Traffic Engineer
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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-177**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH FEDERAL HOME LOAN MORTGAGE ASSOCIATION FOR THE PROPERTY LOCATED AT 805/807 EMPIRE AVENUE (APN 035-048-004) IN AN AMOUNT NOT TO EXCEED \$84,800 FOR THE AIRPORT NEIGHBORHOOD COMMUNITY CENTER PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AGREEMENT, TO SIGN CERTIFICATE OF ACCEPTANCE FORMS FOR THE GRANT DEED FOR THE ACQUISITION AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW; AND THAT THE PARKS, RECREATION & NEIGHBORHOODS DIRECTOR IS AUTHORIZED AND DIRECTED TO FILE A NOTICE OF EXEMPTION WITH THE STANISLAUS COUNTY CLERK RECORDER PURSUANT TO SECTION 15062 OF THE CEQA GUIDELINES**

WHEREAS, the Neighborhood Revitalization Strategy Area Plan was adopted by the City Council in January 2009, and

WHEREAS, this Plan identifies the establishment of a community center in the Airport Neighborhood as a goal to promote community and stimulate revitalization of the area, and

WHEREAS, the property located at 805/807 Empire Avenue is available for sale and has been determined by staff, in consultation with neighborhood stakeholders to be a viable property for the development of a community center, and

WHEREAS, the Council approved a purchase offer not to exceed \$84,800 or the appraised value whichever is less, and

WHEREAS, funding for the purchase of this property is available through the City's Community Development Block Grant entitlement funds, and

WHEREAS, the proposed project is Categorical Exempt under Section 15303(b) of the CEQA Guidelines which exempts the conversion of a duplex where only minor modifications are made to the exterior,

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

1. The proposed project is Categorically Exempt under Section 15303(b) of the CEQA Guidelines which exempts the conversion of a duplex where only minor modifications are made to the exterior.

BE IT FURTHER RESOLVED that it hereby authorizes the City Manager, or his designee, to execute the Purchase Agreement, to sign the Certificate of Acceptance forms for the Grant Deed for the acquisition, and execute all related documents required to close escrow on the property located at 805/807 Empire Avenue.

BE IT FURTHER RESOLVED that the Parks, Recreation and Neighborhoods Director is hereby authorized and directed to file a notice of exemption with the Stanislaus County Clerk Recorder pursuant to Section 15062 of the CEQA Guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:


AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)  
APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-178**

**RESOLUTION GRANTING THE DIRECTOR OF THE PARKS, RECREATION  
& NEIGHBORHOODS DEPARTMENT THE AUTHORITY TO OFFER OR  
APPROVE GOLF SPECIALS AT THE CITY OF MODESTO GOLF COURSES;  
AND RESCINDING RESOLUTION NO. 2009-236**

WHEREAS, the City owns, operates and manages the Municipal Golf Course,  
Dryden Park Municipal Golf Course, and Creekside Municipal Golf Course, and

WHEREAS, on June 2, 2009, the City Council, by Resolution No. 2009-236,  
established new green fee rates at all three Modesto Municipal Golf Courses, and

WHEREAS, included in Resolution No. 2009-236 was Section 2. Discounts,  
Subsection (e) Special Rates which states:

From time to time, the Recreation and Neighborhoods Director or his or her  
designee may provide up to a fifty percent (50%) discount off of daily green fees.  
Such specials shall occur no more than twenty (20) days per month at each golf  
course.

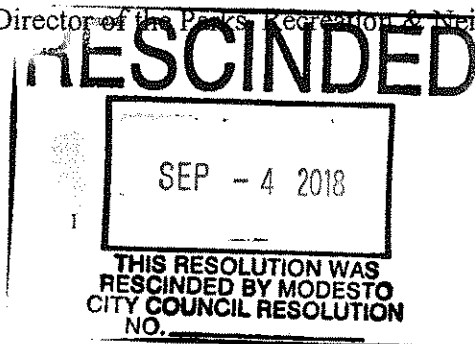
WHEREAS, the economic decline in the golf market has demonstrated the need  
for flexible and creative golf specials and packages, and

WHEREAS, City staff is requesting the above Section 2(e) be replaced with:

The Parks, Recreation & Neighborhoods Director, or his or her designee, may  
provide discounts off the established green fees and/or offer green fee packages to  
encourage rounds of golf at the three City of Modesto Golf Courses.

WHEREAS, the Finance Committee met on April 25, 2011, and discussed the  
proposed increase in authority for the Director of the Parks, Recreation & Neighborhoods  
Director, and

WHEREAS, the Golf Committee met on May 18, 2011, and supported the  
proposed increase in authority for the Director of the Parks, Recreation & Neighborhoods  
Director,



2018-377

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

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on **Exhibit "A" attached** hereto.

The policies and rates for tournament players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on **Exhibit "B" attached** hereto.

SECTION 2. DISCOUNTS.

(a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach. Green fees at the rate of \$6.50 per round shall be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

(b) Junior Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.

(c) Senior/Junior/Disabled Discounts. Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women's Golf Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

(d) Valu- Play Cards. Golfers can purchase a weekday, 6-round Valu-Play (multiple play) card for Dryden/Creekside or Muni. Valu-Play Discounts are effective for sixty (60) days from the date of purchase except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) Special Rates. The Parks, Recreation and Neighborhoods Director, or his or her designee, may provide discounts off the established green fees and/or offer green fee packages to encourage rounds of golf at the three City of Modesto golf courses.

(f) Family Tee Program. To promote family play, golfers may play from established "family tees" to be set no more than 175 yards from the greens at Municipal Nine-Hole Golf Courses. Rates for play are \$7.50 weekdays and \$8.50 weekends. All members of the foursome or group must use the family tees for this rate to be in effect.

(g) Play one round, get the second round at half price. This discount is good on the day and at the course on which the original full-fee round is played. The fee for the second round shall be one-half of the green fee in effect at the time the second round is played.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Parks, Recreation and Neighborhoods Director or designee.

SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City's Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on **Exhibit "C" attached** hereto.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King's Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday

shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after May 24, 2011.

SECTION 10. REPEALS. Resolution No. 2009-236 is hereby rescinded effective May 24, 2011.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

CITY OF MODESTO GOLF COURSES  
GREEN FEE SCHEDULE  
EFFECTIVE JULY 1, 2009

DRYDEN PARK MUNICIPAL GOLF COURSE

Weekdays, 9-holes	\$ 16.50
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 14.00
Weekdays, 18-holes	\$ 22.50
Weekdays, 18-holes (seniors/juniors/disabled)	\$ 19.00
Weekdays, 18-holes (juniors, after noon)	\$ 15.00
Weekdays Mid-day, 18-holes	\$ 18.50
Weekdays Super-Twilight, 18-holes	\$ 12.50
Weekdays afternoon League Play	\$ 17.00
Weekends/Holidays, 9-holes	\$ 18.00
Weekends/Holidays, 18-holes	\$ 28.50
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 17.50
Weekends/Holidays Mid-day, 18-holes	\$ 21.50
Weekends/Holidays Super-Twilight, 18-holes	\$ 15.50
First Tee Member, 9-holes	\$
5.00	
First Tee Member, 18-holes	10.00
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 102.00

CREEKSIDE MUNICIPAL GOLF COURSE

Weekdays, 9-holes	\$ 17.50
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 15.00
Weekdays, 18-holes	\$ 24.50
Weekdays, 18-holes (seniors/juniors/disabled)	\$ 20.50
Weekdays, 18-holes (juniors, after noon)	\$ 16.00
Weekdays Mid-day, 18-holes	\$ 19.50
Weekdays Super-Twilight, 18-holes	\$ 13.50
Weekdays afternoon League Play	\$ 18.00
Weekends/Holidays, 9-holes	\$ 20.00
Weekends/Holidays, 18-holes	\$ 31.50
Weekends/Holidays, 18-holes (juniors, after noon)	\$ 19.50
Weekends/Holidays Mid-day, 18-holes	\$ 23.50
Weekends/Holidays Super-Twilight, 18-holes	\$ 17.50
First Tee Member, 9-holes	\$
5.00	

First Tee Member, 18-holes

\$ 10.00

6-play Valu-Play booklet

\$ 117.00

6-play Valu-Play booklet (seniors/juniors/disabled)

\$ 102.00

MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

Weekdays, 9-holes	\$ 14.50
Weekdays, 9-holes (seniors/juniors/disabled)	\$ 12.50
Weekdays, 9-holes (juniors, after noon)	\$ 10.00
Weekdays Mid-day, 9-holes	\$ 12.50
Weekdays Super-Twilight, 9-holes	\$ 10.50
Weekdays afternoon League Play	\$ 11.50
Weekends/Holidays, 9-holes	\$ 16.50
Weekends/Holidays, 9-holes (juniors, after noon)	\$ 11.00
Weekends/Holidays Mid-day, 9-holes	\$ 13.50
Weekends/Holidays Super-Twilight, 9-holes	\$ 11.50
First Tee Member, 9-holes	\$
5.00	
6-play Valu-Play booklet	\$ 61.50
6-play Valu-Play booklet (seniors/juniors/disabled)	\$ 54.00
Weekdays, 9-holes, Family Tees	\$7.50
Weekends, 9-holes, Family Tees	\$8.50
Weekdays, 6-holes	\$7.00
Weekends, 6-holes	\$8.00

MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE AND CREEKSIDE MUNICIPAL GOLF COURSE

*Annual Club Membership, Initial Membership	\$150.00
*Annual Club Membership, Every Day	\$1175.00
*Annual Club Membership, Every Day, Jr./Sr.	\$1030.00
*Annual Club Membership, Every Day, Family	\$1,750.00
*Annual Club Membership, Every Day, Family, Jr./Sr.	\$1,535.00
*Annual Club Membership, Week Day	\$960.00
*Annual Club Membership, Week Day, Jr./Sr.	\$805.00
*Annual Club Membership, Week Day, Family	\$1,430.00
*Annual Club Membership, Week Day, Family, Jr./Sr.	\$1,210.00

\*At Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 1:00 p.m. during Daylight Savings Time and 12:00 Noon during Standard Time on Saturdays, Sundays, and Holidays. At Municipal Nine-Hole Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 10:00 a.m. year-round on Saturdays, Sundays, and Holidays.



TOURNAMENT FEE SCHEDULE AND POLICY  
EFFECTIVE JULY 1, 2009

	FEE PER PLAYER		
	<u>Regular Tee Time Style</u>	<u>Full Shotgun Tee Time Style Excluding cart</u>	<u>Modified Shotgun Tee Time Style Excluding cart</u>
<u>CREEKSIDE</u>			
Weekday	\$42.50	\$50.50	\$50.50
Weekends	\$49.50	\$58.50	N/A
<u>DRYDEN</u>			
Weekday	\$40.50	\$48.50	\$48.50
Weekends	\$46.50	\$55.50	N/A
<u>MUNI</u>			
Weekday	\$32.50	\$38.50	N/A
Weekend	\$34.50	\$40.50	N/A

In addition, a non-refundable deposit of \$50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees (\$24.50 weekdays/\$31.50 weekends at Creekside, \$22.50 weekdays/\$28.50 weekends at Dryden and \$14.50 weekdays/\$16.50 weekends at Muni); and Pro Shop merchandise credit (\$9.00 at Creekside/Dryden/Muni); and golf course restaurant credit (\$9.00 at Creekside/Dryden/Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees (\$28.50 weekdays/\$36.50 weekends at Creekside, \$26.50 weekdays/\$33.50 weekends at Dryden and \$16.50 weekdays/\$18.50 weekends at Muni); Pro Shop merchandise credit (\$11.00 at Creekside/Dryden/Muni); and golf course restaurant credit (\$11.00 at Creekside/Dryden/Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees (\$28.50 weekdays at Creekside; \$26.50 weekdays at Dryden); Pro Shop merchandise credit (\$11.00 at Creekside/Dryden); and golf course restaurant credit (\$11.00 at Creekside/Dryden). Cart rental is required for modified shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized affiliated golf clubs (Muni Niners, Modesto Golf Club, Dryden Park Women's Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Friday, excluding holidays.

PLAY DAY POLICY  
FOR PLAY AT THE CITY'S  
MUNICIPAL GOLF COURSES  
BY NON-AFFILIATED GROUPS

The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City's municipal golf courses:

Criteria for these groups are:

1. They are a group with an identification or organizational structure;
2. They commit to use the City's golf course(s) on a regular basis (weekly, bi-weekly, monthly, etc.);
3. They have a minimum of twenty-four (24) players;
4. Regular tee-time style starting will be used (no shotgun style starting will be allowed);
5. Their events do not promote a formal competition or championship;  
and
6. Play days will be restricted to Monday through Wednesday after 9:00 a.m.

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-179**

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING  
WITH STANISLAUS COUNTY OFFICE OF EDUCATION FOR THE SERVICES  
OF ONE MODESTO POLICE OFFICER/SCHOOL RESOURCE OFFICER AT  
PETERSEN ALTERNATIVE CENTER FOR EDUCATION CAMPUS IN THE  
AMOUNT OF \$112,000; AND AUTHORIZING THE CITY MANAGER, OR HIS  
DESIGNEE, TO EXECUTE THE MEMORANDUM OF UNDERSTANDING**

WHEREAS, the Stanislaus County Office of Education (SCOE) requires one Modesto police officer to provide direct law enforcement services, expertise and training, and to act as a School Resource Officer at Petersen Alternative Center for Education campus, and

WHEREAS, the Modesto Police Department can provide a specially trained, uniformed police officer who can take any enforcement action at the school site, if warranted, and

WHEREAS, the officer's presence with the students provides mentoring and protection of youth in our community, and

WHEREAS, the City will be compensated by the SCOE in the amount of \$112,000 for the services of one Modesto police officer, and

WHEREAS, the term of this Memorandum Of Understanding is August 17, 2011 to May 31, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding with Stanislaus County Office of Education for the services of one Modesto Police Officer/School Resource Officer at Petersen Alternative Center for Education campus in the amount of \$112,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

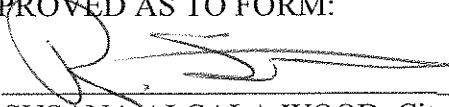
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-180**

**RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND MODESTO CITY SCHOOLS FOR THE SERVICES OF FOUR  
MODESTO POLICE OFFICERS/SCHOOL RESOURCE OFFICERS TO  
PROVIDE DIRECT LAW ENFORCEMENT SERVICES AT 12 SCHOOL SITES  
IN AN AMOUNT NOT TO EXCEED \$448,000; AND AUTHORIZING THE CITY  
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, Modesto City Schools (MCS) would like to have the services of four Modesto police officers to provide prevention, intervention, and enforcement services to students, their families and staff at the following schools: Beyer, Davis, Downey, Johansen, Modesto, Enochs, Elliott, and Gregori High Schools, and Hanshaw, Mark Twain, Roosevelt and LaLoma, and

WHEREAS, the Modesto Police Department can provide specially trained, uniformed police officers to provide campus supervisor training, in-services, and consultations with site staff and District administrators, and

WHEREAS, the police officers can act as liaisons between the Modesto Police Department and MCS, and

WHEREAS, the police officers can take any law enforcement action at the district school sites, if warranted, and

WHEREAS, the term of this Agreement is July 1, 2011, to June 30, 2012, and

WHEREAS, the City will be compensated by MCS in an amount not to exceed \$448,000 for the services of four Modesto police officers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between the City of Modesto and Modesto City Schools for the services of four Modesto Police Officers/School Resource Officers to

provide direct law enforcement services at 12 school sites in an amount not to exceed \$448,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCAEA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-181**

**RESOLUTION APPROVING AN AGREEMENT BETWEEN THE SOUTH BAY REGIONAL PUBLIC SAFETY TRAINING CONSORTIUM AND THE MODESTO POLICE DEPARTMENT FOR IN-SERVICE TRAINING COURSES FOR POLICE AND OTHER CRIMINAL JUSTICE SYSTEM OCCUPATIONAL TRAINING; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, in 1994, South Bay Regional Public Safety Training Consortium was created by Evergreen Valley and Gavilan Colleges through a California Community College Chancellor's Office Grant in order to pool resources, reduce costs, and eliminate duplication of efforts while at the same time committing to deliver high-quality training, and

WHEREAS, in 1995, a Joint Powers Agreement (JPA) was established to provide governance between South Bay and the member Community Colleges, and

WHEREAS, through the JPA, the colleges work with The Commission on Peace Officer Standards and Training (POST) that was established by the California Legislature in 1959 to set minimum selection and training standards for California law enforcement, and

WHEREAS, the Community Colleges, in turn serve as vehicles to establish course content, college credit, manage apportionment of funds amongst the participating agencies, and issue transcripts to the students, and

WHEREAS, the Modesto Police Department is required to comply with various mandated training requirements by federal and state law, to ensure proper knowledge, skills, and abilities by its employees to complete its mission, and

WHEREAS, the Modesto Police Department's training budget has been reduced due to budgetary considerations over the past few years, which has caused training to be primarily reduced to mandated training requirements, and

WHEREAS, this funding will allow the department to have more flexibility in providing training, training material (e.g., books, projectors, training aids, etc.), or provide instruction for training, and

WHEREAS, the Modesto Police Department will conduct mutually agreed upon vocational training and will submit the course content and student attendance to South Bay Regional Consortium, and

WHEREAS, South Bay will credit Modesto Police Department \$1.50 per student contact hour or number of actual students, multiplied by the number of hours of attendance, and

WHEREAS, payment will be calculated at the conclusion of each course based on the actual and eligible attendance, and

WHEREAS, payments will be held in a secure account with South Bay Consortium and are available at any time to the Modesto Police Department, and

WHEREAS, payments will be made for eligible training materials or services directly, or may be made to the Modesto Police Department upon request, and

WHEREAS, the funds must be used for the furtherance of training, training material (e.g., books, projectors, training aids, etc.), or provide instruction for training, and

WHEREAS, the term of this Agreement will be July 1, 2011 to June 30, 2012, and may be renewed each year,



NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between the South Bay Regional Pulic Safety Trianing Consortium and the Modesto Police Department for in-service training courses for police and other criminal justice system occuapational training.

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 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

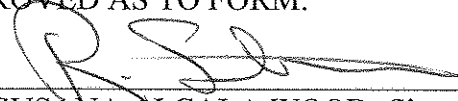
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-182**

**RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH BROWN AND CALDWELL FOR ADDITIONAL SERVICES NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR PRELIMINARY DESIGN REPORT FOR NEW ANAEROBIC DIGESTER FOR AN AMOUNT NOT TO EXCEED \$146,072 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$52,482 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$198,554, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT**

WHEREAS, the City of Modesto's Primary Wastewater Treatment Facility, located on Sutter Avenue, has two, two-million gallon (MG) primary anaerobic digesters, and

WHEREAS, Digester #1 is 42 years old; Digester #2 is 27 years old, and

WHEREAS, both digesters show signs of corrosion and the support facilities, such as the heating and mixing systems, are outdated and inadequate, and

WHEREAS, Digester #1 is currently out of service due to its current condition, leaving only Digester #2 in operation, and

WHEREAS, on August 4, 2010, by Resolution No. 2010-331, the City Council approved an agreement with Brown and Caldwell for engineering services to develop a Preliminary Design Report (PDR) for a New Anaerobic Digester and Control Building, and

WHEREAS, the scope of services provided under this agreement included completion of 35% design and summarizing the project scope and cost estimates in a PDR, and

WHEREAS, the Digester Evaluation Report (DER), prepared by Carollo Engineers, P.C., was the basis for preparing the PDR and Brown and Caldwell based its initial scope on the information and recommendations stated in this report, and

WHEREAS, the computations described in the DER were based on industry standard theoretical values for wastewater flows and volatile solids loading (typically used for master planning), and

WHEREAS, additional engineering design is needed to account for the increased volume to (1) sustain current plant loadings and solids, (2) to sustain future projected loadings, and (3) for future inclusion of Fat, Oils and Grease (FOG) loadings, and

WHEREAS, therefore, the scope of services provided in the current agreement with Brown and Caldwell will be amended as necessary in order for the PDR to include an additional new anaerobic digester, and

WHEREAS, the PDR will now address two new anaerobic digesters and a new digester control building, and

WHEREAS, this will allow City staff to receive a more accurate depiction of improvements needed to the digester system at the Primary Treatment Plant, and

WHEREAS, the recommendations provided by the PDR will be presented to Council prior to initiating final design, and

WHEREAS, City staff recommends approving an amendment to agreement with Brown and Caldwell for the work for the Preliminary Design Report for New Anaerobic Digester, and

WHEREAS, City staff recommends approving an amendment to agreement with Brown and Caldwell as the City does not have the staffing level or subject matter

expertise to provide preliminary design services for the New Anaerobic Digester project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to agreement with Brown and Caldwell for Preliminary Design Report for the New Anaerobic Digester project in an amount not to exceed \$146,072 for the identified scope of services not included in the original agreement, plus \$52,482 for additional services (if needed), for a maximum total amount of \$198,554.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-183**

**RESOLUTION ACCEPTING THE WORK BY TEICHERT CONSTRUCTION FOR THE "STREET IMPROVEMENTS ON THE WEST SIDE OF CONANT AVENUE FROM RUMBLE ROAD TO EICHER AVENUE" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$300,919**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Street Improvements on the West Side of Conant Avenue from Rumble Road to Eicher Avenue project have been completed by Teichert Construction, in accordance with the contract agreement dated March 23, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Street Improvements on the West Side of Conant Avenue from Rumble Road to Eicher Avenue are hereby accepted as complete from said contractor Teichert Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, and that payment of amounts totaling \$300,919 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-184**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE KANSAS-NEEDHAM SOIL REMEDIATION PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH INNOVATIVE CONSTRUCTION SOLUTIONS - NORCAL OF OAKLAND, CALIFORNIA IN THE AMOUNT OF \$282,729, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, specifications have been prepared for the Kansas-Needham Soil Remediation project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Kansas-Needham Soil Remediation project were opened at 11:00 a.m. on April 12, 2011, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of \$282,729 received from Innovative Construction Solutions - Norcal be accepted as the lowest responsible bid and the contract be awarded to Innovative Construction Solutions - Norcal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Kansas-Needham Soil Remediation project, accepts the bid of Innovative Construction Solutions – Norcal of Oakland, California in the amount of \$282,729, and approves the contract.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-185**

**RESOLUTION APPROVING AN AGREEMENT WITH KLEINFELDER WEST, INC. FOR GEOLOGICAL SUPPORT SERVICES DURING CONSTRUCTION OF THE KANSAS-NEEDHAM SOIL REMEDIATION PROJECT IN AN AMOUNT NOT TO EXCEED \$22,300 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$2,230 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$24,530, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, soil contamination caused by petroleum products was discovered during excavation of a storm drainage basin as part of the Kansas-Needham Overhead construction project, and

WHEREAS, on April 22, 2005, the City entered into an agreement with Kleinfelder, Inc., for a Sensitive Receptor Survey and Limited Soil Sampling and Analysis at the request of Stanislaus County Department of Environment Resources (SCDER), and

WHEREAS, additionally, Kleinfelder prepared a Corrective Action Plan (CAP) for the cleanup of the site, that was reviewed and approved by SCDER and Regional Water Quality Control Board (RWQCB), and

WHEREAS, Engineering developed the plans and specifications based on the provisions of the CAP for a project to excavate and remove the contaminated soil in this location and backfill the area with clean import material, and

WHEREAS, the agreement provides geological services including excavation observation, soil sampling and reporting per SCDER and also provides project support for the excavation of the contaminated soil,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between City of Modesto and Kleinfelder, Inc., for

geological support services for the Kansas Needham Soil Remediation Project in an amount not to exceed \$22,300 for the identified scope of services, plus \$2,230 for additional services (if needed), for a maximum total amount of \$24,530.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-186**

**RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 CAPITAL  
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$155,100 IN  
ORDER TO FULLY FUND THE AGREEMENT FOR GEOLOGICAL SUPPORT  
SERVICES, CONSTRUCTION, CONTINGENCY, AND CONSTRUCTION  
ADMINISTRATION PLUS ENGINEERING/DESIGN/ADMINISTRATION BY  
CITY STAFF FOR THE KANSAS-NEEDHAM SOIL REMEDIATION PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of \$155,100, in order to fully fund the agreement for geological support services, construction, contingency, and construction administration plus engineering / design / administration by City staff for the Kansas-Needham Soil Remediation project, and

WHEREAS, the Fiscal Year 2010-2011 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 2010-2011 Capital Improvement Program budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Request for Budget Adjustment  
(Projects and Grants)**

Form SOG PG-13

Contact Person: Gail Clement  
 Telephone: (209) 571-3538  
 Submitting Department: Utility Planning & Projects

Council Action Date: 5/24/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: 4/21/2011

Project Name: Kansas Needham Soil Remedia

Fiscal Year being Adjusted: 10-11

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
TO								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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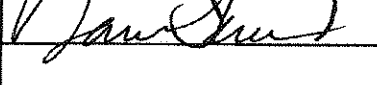
**Expenses**

FROM							
-	-	-	-				Water Reserves
-	-	-	-				
-	-	-	-				
TO							
MY	- 100469	- EDA	- Eng/Design/Admin	\$64,569	\$35,904	\$100,473	Kansas Needham Soil Remediation
MY	- 100469	- CON	- Construction	\$200,000	\$89,220	\$289,220	UPP.Engineering Design
MY	- 100469	- CTGY	- Contingency - CIP	\$20,000	\$13,928	\$33,928	UPP.Engineering Design
MY	- 100469	- CA	- Construction Administration	\$20,000	\$16,048	\$36,048	UPP.Engineering Design

**\$155,100**

**Justification for Budget Adjustment**

This budget amendment is being made to transfer funds from Water Reserves to Engineering/Design/Administration, Construction, Contingency-CIP, and Construction Administration in CIP account 100469 "Kansas Needham Soil Remediation". Additional funds are necessary due to change and increase in scope for design & construction, increase in staff time, adding an agreement with Kleinfelder West, Inc. to provide required geological support services for the project, and award the project to Innovative Construction Solutions-Norcal. There are sufficient funds in Water Reserves to effect this transfer for the required reappropriation of funds to Engineering/Design/Administration, Construction, Contingency-CIP, and Construction Administration in CIP account 100469 necessary for the project.

Authorization	Signature	Date
(Acting 4/21) Deputy Director (UP&P)		4/21/11
Department Director or Authorized Designee		4/21/2011
Department Director or Authorized Designee		4/21/11
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: _____	Completed By: _____
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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-187**

**RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH ERLER AND KALINOWSKI, INC. FOR ADDITIONAL SERVICES NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR PROFESSIONAL SERVICES TO COMPLETE THE CERES/MODESTO REGIONAL WASTEWATER SYSTEM FEASIBILITY STUDY FOR AN AMOUNT NOT TO EXCEED \$5,000 FOR THE IDENTIFIED SCOPE OF SERVICES, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT**

WHEREAS, on August 5, 2009, by Resolution No. 2009-385, the City Council approved a Cost Sharing Agreement with the City of Ceres for the development of a Regional Wastewater System Feasibility Study (Study), and

WHEREAS, the City Council, by Resolution No. 2009-387, also approved the issuance of a Request for Proposals to secure professional service to complete the Study, and

WHEREAS, on January 12, 2010, by Resolution No. 2010-008, the City Council approved an agreement with Erler and Kalinowski, Inc. (EKI) to complete the Study, and

WHEREAS, during the administrative draft review of the Study, City staff provided EKI with some additional information pertaining to governance and specifically the development of a Joint Powers Authority (JPA) and the financing arrangements related to a JPA, and

WHEREAS, this information, plus information related to the City of Turlock's sewer service for the City of Ceres, resulted in an adjustment to the Study scope of work and an increase in the cost of the Study, and

WHEREAS, the cost share for the City of Modesto is \$5,000 and \$5,000 for the other study participants; and the other participants have funded their share of the amended scope,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to agreement with Erler and Kalinowski, Inc. for additional professional services to complete the Ceres/Modesto Wastewater Feasibility Study, in and amount not to exceed \$5,000, for a maximum total amount of \$105,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-188**

**RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 CAPITAL  
IMPROVEMENT PROGRAM BUDGET IN AN AMOUNT NOT TO EXCEED  
\$5,000 IN ORDER TO FULLY FUND THE AMENDMENT TO AGREEMENT  
WITH ERLER AND KALINOWSKI, INC. FOR THE CERES/MODESTO  
REGIONAL WASTEWATER FEASIBILITY STUDY**

WHEREAS, certain budgetary transactions are necessary in an amount not to exceed \$5,000, in order to fully fund the amendment to agreement for the Ceres/Modesto Regional Wastewater Feasibility Study, and

WHEREAS, the Fiscal Year 2010-2011 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 2010-2011 Capital Improvement Program budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Request for Budget Adjustment  
(Projects and Grants)**

Form SOC-PG13

Contact Person: Brian MacDonald  
 Telephone: 341-2932  
 Submitting Department: Utility Planning and Projects

Council Action Date: 5/24/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: 5/23/2011

Modesto/Ceres Regional  
 Wastewater  
 Project Name: Feasibility Study

Fiscal Year being Adjusted: 10-11

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
TO								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	



FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
----	---------	------	------------------	----------------	----------------------	----------------	----------------------

**Expenses**

FROM							
-	-	-	-			\$0	Wastewater Reserves
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
<u>2</u> Y	- 100545	- EDA	- Eng/Design/Admin	\$100,000	\$5,000	\$105,000	UPP Administration
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	

**Justification for Budget Adjustment**

During the administrative draft report review, City staff requested FKI to provide some additional information for the Study. This additional information pertained to governance and specifically the development of a Joint Powers Authority (JPA) and the financing arrangements related to a JPA. This information, plus information related to the City of Turlock's sewer service for the City of Ceres, resulted in an adjustment to the study scope of work and an increase in the cost of the Feasibility Study. This is a request to transfer Modesto's cost share (\$5K) from Wastewater Reserves.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Department Director or Authorized Designee		5-2-11
Department Director or Authorized Designee		5-2-11
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_

Completed By: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-189**

**RESOLUTION ACCEPTING THE WORK BY ROSS F. CARROLL, INC. FOR THE PUMP STATION FOR WELL 63 AT MILDRED PERKINS PARK PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$712,807**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Pump Station for Well 63 at Mildred Perkins Park Project has been completed by Ross Carroll, Inc., in accordance with the contract agreement dated March 23, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Pump Station for Well 63 at Mildred Perkins Park Project is hereby accepted as complete from said contractor Ross F. Carroll, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling \$712,807 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-190**

**A 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): AMENDING SECTION 7-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(589), TO GENERAL COMMERCIAL ZONE, C-2, PROPERTY LOCATED ON THE WEST SIDE OF TULLY ROAD NORTH OF STANDIFORD AVENUE. (RENATA ENTERPRISES, INC.)**

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, Renata Enterprises, Inc. has proposed that the zoning designation for the property located on the west side of Tully Road north of Standiford Avenue, be amended to rezone from Planned Development Zone P-D (589), to General Commercial Zone (C-2), in the City of Modesto (“the subsequent project”) to allow a broader range of commercial uses for the site, 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 2011-08 (“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 May 4, 2011 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 24, 2011, 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 rezoning from Planned Development Zone P-D(589) to General Commercial (C-2), 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 24<sup>th</sup> day of May, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

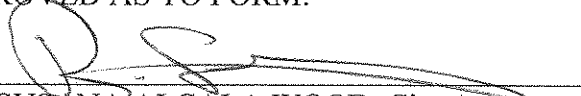
By:   
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2011-08



# **City of Modesto**

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

### **Initial Study Environmental Checklist C&ED No. 2011-08**

**For the proposed:**

**Rezone from Planned Development Zone P-D(589)  
to C-2 "General Commercial" Zone**

**Site Located at  
3619 Tully Road**

**(W. Side of Tully Road N. of Standiford Avenue)**

**APN: 054-038-006**

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

**March 18, 2011**

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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 Planned Development P-D(589) to C-2, General Commercial Zone 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: Rezone from Planned Development Zone P-D, (589) to C-2, General Commercial Zone
- B. Address or Location: 3619 Tully Road, Modesto, CA 95356 (W Side of Tully Road N. of Standiford Avenue) APN: 054-038-006
- C. Applicant: Dave Romano, Newman-Romano, LLC; 1020 Tenth Street, Suite 310, Modesto, CA 95354
- D. City Contact Person: Rita Doscher, Associate Planner  
  
Project Manager: Rita Doscher  
Department: Planning Division  
Phone Number: 209-577-5279  
E-mail address: [rdoscher@modestogov.com](mailto:rdoscher@modestogov.com)
- E. Current General Plan Designation(s): MU "Mixed-Use"

- F. Current Zoning Classification(s): Planned Development Zone P-D(589) within Phase I portion of the property: all uses as permitted in the General Commercial (C-2) Zone, including a car wash; and within Phase II portion of the property: RV storage, subject to Development Plan Review approval in accordance with Article 30 of the Modesto Municipal Code, Title 10.
- G. Surrounding Land Uses:  
 North: Planned Development Zone, P-D (527) with Mini-Storage  
 South: Planned Development Zone, P-D (133) with Neighborhood Commercial (C-1) Zone uses  
 East: Planned Development Zone, P-D (172) with Medium-High Density Residential Zone apartments  
 West: R-3 Medium-High Density Residential Zone with Mobile Home Park Units
- 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 applicant proposes to rezone an existing 2.62-acre lot zoned as Planned Development Zone P-D(589) to the C-2 "General Commercial" Zone. Under the current Planned Development zoning, potential was for the property to include a car wash to be located in the north east part of the parcel just south of the existing O'Brian's Bar & Tavern, which is allowed in the C-2 Zone. In order to facilitate reuse opportunities that would be consistent with the C-2 Zone uses, the applicant proposes to rezone the property from Planned Development Zone P-D(589) to the C-2 "General Commercial" Zone. This would allow for a broader range of uses including retail, restaurant, professional and/or medical offices and automotive services as permitted in the C-2 Zone, subject to Development Plan Review by the Director of the Community and Economic Development Department as provided by Article 30 of the City of Modesto Municipal Code. Any future development would be assessed for consistency to applicable City Zoning Ordinances, Design Guidelines and City Standards. The site is vacant except for an existing building currently being used as a bar and lounge establishment.
- 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 requested rezoning is required by public convenience or necessity and will result in an orderly planned use of resources for the following reasons:
1. The proposed rezoning will not result in any additional development beyond what has previously been approved for the site.
  2. The proposed rezoning to General Commercial (C-2) Zone uses will provide for a greater variety of development opportunities at the site that is compatible with the surrounding land uses.

- B. The proposed rezoning is consistent with the Modesto Urban Area General Plan because the General Commercial (C-2) zoning is consistent with the General Plan "Mixed-Use" land use designation of the site.
- C. 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.
- D. No new or additional mitigation measures or alternatives are required.
- E. The subsequent project is within the scope of the project covered by the Master EIR.
- F. 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.

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

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

**Original signed copy on file with CEDD**

\_\_\_\_\_  
Project Manager

\_\_\_\_\_  
Associate Planner  
Title

\_\_\_\_\_  
March 21, 2011  
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 checked="" type="checkbox"/>	<input 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"/>

#### **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 application is a proposal to rezone the subject property from Planned Development Zone, P-D(589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site includes: TC-42 and TC-47 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 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
<b>1. TRAFFIC AND CIRCULATION</b>				
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"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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, and so on.	<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:

- (1-7) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed traffic generation consistent with the type and intensity of uses that would be permitted by this rezoning. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards for site access to and from adjacent streets, internal circulation and parking.

## **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<sub>x</sub>) (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 (PM<sub>10</sub>) and 2.5 microns or less in diameter (PM<sub>2.5</sub>) (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<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.

### **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 application is a proposal to rezone the subject property from Planned Development Zone, P-D(589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site includes: AQ-17 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>2. DEGRADATION OF AIR QUALITY</b>				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> 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 best management practices established by the SJVAPCD for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> .	<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 to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed traffic volumes and emissions consistent with the type and intensity of uses that would be permitted by this rezoning. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.
- (2) Any future development at the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.
- (3) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director.
- (4-5) Any future development at the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.

### **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 application is a proposal to rezone the subject property from Planned Development Zone P-D(589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site includes: N-4 and N-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 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
<b>3. GENERATION OF NOISE</b>				
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) The proposed project is to rezone an existing development from Planned Development Zone P-D(589) to C-2 General Commercial Zone uses to facilitate future development of the site. Any future development would be required to adhere to the City's noise ordinance.
- (2-4) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.

**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 new or additional mitigation measures or alternatives are required.

**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
<b>4. EFFECTS ON AGRICULTURAL LANDS</b>				
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:

- (1-2) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel. The site is surrounded by urban uses and would not result in development of land outside of the City's General Plan boundary.
- (3-4) The project site is not zoned for agricultural use. There is no existing Williamson Act contract on the property. The site is surrounded by urban uses and would not cause the conversion of additional 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 application is a proposal to rezone the subject property from Planned Development Zone P-D(589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site includes: WS-11 and WS-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-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
<b>5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</b>				
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:

(1-3) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed water demand to be consistent with the type and intensity of development that would be permitted by this rezoning. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel, and is surrounded by existing urban uses. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.



## **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**

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 application is a proposal to rezone the subject property from Planned Development Zone P-D(589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site includes: SS-8 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

### **c. Project-Specific Effects**

Section V-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
<b>6. INCREASED DEMAND FOR SANITARY SEWER SERVICES</b>				
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) 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:

(1-3) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed wastewater generation to be consistent with the type and intensity of development that would be permitted by this rezoning. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel, and is surrounded by existing urban uses. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

**7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT**

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

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of 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 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**

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: There are no mitigation measures applicable to this project regarding sensitive wildlife and plant habitat.

**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
<b>7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</b>				
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"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.
- (2-4) The project site is located within the Baseline Developed Area of the City and is therefore completely surrounded by developed urban area. 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 proposal to rezone the property 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: There are no mitigation measures applicable to this project.

### 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
<b>8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</b>				
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 in age.	<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) 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"/>

Discussion:

- (1) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.
- (2-4) The existing building at the project site are not eligible for listing as a historic resource, nor are categorized as an existing historic landmark. The existing building was constructed in 1968 and is currently being used as a bar and lounge.
- (5) The proposal to rezone the property would not be in conflict with any policy or ordinance protecting 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 application is a proposal to rezone the subject property from Planned Development Zone P-D (589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site 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
<b>9. INCREASED DEMAND FOR STORM DRAINAGE</b>				
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:

(1-3) The proposed project to rezone from Planned Development Zone P-D(589) to C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed stormwater runoff to be consistent with the type and intensity of development that would be permitted by this rezoning. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and 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 application is a proposal to rezone the subject property from Planned Development Zone P-D(589) to the C-2 Zone. The appropriate mitigation to be applied to any future development of the site 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
<b>10. FLOODING AND WATER QUALITY</b>				
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"/>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 offsite.	<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 Urban Area 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 Urban Area General Plan implementation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- (1-2) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director.
- (3-4) The proposed project is to rezone the property from Planned Development Zone P-D(589) to the C-2 General Commercial Zone. The site is outside of the 100-year flood zone as defined by the FEMA 2008 Flood Insurance Rate Maps (FIRM).
- (5-8) Any future development would be subject to Development Plan Review by the Director and will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.

## 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 mitigation measures applicable to the project.

### 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
<b>11. INCREASED DEMAND FOR PARKS AND OPEN SPACE</b>				
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"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:

(1-3) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.

**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 mitigation measures applicable to the project.

**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
<b>12. INCREASED DEMAND FOR SCHOOLS</b>				
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:

(1-2) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of MU “Mixed Use”. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.

**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 mitigation measures applicable to this project.

**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
<b>13. INCREASED DEMAND FOR POLICE SERVICES</b>				
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:

(1-2) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of MU “Mixed Use”. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.

## 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 are applicable to this project.

### 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
<b>14. INCREASED DEMAND FOR FIRE SERVICES</b>				
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"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:

(1-3) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel.

**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 are applicable to this project.

**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
<b>15. GENERATION OF SOLID WASTE</b>				
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:

- (1-2) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use", which assumed solid waste generation to be consistent with the type and intensity of development that would be permitted by this rezoning. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and 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 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 are applicable to this project.



**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
<b>16. GENERATION OF HAZARDOUS MATERIALS</b>				
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 proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director.
- (2) The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel. No schools exist or are proposed within one-quarter mile of the project site. Any future development will be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.
- (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.
- (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 are applicable to this project.

### 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
<b>17. GEOLOGY, SOILS, AND MINERAL RESOURCES</b>				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	[ ]	[ ]	[ ]	X
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	[ ]	[ ]	[ ]	[ X ]

	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 proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director.
- (2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. The project site is already developed with four buildings previously used as an automotive dealership.

## 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 are applicable to this project.

**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
<b>18. ENERGY</b>				
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:

(1-2) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site’s General Plan Land Use designation of MU “Mixed Use”. The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director.

**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 are applicable to this project.

**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
<b>19. EFFECTS ON VISUAL RESOURCES</b>				
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 proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director.
- (2-3) The project site is not in the vicinity of parks or riverside areas. No views into parks or riverside areas would be blocked or degraded from roadways or properties adjacent to the site.

**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 are applicable to this project.

**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
<b>20. LAND USE AND PLANNING</b>				
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"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. Any future development would be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.
- (2) The site is mostly vacant except for an existing bar and lounge located on the north east corner of the parcel. The project would not divide an established community.
- (3) The proposed rezoning does not represent a conflict with any land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.
- (4) The proposed rezoning is not subject to any habitat conservation plan or natural community conservation plan.

## 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 are applicable to this project.

**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
<b>21. CLIMATE CHANGE</b>				
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 <sub>2</sub> 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:

(1-3) The proposed project to rezone from Planned Development Zone P-D(589) to the C-2 General Commercial Zone is consistent with the Urban Area General Plan and the site's General Plan Land Use designation of MU "Mixed Use". The Commercial land use designation allows for uses as permitted within the C-2 Zone, subject to Development Plan Review by the Director. Any future development would be required to adhere to applicable City of Modesto Zoning Ordinances and Standards.



## **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: None

#### **Traffic and Circulation:**

None

#### **Degradation of Air Quality:**

None

#### **Generation of Noise:**

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

**Climate Change:**

None

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-191**

**RESOLUTION ADOPTING THE JOINT 2010 URBAN WATER MANAGEMENT  
PLAN AS REQUIRED BY THE STATE OF CALIFORNIA WATER CODE**

WHEREAS, the State Department of Water Resources (DWR) requires Urban Water Management Plans (UWMPs) to be updated and submitted every five years under the Urban Water Management Planning Act of the State Water Code, and

WHEREAS, an UWMP is also necessary for water purveyors to be eligible for state water management grants or loans, and

WHEREAS, the Modesto Irrigation District (MID) is also required to submit an UWMP because by being a wholesale water supplier to the City of Modesto it provides water supply for municipal purposes to more than 3,000 customers, and

WHEREAS, the City of Modesto and MID have previously submitted joint UWMPs for both 2000 and 2005 in order to simplify the required efforts and coordinate more closely on the urban water needs, and

WHEREAS, on September 13, 2010, the City and MID entered into a Letter of Agreement for cost sharing and the development of the 2010 UWMP, and

WHEREAS, on September 14, 2010, the City Council, by Resolution No. 2010-404, approved an Agreement with West Yost Associates to develop the 2010 UWMP, and

WHEREAS, on February 22, 2011, the City Council, by Resolution No. 2011-063, conducted a public hearing and adopted a Methodology Consumption Calculation determining the per-capita water use targets and associated per-capita water uses as

required by the State Water Code, which are incorporated in the future water demand estimates of the 2010 UWMP, and

WHEREAS, one of the requirements of the 2010 UWMP is that the City must implement specific Demand Management Measures (DMMs), which will help achieve per-capita water use targets that reflect a 20% reduction in water use by the year 2020, which is mandated by the State's 2009 Water Conservation Act, and

WHEREAS, the 2010 UWMP outlines the DMMs, which are developed in a Water Conservation Plan, being adopted under a separate Council action, and

WHEREAS, said matter was set for a duly noticed public hearing of the City Council of the City of Modesto to be held on May 24, 2011, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Joint 2010 Urban Water Management Plan as required by the State of California Water Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-192**

**RESOLUTION ADOPTING THE MODESTO WATER CONSERVATION PLAN**

WHEREAS, effective January 2009, Assembly Bill 1420 (AB 1420) amended the State Water Code to require agencies to implement or have a plan to implement the specific Demand Management Measures (DMMs) accepted by the State Department of Water Resources (DWR) as qualifying conservation plans before being eligible for state water management grants and loans, and

WHEREAS, agencies can demonstrate to DWR their implementation of the DMMs or their implementation plan by completing and submitting AB 1420 Self-Certification Statement Tables, which summarize their Conservation Plan DMM implementation schedule and other required details, and

WHEREAS, although Modesto has had an active and managed Water Conservation Program for many years, a Conservation Plan document describing these DMMs that support the Self-Certification Statement Tables has not been formally developed, and

WHEREAS, on April 27, 2010, the City Council, by Resolution No. 2010-151, amended an existing agreement with RMC Water and Environment to use remaining contract funds to develop a Conservation Plan, and

WHEREAS, the Conservation Plan describes the process to meet all of the goals for the DMMs over the next ten years, and

WHEREAS, the overall intent of the Conservation Plan is to promote water conservation programs and maximize real water conservation results in the most effective an economical means available, and

WHEREAS, the DMMs also serve as a plan to achieve the mandated 2015 Interim and 2020 Final per-capita water use targets developed in the 2010 Urban Water Management Plan (2010 UWMP), which was adopted under a separate Council action, and

WHEREAS, on March 28, 2011, the City submitted for DWR's review the completed AB 1420 Self-Certification Statement Tables, and

WHEREAS, on April 14, 2011, the City received notification from DWR affirming the City's compliance with AB 1420 which states that Modesto is eligible to receive water management grants and loan funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the Modesto Water Conservation Plan.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of May, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-193**

**RESOLUTION ACCEPTING THE PASSENGER FACILITY CHARGES AUDIT  
FOR FISCAL YEARS 2008-09 AND 2009-10**

WHEREAS, Passenger Facility Charges (PFC's) are Federal Aviation Administration (FAA) approved fees that airline passengers pay with their ticket for the purpose of capital improvements at the airports, and

WHEREAS, FAA Guideline Part 158.67 requires each Airport/Public Agency to conduct an annual audit of their PFC program, and

WHEREAS, the City engaged its independent auditor, Brown and Armstrong, to conduct the audit for the fiscal years ending 6/30/10 and 6/30/09,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Auditor's Report on Compliance with Requirements Applicable to the Passenger Facility Charge Program and on Internal Control over Compliance for the fiscal years ending 6/30/10 and 6/30/09.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-194**

**RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE AND INSTALLATION OF AN OVERHEAD CRANE REPLACEMENT FOR THE WATER QUALITY CONTROL DIVISION OF THE PUBLIC WORKS DEPARTMENT, TO RAMSEY MACHINE SERVICES, ANAHEIM, CA, FOR THE TOTAL ESTIMATED COST OF \$139,860**

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for an overhead crane replacement for the Sutter Wastewater Treatment plant, and

WHEREAS, the Purchasing Division issued RFB No. 1011-07, for the purchase and installation of an overhead crane replacement to twenty-seven (27) prospective bidders, none of which were local vendors, posted the bid on the City's website and formally advertised as required by law, and

WHEREAS, RFB's were formally opened in the City Clerk's office. Of the twenty-seven (27) prospective bidders, one company chose to respond. There are no local vendors that provide this equipment and installation of services, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid and contract for the purchase and installation of an overhead crane replacement to Ramsey Machine Services, Anaheim, CA, for the total estimated cost of \$139,860, 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 and installation of an overhead crane replacement to Ramsey Machine Services, Anaheim, CA, conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2010-11 in the following appropriation unit: 4210-54313-570003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase and installation of an overhead crane replacement for the Water Quality Control Division of the Public Works Department, to Ramsey Machine Services, Anaheim, CA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue the agreement for the total estimated cost of \$139,860.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-195

RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 ANNUAL  
OPERATING BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2010-2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the Fiscal Year 2010-2011 budgets have been adjusted as shown in **Exhibit A**, which is incorporated by reference herein..

BE IT FURTHER RESOLVED that the Director of Finance, 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 7<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## EXHIBIT A

### FINANCE

An adjustment is necessary to recognize \$6,633 in previously unbudgeted General Fund (0100) revenue as a result of the Collection Fee assessed on delinquent accounts within the Business License Division of the Finance Department. The off-setting expense was previously appropriated in service credit expense as a result of the Finance Department reorganization adopted by Council on June 1, 2010. Another budget adjustment is necessary to transfer \$8,606 from Salaries and Wages Part-time to Service Credit Expense to fund the Business Licenses portion of the Code Enforcement Officer position that now resides in the Parks, Recreation and Neighborhoods Department.

### FIRE

An adjustment is necessary to appropriate \$4,966 in unbudgeted General Fund (0100) revenue that was received in excess of the budgeted amount for Miscellaneous Special Services (Fireworks Task Force). This adjustment will also increase the expense budgets for Overtime in Orgs 1820 (Fire Investigations), 1822 (Fire Prevention), and 1832 (Emergency Operations) by 1,588; \$1,395 and \$1,983 respectively.

### POLICE

While the ARRA Cops Hiring Recovery Program Grant provides for entry level officer expense, the City has officers at a higher rate than entry level in the fund whose additional expense must be subsidized. On November 3, 2010 (Resolution 2010-466) the City Council authorized the transfer of \$54,680 from the General Fund (0100) to the ARRA-Public Safety Fund (0415) to cover the Fiscal Year 2009-2010 subsidy. This budget adjustment is necessary to budget an additional General Fund amount of \$57,414 to cover the Fiscal Year 2010-2011 subsidy.

The following budget adjustments are necessary 1.) To recognize revenue in the amount of \$510,381 in Police Administration – Refunds, Reimbursement and Cost Recovery (operating org. 0100-19110-47020). These funds were received by the City of Modesto Police Department from Travelers Insurance Company as reimbursement for claims filed for expenses incurred due to a flood in the Police Department Administration Building located at 600 10<sup>th</sup> Street in August 2010. Checks have been received from Travelers Insurance in the amounts of \$250,000; \$111,838.14; and \$148,542.76 for a total of \$510,381. 2.) To provide funding to cover the required \$50,000 city deductible by reducing expense budgets in Org 0100 – 19420 – Police Support Services as follows: reduce Printing and Binding by \$20,000 and reduce Tools Shop and Field Supplies by \$30,000. 3.) Program offsetting expenses by increasing expense object 53160 – Repair & Maintenance Svcs – Property Damage in Org. 0100 – 19110 – Police Administration in the amount of \$560,381 (\$510,381 + \$50,000). These actions will allow the City to track all expenses in one place where the expenses for restoration services and the purchase of replacement equipment will ultimately be incurred.

### PUBLIC WORKS

An adjustment is necessary to appropriate \$18,000 for two (2) HVAC replacements for the Modesto Airport Terminal. The current two (2) units are from 1971 and one (1) of the units has failed. The funding is available in the Airport Fund (4310) Reserves to pay for these repairs.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-196**

**RESOLUTION ESTABLISHING THE CALCULATION FOR THE  
APPROPRIATION LIMIT FOR THE FISCAL YEAR 2011-2012 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 **attached** schedule shows the preferred price and population factors to be used and the appropriation limit with the recommended factors in calculating the limit are the price factor of “state growth in per capita income” and the population factor of “growth rate in the city limits of Modesto”, and

WHEREAS, a copy of said report is on file in the City of Modesto Finance Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appropriation limit calculation is hereby established as shown on Schedule A, **attached** hereto, and made a part hereof.

BE IT FURTHER RESOLVED that the Finance Director, 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 7<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**FISCAL YEAR 2011-2012  
PROPOSITION 4  
APPROPRIATION LIMIT CALCULATION**

FY2010-2011 Appropriation Limit	\$318,697,306
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Adjustment Factors

Per Capita Personal Income Change	2.51%
Population Change (Modesto)	0.61%
Per Capita converted to a ratio	1.0251
Population converted to a ratio	1.0061

Calculation of factor for FY2011-2012	1.0314
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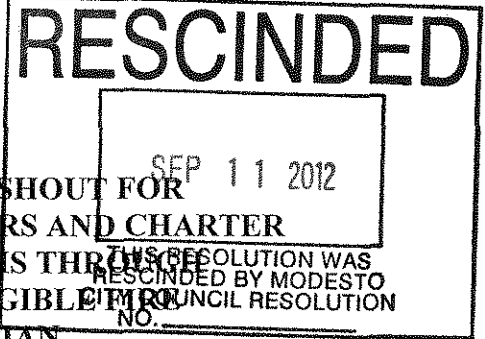
Adjustment	<u>\$10,007,095</u>
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FY2011-2012 Appropriation Limit	<u><u>\$328,704,401</u></u>
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Article XIII B places a limit on most, but not all, government revenue sources. The limit applies to appropriations from proceeds of taxes from both the general fund and special funds of government entities. Proceeds of taxes include tax revenues, interest earnings on invested tax revenues, and any revenues collected by a regulatory license fee or user charge in excess of the amount needed to cover the cost of providing the regulation, product, or service.

Appropriations from nontax revenues, including the City's enterprise funds, are not subject to the limit.

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-197



**RESOLUTION SUSPENDING MANAGEMENT LEAVE CASHOUT FOR UNREPRESENTED EMPLOYEES, INCLUDING DIRECTORS AND CHARTER OFFICERS FOR 2011; CONTINUING UNPAID FURLOUGHS THROUGH FISCAL YEAR 2011-12; RATIFY A 1% INCREASE TO ELIGIBLE MANAGEMENT FOR EMERGENCY MEDICAL TECHNICIAN CERTIFICATION PAY; ALIGNING THE CAP FOR HOLIDAY TIME ACCRUAL WITH THAT OF REPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES; INCORPORATING PREVIOUSLY AUTHORIZED BENEFITS FOR UNREPRESENTED MANAGEMENT EMPLOYEES, INCLUDING CHARTER OFFICERS AND EXECUTIVES; AND RESCINDING RESOLUTION NO. 2010-264**

WHEREAS, the City is seeking employee concessions as part of the effort to balance the City budget and address the City's budget shortfall, and

WHEREAS, unrepresented employees and Charter Officers have agreed to take 96 hours of unpaid furloughs, and

WHEREAS, unrepresented employees and Charter Officers have agreed to forego cash out of Management Leave for 2011, and

WHEREAS, the City desires to align the cash out of Holiday Time for unrepresented non-sworn employees and Charter Officers with that of Represented Management and Confidential employees, and

WHEREAS, the City desires to ratify and reflect the 1% increase effective June 22, 2010 in Emergency Medical Technician Certification pay granted to sworn Fire Management in the classifications of Fire Battalion Chief and Fire Division Chief (pursuant to the MCFFA LOU),

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

SECTION 1. 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 remain in effect as follows:

<u>City Contribution (monthly)</u>	
<u>Sworn and Non-Sworn</u>	
	<u>1/1/2011</u>
Family	\$1100
Employee Only	\$621
Opt Out	\$450

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 2. 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	January 1, 2008	\$94.00 (Per Reso. No. 2005-602)
Sworn Fire Management	July 1, 2007	\$85.00

SECTION 3 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 4. 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 5. 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 6. 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 56 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 7. MANAGEMENT LEAVE ANNUAL CASHOUT. For calendar year 2011 no employee will be permitted to cash out Management Leave.

The maximum number of hours available for cash out each December shall be 40 hours annually for Management employees, except that for overtime-eligible Management employees the maximum cash out shall be 20 hours effective calendar year 2006. Maximum annual cash out shall be 18 hours for Confidential employees.

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 8. FIRE CHIEF OFFICER SHIFT STIPEND.

Effective December 27, 2005, 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 dollars (\$1,000) 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 9. 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 10. 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.

Initial Probation: It is understood that the probationary period will normally last for one year from the date of appointment, but may last longer than the one year if absences, either paid or unpaid, cause the probationary employee to work less than 1680 hours. In the event that an employee works less than 1680 hours in the first twelve months of employment, then the employee's probation shall be extended until he/she has worked 1680 hours.

Promotional Probation: It is understood that the probationary period, upon promotion, will normally last for one year from the date of promotion, but may last longer than the one year if absences, either paid or unpaid, cause the probationary

employee to work less than 1560 hours. In the event that an employee works less than 1560 hours during the twelve months following his/her promotion, then the employee's probation shall be extended until he/she has worked 1560 hours.

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 11. DEFERRED COMPENSATION SERVICE DATES. 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 12. DOMESTIC PARTNERS. Benefits applicable to spouses shall be extended to registered domestic partners, as required by law.



SECTION 13. 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 14. 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 15. HAZARDOUS MATERIALS CERTIFICATION PAY. Effective July 1, 2003, one (1) Fire Department Battalion Chief or Division Chief shall be authorized five (5%) percent 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 16. MASTERS DEGREE INCENTIVE PAY. Effective June 29, 2004, employees who possess a Masters Degree or Juris Doctor from an accredited institution, shall be granted one and one half (1.5%) percent Masters Pay, subject to criteria as established by the City.

SECTION 17. 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 18. 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 19. 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 20. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES. Effective June 22, 1999, 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

sick leave, reduced by hours previously converted to Deferred Compensation, as follows:

(1) Ninety (90%) percent of accrued 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 accruing after promotion to a management classification shall be paid out at the employee's then current regular rate of pay.

SECTION 21. FURLOUGH. Effective June 21, 2011, all employees (except Fire Battalion Chief working a 56 hour schedule) shall take ninety six (96) hours of mandatory furloughs in fiscal year 2011-12. For the pay period beginning June 21, 2011 through pay period ending June 18, 2012, each employee shall have four (4) unpaid furlough hours deducted from his/her paycheck. Effective pay period beginning June 21, 2011, the City shall create for each employee a furlough bank of ninety-six (96) hours for fiscal year 2011-12. There is no cash value to the furlough bank hours. Unused furlough bank hours not taken by June 18, 2012 shall be forfeited. An employee who separates from City service and has not contributed the salary reduction equivalent to furlough bank hours taken shall authorize the City to reduce the employee's final check by the amount needed to cover the unpaid furlough bank hours.

Employees in the classification of Fire Battalion Chief working a 56 hour schedule shall be required to take 134.24 hours of mandatory furloughs in fiscal year 2011-12. For the pay period beginning June 21, 2011 through pay period ending June 18, 2012, Fire Battalion Chiefs shall have 5.36 unpaid furlough hours deducted from his/her paycheck. Effective pay period beginning June 21, 2011, the City shall create for each Fire Battalion Chief working a 56 hour schedule a furlough bank of 134.24 hours for

fiscal year 2011-12. There is no cash value to the furlough bank hours. Unused furlough bank hours not taken by June 18, 2012 shall be forfeited. An employee who separates from City service and has not contributed the salary reduction equivalent to furlough bank hours taken shall authorize the City to reduce the employee's final check by the amount needed to cover the unpaid furlough bank hours.

SECTION 22. EMERGENCY MEDICAL TECHNICIAN CERTIFICATION PAY. Effective July 1, 1990, sworn Fire Management employees in the classifications of Fire Battalion Chief and Fire Division Chief who are certified as Medical First Responders, shall receive a monthly allowance equivalent to two and one-half percent (2.5%) of the base salary for their classification. Employees who are certified as Emergency Medical Technicians (EMT-I), shall receive a monthly allowance equivalent to five percent (5.0%) of the base salary for their classification. The EMT-I allowance shall be in lieu of the Medical First Responder allowance.

SECTION 23. MUTUAL AID ASSIGNMENT. Per Resolution 2001-485, effective September 25, 2001, 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 \$1000 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 \$1200 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 24. 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 25. RETIREE HEALTH INSURANCE. Employees may elect on a one-time basis at retirement to purchase health, dental and/or vision insurance under a City-authorized plan and are responsible for all cost.

For employees hired **on or before December 31, 2010** and who retire 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 sick leave, up to twenty-two hundred (2,200) hours, applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY. 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 at the rate of one month of CITY contribution for each eight hours of sick leave.

For employees hired **on or after January 1, 2011**, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA) account. 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 \$0.5769 per pay status hour (no more than 80 hours biweekly), not including overtime, for each eligible full time employee, up to a maximum of \$100 per month (\$46.15 per pay period). 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2010-264 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-198**

**RESOLUTION APPROVING A SEVERANCE PACKAGE WHICH INCLUDES SEVERANCE PAY, HEALTH BENEFITS, EMPLOYEE ASSISTANCE PROGRAM AND INTERVIEW LEAVE FOR EMPLOYEES SUBJECT TO LAYOFF DUE TO AN AUTHORIZED REDUCTION IN FORCE**

WHEREAS, the City has projected a budget shortfall for Fiscal Year 2011-12 as a result of the economic downturn, and

WHEREAS, the layoff of some full time employees is inevitable, and the City desires to establish a severance package to include Severance Pay, Health Benefits and Interview Leave for employees subject to an authorized reduction in force due to budget reductions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City to offer a Severance Package to eligible employees upon layoff as outlined in **Exhibit A**, entitled, "City of Modesto Severance Package Upon Layoff."

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to sign implementation documents.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## City of Modesto

### Severance Package Upon Layoff

1. The Severance Package Upon Layoff is available to employees due to an authorized reduction in the work force. The severance package must be issued no later than September 26, 2011.
2. Severance pay shall be based on the employee's base rate of pay and completed years of service as follows:

0-5 years of service	160 hours (4 weeks) multiplied by the employee's present base hourly rate.
6-8 years of service	200 hours (5 weeks) multiplied by the employee's present base hourly rate.
9-11 years of service	240 hours (6 weeks) multiplied by the employee's present base hourly rate.
12-14 years of service	280 hours (7 weeks) multiplied by the employee's present base hourly rate.
15 or more years of service	320 hours (8 weeks) multiplied by the employee's present base hourly rate.

For shift employees in the Fire Department, severance pay shall be calculated based upon fifty-six (56) hours per week multiplied by the applicable number of weeks as designated above, multiplied by the employee's present base hourly rate of pay.

For employees whose regular work schedule is less than full time, the hours used to calculate severance pay shall be prorated.

At time of separation, an employee shall have the option to receive severance pay in a lump sum payment or in the form of a contribution of equal value by the City to the employee's deferred compensation plan, subject to all appropriate IRS regulations and limitations.

These severance benefits are offered to employees by the City as an indication of the value the City places on its employees. It is a requirement that should the employee be re-hired by the City within four (4) weeks from the date of separation, the employee shall return the salary portion of the severance package less the period of time the employee was separated from the City.

3. City will continue the City's contribution to employee's health, dental and vision benefits for the same number of weeks as the employee's severance pay, excluding any contribution to in-lieu deferred compensation.

Eligibility for Health Contribution: Employees who receive severance pay shall also be eligible to receive the City's contribution to health, dental and vision premiums for a period of four (4) to eight (8) weeks following layoff. The amount of this

contribution shall be the same as that provided to active employees, except that the amount shall not include the equivalent of any in-lieu deferred compensation or Health Savings Account contribution. The duration of the premium contributions shall be for the same number of weeks as the severance pay provision (4-8 weeks depending on years of service). The contribution shall be paid directly to the insurance carriers.

4. Counseling benefits under the City's Employee Assistance Program (or Police Department Counseling Program) shall be available for a six month period following the effective date of the layoff.

Eligibility for Counseling Benefit: Employees who receive severance pay shall also be eligible for an extension of the City's Employee Assistance Program (EAP) benefit for a period of six (6) months from date of layoff. Said benefit shall provide for a maximum of six (6) EAP visits per family.

5. City will provide paid interview leave prior to layoff, to a maximum of fifteen (15) hours for employees notified by their Department Director that they may be laid off.

Eligibility for Interview Leave: All employees in regular positions in the classified service shall be eligible for interview leave upon notification by their Department Director that they may be laid off. Employees who elect to bump down or demote to a vacancy in lieu of layoff are also eligible for interview leave.

An eligible employee may be granted up to fifteen (15) hours of paid leave for the purpose of participating in employment interviews or examinations with other employers.

As with other leave requests, interview leave is subject to approval, in advance, by the supervisor. Employees must provide supervisors with sufficient advance notice of such a leave and employees may be required to provide verification of the scheduled interview or examination. Interview leave in excess of fifteen hours may be granted with the written approval of the Department Director. Interview leave is not subject to cash out or conversion to any other benefit.

6. The City Manager may authorize an employee who volunteers to be laid off, to be laid off with rights to receive severance pay, health contributions and interview leave.

Voluntary Layoff: If an employee volunteers to be laid off and is in the classification or the approved bumping chain of a position authorized for layoff due to an authorized reduction in force, the City Manager may authorize said employee to be laid off, with all rights to receive severance benefits.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-199**

**A RESOLUTION AMENDING THE FISCAL YEAR 2010-11 OPERATING BUDGETS FOR A SUSPENSION OF TRANSFERS FROM THE GENERAL FUND TO THE WATER AND WASTEWATER FUNDS FOR STREET REPAIRS ASSOCIATED WITH THE ADOPTED POLICY ITEM APPROVED AS PART OF THE ADOPTION OF THE FISCAL YEAR 2011-12 PROPOSED OPERATING BUDGET**

WHEREAS, pursuant to the Charter of the City of Modesto, the Mayor presented the Proposed Operating Budget for Fiscal Year 2011-2012 to the Finance Committee at workshops held on May 9, 12 and 16, 2011, and

WHEREAS, during these workshops the Finance Committee was presented with a policy issue affecting both the Proposed Fiscal Year 2011-2012 budget and the Fiscal Year 2010-2011 operating budget, and

WHEREAS, the Finance Committee approved the policy issue for consideration by the full City Council during its meeting held on June 16, 2011, and

WHEREAS, the City Council has considered the policy recommendation brought before it and has approved the item and desires to have them incorporated into the Fiscal Year 2010-2011 operating budget,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2010-2011 Operating Budget as shown in **Exhibit 1** 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 7<sup>th</sup> day of June, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

FY 11-12 Capital Improvement Projects  
Proposed Expense Budget

Category	Org	Fund	Project Description	Manager	Status	Start Year	End Year	FY 12 Request	Total Budget Amount	Project Status
1	Airport	A001 6320	AIR RESCUE FIRE FIGHTING (ARFF) VEHICLE - (FAA/PFC)	THIELE	Active	2008	2011	\$0	\$850,000	Airport Fire Truck delivered Sept. 2010. Currently seeking to acquire fire tools and rescue equipment by separate bid, Spring 2011.
2	Airport	A004 6320	ENHANCED RUNWAY 10R SAFETY AREA, - (FAA/TSF)	THIELE	Active	2008	2011	\$0	\$677,290	Project has been awarded to George Reed Inc.; completion date Sept. 2010. Final acceptance Spring 2011.
3	Airport	A011 6320	WEST APRON REHABILITATION - (FAA/TSF)	THIELE	Active	2008	2011	\$0	\$422,761	Project has been awarded to George Reed Inc.; completion Sept. 2010. Final acceptance Spring 2011.
4	Airport	A018 6320	REHABILITATE NW TERMINAL APRON (FAA/PFC)	THIELE	Active	2009	2012	\$33,800	\$766,695	Design, by Kimley-Horn Associates, is nearly complete. Proposing to go out to bid Spring 2011; construction expected to be completed Winter of 2011.
5	Airport	A031 6320	Access Control System - (FAA/PFC)	THIELE	Future	2020	2020	\$0	\$0	Development of initial concept leading to design and assembly of plans and specifications. Seeking to use internal forces (Electrical/Building Services) and existing systems (Sermiens/Lennel/Simplex). Project deferred due to low priority.
6	Airport	A036 6320	Wild Life Study - (FAA/PFC)	THIELE	Future	2020	2020	\$0	\$0	Project deferred due to low priority.
7	Airport	A041 6320	Parking Lot Improvements (North Terminal Area) - (TSFR)	THIELE	New	2011	2013	\$0	\$127,178	For installation 2011-2012.
8	Airport	A785 6320	AIRPORT IRRIGATION WELL	THIELE	Active	2008	2011	\$0	\$230,347	Project is under construction and is expected to be completed in Spring 2011.
9	Airport Total							\$33,800	\$3,074,371	
10	Fleet	H028 7200	FLEET MAINTENANCE FACILITY	FISCHIO	Active	2002		\$0	\$1,056,124	in design for Phase I. Design is 65% complete.
11	Fleet Total							\$0	\$1,056,124	
12	Information Technology	M001 7130	CAD-BYRNE JUSTICE GRANT 2007	HARLESS	Active	2008		\$0	\$142,462	Project scheduled to go live September 2010.
13	Information Technology	M003 7130	CAD-COPS 2005 TECH GRANT	COOK	Active	2006		\$0	\$265,553	Project scheduled to go live September 2010.
14	Information Technology	M480 7130	FINANCIAL SOFTWARE UPGRADE	HARLESS	Active	2005		\$0	\$7,138,792	RFP was closed on 3/17/09 and is currently in review.
15	Information Technology	M481 7130	INET - FIBER NETWORK	HARLESS	Active	2005		\$0	\$347,174	The next phase of this project will require funding which is not available at this time.
16	Information Technology	M483 7130	CAD-COMPUTER AIDED DISPATCH	COOK	Active	2008		\$0	\$1,471,605	Project scheduled to go live September 2010.
17	Information Technology	M780 7130	CAD-COPS 2006 TECH GRANT	COOK	Active	2006		\$0	\$394,881	Project scheduled to go live September 2010.
18	Information Technology Total							\$0	\$9,760,477	
19	Miscellaneous	Q237 1300	COUNTER RECONSTRUCTION	DETMAR	Active	2005		\$0	\$158,000	City acquired property from General Services Agency (GSA) to develop a one-stop shop for homeless services. For various reasons that has proven to not be feasible. City is maintaining property until it can be returned to GSA to be surplus.
20	Miscellaneous Total							\$0	\$158,000	Currently, ongoing maintenance until August 2011.
21	Parks System	A012 2300	1230 12TH STREET RETROFIT	C AVEREL	Active	2003		\$0	\$607,250	This project is the Primary account for the development of the Virginia Corridor. Phase V is under construction and this project will be closed out shortly.
22	Parks System	A080 2300	BRIGGSMORE/99 BEAUTIFICATION	HOLT	Active	2004		\$0	\$1,375,000	Design is underway on wheelchair path with construction scheduled for early 2011.
23	Parks System	A087 2300	VIRGINIA CORRIDOR	HOLT	Active	1998		\$0	\$361,051	In design. Construction to occur in 2012.
24	Parks System	P002 2330	ACCESSIBILITY FEATURES PUBLIC	HORRILLC	Active	2008		\$0	\$148,465	
25	Parks System	P008 8910	TRRP Gateway Phase II	HOLT	Active	2012	2013	\$0	\$2,522,882	
26	Parks System	P009 1400	AGRICULTURAL WELLS-COMM PARKS	HOLT	Active	2010		\$0	\$350,000	Project is currently in the construction phase with completion anticipated in spring 2011.
27	Parks System	P014 2330	Empire Street Project	HORRILLC	Active	2010		\$0	\$800,000	Survey work for property lines and construction easements is done. Other pre-construction work is underway with construction scheduled to begin in summer 2011.
28	Parks System	P016 1130	Water Tower Removal 17th and G Street	HORRILLC	Active	2010		\$0	\$135,000	Environmental and historical studies completed, discussion with utility providers to occur in early 2011. Specifications for demolition bids to be ready in February 2011.
29	Parks System	P020 2330	Senior Center Energy Efficiency Project - HVAC/Roof Replacement	HORILLO	New	2010		\$0	\$273,814	Study is done; construction contract awarded with construction scheduled to begin in early 2011. Included in project is HVAC and roof replacement along with retrofitting window and door insulation.
30	Parks System	P022 2330	Senior Center Accessibility Features	HORILLO	Active	2010		\$0	\$60,000	RFP for consultant to provide preliminary design work will go out in February 2011.
31	Parks System	P023 2330	KKMC Pathway - Public Facilities Accessibility features	HORILLO	Active	2010		\$0	\$40,000	Fundraising activities are underway; at least 1/2 of funds need to be collected prior to work commencing - anticipate an 18-24 month window for fundraising. Development of design and construction plans are underway along with right-of-way negotiation.
32	Parks System	P025 0390	HVAC IMPROVEMENTS(EECBG)	HOLT	Active			\$0	\$273,000	
33	Parks System	P026 0390	INSTALL FOAM ROOF(EECBG)	HOLT	Active			\$0	\$248,000	
34	Parks System	P030 0390	INSTALL SOLAR PANELS (EECBG)	HOLT	Active			\$0	\$378,070	
35	Parks System	P034 0390	LED STREET LIGHTS REPL (EECBG)	HOLT	Active			\$0	\$480,000	
36	Parks System	P036 0390	TRANSP CNTR ENERGY UPG (EECBG)	HOLT	Active			\$0	\$25,000	
37	Parks System	P039 0390	Modesto Centre Plaza Lighting Upgrades	HOLT	New	2011	2012	\$0	\$570,830	Structures at both 412 and 416 Downey have been demolished and lots cleared. Housing Authority has been approved as Project developer; work underway to merge parcels into one.
38	Parks System	P058 2330	418 DOWNEY AVENUE	HUMPHRII	Active	2007		\$0	\$250,000	This project will install park lighting, shade structures and other amenities that were not completed in initial build of these parks.
39	Parks System	P331 1350	LIGHTING, PLAYGROUNDS AND SHADE STRUCTURES	HOLT	Active	2005		\$0	\$250,096	Project is in construction with completion scheduled for summer 2011.
40	Parks System	P341 1350	LIGHTING, PLAYGROUND, SHADE STRUCTURES FY 07-08	HOLT	Active	2007		(\$25,120)	\$319,733	Project is under construction and it is anticipated that it will be completed in 2012.
41	Parks System	P365 2300	VIRGINIA CORRIDOR PHASE V	HOLT	Active	2007		\$0	\$4,976,573	Ongoing. Design is complete with construction schedule dependent upon additional funding.
42	Parks System	P368 2300	VIRGINIA CORRIDOR PHASE VI	HOLT	Active	2010		\$0	\$200,000	Ongoing. Miscellaneous improvements as identified on these properties.
43	Parks System	P391 6600	GOLF CAPITAL IMPROVEMENTS	HOLT	Active	2000		\$0	\$337,372	Project is pending closure.
44	Parks System	P484 6290	COMPOST MAINTENANCE FACILITY	REED	Active	2008		\$0	\$35,000	Project is pending closure.
45	Parks System	P500 2330	KING-KENNEDY KITCHEN & AUDITORIUM - PHASE 1	HOLT	Active	2005		\$0	\$280,000	
46	Parks System	P501 1350	MARY E GROGAN COMMUNITY PARK	HOLT	Active	2005		\$4,576,776	\$8,208,850	Parks is coordinating with CDD to develop the Sylvan/Litt intersection on Litt Road extension. Design is 100% complete; CDs for Ph. 1 & 2 of Grogan Park are in the process of being completed with construction to begin shortly after they are complete.
47	Parks System	P502 2330	MONTEROSSO TRAILHEAD (069)	HOLT	Active			\$0	(\$55,652)	Project is scheduled to be closed.
48	Parks System	P503 1350	NEW PARKLAND ACQUISITION	HOLT	Active	2005		\$0	\$40,705,000	Ongoing - accumulating funds
49	Parks System	P597 6000	PARKING GARAGE PROJECTS	FISCHIO	Active	2006	2014	\$0	\$1,615,290	Automation is complete. The lighting upgrade is in progress. This project is scheduled to be completed by 2014.
50	Parks System	P713 2300	VIRGINIA CORRIDOR PHASE III	HOLT	Active	2005		(\$14,080)	\$4,156,746	Project is pending closure.
51	Parks System	P734 1400	PARK PARTNERS	HOLT	Active	2000		\$20,000	\$230,134	Ongoing
52	Parks System	P844 8910	TRRP GATEWAY PHASE I & II	CL 6.4.10	Active			\$0	\$507,348	
53	Parks System	P849 2330	KING-KENNEDY KITCHEN & AUDITORIUM - PHASE 2	HANNON	Active	2006		\$0	\$659,805	Project is pending closure.

FY 11-12 Capital Improvement Projects  
Proposed Expense Budget

Category	Org	Fund	Project Description	Manager	Status	Start Year	End Year	FY 12 Request	Total Budget Amount	Project Status	
54	Parks System	P854	1400	THURMAN FIELD IMPROVEMENTS	HOLT	Active	2006	2012	\$0	\$3,000,000	Ongoing. Final projects to include repaving the parking lots and various other miscellaneous projects as determined in cooperation between the City and the Modesto Nuts.
55	Parks System	P856	1350	NE COMMUNITY SERVICES CENTER	HOLT	Active	2006		\$0	\$210,000	Updated Master Plan is completed; Council acceptance is scheduled for spring 2011
56	Parks System	X510	2750	INSTALL STORMDRAIN BASIN LANDSC	DION	Future	2010		\$0	\$0	Future project.
57	Parks System	X519	2670	BIKE TRAIL MID LAT 6 BTWN BANGS & PELANDALE	DION	Future	2015		\$0	\$0	Future project.
58	Parks System	X568	2691	GROGAN PARK CONSTRUCTION PHASES 1 & 2 (PK-001A)	HOLT	Future	2015		\$0	\$0	Future project. Not yet started.
59	Parks System	X583	2680	CARVER-BANGS/PELANDALE-SNYDER BIKE TRAIL SYSTEM	DION	Active	2006	(\$151,278)	\$820,294	\$820,294	Design has begun on the next segment of the bike trail between Carver and Tully.
60	Parks System Total							\$4,406,298	\$75,327,951		
61	Public Safety	G777	1300	POLICE PARKING LOT RESURFACE	BROUMAS	Future	2010		\$0	\$0	This project was requested during the CIP process for Fiscal Year 2007 and every year thereafter, but continues to remain unfunded.
62	Public Safety	X562	2691	POLICE SUBSTATION - TENANT IMPROVEMENTS (PD-001)	DION	Future	2020		\$0	\$0	Future project.
63	Public Safety Total							\$0	\$0		
64	Storm Drainage	D005	6280	John Thurman Field Storm Drain Outfall	WONG	New	2012	2012	\$140,250	\$140,250	
65	Storm Drainage	N686	6280	9TH STREET STORM DRAINAGE	WONG	Active	2002	2014	\$0	\$545,000	Waiting for construction funding. Project is currently in progress. Additional funds needed to complete the California Environmental Quality Act (CEQA) portion of the project.
66	Storm Drainage	Q231	6280	STORM DRAIN MASTER PLAN	BOND	Active	2003	2012	\$100,000	\$832,959	
67	Storm Drainage	Q302	2691	VILLAGE ONE-WEST BASIN CONTROL	DION	Active			\$0	\$50,000	Project is pending closure.
68	Storm Drainage	Q312	2691	SYLVAN/ROSELLE INTERSECTION	DION	Active			\$0	\$3,921,555	Project is pending closure.
69	Storm Drainage	Q318	2680	STORMDRAIN BASINS PUMP ST	DION	Active			\$0	\$2,134,425	Project is pending closure.
70	Storm Drainage	X001	2690	WEST BASIN EROSION CONTROL	WONG	Active	2008	2012	\$157,707	\$646,207	Design to be complete mid 2011, construction expected to end late 2011. Project is at 50% design. Final design complete mid 2011. Construction expected late 2011 or early 2012.
71	Storm Drainage	X002	2750	NORTHPOINTE BASIN-RECONSTRUCT	WONG	Active	2010	2012	\$80,800	\$289,800	
72	Storm Drainage	X565	2691	EAST BASIN CONSTRUCTION (SD-219A)	DION	Future	2020		\$0	\$0	Future project.
73	Storm Drainage	X566	2691	EAST BASIN LANDSCAPE IMPROVEMENTS (SD-219B)	DION	Future	2020		\$0	\$0	Future project.
74	Storm Drainage	X567	2691	RETENTION BASIN AT GROGAN PARK (SD-215)	DION	Future	2020		\$0	\$0	Future project.
75	Storm Drainage	X568	2691	CLAUS ROAD STORM DRAIN TRUNK LINE TO EAST BASIN (SD-220)	DION	Future	2020		\$0	\$0	Future project.
76	Storm Drainage	X563	2691	FORCE MAIN FROM EAST BASIN TO CLAUS ROAD LINE (SD-229)	DION	Future	2020		\$0	\$0	Future project.
77	Storm Drainage	X567	2691	EAST BASIN PUMP STATION AND COMPLETION OF BASIN (SD-221)	DION	Future	2020		\$0	\$0	Future project.
78	Storm Drainage Total							\$478,757	\$8,560,198		
79	Traffic Circulation	A102	2680	SNYDER AVE WIDENING (PRESCOTT & CARVER)	DION	Active	2008		\$0	\$1,396,545	Project is pending closure.
80	Traffic Circulation	A107	2680	FLOYD AVE-OAKDALE TO ROSELLE	DION	Active			\$0	\$5,884,100	Project is pending closure. Traffic signal upgrades at the intersections of Kansas/Emerald and Tully/Rumble are being proposed as a new project for FY 2010-2011 at an estimated cost of \$150,000. Construction to be completed by City Forces. This is a new project which provides for the installation of a new traffic signal at Tully Rd. and Union. Estimated cost for the project is \$220,000. Construction to be completed by City Forces. Scope of work includes widening and installing right-turn lane at Northbound McHenry Ave. to Eastbound Briggsmore Ave. Design is 95% complete. Design is scheduled to be completed by February 28, 2011.
81	Traffic Circulation	E008	1410	Traffic Signal Upgrade - Kansas/Emerald & Tully/Rumble	MURPHY	Active	2010		\$0	\$150,000	
82	Traffic Circulation	E009	1410	Traffic Signal - Tully & Union	MURPHY	Active	2010		\$0	\$220,000	
83	Traffic Circulation	E010	1410	Right-turn lane N/B McHenry to E/B Briggsmore	COVOLO	Active	2010		\$0	\$810,300	Scope of work includes widening and installing right-turn lane at Eastbound Briggsmore Ave. to Southbound McHenry Ave. Design is 100% complete. Project is scheduled to go to bid March, 2011. Construction anticipated to be completed by Sept. 30, 2011.
84	Traffic Circulation	E011	1410	Right-turn lane E/B Briggsmore to S/B McHenry	COVOLO	Active	2010		\$0	\$649,001	
85	Traffic Circulation	E014	2370	RIGHT TURN LANE BANGS & PRESCOTT	BARNES	New	2011		\$0	\$95,000	Project will start when federal funding is available October 2010.
86	Traffic Circulation	E015	2370	UPGRADE TRAFFIC SIGNALS 2010	BARNES	New	2011		\$0	\$200,000	Project will start when federal funding is available October 2010.
87	Traffic Circulation	E016	1410	NEW TRAFFIC SIGNALS 2010	BARNES	New	2011		\$0	\$150,000	Project will start when federal funding is available October 2010.
88	Traffic Circulation	E018	1410	Right Turn Lanes Oakdale/Scenic	SANDHU	New	2011	2013	\$400,000	\$400,000	Preliminary Engineering Phase
89	Traffic Circulation	E019	2370	Railroad Pre-traffic Signal 7th & B Streets	MURPHY	Active	2010	2012	\$476,691	\$476,691	Received grant but are waiting for authorization to construct before starting this project.
90	Traffic Circulation	E304	0700	ADVANCED PLANNING-PRIMARY	BARNES	Future	2009		\$0	\$0	Funding has not been available for this advance design work.
91	Traffic Circulation	E305	1410	DALE ROAD CCTV CAMERAS	MURPHY	Active	2007		\$0	\$350,000	Project bid opens January, 2011.
92	Traffic Circulation	E306	1410	RIGHT-TURN LANES - 3 INTERSECTIONS	BARNES	Active	2007		\$0	\$1,741,227	Scope of work includes widening and installing right-turn lanes at the following locations: Dale/Snyder, Oakdale/Sylvan, and Sylvan/Boyer. Design is approximately 99% complete. This project is scheduled to go out to bid in February, 2011. Traffic signals at the intersections of Prescott/Cheyenne and Standiford/Hahn are currently under construction.
93	Traffic Circulation	E332	1410	SCOTT/CHEYENNE & PRESCOTT/HAWN-TRAFFIC SIGNALS	BARNES	Active	2007		\$0	\$497,027	
94	Traffic Circulation	E340	2370	ROUNDABOUTS COLLECTOR STREETS	MURPHY	Active	2008		\$0	\$450,000	Construction complete. Final federal paperwork to be completed.
95	Traffic Circulation	E840	2370	ROUNDABOUT KODIAK/LINCOLN OAK SECONDARY	BARNES	Active	2005		\$0	\$223,131	Right-of-Way acquisition is currently underway.
96	Traffic Circulation	E663	2370	RT LNS SISK AT CARPENTER SECONDARY	BARNES	Active	2005		\$0	\$1,107,455	Project construction is 99% complete.
97	Traffic Circulation	E664	2370	UPGRD T/S 12U&LALOMA/BUR SECO	BARNES	Active	2006		\$0	\$330,641	Construction by Collins Electric has been completed.
98	Traffic Circulation	E672	2370	T/S NEW SISK/VINTAGE FAIRE	BARNES	Active	2006		\$0	\$260,835	Installation of a new traffic signal at Sisk Rd. and Vintage Faire Mall Driveway has been completed. The project was awarded to Angelo Utilities Construction Company. Locations for new traffic signals - Claus/Sylvan; Floyd/Lincoln Oak; Tully/Stoddard & Sisk/Vintage Faire. Construction is complete. Contract was awarded to Angelo Utilities. Awaiting final federal paperwork from contractor to close project.
99	Traffic Circulation	E674	1410	NEW TRAFFIC SIGNALS	MURPHY	Active	2006		\$0	\$948,431	
#	Traffic Circulation	E677	1410	UPGRADE T/S BRIGGSMORE/CARVER	BARNES	Active	2006		\$0	\$157,845	Project was constructed by Collins Electric and is complete. Final billing to be processed. Project is currently under design. Design is 95% complete. Village I CPD is widening Roselle Avenue between Sylvan and Floyd. This roundabout intersection at Roselle and Kodiak will be included in the roadway segment construction project.
#	Traffic Circulation	E678	1410	ROUNDABOUTS - ROSELLE AVENUE	BARNES	Active	2006		\$0	\$467,807	
#	Traffic Circulation	E689	1410	PELANDALE CCTV/FIBER OPTICS	MURPHY	Active	2005		\$0	\$425,000	Project complete. Final federal paperwork to be completed.
#	Traffic Circulation	E691	0510	TRAFFIC OPS FACILITY	MURPHY	Active	2007		\$0	\$400,934	Project under construction.
#	Traffic Circulation	E697	2370	TULLY/WOODROW	BARNES	Active	2004		\$0	\$120,000	Project has been completed. Closure in process.

FY 11-12 Capital Improvement Projects  
Proposed Expense Budget

Category	Org	Fund	Project Description	Manager	Status	Start Year	End Year	FY 12 Request	Total Budget Amount	Project Status	
##	Traffic Circulation	E736	2370	PEDESTRIAN & BICYCLIST SAFETY ENHANCEMENT	BARNES	Active	2006	\$0	\$150,000	Project is under construction and is approximately 60% complete. The following locations have been completed: Lucern at Hunter and Sheldon at Pembroke. Waiting for 11th Street to be repaved.	
##	Traffic Circulation	E739	1410	STATE ROUTE 132 @ D STREET ROUNDABOUT	VOHRA	Active	2008	\$0	\$130,000	Council approved moving the funding from this project at their December 14, 2009 meeting. Project closure is in process.	
##	Traffic Circulation	E740	1410	PELANDALE INTERCHANGE @SR 99	SANDHU	Active	2006	2013	\$0	\$4,340,832	Project Approval and Environmental was completed 12/21/09. The Project Plans Specifications & Estimate is 50% completed. This project was divided into 3 Phases. Phase I is complete, Phase III complete, Phase II is on hold. Additional funding of \$190,000 is needed in order to complete Phase II. Construction is by City Forces.
##	Traffic Circulation	E947	2370	HIGH VOLTAGE STREET LIGHT CIRCUIT REPAIR	KEYS	Active	2006	\$0	\$303,314	Design is 100% complete. Project is complete.	
##	Traffic Circulation	E955	2370	SAFE ROUTE TO SCHOOL GRT-CONANT	BARNES	Active	2007	\$0	\$427,000		
##	Traffic Circulation	H001	1410	MAJOR TRANSPORTATION COORIDOR PLAN	GEDNEY	Active	2008	\$250,000	\$0	\$341,500	
##	Traffic Circulation	H012	1410	COFFEE & CLARATINA INTRSC IMPR	BARNES	Active	2009	\$0	\$1,054,936	Right-of-way acquisition is currently under way.	
##	Traffic Circulation	H013	0630	JARRA CAPE/SLURRY SEAL ON VARIOUS STREETS	DION	Active	2009	2011	\$0	\$2,809,187	Construction is complete. Awaiting acceptance by City Council.
##	Traffic Circulation	H014	0530	JARRA STREET OVERLAY & ADA CURB RAMP IMPROVEMENTS	DION	Active	2009	2011	\$0	\$3,671,462	Project is under construction.
##	Traffic Circulation	H015	0510	STREET OVERLAY & CURB RAMP IMP	DION	Active	2009	\$0	\$200,000	Closure in process.	
##	Traffic Circulation	H027	0700	SYLVAN/COFFEE-OAKDALE PAVEMENT REHABILITATION	DION	Active	2009	2013	\$1,725,537	\$2,047,462	Survey is complete. Design work has begun. Awaiting NEPA clearance so that final design can begin. Construction is expected in 2012.
##	Traffic Circulation	H030	0700	OAKDALE ROAD/SCENIC TO SYLVAN-PAVEMENT REHABILITATION	DION	Active	2009	2014	\$0	\$1,998,677	Design to begin in Summer 2011. Construction is expected in 2013 if construction funds can be secured.
##	Traffic Circulation	H031	0510	Briggsmore from Sisk to College - Pavement Rehabilitation	DION	New	2011	2014	\$250,000	\$250,000	New project not yet started.
##	Traffic Circulation	H033	1410	7th Street Bridge at Tuolumne River	DION	New	2011	2020	\$100,000	\$677,600	New project.
##	Traffic Circulation	H137	1410	OAKDALE ROAD WIDENING-SYLVAN TO CLARATINA	DION	Active	2008	2014	\$0	\$400,000	Preliminary design has started. Timing is dependent on Tivoli Development.
##	Traffic Circulation	H151	2370	FED PAVEMENT REHAB H, I & 9TH STREETS	DION	Active	2008	2010	\$0	\$1,044,824	Project is complete, closure in process.
##	Traffic Circulation	H187	2370	FED PAVEMENT REHAB PELANDALE	DION	Active	2008	\$0	\$168,000	Pending closure. This project is no longer needed as City maintenance crews repaired the failed pavement.	
##	Traffic Circulation	H404	2370	FED PAVEMT REHAB 9TH SEC	DION	Active	2006	2009	\$0	\$2,624,167	Project is pending closure.
##	Traffic Circulation	H421	1410	NWS1-BANGS/PRESCOTT INTERSECTION IMPROVEMENTS	BARNES	Active	2006	\$0	\$180,078	Traffic signal complete.	
##	Traffic Circulation	H424	1410	NWS1-PELANDALE/SISK TO SR99 NORTHBOUND ON-RAMP	CHRISTE	Active	2006	2011	\$0	\$1,901,382	Awaiting project acceptance - early 2011.
##	Traffic Circulation	H455	1410	CLARATINA-MCHENRY TO COFFEE-4 LANES	DION	Active	2005	\$0	\$5,150,000	Preliminary design work by Associated Engineering is complete. Property acquisition is in the preliminary stages. Negotiations with PG&E are continuing.	
##	Traffic Circulation	H458	1410	CLAUS ROAD - BRIGGSMORE TO SYLVAN - 4 LANES	DION	Active	2008	\$0	\$300,000	Preliminary survey work is complete. Timing is dependent on development east of Claus.	
##	Traffic Circulation	H461	1410	PELANDALE-6 LANES DALE TO MCHENRY	CHRISTE	Active	2005	2011	\$0	\$17,436,052	Awaiting project acceptance - 2011.
##	Traffic Circulation	H465	1410	CARPENTER ROAD BRIDGE-SEISMIC RETROFIT	DION	Active	2005	2013	\$10,837,500	\$11,334,441	CEQA is complete. NEPA categorical exemption is expected to be complete by 2/28/11. Construction is anticipated to begin in 2012.
##	Traffic Circulation	H466	1410	CARPENTER ROAD BRIDGE APPROACHES	DION	Active	2011	2014	\$0	\$220,000	This project will commence once Carpenter Bridge Seismic Retrofit project is complete.
##	Traffic Circulation	H467	0510	KANSAS EMERALD TO CARPENTER	DION	Active	2005	\$0	\$54,463	Funding to overlay Kansas Ave - Emerald to Carpenter is no longer available due to loss of LTF revenue. This project continues to be postponed until a funding source is identified.	
##	Traffic Circulation	H470	1410	CLARATINA-OAKDALE TO ROSELLE	DION	Active	2005	\$0	\$392,884	Left turn lane from Oakdale Rd. to Claratina is complete. Design of road widening from Oakdale to Roselle has not yet begun.	
##	Traffic Circulation	H579	1410	PELANDALE/DALE RD TO MCHENRY ADDITIONAL IMPROVEMENTS	DION	Active	2008	\$0	\$2,500,000	Preliminary design work is on hold. No money is currently identified to fund proposed landscape maintenance.	
##	Traffic Circulation	H580	2370	SYLVAN/MCHENRY TO COFFEE	DION	Active	2006	\$0	\$2,538,010	Project is pending closure.	
##	Traffic Circulation	H769	2370	FED PAVEMT REHAB CLAUS/SHS TO SCENIC	DION	Active	2006	2010	\$0	\$1,655,251	Construction is complete.
##	Traffic Circulation	H930	2370	DALE RD/KIERNAN INTERSECTION IMPROVEMENTS	CHRISTE	Active	2006	2010	\$0	\$7,057,717	Project acceptance scheduled for early 2011.
##	Traffic Circulation	M283	1410	CLAUS ROAD PLAN LINE	GEDNEY	Active	2001	\$0	\$78,554	To be closed.	
##	Traffic Circulation	Q310	2691	PEDESTRIAN OVERCROSSING	DION	Active	2005	\$0	\$2,751,676	Project is pending closure.	
##	Traffic Circulation	Q315	2691	MERLE ROAD IMPROVEMENTS	DION	Active	2006	\$0	\$540,000	Project is pending closure.	
##	Traffic Circulation	Q317	2690	SYLVAN-SO. BET. OAKDALE/WOOD S	DION	Active	2004	2013	\$0	\$610,700	Portion of project is complete. Design to begin on remainder of project in Summer 2011.
##	Traffic Circulation	X507	2691	SYLVAN BETWEEN ROSELLE/MILLBROOK	DION	Active	2005	\$0	\$1,646,200	Project is pending closure.	
##	Traffic Circulation	X512	2691	FLOYD AVE BETWEEN ROSELLE & FINE	DION	Active	2005	\$0	\$3,480,408	Project is complete. Project is pending closure.	
##	Traffic Circulation	X514	2650	COFFEE ROAD (MEDIAN & PLANTER)	DION	Future	2011	\$0	\$0	Project is not slated to begin until FY 2011-12.	
##	Traffic Circulation	X515	2650	OAKDALE ROAD (MEDIAN & PLANTER AREAS)	DION	Future	2011	\$0	\$0	Project is not slated to start until FY 2011-12.	
##	Traffic Circulation	X516	2690	ROSELLE & MERLE INTERSECTION IMPROVEMENTS (INT-007)	DION	Active	2008	2013	\$20,000	\$565,000	Survey work has been completed. Preliminary design has begun. Property acquisition is required. Construction anticipated in 2012.
##	Traffic Circulation	X517	2691	ROSELLE AVENUE - BRIGGSMORE TO MERLE (RD-014)	DION	Active	2020	\$0	\$24,000	Pursuant to adopted priority list. Priority 5.	
##	Traffic Circulation	X525	2691	OAKDALE & FLOYD (INT-005)	DION	Future	2020	\$0	\$0	Future project. Not yet started.	
##	Traffic Circulation	X527	2691	OAKDALE & LA FORCE INTERSECT	DION	Active	\$0	\$309,915	Project is pending closure.		
##	Traffic Circulation	X532	2691	ROSELLE AVENUE FROM SYLVAN AVENUE TO FLOYD AVENUE (RD-015)	DION	Active	2006	\$0	\$5,796,913	Design is complete. ROW acquisition continues and construction can begin after all ROW is secured.	
##	Traffic Circulation	X536	2690	SYLVAN AND LITT INTERSECTION CONTROL & ROAD WIDENING (INT-002)	DION	Active	2006	\$0	\$6,793,000	Project is under design and approximately 95% complete. Right-of-way acquisition is expected to begin in Spring 2011.	
##	Traffic Circulation	X538	2690	SYLVAN AVE @ ARIA WAY INTRSCN CONTROL/RD WIDENING (INT-003)	DION	Active	2008	\$0	\$846,000	Project on hold until Tivoli development occurs.	
##	Traffic Circulation	X546	2691	SYLVAN AVENUE NORTH SIDE BETWEEN OAKDALE ROAD AND ROSELLE	DION	Active	2011	\$0	\$4,042,800	Hold for Tivoli Development.	
##	Traffic Circulation	X548	2691	SYLVAN AND OAKDALE - INTERSECTION IMPROVEMENTS (INT-001)	DION	Active	2008	\$2,500,000	\$2,900,000	Project on hold awaiting decision to combine this project with a larger project. Survey work has been completed. Design is 65% complete. Project on hold pending decision to combine with larger project.	
##	Traffic Circulation	X549	2690	OAKDALE ROAD FROM FLOYD TO SYLVAN	DION	Active	2006	\$30,000	\$1,730,000	Pursuant to adopted priority list. Priority 5.	
##	Traffic Circulation	X550	2691	OAKDALE ROAD AT BRIGGSMORE AVENUE INTERSECTION MODIFICATION	DION	Active	2011	\$0	\$97,700	Pursuant to adopted priority list. Priority 5.	
##	Traffic Circulation	X553	2691	OAKDALE ROAD - BRIGGSMORE TO FLOYD (RD-011)	DION	Active	2010	\$0	\$36,000	Pursuant to adopted priority list. Priority 5.	
##	Traffic Circulation	X554	2691	ROSELLE AVENUE FROM SYLVAN AVENUE NORTH TO CITY LIMIT (RD-016)	DION	Future	2015	\$0	\$0	Future project. Not yet started.	
##	Traffic Circulation	X744	2691	VILLAGE ONE PROCEEDS PRIMARY	DION	Active	2005	\$0	\$286,160	This is a primary holding account for the Village One #2 (CFD 2004-1) bond proceeds.	
##	Traffic Circulation Total							\$16,589,728	\$123,797,245		
##	Transit	A044	6510	AUTOMATIC VEHICLE LOCATION SYSTEM-MAX	CAVANAHA	Active	2004	2011	\$0	\$1,267,324	This project is complete and will be closed out.
##	Transit	A128	6510	BUS PURCHASES	CAVANAHA	Active	2008	2011	\$0	\$8,201,000	Buses have been received. Project closeout is underway.



FY 11-12 Capital Improvement Projects  
Proposed Expense Budget

##	Category	Orig	Fund	Project Description	Manager	Status	Start Year	End Year	FY 12 Request	Total Budget Amount	Project Status
	Transit	A131	6510	BUS PURCHASES 08	CAVANAHA	Active	2008	2011	\$0	\$2,873,032	Buses have been received. Project closeout is under way. Construction began January 3, 2011, and is expected to be completed by the Spring of 2012.
##	Transit	B911	6510	NEW BUS MAINTENANCE FACILITY	CAVANAHA	Active	2000		\$0	\$17,326,166	Project will be transferred to CIP B911.
##	Transit	J001	6510	BUS FARE DEPOSITORY	CAVANAHA	Active	2008	2011	\$0	\$86,600	Preparation of bid specifications for radio replacement anticipated to be complete by April 2011. Specifications for others will begin after completion of specifications for radio replacement.
##	Transit	J002	6510	Various Bus Improvements	CAVANAHA	New	2011		\$0	\$2,400,000	Preparation of purchase documents expected to be complete by May 2011.
##	Transit	J003	6510	Purchase Replacement Commuter Bus	CAVANAHA	New	2011	2014	\$783,408	\$1,383,408	This project is currently on hold.
##	Transit	J792	6510	REPLACE VEHICLE WASHER	FISCHIO	Active	2006	2014	\$0	\$335,000	Construction complete. THIS PROJECT TO BE CLOSED IN 2011, PENDING CLOSURE OF CLAIM.
##	Transit Total								\$783,408	\$33,872,530	Wastewater Master Plan to be updated in FY14-15 and every 5 years thereafter. Design is underway expected to be complete Spring 2011. Property acquisition is required. Construction expected to begin Summer 2012.
##	Wastewater	A049	6210	CELESTE/ROSE/SCENIC SEWER IMPROVEMENT	WONG	Active	2004	2008	\$0	\$5,252,203	Currently in final design. Construction in mid 2011.
##	Wastewater	A208	6210	WASTEWATER MASTER PLAN UPDATE	BOND	Active	2011	2015	\$0	\$5,403,629	This project is pending design. This project will be completed during FY11.
##	Wastewater	B002	6210	SEWER LINE EXTENSION	DION	Active	2007		\$0	\$1,037,318	This project is currently in design and will be under construction in early 2011.
##	Wastewater	B006	6210	GASEOUS CHLORINE CONVERSION	WONG	Active	2008	2011	\$125,000	\$429,428	Consultant currently developing plans and specifications. In construction, expected completion early 2011.
##	Wastewater	B007	6210	SUTTER PLANT PARKING LOT	DEJESUS	Active	2010	2012	\$0	\$245,000	Funds to be moved to Secondary accounts and identified when needed.
##	Wastewater	B022	6210	2010 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT	WONG	Active	2009	2011	\$0	\$1,031,388	Waiting for Caltrans project.
##	Wastewater	B040	6210	EFFLUENT PUMP STATION & PIPELINE STABILIZATION PROJECT	WONG	Active	2008	2011	\$0	\$750,000	Final design to be complete early 2010. Construction to begin FY11-12. Pursuing Clean Water State Revolving Fund (CWSRF) Loan Application.
##	Wastewater	B050	6211	DEVELOPER REIMBURSEMENT VVV SUBTRUNK EXTENSION FEES-PRIMA	ENGLAND	Active	2008		\$0	\$708,388	
##	Wastewater	B060	6210	MANHOLES-ADJUSTED TO GRADE	WONG	Active	2008		\$0	\$130,000	
##	Wastewater	B061	6210	WASTEWATER TREATMENT - PHASE 2 TERTIARY	WONG	Active	2009	2016	\$125,280,090	\$145,970,248	This project is scheduled to start in Summer 2011.
##	Wastewater	B072	6210	Sanitary Lift Station Coating Rehabilitation	WONG	New	2011	2013	\$0	\$375,948	Design complete. Project was bid in December 2010. Project scheduled to be awarded in February 2011. Construction to begin Spring 2011.
##	Wastewater	B079	6210	SECURITY UPGRADES SUTTER TREATMENT PLANT	ANHALT	Future	2007	2012	\$90,000	\$391,858	This project will go out to bid in early 2011.
##	Wastewater	B105	6210	COMMUNICATIONS TOWER/JENNINGS	ANHALT	Active	2008	2012	\$0	\$320,000	This project is scheduled to be completed in 2012.
##	Wastewater	B107	6210	FFR PUMP AND MOTOR REBUILD	ANHALT	Active	2009	2012	\$0	\$235,700	Administrative Draft received in November 2010 and reviewed by staff. Study sent to the BOR for review in January 2011. A second feasibility study has been identified to review additional recycled water supply, infrastructure and treatment options.
##	Wastewater	B118	6210	SUTTER FACILITY OFFICE SPACE	WONG	New	2011	2012	\$0	\$195,953	Waiting for reimbursement request.
##	Wastewater	B119	6210	North Valley Regional Recycled Water Project - Feasibility Study	PINHEY	Active	2010	2011	\$0	\$435,000	Preliminary design in FY11-12, final design in FY12-13, and construction in FY14-15.
##	Wastewater	B129	6211	SEWER SUBTRUNK REIM. KAISER	SANDHU	Active	2009	2012	\$0	\$56,277	Preliminary design is complete for the Area 2 tributary area. Final design for one cross connection area (Garrison Park) to be completed in June 2011. Construction expected in 2012 when funding is available.
##	Wastewater	B149	6210	HAHN LIFT STATION CAPACITY IMPROVEMENT	WONG	Active	2010	2015	\$0	\$150,000	Preliminary Design Report was completed late January 2010. Final design started mid 2010 and expected to finish in early 2011. Expected to bid in early 2015.
##	Wastewater	B150	6210	STORM DRAIN CROSS CONNECTION REMOVAL	WONG	Active	2008		(\$123,251)	\$774,118	City staff is currently researching materials to ensure the City selects the most cost effective chemicals for implementation.
##	Wastewater	B151	6210	EMERALD SEWER TRUNK RELIEF PROJECT	WONG	Active	2008	2016	\$0	\$1,529,798	Preliminary design in FY11-12, final design in FY12-13, and construction in FY13-14.
##	Wastewater	B154	6210	CHEMICAL COATING PROGRAM	WONG	Active	2009		\$0	\$2,135,500	This project is to be designed and built with the Pelandale-McHenry development.
##	Wastewater	B155	6210	EMERALD LIFT STATION	WONG	Active	2009	2014	\$0	\$373,780	Project is to be designed and built with the Pelandale-McHenry development.
##	Wastewater	B157	6210	NORTH SUBTRUNKS PELANDALE	WONG	Active	2009	2014	(\$155,002)	\$0	This project is to be designed with the Tivoli project. Design is underway.
##	Wastewater	B158	6210	NORTH SUBTRUNKS PELANDALE LIFT	WONG	Active	2009	2013	(\$59,179)	\$0	Project is to be designed and built with the development of the western portion of the Roselle/Claribel Comprehensive Planning District.
##	Wastewater	B159	6210	SONOMA TRUNK EXTENSION SO-1	WONG	Active	2009	2014	\$0	\$107,300	This project to be designed with the Tivoli project. Design is underway.
##	Wastewater	B160	6210	SONOMA TRUNK EXTENSION SO-2	WONG	Active	2009	2017	\$0	\$147,420	Pump is scheduled to be removed for repairs in January 2011.
##	Wastewater	B161	6210	SONOMA TRUNK EXTENSION LIFT STATION	WONG	Active	2009	2014	\$0	\$181,537	Analysis and design expected to begin in FY10-11.
##	Wastewater	B193	6210	SIEMENS SCREW PUMP #3	ANHALT	Active	2011	2012	\$0	\$259,550	This project is under construction and is scheduled to be complete by early 2011.
##	Wastewater	B300	6212	WASTEWATER POE REMEDIATION (PRIMARY)	WONG	New	2011		\$0	\$250,000	This project is complete and pending closure upon completion of B437-Jefferson Lift Station. Both projects will then be closed simultaneously.
##	Wastewater	B437	6210	JEFFERSON LIFT STATION (SECONDARY B575)	WONG	Active	2006	2011	\$0	\$387,004	This project is under construction and will be completed by March 2011.
##	Wastewater	B448	6210	COFFEE-CLARATINA LIFT STATION (SECONDARY B575)	WONG	Active	2008	2011	\$0	\$270,575	Final design plans and specifications complete. Due to funding constraints, this project is expected to bid early 2013.
##	Wastewater	B463	6210	DIGESTER GAS TREATMENT SYSTEM	ANHALT	Active	2008	2011	\$0	\$750,000	This is an on-going Renewal and Replacement Account.
##	Wastewater	B491	6210	SCENIC LIFT STATION	WONG	Active	2005	2014	(\$1,775,000)	\$2,435,921	This is an on-going Renewal and Replacement Account.
##	Wastewater	B574	6210	COLLECTION SYSTEM R & R - PRIMARY	DEJESUS	Active	2006		\$842,982	\$8,426,675	This is an on-going Renewal and Replacement Account.
##	Wastewater	B575	6210	LIFT STATION R & R - PRIMARY	ANHALT	Active	2006		\$140,133	\$1,527,692	This is an ongoing renewal and replacement Account.
##	Wastewater	B576	6210	RENEWAL/REPLC - OPERATIONS AND MAINTENANCE	ANHALT	Active	2006		\$657,869	\$10,210,618	Project pending closure.
##	Wastewater	B577	6210	RENEWAL/REPLC JENNINGS TP - PRIMARY	ANHALT	Active	2006		\$0	\$227,555	There are no additional funds for FY11-12, however, future CIPs include capacity improvements to the Lakewood Subtrunk, Sutter Trunk and continued funding of the Storm Drain Cross Connection removal program.
##	Wastewater	B777	6210	COLLECTION SYSTEM -CAPACITY IMPROVEMENTS	WONG	Active	2008		\$0	\$143,904,249	Secondary accounts to be created in FY11-12 to fund the design for the rehabilitation of a portion of the Sutter Trunk in Paradise Road.
##	Wastewater	B778	6210	COLLECTION SYSTEM - REHABILITATION IMPROVEMENTS	WONG	Active	2008		\$101,541	\$95,015,065	There are no additional funding requests for FY11-12, however, future project includes lift station stand-by generators and redundant pipelines for critical sections of the wastewater collection system.
##	Wastewater	B780	6210	COLLECTION SYSTEM -RELIABILITY IMPROVEMENTS	WONG	Active	2011		\$0	\$4,602,175	Secondary accounts to be created in 2011-2012 to fund design and right-of-way acquisition for growth related projects such as Dale Road trunks and subtrunks, and North Trunk extension. Construction expected in 2012-2013.
##	Wastewater	B781	6210	COLLECTION SYSTEM NEW SEWER SERVICE EXTENSIONS	WONG	Active	2008		\$618,998	\$57,032,817	Construction complete. This project to be closed.
##	Wastewater	B805	6210	WASTEWATER TREATMENT - PHASE 1A TERTIARY	WONG	Active	2006		\$0	\$26,240,035	No new increase proposed in FY11-12, however, future funding is required for the New Anaerobic Digester construction and the design and construction of other Wastewater Master Plan projects.
##	Wastewater	B807	6210	WASTEWATER TREATMENT - PHASE 1B SUTTER WQC IMPROVEMENTS	WONG	Active	2008		\$0	\$72,846,138	Construction is complete. Project to close in early 2011.
##	Wastewater	B808	6210	EMERALD TRUNK REHABILITATION	WONG	Active	2006	2011	\$0	\$10,328,102	Phase 1 construction is complete. Working on property easements and design for Phase 2. Expect to go out to bid in late summer 2011.
##	Wastewater	B812	6210	PRIMARY OUTFALL REHABILITATION	WONG	Active	2006	2013	\$0	\$21,078,242	

FY 11-12 Capital Improvement Projects  
Proposed Expense Budget

Category	Org	Fund	Project Description	Manager	Status	Start Year	End Year	FY 12 Request	Total Budget Amount	Project Status
Wastewater	B629	6210	NEW RANCH LEASE DWELLINGS	ANHALT	New	2010	2011	\$0	\$300,000	Purchasing is currently collecting bids for this project.
Wastewater	B850	6210	NEW ANAEROBIC DIGESTER (B807)	WONG	Active	2010	2014	\$0	\$750,000	Project is currently in preliminary design. Expected completion in mid 2011. Final design to begin in late 2011. Construction in FY12-13.
Wastewater	N143	6210	SHACKELFORD CROSSING	WONG	Active	2002	2014	\$0	\$2,216,032	Preliminary Design Report was completed in mid-2009. Currently in final design, expected construction in FY13-14.
Wastewater Total								\$129,943,981	\$627,425,992	
Water	A202	6180	MRWTP PHASE 2 EXPANSION: PLANT IMPROVEMENTS (SECONDARY)	ULM	Active	2003	2012	\$100,000	\$3,259,259	This account is used to fund design for Tier 1 Downstream Improvement projects, and construction of miscellaneous treatment plant improvements.
Water	B104	6210	JENNINGS WATER SUPPLY	WONG	Active	2009	2011	\$0	\$550,000	Bids came in too high and project is currently under review for rebid.
Water	W002	6180	DOWNSTREAM IMPROVEMENTS CLARATINA & VA CORRIDOR TRANS MAIN	CHRISTEN	Active	2007	2011	(\$6,000,000)	\$6,580,000	Project is under construction.
Water	W003	6180	DOWNSTREAM IMPROVEMENTS INDUSTRIAL TANK-PIPELINES	CHRISTEN	Active	2007	2016	\$0	\$9,900,182	Design is at 95% complete, waiting for construction funding.
Water	W005	6180	DOWNSTREAM IMPROVEMENTS TIER 2 PRVS	CHRISTEN	Active	2008	2013	\$0	\$4,865,000	Design is at 100%. Construction to begin in FY11-12.
Water	W007	6101	DEVELOPER REIMBURSEMENT WATER SYSTEM FEES-PRIMARY	ENGLAND	Active	2008		\$88,200	\$749,622	Funds to be moved to Secondary accounts and identified when needed.
Water	W010	6180	BEARD AVENUE - WATER MAIN REPLACEMENT	SAVIDGE	Active	2008	2012	\$0	\$225,000	Engineering design work will be started in FY2010-11. Project will be put out to bid and a contractor will bore under MD lateral.
Water	W011	6180	KANSAS-NEEDHAM SOIL REMEDIATION	CHRISTEN	Active	2008	2011	\$0	\$304,569	Met with Stanislaus County to finalize monitoring and soil remediation techniques.
Water	W016	6180	DI-WEST TANK TRANS MAIN -SECONDARY	CHRISTEN	Active	2007	2011	(\$500,000)	\$3,050,000	Excavation & disposal of contaminated soil to class 2 landfill required by County. Project expected to bid early 2011.
Water	W017	6180	INSTALL NEW WELL DEL RIO	CHRISTEN	Active	2008	2012	\$0	\$2,040,000	Project is constructed, waiting for acceptance-January 2011.
Water	W018	6180	INSTALL NEW WELL WATERFORD	CHRISTEN	Active	2009	2016	(\$47,919)	\$257,965	Currently negotiating for right-of-way. Construction expected to begin in FY 2011-12. A test hole has been drilled, and an adjacent property owner has signed a right-of-entry agreement to drill a test hole if negotiations with the City of Waterford are unsuccessful.
Water	W020	6180	HICKMAN WATER TANK	CHRISTEN	Active	2009	2016	(\$391,111)	\$2,808,889	Investigating an appropriate tank site to begin negotiating with property owner to purchase land. Construction is deferred.
Water	W021	6180	DEL RIO WATER TANK	CHRISTEN	Active	2008	2012	\$1,738,052	\$2,638,052	Negotiating with a property owner on Carver Road. Construction expected to begin FY2011-12
Water	W022	6180	VALVE REPLACEMENT - SYSTEM WIDE	SAVIDGE	Active	2008		(\$128,917)	\$1,176,983	230 valves have been identified for replacement to date and beginning with the downtown area, crews plan to replace 20 - 30 valves per year at a cost of approximately \$100,000 per year. The project budget has been reduced to the projected expense.
Water	W029	0340	ARRA WELLS 283 & 236 BLENDING	CHRISTEN	Active	2009	2011	\$0	\$1,148,630	Project is under construction.
Water	W030	6180	WELL REMEDIATION AT WELL 21	CHRISTEN	Active	2010	2011	\$0	\$275,026	The underground water layer contributing to uranium contamination has been identified. Next will be to propose a way to exclude that layer from the production well. This project is on hold until Spring 2011.
Water	W031	6180	INDUSTRIAL TANK 13 & PUMP STATION	CHRISTEN	Active	2009	2016	\$0	\$679,066	35% Preliminary Design Report has been completed. Final design by summer 2011. Construction on hold for funding.
Water	W032	6180	E. COOLIDGE MAIN REPLACEMENT	CHRISTEN	Active	2010	2011	\$0	\$972,323	Project is under construction. Water crews have completed tie-ins to the existing system.
Water	W034	6180	SYLVAN AVENUE WATER MAIN EXTENSION	CHRISTEN	Active	2010	2016	\$0	\$288,000	Project is currently under design with the Sylvan/Lit to Claus Widening Project. Right-of-way acquisition will be required prior to construction.
Water	W035	6112	PCE REMEDIATION	CHRISTEN	New	2011	2012	\$0	\$250,000	Work to start pending completion of mitigation plan.
Water	W037	6180	RECOAT & INSPECT TANKS - TANK B	SAVIDGE	Active	2010	2012	\$17,766	\$192,766	UP & P is in the process of developing a draft RFP for the tank re-coat.
Water	W039	6180	STRENGTHEN & REPLACE - SO. MODESTO PHASE 1 WATER MAINS	CHRISTEN	New	2010	2012	\$0	\$2,180,000	This new secondary account from Primary W428 will install new waterlines for the project.
Water	W040	6180	STRENGTHEN & REPLACE - LA LOMA WATER MAINS	CHRISTEN	New	2011	2012	\$1,100,000	\$1,100,000	This new secondary account from Primary W428 will provide adequate water supply for future growth.
Water	W041	6180	KIERNAN AVE. WATER MAIN EXTENSION	CHRISTEN	New	2011	2013	\$1,300,000	\$1,300,000	This is a new secondary account from Primary W426 to install new waterlines for the project.
Water	W042	6180	Waterford Meter Installation	SAVIDGE	New	2011	2013	\$750,000	\$1,500,000	There are approximately 684 meters and services to be installed and/or upgraded in the Waterford area. Project will start in FY2011-12 with a projected completion date of Year 2013.
Water	W043	6180	Roseburg Ave Main Replacement	SAVIDGE	New	2011	2012	\$298,000	\$298,000	Construction is planned for fall 2011.
Water	W044	6180	Normandy Ave Main Replacement	SAVIDGE	New	2011	2012	\$290,000	\$290,000	Construction is planned for FY 11/12.
Water	W045	6180	Badgley Drive - Main Replacement	SAVIDGE	New	2011	2012	\$393,000	\$393,000	This new project is planned for FY 11/12.
Water	W046	6180	Vernon Avenue - Main Replacement	SAVIDGE	New	2011	2012	\$0	\$0	This project is not planned for FY 11/12.
Water	W047	6180	Lottie Avenue - Main Replacement	SAVIDGE	New	2011	2012	\$227,000	\$227,000	This is a new project and construction is planned for FY 11/12.
Water	W048	6180	San Juan Drive - Main Replacement	SAVIDGE	New	2011	2012	\$100,000	\$100,000	Construction is planned for FY 11/12.
Water	W049	6180	Ohio Avenue - Main Replacement	SAVIDGE	New	2011	2013	\$125,000	\$814,000	Construction is planned for FY 11/12.
Water	W050	6180	Chlorination System Installation - Outlying Areas	SAVIDGE	New	2011	2012	\$150,000	\$150,000	This is a new project set to begin in FY 11/12.
Water	W051	6180	Residential Meter Installation - North Modesto	SAVIDGE	New	2012	2015	\$1,000,000	\$1,000,000	Meter installation will begin in this area FY 11/12.
Water	W052	6180	Residential Meter Installation - East Modesto	SAVIDGE	New	2012	2019	\$100,000	\$100,000	This area is scheduled for completion by 2019. Due to street paving or leaks in the area, some installations will need to be made ahead of that schedule.
Water	W053	6180	Residential Meter Installation - Central Modesto	SAVIDGE	New	2012	2019	\$100,000	\$100,000	This area is scheduled for completion by 2019. Due to street paving or leaks in the area, some installations will need to be made ahead of that schedule.
Water	W054	6180	Residential Meter Installation - South Modesto	SAVIDGE	New	2012	2019	\$100,000	\$100,000	This area is scheduled for completion by 2019. Due to street paving or leaks in the area, some installations will need to be made ahead of that schedule.
Water	W055	6180	Residential Meter Installation - Outlying Areas	SAVIDGE	New	2012	2019	\$100,000	\$100,000	This area is scheduled for completion by 2019. Due to street paving or leaks in the area, some installations will need to be made ahead of that schedule.
Water	W099	6180	DOWNSTREAM IMPROVEMENTS YOSEMITE TRUNK LINE-SECONDARY	CHRISTEN	Active	2007	2016	\$0	\$400,000	Design and construction is complete.
Water	W119	6180	STATE RTE 132 (Yosemite Blvd) - WATER MAIN REPLACEMENT	CHRISTEN	Active	2008	2011	\$0	\$1,938,822	Project is complete and accepted by Council 9/14/10. Pending closeout-expected FY10-11.
Water	W133	6180	DOWNSTREAM IMPROVEMENTS WEST TANK/PIPELINES	CHRISTEN	Active	2007	2011	(\$2,500,000)	\$8,017,048	Construction complete. Project close out expected in 2011.
Water	W363	6180	DOWNSTREAM IMPROVEMENTS TIER 1-NO. TANK	CHRISTEN	Active	2005	2014	\$0	\$12,973,200	Tank design is at 100%. Construction funding totaling \$11 million is being transferred in from savings in other Downstream Improvement accounts that are under construction, or have been completed.
Water	W377	6180	NEW WATER TANKS - PRIMARY	CHRISTEN	Active	2008		(\$2,184,733)	\$1,000,000	Contacted property owners in South Modesto, Del Rio and Hickman. Funds needed for W021-Del Rio Water Tank-Secondary.

FY 11-12 Capital Improvement Projects  
Proposed Expense Budget

Category	Org	Fund	Project Description	Manager	Status	Start Year	End Year	FY 12 Request	Total Budget Amount	Project Status
##	Water	W381 6180	MODESTO RESIDENTIAL WATER METERS	SAVIDGE	Active	2006	2011	(\$32,645)	\$6,874,531	This project will be closed at the end of FY2010-11. The Modesto meter installation has been split up into quadrants to better assist the Accounting Division in identifying future assets for capitalization.
##	Water	W389 6180	SALIDA WELLS ARSENIC TREATMENT	CHRISTEN	Active	2008	2016	(\$300,000)	\$240,000	Four (4) different media filters are being tested at Well 298. One media with a lower ph continues to filter arsenic adequately. Other methods will be investigated prior to treatment.
##	Water	W387 6180	TANK #5 FILL LINE	SAVIDGE	Active	2008	2012	\$0	\$180,000	Received permit from MID to start project. Construction is scheduled to begin in Spring 2011.
##	Water	W392 6180	TANKS 7 & 8 PURCHASE/INSTALL GENERATORS (SECONDARY)	CHRISTEN	Active	2008	2012	\$0	\$520,000	Design complete. Project bids spring 2011.
##	Water	W407 6180	WELL #226 - REPLACEMENT WELL (SECONDARY)	CHRISTEN	Active	2008	2016	(\$1,993,000)	\$157,000	Well design will be completed FY10-11. Construction on hold awaiting funding. Funds returned to Water Reserves.
##	Water	W414 6180	TID SURFACE WATER SUPPLY PROJECT (INDIVIDUAL)	BOND	Active	2006		(\$3,500,000)	\$3,390,177	Project is ongoing, and expected to be operational 2013-2014.
##	Water	W416 6180	WATER METERS (PRIMARY)	SAVIDGE	Active	2004	2021	\$2,350,000	\$45,588,542	Staff has installed 47,500 meters as of November 2010. During FY2011-12, crews are concentrated on finishing all areas that are "meter ready" and transitioning into areas that require more construction.
##	Water	W425 6180	DOWNSTREAM IMPROVEMENTS (PRIMARY)	CHRISTEN	Active	2005		(\$3,111,469)	(\$378,691)	This is the Primary account used to fund Secondary projects.
##	Water	W426 6180	EXTEND WATER MAINS (PRIMARY)	SAVIDGE	Active	2007		(\$2,564,922)	\$8,352,800	Future projects are Sisk Road, Yosemite at Riverside, Elm at Washington, and the future Tiwell neighborhood. \$1,300,000 was transferred to W041-Kiernan Water Main Ext. Due to the slow down in development, this budget has been reduced by 2.5 mil.
##	Water	W428 6180	STRENGTHEN AND REPLACE WATER SYSTEM (PRIMARY)	SAVIDGE	Active	2007		(\$3,142,246)	\$31,669,323	Projects completed: Latimer Ave- upgraded water line and services, Covene Ave - installed 880' of water main to provide fire service, Empire - In conjunction with Stan.
##	Water	W430 6180	WELLHEAD TREATMENT & WELL REHABILITATION (PRIMARY)	CHRISTEN	Active	2004		(\$4,908,999)	\$9,350,000	County's rehab of streets in Empire, city crew upgraded main, services, hydrants
##	Water	W433 6180	PURCHASE & INSTALL NEW GENERATORS (PRIMARY)	SAVIDGE	Active	2010		(\$600,000)	\$3,060,000	This is the primary account used to fund secondary projects.
##	Water	W435 6180	WATER SYSTEM SECURITY ENHANCEMENTS (PRIMARY)	SAVIDGE	Active	2007	2016	(\$944,962)	\$302,892	The Engineer's Report has identified the need of installing back-up generators for emergency purposes. Generators cost between \$150,000-\$200,000 and the goal is to install 2-3 per year. Funds are available in the Secondary (W392) for FY 11-12.
##	Water	W436 6180	WATER SYSTEM ANALYSIS - PRIMARY	BOND	Active	2004		\$0	\$0	Security enhancements for all sites have been deferred until FY2015-16. Preliminary estimates are between \$80,000-100,000 per site.
##	Water	W439 6180	WATER MASTER PLAN (INDIVIDUAL)	BOND	Active	2004		\$435,900	\$3,194,566	Funds to be programmed in Secondary accounts (see secondary accounts for project status).
##	Water	W440 6180	GROUNDWATER MANAGEMENT PLANNING & IMPLEMENTATION (PRIMARY)	BOND	Active	2005		\$0	\$0	Water Master Plan is expected to be completed by end of FY10-11. Next update expected in FY 2014-15.
##	Water	W441 6180	INSTALL NEW WELLS (PRIMARY)	CHRISTEN	Active	2003		\$0	\$2,279,166	Current GWMP is not due for update until 2013. Activities with both basin groups are ongoing on a monthly basis and reviewed annually for funding projects.
##	Water	W455 6180	REPLACE PUMPS (PRIMARY)	SAVIDGE	Active	2007		(\$961,945)	\$38,055	On-call hydro geologists are under contract to assist with well design and development. Test holes to be drilled with water well development as soon as right-of-way can be secured.
##	Water	W456 6180	DEL RIO #2 - WELL REPLACEMENT (SECONDARY)	CHRISTEN	Active	2008	2012	\$0	\$2,140,000	This primary was converted to a stand alone project using the existing secondary W622 per Finance. Only one project needed for this work.
##	Water	W457 6180	EAST ORANGEBURG - WATER MAIN REPLACEMENT	CHRISTEN	Active	2008	2011	\$0	\$1,016,765	Negotiating with property owner for right-of-way acquisition.
##	Water	W458 6180	WATER DIVISION CORP YARD (INDIVIDUAL)	SAVIDGE	Active	2009		\$0	\$0	Construction complete from McHenry to Sunrise. Waterline construction from Sunrise to Coffee to be completed Spring 2011.
##	Water	W484 6181	DEVELOPER REIMBURSEMENT AGREEMENT-PRIMARY	SANDHU	Active	2006	2012	\$0	\$833,692	This project has been deferred until funding is available for land acquisition, engineering, design and construction.
##	Water	W572 6180	PELANDALE LANDSCAPE WATERLINE (SECONDARY)	CHRISTEN	Active	2006	2010	\$0	\$26,180	Waiting for reimbursement requests.
##	Water	W615 6180	MODESTO SYSTEM IMPROVEMENTS (SECONDARY)	SAVIDGE	Active	2004		\$0	\$1,610,801	Project is pending closure.
##	Water	W616 6180	OUTLYING SYSTEM IMPROVEMENTS (SECONDARY)	SAVIDGE	Active	2004		\$0	\$1,188,347	This account is used to fund miscellaneous waterline replacement projects in various outlying areas of the City's water system. These are smaller projects with quick turn-around which are not planned as unique secondary projects.
##	Water	W622 6180	REPLACE PUMPS - SYSTEM WIDE	SAVIDGE	Active	2005		\$466,149	\$2,688,368	This account is used to fund miscellaneous waterline replacement projects in various outlying areas of the City's water system. These are smaller projects with quick turn-around which are not planned as unique secondary projects.
##	Water	W714 6180	WELLHEAD TREATMENT WELL #3 - PCE (SECONDARY)	CHRISTEN	Active	2005	2012	\$0	\$1,662,649	Older pumps are being replaced in various areas of the City. Six to eight pumps are scheduled to be replaced in FY2011-12 at a cost of \$20-30K each.
##	Water	W720 6180	WELLHEAD TREATMENT WELL 86 GALAS (SECONDARY)	SAVIDGE	Active	2005	2012	(\$430,000)	\$92,000	Final design to be completed spring 2011.
##	Water	W729 6180	MILDRED PERKINS WELL 63 (SECONDARY)	CHRISTEN	Active	2005	2011	\$0	\$1,805,558	The manganese treatment unit will be brought up to full operation to test and operate the well.
##	Water	W976 6180	NITRATE ANALYZER INSTALLATION	SAVIDGE	Active	2007	2013	\$0	\$775,979	Project is under construction.
##	Water	X725 2641	FAIRVIEW VILLAGE H2O SYSTEM	DION	Active	2005		\$0	\$13,719,206	Wells 21 and 14, along with tanks 3, 7, and 8 will have nitrate analyzers installed. A portion of the water system is complete. Future improvements will be required as additional areas develop.
##	Water Total							(\$22,912,901)	\$218,566,698	
##	Grand Total							\$125,323,071	\$1,301,549,484	

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-200**

**A RESOLUTION APPROVING BUDGET GOALS AND BUDGET PRINCIPLES  
AS OUTLINED IN THE MAYOR'S BUDGET MESSAGE AND  
RECOMMENDED BY THE CITY COUNCIL FINANCE COMMITTEE AS  
PART OF THE FY 2011-2012 BUDGET DEVELOPMENT PROCESS**

WHEREAS, as part of the Mayor's Proposed Budget for FY 2011-2012, the Mayor included Proposed Budget Goals 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 2011-2012 operating budget, the Finance Committee reviewed and recommended for City Council consideration the **attached** Proposed Budget Goals and Budget Principles,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Proposed Budget Goals and Budget Principles as shown in **Exhibits 1 and 2**, 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 7<sup>th</sup> day of June, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## FY 2011-2012 Proposed Budget Goals

Focus resources on vital public services.

Continue efforts which will result in long-term structural budget changes.

Reduce deferred maintenance.

Increase the City's economic opportunities.

## 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 about reasonable risk calculations, revenue spikes, prior year budget savings, sale of property, etc) shall not be used for current or new on-going operating costs. Examples of appropriate uses of one-time revenues include early retirement of debt, capital expenditures without significant operating or maintenance costs, and other non-reoccurring expenditures.

### 3. Budget Revisions

New programs, services, or staffing requests are considered in light of the Council's priorities and shall include a spending offset at the time of the request so that the request has a net-zero impact on the budget.

### 4. Reserves

All City funds must maintain an adequate reserve level and/or ending fund balance as determined annually as appropriate for each fund. For the General Fund, the contingency reserve amount, which a minimum of 8% of the operating budget 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.



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-201**

**RESOLUTION APPROVING THE REPLACEMENT OF THE BANK OF AMERICA STANDBY PURCHASE AGREEMENT WITH THE JP MORGAN CHASE BANK DIRECT-PAY LETTER OF CREDIT ON THE WATER REFUNDING REVENUE CERTIFICATES OF PARTICIPATION, SERIES 2008A, AND WHICH APPROVES THE VARIOUS DOCUMENTS AND AUTHORIZES BOTH THE DISTRIBUTION TO INVESTORS OF THE SUPPLEMENT TO THE OFFICIAL STATEMENT AND THE EXECUTION OF THE VARIOUS AGREEMENTS AND CERTAIN OTHER ACTIONS RELATED TO THIS TRANSACTION**

WHEREAS, the City has a Stand-By Purchase Agreement (SBPA) with Bank of America on the Water Fund's Water Refunding Revenue Certificates of Participation (Water COPs), Series 2008A, which has an outstanding balance of \$46,765,000, and

WHEREAS, the Bank of America SBPA has an annual fee of .40%, and

WHEREAS, the Bank of America SBPA expires on May 29, 2011, and

WHEREAS, the Water COPs require the City replace this liquidity support with a new Letter of Credit (LOC) or SBPA, and

WHEREAS, the Water COPs are also insured by a bond insurance policy issued by Assured Guaranty, and

WHEREAS, in December 2010, the City learned that Bank of America would not be renewing its SBPA on the Water COPs, and

WHEREAS, the City, with assistance from Public Financial Management, Inc., issued a Request for Proposal to financial institutions for a new LOC or SBPA to provide liquidity support to the Water COPs, and

WHEREAS, staff recommends the City accept the proposal submitted by JP Morgan Chase Bank (JP Morgan) to provide the City with a LOC on the Water COPs for a period of three years at an annual fee of 1.20%, and

WHEREAS, staff recommends JP Morgan replace Bank of America as the remarketing agent for the Water COPs, and

WHEREAS, Bank of America has offered to extend the termination date of the current SBPA from May 29, 2011 to July 28, 2011, and

WHEREAS, the LOC replacement is expected to be complete in early July 2011, and

WHEREAS, replacing the SBPA with a LOC allows the City to avoid taking other actions, such as refunding the Water COPs with long-term variable or fixed rate debt and possibly having to make a swap termination payment of \$8.2 million, as of May 6, 2011, and

WHEREAS, the Finance Committee, on February 28, 2011, accepted a staff report on this issue and directed staff to bring appropriate documents to Council for adoption,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the replacement of the Bank of America Standby Purchase Agreement with the JP Morgan Chase Bank Direct-Pay Letter of Credit on the Water Refunding Revenue Certificates of Participation, Series 2008A.

BE IT FURTHER RESOLVED that the form of and authorization of the distribution of a Supplement to an Official Statement in connection therewith is approved.

BE IT FURTHER RESOLVED that the Council hereby authorizes the execution of various other agreements and certain other actions related to this transaction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of June, 2011, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-202**

**RESOLUTION APPROVING THE SUBMISSION OF WRITTEN COMMENTS SUPPORTING RELICENSING OF THE DON PEDRO PROJECT BY THE FEDERAL ENERGY REGULATORY COMMISSION WITH PROVISIONS FOR THE PRESERVATION OF SURFACE WATER SUPPLIES NEEDED TO MEET EXISTING AND PROJECTED MUNICIPAL AND INDUSTRIAL WATER DEMANDS FOR THE MODESTO WATER SERVICE AREA**

WHEREAS, the Federal Energy Regulatory Commission (FERC) is responsible for the licensing of non-federal hydropower projects in the United States, and

WHEREAS, Hydropower projects are licensed for a period of 30 to 50 years in duration and must be relicensed by FERC at the end of the licensing period, and

WHEREAS, the Don Pedro Hydroelectric Project (Don Pedro Project) and facilities are jointly owned and operated by the Modesto Irrigation District (MID) and the Turlock Irrigation District (TID), and

WHEREAS, the Don Pedro Project's 50-year license is set to expire in 2016, and

WHEREAS, MID supplies the City of Modesto up to 67,200 acre-feet of drinking water per year, and

WHEREAS, it is imperative that this water continue to be available through relicensing in order to continue the delivery of water to meet health and safety needs, economic development needs, and quality of life needs for our customers, and

WHEREAS, part of the initial actions for starting relicensing includes taking comments on the scoping of studies to ensure that all water uses and needs are fairly considered through the relicensing process, and

WHEREAS, Staff will prepare written comments to FERC for submission by June 10, 2011, and

WHEREAS, Staff requests Council consider approving a resolution supporting written comments on the relicensing of the Don Pedro Project by FERC with provisions for the preservation of surface water supplies needed to meet existing and projected municipal and industrial water demands for the Modesto water service area,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of written comments supporting relicensing of the Don Pedro Project by the Federal Energy Regulatory Commission with provisions for the preservation of surface water supplies needed to meet existing and projected municipal and industrial water demands for the Modesto water service area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7<sup>th</sup> day of June, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-203**

**RESOLUTION REAPPOINTING PATRICIA GILLUM AS THE 2011  
PLANNING COMMISSION REPRESENTATIVE TO THE CITIZENS  
REDEVELOPMENT ADVISORY COMMISSION FOR THE REMAINDER OF  
CALENDAR YEAR 2011**

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 May 16, 2011, and recommended the reappointment of Patricia Gillum as its representative to the Citizens Redevelopment Advisory Commission,

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

SECTION 1. Patricia Gillum is hereby reappointed as the 2011 Planning Commission representative to the Citizens Redevelopment Advisory Commission, with a term expiration of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Redevelopment Advisory 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 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-204**

**RESOLUTION REAPPOINTING STEVE CARTER AS THE 2011 PLANNING  
COMMISSION REPRESENTATIVE TO THE CITIZENS HOUSING &  
COMMUNITY DEVELOPMENT COMMITTEE FOR THE REMAINDER OF  
CALENDAR YEAR 2011**

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 16, 2011, the Planning Commission recommended Steve Carter as its representative to the Citizens Housing & Community Development Committee,

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

SECTION 1. Steve Carter is hereby reappointed as the 2011 Planning Commission representative to the Citizens Housing & Community Development Committee, with a term expiration of January 1, 2012.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Citizens Housing & 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 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-205**

**RESOLUTION APPROVING THE REAPPOINTMENT OF TED BRANDVOLD  
AS THE 2011 PLANNING COMMISSION REPRESENTATIVE TO THE BOARD  
OF ZONING ADJUSTMENT FOR THE REMAINDER OF CALENDAR YEAR  
2011**

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 May 16, 2011, and recommended the reappointment of Ted Brandvold as its representative to the Board of Zoning Adjustment,

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

SECTION 1. Ted Brandvold is hereby reappointed as the 2011 Planning Commission representative to the Board of Zoning Adjustment, with a term expiration of January 1, 2012.

SECTION 2. 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 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

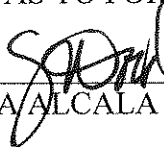
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-206**

**RESOLUTION AMENDING THE POSITION CLASSIFICATION PLAN FOR  
THE CITY OF MODESTO TO ESTABLISH THE CLASSIFICATION OF  
EMPLOYEE BENEFITS MANAGER**

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 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:

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

**Employee Benefits Manager**

The job specification for the Employee Benefits Manager classification is being created to plan, organize, direct and supervise staff and operations in support of the City's Employee Benefits Program within the Human Resources Department. The job specification for the classification of Employee Benefits Manager, as shown on the **attached Exhibit "A,"** which is made a part of this resolution by reference, is hereby approved and made part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after June 14, 2011.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## EMPLOYEE BENEFITS MANAGER

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

### DEFINITION

To plan, organize, direct and coordinate the activities of the Employee Benefits Unit within the Human Resources Department; oversee enrollment and participation in health, dental, vision, LTD, life insurance and retirement benefits; develop and implement program goals, policies, procedures and priorities; and to provide highly complex staff assistance to the Director of Human Resources.

### SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Human Resources.

Exercises direct supervision over assigned professional, technical and administrative support personnel.

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

Develop and implement divisional goals, objectives, policies and procedures.

Develops recommendations as to the strategic vision for the Employee Benefits Program in conjunction with ongoing evaluation of the input of proposed benefit changes, funding recommendations, cost containment process and plan design; evaluates the advantages and disadvantages of new benefit related initiatives, benefits changes, and plan designs.

Plans, oversees and administers the enrollment and processing procedures for health, dental, LTD, vision, life insurance and retirement benefits; ensures employee premiums are processed appropriately; evaluates utilization, value, costs, and experience information pertaining to employee benefits programs, and makes recommendations.

Oversees all communication with employees concerning benefit issues; provides employees with information concerning actual costs of benefits.

Analyzes and evaluates legislation, government codes, ordinances, and other regulations to determine the impact on the various programs.

Serves as a member of the management team in benefits review discussions with broker representatives and negotiations with recognized employee associations.

Monitors the performance and contracts of all benefits related vendors and consultants.

Essential Functions: (Continued)

Direct, oversee and participate in the development of the Employee Benefits Unit work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Prepare, administer, review and evaluate the division budget. Monitor budget expenditures; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies.

Recommend the appointment of personnel; provide or coordinate staff training, conduct performance evaluations; implement discipline procedures as required; maintain discipline and high standards necessary for the efficient and professional operation of the Department.

Evaluate and act on opportunities for improvement in service delivery or operations for the division.

Build and maintain positive working relationships with co-workers, other City employees and the public using principles of good customer service.

Represent the department to outside agencies and organizations; participate in outside community and professional groups and committees; provide technical assistance as necessary.

Research and prepare technical and administrative reports; prepare written correspondence.

Marginal Functions:

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles, practices, policies and procedures related to benefits administration.

Method of evaluating contracts, plans, policies, and benefit claims processing systems.

Regulations and requirements related to COBRA, FMLA, CFRA and other mandated benefit programs.

Knowledge of: (Continued)

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

Principles of public administration, organization and management.

Modern office procedures and computer equipment.

Budgeting procedures and techniques.

Principles and practices of leadership, motivation, team building and conflict resolution.

Principles and practices of supervision, training and personnel management.

Ability to:

Organize and direct the operations of the Employee Benefits Unit.

Research, evaluate, and recommend policies and programs to comply with Federal, State, and local laws and regulations.

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

Gain cooperation through discussion and persuasion.

Interpret and apply City and department policies, procedures, rules, regulations and memoranda of understanding.

Prepare and administer a budget.

Supervise, train and evaluate personnel.

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

Communicate clearly and concisely, both orally and in writing.



Experience and Training Guidelines

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

Experience:

Four years of increasingly responsible professional benefits administration experience within a public agency; including one year providing technical and functional supervision over assigned personnel.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business or public administration or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

PHYSICAL AND MENTAL REQUIREMENTS

**Mobility:** frequent use of keyboard; frequent sitting for long periods of time; occasional bending or squatting. **Lifting:** frequently up to 10 pounds; occasionally up to 25 pounds. **Vision:** constant use of overall vision; frequent reading and close-up work; occasional color and depth vision. **Dexterity:** frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching. **Hearing/Talking:** frequent hearing and talking, in person and on the phone. **Emotional/Psychological:** frequent decision-making and concentration; frequent public and/or coworker contact; occasional working alone. **Environmental:** frequent exposure to noise.

WORKING CONDITIONS

Work is performed in a typical temperature controlled office environment subject to typical office noise and environment. Some positions may be assigned to remote locations. Positions require occasional overtime or weekend work and the ability to travel.

<i>Class Spec History</i>	
Adopted	6/11
Revised	
BU	Unrep M/C NS

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-207**

**RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2008-688 TO  
REVISE THE CLASS RANGE TABLE FOR UNREPRESENTED  
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD  
EMPLOYEE BENEFITS MANAGER**

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2008-688, which approved the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes,

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

SECTION I. AMENDMENT TO RESOLUTION NO. 2008-688. Exhibit "A" entitled, "City of Modesto Class Range Table Unrepresented Management and Confidential Non-Sworn Classes," attached to Resolution No. 2008-688, is hereby amended as shown on the amended **Exhibit "A"** entitled "City of Modesto Class Range Table Unrepresented Management and Confidential Non-Sworn Classes Effective June 14, 2011," which is **attached** hereto and made a part hereof as though set forth in full herein. Said **Exhibit "A"** adds Employee Benefits Manager to salary range 2439.

SECTION II. EFFECTIVE DATE. This resolution shall become effective on and after June 14, 2011.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

CITY OF MODESTO  
CLASS RANGE TABLE  
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES  
Effective June 14, 2011

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RANGE	TITLE
2420	Executive Assistant
2422	Office Supervisor - Personnel
2425	Executive Assistant to the City Council Executive Assistant to the City Manager Paralegal
2427	Legal Services Administrator
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
<b>2439</b>	<b>Employee Benefits Manager</b> Employee Relations Coordinator
2444	Deputy City Attorney I Risk Manager
2448	Deputy City Attorney II
2452	Deputy Chief Information Officer 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

**Exhibit "A"**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-208**

**RESOLUTION AUTHORIZING THE CITY TO EXTEND THE RETIREMENT INCENTIVE PROGRAM TO ELIGIBLE EMPLOYEES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN IMPLEMENTATION DOCUMENTS**

WHEREAS, the City has projected a budget shortfall for Fiscal Year 2011-12 as a result of the economic downturn, and

WHEREAS, in order to address the budget shortfall, and in an effort to reduce the number of employees impacted due to budget reductions, the City desires to offer eligible employees, as authorized by the City Manager, and who have been employed by the City for at least five (5) full years of continuous service in a regular position, the option of electing to participate in a Retirement Incentive Program, and

WHEREAS, the City Manager is authorized to extend an employee's retirement date, after consulting with the employee, under the Retirement Incentive Program to meet the needs and objectives of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City to extend the Retirement Incentive Program to eligible employees upon retirement as outlined in **Exhibit A**, entitled, "City of Modesto Retirement Incentive Program." The approved Retirement Incentive formula shall be as set forth therein.

The City Manager is authorized to extend Employee's retirement date, after consulting with the Employee, under the Retirement Incentive Program to meet the needs and objectives of the City. No appeal of the City Manager's decision shall be permitted.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to sign implementation documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

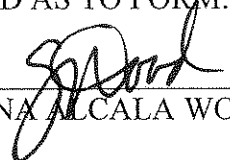
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**City of Modesto**  
**2011 Retirement Incentive Program**

1. Employees in identified classifications as set forth herein as Attachment A, who have completed at least five (5) full years of continuous service in a regular position are eligible to participate.
2. Any eligible employee who has been approved by the City Manager to voluntarily retire from the City between July 12, 2011 and August 1, 2011 shall receive a cash incentive based on years of service with the City to a maximum of \$30,000. The employee's last day on payroll shall be on or after July 12, 2011 and no later than August 1, 2011.  
  
Any eligible employee who has been approved by the City Manager to voluntarily retire from the City after August 1, 2011 shall receive a cash incentive based on years of service with the City to a maximum of \$15,000. The employee's last day on payroll shall be on or after August 2, 2011 and no later than December 31, 2011.
3. The employee must notify the Human Resources Department, in writing no later than 4:30 p.m. on June 24, 2011, of his/her election to take this option.
4. The City Manager is authorized to accept or reject these elections, based on the needs of the City. There is no appeal of the City Manager's decision, nor is the City Manager's decision subject to the Grievance Procedure.
5. The City Manager is authorized to extend an employee's retirement date under the Incentive Program, with the employee's agreement, to meet the needs of the City.
6. The actual incentive amount shall be calculated by multiplying the employee's number of completed years of continuous City of Modesto service, as of the employee's retirement effective date, by the employee's base hourly rate multiplied by forty (40) hours or fifty-six (56) hours for Fire Department shift employees. For employees whose regular work schedule is less than 40 hours, the 40 hour calculation shall be reduced proportionally. Only continuous years of service in regular benefited positions will be qualifying. In no event shall the Incentive amount exceed \$30,000 for employees retiring between July 12, 2011 and August 1, 2011 and not to exceed \$15,000 for employees retiring between August 2, 2011 and December 31, 2011.
7. The method of distributing the Incentive must be on a bargaining unit-wide basis. No individual employee elections regarding the method of distribution will be permitted. (The City Manager shall determine the method of distribution for the Unrepresented group.) If no method of distribution is designated by any given employee Association, the distribution for that Association's bargaining unit shall be in cash and subject to all applicable taxes.
8. Distribution options may include Health Reimbursement Arrangements (HRA's) or cash.
9. The employee shall execute the Separation Agreement and Release of All Claims which is set forth herein as Attachment B.
10. Any employee who receives this Incentive and is currently "opting out" of health coverage will have a one-time opportunity to opt-in during open enrollment, with coverage effective January 1, 2012.

**Exhibit A**

**CITY OF MODESTO  
MEMORANDUM**

To: All City Employees

From: Dee Williams-Ridley, Deputy City Manager

Re: Retirement Incentive Programs for Eligible City Employees

Date: June 10, 2011

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The City of Modesto announces a voluntary program that will provide eligible employees with a cash incentive for a voluntary retirement from City service. This offer is contingent upon City Council approval at its June 14, 2011 meeting. This memorandum provides important information regarding eligibility for participation. All interested employees should review the information provided below as soon as possible.

**ELIGIBILITY**

Retirement Incentives will be offered to employees in specific classifications as a means of reducing the number of employees to be laid off due to budget reductions. Only employees in the eligible classifications and who have completed at least five full years of continuous service as of August 1, 2011 in a regular position are eligible to participate.

Eligible classifications include:

**NON-SWORN**

**Associate Civil/Traffic Engineer  
Associate Engineer  
Assistant Engineer  
Engineering Assistant I/II  
Environmental Compliance Inspector  
Environmental Compliance Technician  
Maintenance Worker I/II  
Parks Maintenance Mechanic  
Senior Environmental Compliance Inspector**

**SWORN**

**Fire Division Chief  
Fire Battalion Chief  
Fire Captain  
Fire Engineer  
Fire Fighter**

**PROCESS FOR APPROVAL**

**By 4:30 p.m. on Friday, June 24, 2011,** interested employees should review this information and, if eligible, must notify the City's Human Resources Department by submitting the attached mandatory letter to retire to Jill Peltier in Human Resources. All participation requests and applications will be reviewed by Human Resources to verify employment eligibility as set forth above. Any applicant who does not meet these requirements will be notified in writing.



Participation in the program will be subject to the approval of the City Manager based on the City's needs and objectives stated in the criteria below. The City Manager is authorized to extend Employee's retirement date, after consulting with the Employee, under the Retirement Incentive Program to meet the needs and objectives of the City. No appeal of the City Manager's decision shall be permitted. The City Manager's decision is final and is not appealable. Once the City Manager has made this determination, participating employees will be notified and will be required to sign a Separation Agreement and Release of All Claims provided by the City.

Each application will be evaluated on a case by case basis, including but not limited to the following criteria: (1) current budget reductions, (2) staffing needs to meet operational priorities, (3) impacts to service levels, (4) the number of employees in a given job classification that submit applications. Decisions will be based on seniority in any cases where the number of applicants exceeds the number of positions in that classification that Departments deem appropriate for long term vacancy, with the most senior having priority to participate in this program.

Employees who are approved will be prohibited from directly working full-time for the City in any capacity for twelve (12) months. This includes working as a regular employee, extra help, working retiree, independent contractor, consultant, or any other similar relationship. Some positions may be subject to rehire or backfill as temporary part-time only with City Manager approval on a case by case basis.

#### **RETIREMENT INCENTIVE PROGRAM**

Any eligible employee who has been approved by the City Manager to voluntarily retire from the City between July 12, 2011 and August 1, 2011 shall receive a cash incentive. The cash incentive is calculated based upon the employee's base salary and years of continuous service, with one (1) week's base pay per completed year of service, up to a maximum of \$30,000. A method of distribution for cash incentives will be determined on a unit by unit basis. Retirements shall be effective no later than August 1, 2011. Employees approved for the Retirement Incentive after August 1, 2011 will be subject to a maximum of \$15,000 using the same formula.

If you have questions, please contact Jill Peltier at 577-5209 or Kimberly Murdaugh at 577-5409.

#### Attachments:

- Letter of Retirement
- (DRAFT) Separation Agreement and Release of All Claims

CITY OF MODESTO  
LETTER OF RETIREMENT

I, \_\_\_\_\_, intend to retire from the City of Modesto effective on \_\_\_\_\_, 2011.  
(last day of employment)

I certify that I meet the eligibility requirements and will meet the participation requirements established by the City for participation in the Retirement Incentive Program.

I understand that: (1) my participation is subject to the City Manager's approval based on the needs of the City, (2) the City Manager's decision is final and not appealable, (3) the City will notify me of its acceptance of my participation in the Retirement Incentive Program, and (4) if the City rejects my election to participate in the Program, this request will automatically be rescinded.

I understand that if the City accepts my retirement, I will attend a meeting when contacted by Human Resources and must sign the City's Separation Agreement and Release of All Claims. (A preview document is attached for review purposes, only). I further understand that if I decline to sign the Separation Agreement and Release of All Claims this request will automatically be rescinded. The City Manager will only consider employees who submit this letter by the June 24, 2011 deadline.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Department

\_\_\_\_\_  
Classification

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Phone Number

**THIS LETTER OF RETIREMENT MUST BE RECEIVED BY  
JILL PELTIER IN THE HUMAN RESOURCES OFFICE,  
1010 TENTH STREET, SUITE 2200, MODESTO, CA  
NO LATER THAN 4:30 P.M. ON JUNE 24, 2011**

**CITY OF MODESTO**  
**Retirement Incentive Program**

**SEPARATION AGREEMENT AND RELEASE OF ALL CLAIMS**

This Separation Agreement and Release of All Claims (hereinafter referred to as the "Agreement") is made and entered into by and between the undersigned "Employee," his/her heirs, representatives, attorneys, successors and assigns, and anyone claiming through Employee and the City of Modesto, a municipal corporation, and its City Council members, officers, agents, employees, administrators, representatives, executors, successors, assigns, and/or other individuals or entities related thereto (hereinafter referred to collectively as "the City").

**RECITALS**

WHEREAS,

1. The City has a projected budget shortfall for fiscal year 2011-12 as a result of the economic downturn.
2. In order to address the budget shortfall, the City is offering eligible employees who have been employed by the City for at least five (5) full years of continuous service in a regular position the option of electing to participate in the Retirement Incentive Program described herein.
3. Employee has timely notified the City, in writing by submitting the Letter of Retirement, attached hereto as Exhibit A, of his/her desire to participate in the City's Retirement Incentive Program and has been accepted for participation by the City Manager.
4. By opting to participate in the Retirement Incentive Program, Employee agrees to all the terms set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth below and for other valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. **Effective Date.** This Agreement shall become effective and irrevocable by either party upon the expiration of seven (7) calendar days after this document is signed by both parties, in accordance with the revocation period set forth in paragraph 6(e) below ("Effective Date").
2. **Terms of Retirement Incentive Program.**
  - a. In consideration for voluntarily retiring from the City between July 12, 2011 and August 1, 2011 (last day on payroll to be no later than August 1, 2011),

Employee shall receive compensation based on full years of service with the City as of the Employee's retirement effective date. The retirement incentive amount shall be calculated based on the employee's base salary and years of continuous service, with one week's base pay per completed year of service, up to a maximum of \$30,000. Based on this calculation, employee shall receive an incentive of \$ \_\_\_\_\_.

- b. The City Manager is authorized to extend Employee's retirement date, after consulting with the Employee, under the Retirement Incentive Program to meet the needs and objectives of the City. Any employee approved for the Retirement Incentive after August 1, 2011 will be subject to a maximum of \$15,000 using the same formula set forth in paragraph (a) above.
  - c. No appeal of the City Manager's decision shall be permitted.
  - d. Employee acknowledges that Employee is voluntarily retiring and, therefore, ineligible for unemployment compensation through the California Employment Development Department.
  - e. Employees shall receive all benefits to which the Employee is normally entitled upon retirement from employment with the City.
3. **Employee Representations Regarding Claims.** Employee represents there are no actions at law or administrative proceedings currently pending which concern allegations based on Employee's hiring, retention, or compensation by the City, or the termination of Employee's employment, or based on any act or failure to act by the City affecting, involving, or relating to Employee and his/her employment with the City.
4. **No Admission of Liability.** This Agreement and compliance with this Agreement shall not be construed as an admission of any liability by either Employee or the City of any unlawful or wrongful acts by either party, individually or collectively. The parties disclaim liability as to or for any and all wrongful acts against each other.
5. **Waiver and Release.** In exchange for the valuable consideration and compromises set forth in this Agreement, Employee, on behalf of himself/herself and his/her representatives, family members, heirs, administrators, executives, successors, assigns and anyone claiming through Employee, hereby releases and forever discharges the City, its City Council members, officers, directors, agents, and employees (whether former or current), volunteers, successors, assigns, insurers, attorneys, consultants, affiliates, and/or related organizations or entities (all hereafter referred to singularly and collectively as "the parties hereby released"), from any and all actions, claims, judgments, obligations, damages, and liabilities of whatsoever kind and character with Employee may now have or has ever had arising in any way from or during Employee's employment with the City, including but not limited to:
- a. Any and all claims for wages, salary, paid leave, and/or benefits;
  - b. Any grievance or other administrative remedy deriving from City policy;

- c. Any and all claims for wrongful or constructive discharge and/or reinstatement;
- d. Any and all claims relating to any contracts, express or implied, or breach of the covenant of good faith and fair dealing;
- e. Any and all tort claims of any nature, including but not limited to, fraud, deceit, misrepresentation, negligent misrepresentation, defamation, invasion of privacy, negligent or intentional infliction of emotional distress;
- f. Any and all claims of discrimination, harassment, retaliation or failure to accommodate under federal, state or municipal statute or ordinance, including but not limited to, race, national origin, age, gender, mental or physical disability, medical condition, sexual orientation, marital status, religion, or otherwise, and including any claims under the United States Constitution, California Constitution, California Fair Employment and Housing Act, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. section 1981, 42 U.S.C. section 1983, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Older Workers' Benefit Protection Act, the Equal Pay Act, the Family Medical Leave Act, the California Family Rights Act, the Fair Labor Standards Act, the California Labor Code, and any other laws and regulations relating to employment; and
- g. Any and all claims for attorney's fees or costs.

Employee hereby further agrees that this Agreement shall operate as a complete bar against any and all litigation, charges, grievances now pending or contemplated by Employee or which might at any time be filed including but without limiting the foregoing, and any and all matters arising out of or in any manner whatsoever connected with Employee's employment with and separation of employment from the City up to the date of Employee's separation from the City.

Employee's Initials: \_\_\_\_\_

6. **Older Workers Benefit Protection Act.** For an Employee 40 years or older and in accordance with the Older Workers Benefit Protection Act, covered Employee acknowledges having been advised by this writing of the following:
- a. Employee acknowledges having been advised to consult an attorney of his/her choosing before executing this Agreement.
  - b. Employee acknowledges that the compensation provided in this Agreement constitutes independent consideration for the said waiver and is in addition to any other payment to which Employee is entitled.
  - c. Employee acknowledges that this Agreement is written in a manner designed to be understood by Employee and that Employee has read the Agreement carefully and understands its terms.

- d. Employee acknowledges that he/she has up to forty five (45) calendar days from the date of receipt of this Agreement to consider whether to accept it, although Employee may accept it at any time within those 45 calendar days. If Employee accepts and signs the Agreement before the end of the 45 day period, Employee acknowledges doing so voluntarily and waives any further period for consideration.
- e. Employee has the right to revoke this Agreement within seven (7) calendar days after signing the Agreement. This Agreement shall not become effective or enforceable until the seven (7) day revocation period has expired. In the event that Employee revokes pursuant to this section, the entire Agreement shall be void and ineffective.

Employee's Initials (40 years or older): \_\_\_\_\_

7. **Specific Waiver of Section 1542 of the California Civil Code.** Employee acknowledges that he/she has read, and hereby waives the application of Section 1542 of the Civil Code, which provides:

“A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM, MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH DEBTOR.”

Employee understands and acknowledges that the significance and consequence of this waiver of Section 1542 of the Civil Code is that, even if he/she should eventually suffer or discover damages arising out of Employee's employment with the City, Employee will not be permitted to make any claim for those damages. Furthermore, Employee acknowledges that he/she intends these consequences even as to claims that may exist as of the date of this release but which Employee does not know exist, and which, if known, would materially affect Employee's decision to execute this release, regardless of whether Employee's lack of knowledge is the result of ignorance, oversight, error, negligence, or any other cause.

Employee's Initials: \_\_\_\_\_

8. **Protected Rights.** Employee and City agree that nothing in this Agreement is intended to or shall be construed to affect, limit or otherwise interfere with any non-waivable right of Employee under any Federal, state or local law, including but not limited to, the right to enforce this Agreement and recover for any breach of it, rights under California Labor Code Sections 2802 and 2804, the right to file a charge or participate in an investigation or proceeding conducted by the Equal Employment Opportunity Commission (“EEOC”) or to exercise any other right that cannot be waived under applicable law. Employee is releasing, however, his/her right to any monetary recovery or other relief should the EEOC or any other agency pursue claims on his/her behalf. Further, should the EEOC or any other agency obtain

monetary recovery or other relief on Employee's behalf, Employee assigns to City all rights to such monetary recovery or other relief.

Employee's Initials: \_\_\_\_\_

9. **Return of Property.** Unless otherwise authorized by the City, on the last day of employment with the City, Employee shall return all City property in Employee's possession or control, including without limitation any laptop computers, keys, proximity badge, credit cards, cellular telephones, files and documents (and all copies thereof).
10. **No Precedent.** The parties specifically acknowledge and agree that this Agreement is a compromise which shall not operate, nor be considered, as evidence of a practice or past practice of the City or a precedent in the future.
11. **Construction of the Agreement.** The parties agree that in any construction to be made of this Agreement, the same shall not be construed against any party on the basis that the party was the drafter.
12. **Acknowledgement of Voluntary Execution.** Employee has carefully read the Agreement and understands the contents. Employee has been afforded the opportunity to consult with his/her own counsel regarding this Agreement. Employee freely, knowingly, and voluntarily enters into this Agreement without any duress or undue influence on the part of any person released by this Agreement, or by any third party. Employee warrants and represents that he/she has the mental and emotional capacity to understand the provisions of this Agreement and its effects upon his/her legal rights.

Employee's Initials: \_\_\_\_\_

13. **Partial Invalidity.** In the event that any of the covenants, duties, or restrictions of this Agreement are found to be illegal, invalid or unenforceable, such provision, if possible, shall be construed so as to render the provision legal, valid and enforceable. In the event such provision cannot be amended or construed to be legal, valid and enforceable, such provision shall be deemed deleted and the remainder of this Agreement shall remain in full force and effect.
14. **Entire Agreement.** This Agreement sets forth the entire agreement between the parties and supersedes any and all prior agreements or understandings, written or oral, between the parties pertaining to the subject matter hereof. No other promises or agreements shall be binding upon the parties with respect to the subject matter of this Agreement unless contained herein or separately agreed to in writing by the parties. This Agreement may not be modified except by a writing signed by Employee and the City Manager.
15. **Applicable Law.** This Agreement shall be governed by the laws of the State of California, and shall in all respects, be interpreted and enforced under the laws of the State of California. Litigation arising out of or connected with this Agreement shall be instituted and maintained in the courts of Stanislaus County in the State of

California, and the parties consent to jurisdiction over their person and over the subject matter of any such litigation in such court, and consent to service of process issued by such court.

16. **No Assignment.** Employee warrants that he/she has not assigned, transferred, nor purported to assign or transfer, any claim(s) Employee may have against the City, and he/she will not assign or transfer, nor purport to assign or transfer, any claim(s) he/she may have against the City. The City warrants that it has not assigned, transferred nor purported to assign or transfer any claim(s) it may have against Employee and that it will not assign nor purport to assign or transfer hereafter any claim(s) it may have against Employee.
17. **Waiver.** Waiver by either party of any default, breach or condition precedent shall not be construed as a waiver of any other default, breach or condition precedent or any other right hereunder.
18. **Section Headings.** The section headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.
19. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall, for all purposes, be deemed an original and all such counterparts, taken together, shall constitute one and the same instrument.
20. **Attorney's Fees and Costs.** Each party shall bear all attorney's fees and costs arising from and/or in any way related to the actions of its own counsel with regard to the negotiation and creation of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year written below.

By: \_\_\_\_\_  
Employee

By: \_\_\_\_\_  
Greg Nyhoff  
City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Susana Alcala Wood  
City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-209**

**RESOLUTION APPROVING THE FINAL MAP FOR NORTH EMERALD  
SUBDIVISION, AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL  
MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER'S  
OFFICE**

WHEREAS, WILLAMETTE CAPITAL MANAGEMENT, LTD., is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 3.23 acres, known as the NORTH EMERALD SUBDIVISION ("SUBDIVISION"), in the Planned Development Zone, P-D 373, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on June 1, 2009, 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, there are no improvements required with this subdivision map, and therefore, no improvement security as provided in Section 4-4.605 of the Modesto Municipal Code is required by WILLAMETTE CAPITAL MANAGEMENT, LTD, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Final Map be approved; that the dedications for public easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public

use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-210**

**RESOLUTION APPROVING THE ADDITION OF A DOG PARK IN ELK PARK  
AND CERTIFYING THE ENVIRONMENTAL FINDING**

WHEREAS, Elk Park was deeded to the City of Modesto in January 1913 by the Women's Improvement Club to be used as a park, and

WHEREAS, in 1975 improvements to the park included the addition of a parking lot, landscaping and irrigation, and

WHEREAS, in spring 2010 a group of citizens asked to partner with the City to develop a dog park in a City facility, and

WHEREAS, in October 2010 the Safety and Communities Committee approved the concept of adding a dog park to Elk Park, and

WHEREAS, in May 2011 a Master Plan for a dog park in Elk Park was presented to the City of Modesto for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the addition of a dog park to Elk Park.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby certifies the environmental finding of a Categorical Exemption under Section 15301, a minor alteration to an existing facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-211**

**RESOLUTION APPROVING A REAFFIRMATION AGREEMENT BETWEEN  
THE CITY OF MODESTO AND STANCOG REAFFIRMING A 1999  
AGREEMENT THAT SETS FORTH THE BASIC STRUCTURE FOR  
COOPERATIVE PLANNING AND DECISION MAKING BETWEEN THE CITY  
OF MODESTO AND STANCOG**

WHEREAS, the Stanislaus Council of Governments (StanCOG) has been designated by the Federal Transit Administration (FTA) to administer federal transit funds, which are made available to the Modesto Urbanized Area, and

WHEREAS, on November 2, 1999, the Council, by Resolution No. 2009-532, approved an Agreement with StanCOG to enable the City of Modesto to apply for FTA funds, and

WHEREAS, the Agreement sets forth the basic structure for cooperative planning and decision-making between the City of Modesto and StanCOG as required by the FT A, and

WHEREAS, the Reaffirmation Agreement is required by the FT A and SAFETEA-LU regulations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Reaffirmation Agreement between the City of Modesto and StanCOG reaffirming a 1999 Agreement that sets forth the basic structure for cooperative planning and decision-making between the City of Modesto and StanCOG.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-212**

**RESOLUTION ACCEPTING THE WORK BY D. M. ALEGRE  
CONSTRUCTION, INC. FOR THE TRAFFIC OPERATIONS BUILDING –  
TENANT IMPROVEMENTS PROJECT AS COMPLETE, AUTHORIZING THE  
CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE  
STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON  
EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT  
OF AMOUNTS TOTALING \$193,908**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Traffic Operation Building – Tenant Improvements Project has been completed by D. M. Alegre Construction, Inc., in accordance with the contract agreement dated October 12, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Traffic Operation Building – Tenant Improvements Project is hereby accepted as complete from said contractor D. M. Alegre Construction, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling \$193,908 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-213**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH SARBJIT ATHWAL AND SATWANT K. ATHWAL, FOR A 32,043 SQ. FT. (0.74-ACRE) PERMANENT ACCESS EASEMENT, AND A 3,600 SQ. FT. (0.08-ACRE) PORTION FOR A PERMANENT SEWER FACILITIES EASEMENT, AND DAMAGES FOR REMOVAL OF 13 ALMOND TREES OF A PARCEL LOCATED AT 3713 W. KEYES ROAD (APN 017-058-046 & 047), IN THE AMOUNT OF \$18,500, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is mainly agricultural located at 3713 W. Keyes Road, Modesto, California (APN 017-058-046 & 047), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Sarbjit Athwal and Satwant K.

Athwal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Sarbjit Athwal and Satwant K.

Athwal for a 32,043 sq. ft. (0.74-acre) Permanent Access Easement, and a 3,600 sq. ft. (0.08-acre) portion for a Permanent Facilities Easement, and damages for almond tree removal of a parcel located at 3713 W. Keyes Road, Modesto, California (APN 017-058-046 & 047), in the amount of \$18,500, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-214**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN A CERTIFICATE OF ACCEPTANCE FOR THE PERMANENT ACCESS EASEMENT AND PERMANENT SEWER FACILITIES EASEMENT FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 3713 W. KEYES ROAD, OWNED BY SARBJIT ATHWAL AND SATWANT K. ATHWAL, (APN 017-058-046 & 047) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 35,643 sq. ft. (0.82-acre) portion of a 154.73-acre parcel of property interests located at 3713 W. Keyes Road within the project area, owned by Sarbjit Athwal and Satwant K. Athwal (APN 017-058-047 & 046) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance Form for the Permanent Access Easement and Permanent Sewer Facilities Easement for the acquisition of property interests located at 3713 W. Keyes Road owned by Sarbjit Athwal and Satwant K. Athwal, (APN 017-058-047 & 046) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-215**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH JOE D. MACHADO FOR A 1,750 SQ. FT. (0.04-ACRE) PERMANENT SEWER FACILITIES EASEMENT, A 1.02 ACRE (44,400 SQ. FT.) TEMPORARY CONSTRUCTION EASEMENT, A 1.12 ACRE (48,713 SQ. FT.) TEMPORARY ACCESS EASEMENT AND DAMAGES FOR TEMPORARY LOSS OF ALFALFA FARMING OF A PARCEL LOCATED AT 6431 JENNINGS ROAD (APN 017-062-030), IN THE AMOUNT OF \$12,800, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is located at 6431 Jennings Road, Modesto, California (APN 017-062-030), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Joe D. Machado,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Joe D. Machado for a 1,750 sq. ft. (0.04-acre) Permanent Sewer Facilities Easement, a 1.02-acre (44,400 sq. ft.) portion for a Temporary Construction Easement, and a 1.12 acre (48,713 sq. ft.) Temporary Access

Easement, and damages for temporary loss of alfalfa farming of a parcel located at 6431 Jennings Road, Modesto, California (APN 017-062-030), in the amount of \$12,800, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-216**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATES OF ACCEPTANCE FOR THE PERMANENT SEWER FACILITIES EASEMENT, TEMPORARY CONSTRUCTION EASEMENT AND TEMPORARY ACCESS EASEMENT FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 6431 JENNINGS ROAD, OWNED BY JOE D. MACHADO, (APN 017-062-030), TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 2.18 acre (94,863 sq. ft.) portion of a 76.77-acre parcel of property interests located on Jennings Road within the project area, owned by Joe D. Machado (APN 017-062-030), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign Certificates of Acceptance for the Permanent Sewer Facilities Easement and the Temporary Access and Construction Easement for the acquisition of property interests located on Jennings Road owned by Joe D. Machado (APN 017-062-030), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-217**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH LADD RANCH PROPERTIES FOR A 3,310 SQ. FT. (0.08-ACRE) PERMANENT ACCESS EASEMENT OF A PARCEL LOCATED AT 4907 VIVIAN ROAD (APN 017-051-041), IN THE AMOUNT OF \$1,026, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is mainly agricultural located at 4907 Vivian Road, Modesto, California (APN 017-051-041), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Ladd Ranch Properties,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Ladd Ranch Properties, for a 3,310 sq. ft. (0.08-acre) Permanent Access Easement of a parcel located at 4907 Vivian Road, Modesto, California (APN 017-051-041), in the amount of \$1,026, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-218**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE PERMANENT ACCESS EASEMENT FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 4907 VIVIAN ROAD, OWNED BY LADD RANCH PROPERTIES, (APN 017-051-041), TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 3,310 sq. ft. (0.08 acre) portion of a 24.04-acre parcel of property interests located on Vivian Road within the project area, owned by Ladd Ranch Properties (APN 017-051-041), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance Form for the Permanent Access Easement for the acquisition of property interests located on 4907 Vivian Road owned by Ladd Ranch Properties, (APN 017-051-041) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-219

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH THE GRACE A. SOUZA LIVING TRUST, LTD, OCTOBER 13, 2006, GRACE SOUZA, TRUSTEE, FOR A 2,000 SQ. FT. (0.05 ACRE) PERMANENT FACILITIES EASEMENT, A 7,500 SQ. FT. (0.17 ACRE) TEMPORARY CONSTRUCTION EASEMENT, A 4,000 SQ. FT. (0.09 ACRE) TEMPORARY CONSTRUCTION EASEMENT, AND A 8,738 SQ. FT. (0.20 ACRE) TEMPORARY ACCESS EASEMENT, LOCATED AT 3548 W. GRAYSON ROAD (APN 017-058-044), IN THE AMOUNT OF \$1,581, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is located at 3548 W. Grayson Road, Modesto, California (APN 017-058-044), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by The Grace A. Souza Living Trust, LTD, October 13, 2006, Grace Souza, Trustee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with The Grace A. Souza Living Trust,

LTD, October 13, 2006, Grace Souza, Trustee, for a 2,000 sq. ft. (0.05-acre) Permanent Sewer Facilities Easement, a 11,500 sq. ft. (0.26-acre) portion for two Temporary Construction Easements, and a 8,738 sq. ft. (0.20-acre) Temporary Access Easement of a parcel located at 3548 W. Grayson Road, Modesto, California (APN 017-058-044), in the amount of \$1,581, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-220**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATES OF ACCEPTANCE FOR THE PERMANENT FACILITIES EASEMENT, TWO TEMPORARY CONSTRUCTION EASEMENTS, AND TEMPORARY ACCESS EASEMENT, FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 3548 W. GRAYSON ROAD, OWNED BY THE GRACE A. SOUZA LIVING TRUST, LTD, OCTOBER 13, 2006, GRACE SOUZA, TRUSTEE (APN 017-058-044), TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire 17,869 sq. ft. (0.41-acre) portion of a 23.8-acre parcel of property interests located at 3548 W. Grayson Road within the project area, owned by The Grace A. Souza Living Trust, LTD, October 13, 2006, Grace Souza, Trustee (APN 017-058-044), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign Certificates of Acceptance for the Permanent Facilities Easement, two Temporary Construction Easements and Temporary Access Easement for the acquisition of property interests located at 3548 W. Grayson Road owned by The Grace A. Souza Living Trust, LTD, October 13, 2006, Grace Souza, Trustee, (APN 017-058-044) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-221**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH JON  
FREDERICK CHRISTIANSEN FOR A 14,323 SQ. FT. (0.33-ACRE)  
PERMANENT ACCESS EASEMENT, LOCATED AT 2543 JENNINGS ROAD  
(APN 017-058-052), IN THE AMOUNT OF \$4,524, FOR THE PRIMARY  
OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING  
THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT  
AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed, and these easements are needed for access and construction of the Phase 2 of the project, and

WHEREAS, the property is mainly agricultural located at 2543 Jennings Road, Modesto, California (APN 017-058-052), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Jon Frederick Christiansen,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Jon Frederick Christiansen for a 14,323 sq. ft. (0.33-acre) Permanent Access Easement of a parcel located at 2543 Jennings Road, Modesto, California (APN 017-058-052), in the amount of \$4,524, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-222**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE PERMANENT ACCESS EASEMENT, FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 2543 JENNINGS ROAD, OWNED BY JON FREDERICK CHRISTIANSEN (APN 017-058-052), TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 14,323 sq. ft. (0.33-acre) portion of a 18.57-acre parcel of property interests located on Jennings Road within the project area, owned by Jon Frederick Christiansen (APN 017-058-052), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant of Permanent Access Easement for the acquisition of property interests located on Jennings Road, owned by Jon Frederick Christiansen (APN 017-058-052) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

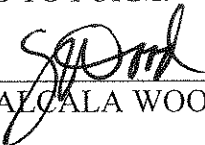
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-223**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH JON CHRISTIANSEN AND ALMA CHRISTIANSEN FOR A 13,252 SQ. FT. (0.30-ACRE) PERMANENT ACCESS EASEMENT, LOCATED AT 5500 JENNINGS ROAD (APN 017-058-053), IN THE AMOUNT OF \$4,000, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed, and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is mainly agricultural located at 5500 Jennings Road, Modesto, California (APN 017-058-053), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Jon Christiansen and Alma Christiansen,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Jon Christiansen and Alma Christiansen, for a 13,252 sq. ft. (0.30-acre) Permanent Access Easement of a parcel

located at 5500 Jennings Road, Modesto, California (APN 017-058-053), in the amount of \$4,000, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-224**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE PERMANENT ACCESS EASEMENT FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 5500 JENNINGS ROAD, OWNED BY JON CHRISTIANSEN AND ALMA CHRISTIANSEN (APN 017-058-053), TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 13,252 sq. ft. (0.30-acre) portion of a 20-acre parcel of property interests located on Jennings Road within the project area, owned by Jon Christiansen and Alma Christiansen (APN 017-058-053), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Permanent Access Easement for the acquisition of property interests located at 5500 Jennings Road owned by Jon Christiansen and Alma Christiansen, (APN 017-058-053) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-225

RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION TO  
THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING  
\$11,272,768 IN FTA SECTION 5307 FUNDS

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

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA for Section 5307 funding, and

WHEREAS, the projects for the City of Modesto shown in the **attached** Program Of Projects are eligible to receive 100% of federally reimbursable expenses from Section 5307 funds, and

WHEREAS, the bus purchase for the City of Ripon shown in the **attached** Program Of Projects is eligible to receive 83% of federally reimbursable expenses from Section 5307 funds, and

WHEREAS, the design and engineering of a Bus Maintenance Facility for the City of Ripon shown in the **attached** Program Of Projects is eligible to receive 80% of federally reimbursable expenses from Section 5307 funds, and

WHEREAS, the projects shown in the **attached** Program of Projects are included in the Federal Transportation Improvement Program (FTIP) adopted by StanCOG, and

WHEREAS, there is an existing MOU between the City of Modesto and the City of Ripon that requires Ripon to meet FTA obligations, and

WHEREAS, Ripon has agreed to provide the local share of Ripon's project costs, and

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

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application with the Federal Transit Administration for \$11,272,768 in Section 5307 funds for projects included in the **attached** Program of Projects.

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 for awarding a federal assistance grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents with the FTA 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 14<sup>th</sup> day of June, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## 2010-2011 Federal Transit Administration Program of Projects

### FTA Section 5307 Program of Projects

<b>FTA Fund Availability</b>	5307 Carryover Apportionment for 2008-09	\$	3,006,392
	5307 Carryover Apportionment for 2009-10	\$	4,166,376
	5307 Federal Apportionment for 2010-11	\$	4,187,089
	<b>Total</b>	<b>\$</b>	<b>11,359,857</b>

#### MODESTO URBANIZED AREA SECTION 5307 PROJECTS

##### FTA Project Description

Modesto Projects	Total	Local	FEDERAL
Purchase New Buses	\$800,000	\$0	\$800,000
Preventive Maintenance	\$5,406,392	\$0	\$5,406,392
Transit Enhancements	\$81,663	\$0	\$81,663
Capital Cost of Contracting	\$8,440,000	\$4,220,000	\$4,220,000
Administrative Office Lease	\$160,000	\$0	\$160,000
Technology Improvements	\$309,713	\$0	\$309,713
Construction Transit Structures	\$95,000		\$95,000
Employee Training & Education	\$20,000		\$20,000
<b>Ripon Projects</b>			
Design Ripon Bus Maintenance Facility	\$150,000	\$0	\$150,000
<b>Total</b>	<b>\$15,462,768</b>	<b>\$4,220,000</b>	<b>\$11,242,768</b>

#### Congestion Mitigation and Air Quality Project Awarded to the City of Modesto by StanCOG (Match Required)

FTA Fund Availability	CMAQ	\$	1,417,360
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FTA Project Description	Total	Local	FEDERAL
Purchase 4 Replacement Buses	\$1,579,931	\$162,571	\$1,417,360
<b>Total</b>	<b>\$1,579,931</b>	<b>\$162,571</b>	<b>\$1,417,360</b>

#### Congestion Mitigation and Air Quality Project Awarded to the City of Ripon by San Joaquin Council of Governments (100% Federal)

FTA Fund Availability	CMAQ	\$	861,636
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FTA Project Description	Total	Local	FEDERAL
Purchase bus for new service and participate in the purchase of a second bus	\$653,236	\$0	\$653,236
Operate New Service for 3 years	\$208,400	\$0	\$208,400
<b>Total</b>	<b>\$861,636</b>		<b>\$861,636</b>

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-226**

**RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION TO  
THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING \$1,417,360  
IN FTA CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS**

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

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA for CMAQ funding, and

WHEREAS, the CMAQ Projects for the City of Modesto shown on the **attached** Program Of Projects are eligible to receive 88.53% of federally reimbursable expenses from CMAQ funds, and

WHEREAS, the projects shown in the **attached** Program of Projects are included in the Federal Transportation Improvement Program (FTIP) adopted by StanCOG, and

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto and may require the City to provide the local share of the project costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application on behalf of the City of Modesto with the Federal Transit Administration for \$1,417,360 in CMAQ funds.

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 for awarding a federal assistance grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents with the FTA 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 14<sup>th</sup> day of June, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## 2010-2011 Federal Transit Administration Program of Projects

### FTA Section 5307 Program of Projects

<b>FTA Fund Availability</b>	5307 Carryover Apportionment for 2008-09	\$	3,006,392
	5307 Carryover Apportionment for 2009-10	\$	4,166,376
	5307 Federal Apportionment for 2010-11	\$	4,187,089
	<b>Total</b>	<b>\$</b>	<b>11,359,857</b>

#### MODESTO URBANIZED AREA SECTION 5307 PROJECTS

##### FTA Project Description

Modesto Projects	Total	Local	FEDERAL
Purchase New Buses	\$800,000	\$0	\$800,000
Preventive Maintenance	\$5,406,392	\$0	\$5,406,392
Transit Enhancements	\$81,663	\$0	\$81,663
Capital Cost of Contracting	\$8,440,000	\$4,220,000	\$4,220,000
Administrative Office Lease	\$160,000	\$0	\$160,000
Technology Improvements	\$309,713	\$0	\$309,713
Construction Transit Structures	\$95,000		\$95,000
Employee Training & Education	\$20,000		\$20,000
<b>Ripon Projects</b>			
Design Ripon Bus Maintenance Facility	\$150,000	\$0	\$150,000
<b>Total</b>	<b>\$15,462,768</b>	<b>\$4,220,000</b>	<b>\$11,242,768</b>

#### Congestion Mitigation and Air Quality Project Awarded to the City of Modesto by StanCOG (Match Required)

FTA Fund Availability	CMAQ	\$	1,417,360
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FTA Project Description	Total	Local	FEDERAL
Purchase 4 Replacement Buses	\$1,579,931	\$162,571	\$1,417,360
<b>Total</b>	<b>\$1,579,931</b>	<b>\$162,571</b>	<b>\$1,417,360</b>

#### Congestion Mitigation and Air Quality Project Awarded to the City of Ripon by San Joaquin Council of Governments (100% Federal)

FTA Fund Availability	CMAQ	\$	861,636
-----------------------	------	----	---------

FTA Project Description	Total	Local	FEDERAL
Purchase bus for new service and participate in the purchase of a second bus	\$653,236	\$0	\$653,236
Operate New Service for 3 years	\$208,400	\$0	\$208,400
<b>Total</b>	<b>\$861,636</b>		<b>\$861,636</b>

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-227**

**RESOLUTION APPROVING SUBMITTAL OF A GRANT APPLICATION TO  
THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING \$753,000  
IN FTA CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FUNDS**

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects in the Modesto Urbanized Area, and

WHEREAS, the City of Ripon is in the Modesto Urbanized Area, and

WHEREAS, there is an existing MOU between the City of Modesto and the City of Ripon that requires Ripon to meet FTA obligations, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA for CMAQ funding, and

WHEREAS, Ripon has agreed to provide the local share of project costs, and

WHEREAS, the bus purchase for the City of Ripon is eligible to receive 88.53% of its federally reimbursable expenses from CMAQ funds, and

WHEREAS, the first three years of operating costs of a new fixed route public transit service provided by the City of Ripon is eligible to receive 88.53% of its federally reimbursable expenses from CMAQ funds, and

WHEREAS, the projects shown in the **attached** Program of Projects are included in the Federal Transportation Improvement Program (FTIP) adopted by StanCOG, and

WHEREAS, the grant for Federal assistance will impose certain obligations on the City of Modesto,



NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application on behalf of the City of Modesto with the Federal Transit Administration for \$753,000 in CMAQ funds for the **attached** Program of Projects.

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 for awarding a federal assistance grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents with the FTA 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 14<sup>th</sup> day of June, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## 2010-2011 Federal Transit Administration Program of Projects

### FTA Section 5307 Program of Projects

FTA Fund Availability	5307 Carryover Apportionment for 2008-09	\$	3,006,392
	5307 Carryover Apportionment for 2009-10	\$	4,166,376
	5307 Federal Apportionment for 2010-11	\$	4,187,089
	<b>Total</b>	<b>\$</b>	<b>11,359,857</b>

#### MODESTO URBANIZED AREA SECTION 5307 PROJECTS

##### FTA Project Description

Modesto Projects	Total	Local	FEDERAL
Purchase New Buses	\$800,000	\$0	\$800,000
Preventive Maintenance	\$5,406,392	\$0	\$5,406,392
Transit Enhancements	\$81,663	\$0	\$81,663
Capital Cost of Contracting	\$8,440,000	\$4,220,000	\$4,220,000
Administrative Office Lease	\$160,000	\$0	\$160,000
Technology Improvements	\$309,713	\$0	\$309,713
Construction Transit Structures	\$95,000		\$95,000
Employee Training & Education	\$20,000		\$20,000
<b>Ripon Projects</b>			
Design Ripon Bus Maintenance Facility	\$150,000	\$0	\$150,000
<b>Total</b>	<b>\$15,462,768</b>	<b>\$4,220,000</b>	<b>\$11,242,768</b>

#### Congestion Mitigation and Air Quality Project Awarded to the City of Modesto by StanCOG (Match Required)

FTA Fund Availability	CMAQ	\$	1,417,360
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FTA Project Description	Total	Local	FEDERAL
Purchase 4 Replacement Buses	\$1,579,931	\$162,571	\$1,417,360
<b>Total</b>	<b>\$1,579,931</b>	<b>\$162,571</b>	<b>\$1,417,360</b>

#### Congestion Mitigation and Air Quality Project Awarded to the City of Ripon by San Joaquin Council of Governments (100% Federal)

FTA Fund Availability	CMAQ	\$	861,636
-----------------------	------	----	---------

FTA Project Description	Total	Local	FEDERAL
Purchase bus for new service and participate in the purchase of a second bus	\$653,236	\$0	\$653,236
Operate New Service for 3 years	\$208,400	\$0	\$208,400
<b>Total</b>	<b>\$861,636</b>		<b>\$861,636</b>

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-228

**A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF  
CRAIG CHAMBERLIN FROM THE DISABLED ACCESS APPEALS BOARD**

WHEREAS, Craig Chamberlin was appointed a member of the Disabled Access Appeals Board on August 5, 2009, and

WHEREAS, Craig Chamberlin has tendered his resignation from the Disabled Access Appeals Board, and

NOW, THEREFORE, BE IT RESOLVED that the resignation of Craig Chamberlin from the Disabled Access Appeals Board be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)  
APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-229**

**RESOLUTION APPOINTING EMILIO MARTINEZ AS A MEMBER OF THE  
CULTURE COMMISSION REPRESENTING THE CITY OF MODESTO**

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 Economic Development Committee met on June 13, 2011, and recommended the Culture Commission appointments of Emilio Martinez as a member, representing the City of Modesto.

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

SECTION 1. Emilio Martinez is hereby appointed as a member of the Culture Commission representing the City of Modesto, with a term expiration of January 1, 2015.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

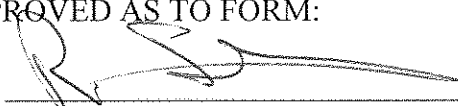
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-230**

**RESOLUTION APPOINTING GEORGE MAUDLIN AND RICHARD PROVOST  
AS MEMBERS OF THE GOLF COURSE ADVISORY COMMITTEE  
REPRESENTING THE CITY OF MODESTO**

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 Economic Development Committee met on June 13, 2011, and recommended the Golf Course Advisory Committee appointments of George Maudlin and Richard Provost as members, representing the City of Modesto.

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

SECTION 1. George Maudlin is hereby appointed as a member of the Golf Course Advisory Committee representing the City of Modesto, with a term expiration of January 1, 2013.

SECTION 2. Richard Provost is hereby appointed as a member of the Golf Course Advisory Committee representing the City of Modesto, with a term expiration of January 1, 2014.

.SECTION 3. 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 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-231**

**RESOLUTION APPROVING A WASTEWATER DEFERRAL PROGRAM FOR  
EXISTING RESIDENTIAL UNITS SEEKING TO CONNECT TO THE CITY'S  
WASTEWATER TREATMENT SYSTEM; AND AMENDING RESOLUTION  
NO. 2011-106**

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Section 5-6.801 et. seq., creating and establishing authority for imposing and charging wastewater capacity charges, and

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Section 5-6.802 et seq., establishing that the City Council may, by resolutions adopted from time to time, establish conditions under which the sewer capacity charges may be spread over a period of time and paid in installments, and

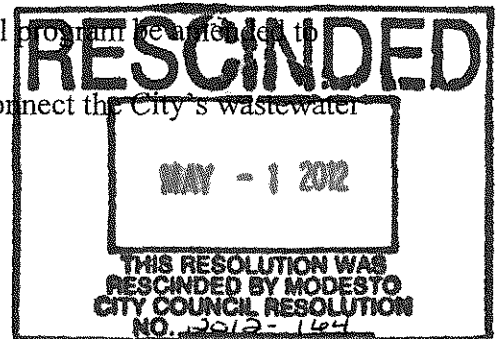
WHEREAS, on May, 22, 2011, the City Council, by Resolution No. 2011-106, approved the Comprehensive Fees Task Force Recommendation for Policy Process and Procedural Changes, and

WHEREAS, the policy changes included adoption of a water and wastewater deferral program, and

WHEREAS, the policy changes did not address deferrals for residential units already constructed and in need of connections to the City's wastewater system, and

WHEREAS, many of these residential units have failing septic systems that can lead to unsafe public health conditions, and

WHEREAS, staff recommends the existing deferral program be amended to include deferrals for existing residential units seeking to connect the City's wastewater treatment system,





NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Resolution No. 2011-106 is hereby amended to include the deferral of wastewater capacity charges for existing residential units seeking to connect to the City's wastewater treatment system as follows:

- 1) Existing residential units connecting to the City's wastewater treatment system shall be required to pay ten percent (10%) of the wastewater capacity charge at the time of connection.
- 2) Existing residential units connecting to the City's wastewater treatment system shall be required to pay the remaining ninety percent (90%) over a ten year period with interest.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-232**

**RESOLUTION ACCEPTING TWO SAFE ROUTES TO SCHOOL GRANTS FOR STREET IMPROVEMENTS ON THE EAST SIDE OF SUTTER AVENUE IN THE AMOUNT OF \$423,376, AND STREET IMPROVEMENTS AROUND EL VISTA ELEMENTARY SCHOOL IN THE AMOUNT OF \$362,530; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL THE NECESSARY GRANT DOCUMENTS**

WHEREAS, in July, 2010, the Community and Economic Development Department – Traffic Engineering staff, submitted two grant applications for the Safe Routes to School Grant program to install sidewalk, curb and gutter, flashing beacons, lighted crosswalk and street lighting on the east side of Sutter Avenue near James Marshall Elementary School, and to install curb, gutter and sidewalk on portions of Roble Avenue, Violet Avenue and Trask Avenue near El Vista Elementary School, and

WHEREAS, in October, 2010, Traffic Engineering staff received notification that both of these projects were successful in receiving Safe Routes to School grant funding in the combined amount of \$785,906, and

WHEREAS, these projects will enhance the safety for students and other pedestrians as they travel to and from James Marshall Elementary School and El Vista Elementary School, and as they utilize the facilities of both of these schools throughout the year, and

WHEREAS, these projects are 90% funded by the grant with a 10% local match,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts two Safe Routes to School Grants in the amount of \$785,906.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-233

RESOLUTION AMENDING THE FISCAL YEAR 2011/2012 CAPITAL IMPROVEMENT PROGRAM BUDGET, ADOPTED BY THE CITY COUNCIL ON JUNE 7, 2011, TO APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$785,906 FROM THE SAFE ROUTES TO SCHOOL GRANTS TO FUND TWO NEW CIP PROJECTS TITLED "STREET IMPROVEMENTS ON THE EAST SIDE OF SUTTER AVENUE," AND "STREET IMPROVEMENTS AROUND EL VISTA ELEMENTARY SCHOOL"

WHEREAS, in July, 2010, the City submitted two grant applications for the Safe Routes to School Grant program, and

WHEREAS, in October, 2010, City Traffic Engineering staff received notification that two projects ("Street Improvements on the East Side of Sutter Avenue" and "Street Improvements around El Vista Elementary School") were successful in receiving Safe Routes to School grant funds in the amount of \$785,906, and

WHEREAS, the grants total \$785,906 and will cover 90% of the project costs, and

WHEREAS, the City of Modesto will be responsible for a local match in the amount of \$40,281, or 10% of the estimated El Vista project costs and \$23,521, or 5% of the estimated Marshall Elementary School project costs, and

WHEREAS, it is necessary to transfer \$63,802 from STF Gas tax, and

WHEREAS, the Fiscal Year 2011-2012 Capital Improvement Program budget must be amended as shown in **Exhibit A** which is **attached** to this resolution and incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2011/2012 Capital Improvement Program Budget adopted by the City Council on June 7, 2011, as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Finance Director, or her 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 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## EXHIBIT A

The following budget adjustments are necessary for the new CIP {Sutter Ave. Improvements around James Marshall Elementary School}:

- 1) Recognize grant revenue in the amount of \$423,376
- 2) Transfer funding from the Surface Transportation Fund to match the grant in the amount of \$23,521
- 3) Establish a receivable from the County for \$23,521
- 4) Add appropriations for Engineering/Design of \$51,557, Construction of \$341,906, Contingency of \$42,765 and Construction Administration of \$34,190.

The following budget adjustments are necessary for the new CIP {Street Improvements on Various Streets Around El Vista Elementary School}:

- 1) Recognize grant revenue in the amount of \$362,530
- 2) Transfer funding from the Surface Transportation Fund to match the grant in the amount of \$40,281
- 3) Add appropriations for Engineering/Design of \$51,557, Construction of \$286,032, Contingency of \$36,619 and Construction Administration of \$28,603.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-234**

**RESOLUTION AUTHORIZING THE CHANGE OF NAME AND SCOPE OF  
WORK FOR CIP 100419 FROM “DEMOLITION OF FEEDLOT – JENNINGS”  
TO “JENNINGS RANCH DWELLING IMPROVEMENTS”**

WHEREAS, on November 3, 2010, by Resolution No. 2010-468, the City Council approved a lease agreement with Wendel Trinkler, Jr. for the Jennings Ranch, and

WHEREAS, the lease indicated that the City would demolish the feedlot that is located on the Jennings Ranch property, and

WHEREAS, staff toured the ranch houses located at 8418 and 7475 Jennings Road, and discovered that the house located at 8418 Jennings Road was uninhabitable and needed to be replaced; the house at 7475 Jennings Road needed minor repairs and paint, and

WHEREAS, monies originally earmarked for the demolition of the feedlot will now be used for the purchase and installation of a modular home to replace the uninhabitable house and make minor repairs to the second house on the Jennings Ranch site, and

WHEREAS, the Department of Public Works, Wastewater Division, requests the change of name and Scope of Work for CIP 100419 from “Demolition of Feedlot – Jennings” to “Jennings Ranch Dwelling Improvements”,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the change of name and Scope of Work for CIP 100419 from “Demolition of Feedlot – Jennings” to “Jennings Ranch Dwelling Improvements”.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

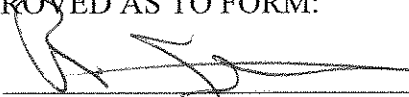
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-235**

**RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE AND INSTALLATION OF A MODULAR DWELLING FOR THE DEPARTMENT OF PUBLIC WORKS, WASTEWATER DIVISION, TO CALIFORNIA HOMES REALTY, INC., TURLOCK, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED COST OF \$80,689**

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase and installation of a modular dwelling, and

WHEREAS, the Purchasing Division issued RFB No. 1011-18 Purchase and Installation of a Modular Dwelling to fifteen (15) prospective bidders, one of which was a local vendor, posted the bid on the City's website and formally advertised as required by law, and

WHEREAS, bids were formally opened in the City Clerk's office, three (3) companies chose to respond, all three (3) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase and installation of a modular dwelling to California Homes Realty, Inc., Turlock, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase and installation of a modular dwelling to California Homes Realty, Inc., Turlock, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted for the purchase and installation of a modular dwelling in Appropriation Unit: 4210-100419-PW-CON,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase and installation of a modular dwelling for the Department of Public Works, Wastewater Division, to California Homes Realty, Inc., Turlock, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated cost of \$80,689.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO 2011-236**

**RESOLUTION APPROVING THE FY 2011-2012 WASTE-TO-ENERGY  
PROJECT BUDGET AND RESCINDING RESOLUTION NO. 2010-284**

WHEREAS, on December 17, 1985, the City of Modesto and County of Stanislaus entered into an agreement for administration of the City/County Service Agreement with the Stanislaus Waste Energy Company (now Covanta Stanislaus) for supply and acceptance of solid waste, and

WHEREAS, since that time, the City has been partners with Stanislaus County and Covanta Stanislaus in the Stanislaus Resource Recovery Facility (the "Waste-to-Energy" or "WTE" Facility), and

WHEREAS, the Agreement established a Solid Waste-to-Energy Executive Committee ("Executive Committee"), which prepares an annual budget for each fiscal year, and submits said annual budget to the City Council and Board of Supervisors for approval by August 1<sup>st</sup> of a year, and

WHEREAS, said Executive Committee may also recommend adjustments to an approved annual budget as necessary to provide sufficient funding for project activities, and

WHEREAS, at its March 17, 2011, meeting the Executive Committee also considered the proposed FY 2011/2012 Budget as shown in **Attachment "A"**, attached hereto and incorporated herein by reference, and the Executive Committee unanimously approved forwarding this proposed FY 2011-2012 Budget to the Modesto City Council and the Stanislaus County Board of Supervisors for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the FY 2011-2012 Waste-to-Energy Project Budget, a copy of which is attached hereto as **Attachment "A"** and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No 2010-284 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

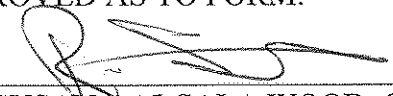
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**ATTACHMENT A**  
**Stanislaus Waste to Energy Project**  
**Proposed Budget Summary FY 2011-2012**

<b>Expenditures</b>		<b>Revenues</b>	
<b>Operatings &amp; Maintenance Expense</b>	<b>\$ 12,764,516</b>	<b>Electricity Credit</b>	
<b>Pass-Through Costs</b>		Revenue from Electricity Sales	5,217,912
Ash Disposal	1,215,200	Fixed Capacity Charge	499,739
Process Rejects	4,447	Gross Electric Revenues	<u>5,717,651</u>
Insurance	327,477	90% of Gross Electric Revenues	5,145,886
Ferrous Metals	26,000	<b>Total Electricity Credit</b>	<b>\$ 5,145,886</b>
Property Tax	606,738	<b>Recovered Metals Credit</b>	<b>\$ 245,473</b>
Sales Tax	274,720	<b>Disposal Fees</b>	<b>\$ 6,860,000</b>
Trustee Fees	0	<b>Supplemental Waste Disposal</b>	<b>\$ 310,000</b>
Site Lease	198,000	<b>RRA Interest Earnings</b>	<b>\$ 149,344</b>
Air Permit Fees	189,549	<b>Use of RRA Fund Balance</b>	<b>\$ 5,727,865</b>
County Fees/Other Fees	10,191		
Franchise Fees	10,119		
Carbon Expense	291,289		
Dolomitic Lime Expense	239,998		
<b>Total Pass-Through Costs</b>	<b>\$ 3,393,727</b>		
<b>Debt Service Expense</b>			
Bond Principal Payment Due January 1st	0		
Bond Interest Expense	0		
Liquidity Fee	0		
Remarketing Fee	0		
DSRF Interest Earnings	0		
Principal Account Interest Earnings	0		
<b>Net Debt Service Expense</b>	<b>\$ -</b>		
<b>Annual Administrative Expenses</b>			
62200-Memberships (IEPA)	20,400		
62410-Rebates & Refunds (Arbitrage Liability)	0		
62600-Office Supplies	566		
62780-Books/Periodicals	566		
63000-Professional & Special Services (Leg. Lobbyist, Audits, F/A's, Energy Consultant)	67,500		
63400-Engineering Services (Consulting Eng.)	45,000		
63410-City of Modesto Admin.	248,900		
63640-Legal Services (outside Counsel)	90,000		
65000-Public/Legal Notices	528		
65100-Rent/Equipment	0		
65300-Rent/Structure	0		
65780-Education/Training	1,020		
67040-Travel Expenses (Wte conf.)	0		
74080-Central Services Printing	0		
74250-County Counsel	15,300		
74301-County Auditor	20		
74302-County Purchasing	204		
74370-County Stores	0		
74520-County Admin. (incl. project position)	320,514		
74881-A-87 Charges	-194		
82130-Office Equipment	0		
84420-Personal Computer Equipment	0		
73010-Contributions to other agencies: (HHW and AB939 surcharges)	1,470,000		
<b>Total Administrative Expenses</b>	<b>\$ 2,280,325</b>		
<b>Total Expenditure</b>	<b>\$ 18,438,568</b>	<b>Total Revenue</b>	<b>\$ 18,438,568</b>

**ATTACHMENT B**  
**Stanislaus Waste to Energy Project**  
**Proposed Budget Detail FY 2011-2012**

Fiscal Year Ending June 30,	Row/Notes	2009	2010	2011	2012	2013	2014
		Actual	Actual	Budget	Proposed Budget	Projected	Projected
<b>Assumptions</b>							
Solid Waste Delivered (tons)	1	252,639	257,329	245,000	245,000	245,000	245,000
Ferrous Metals (tons)	2	5,143	5,777	5,200	5,200	5,200	5,200
Solid Waste Processed (tons)	3	252,639	257,329	245,000	245,000	245,000	245,000
kWh per ton	4	507	488	510	510	510	510
Net Electricity Generated (mWh)	5	128,052	125,496	124,950	124,950	124,950	124,950
Price per kWh	6	\$0.06580	\$0.05796	\$0.05500	\$0.04176	\$0.04176	\$0.04176
Revenue from Electricity Sales	7	\$8,670,707	\$8,312,221	\$6,872,250	\$5,217,912	\$5,217,912	\$5,217,912
Fixed Capacity Charge	8	\$2,846,743	\$2,651,552	\$631,665	\$499,739	\$499,739	\$499,739
Gross Electric Revenues	9	\$11,517,450	\$10,963,773	\$7,503,915	\$5,717,651	\$5,717,651	\$5,717,651
Ash Production (% of solid waste processed)	10	31.0%	31.0%	31.0%	31.0%	31.0%	31.0%
Ash Produced (Tons)	11	74,071	74,452	75,950	75,950	75,950	75,950
Ash Disposal Price per Ton	12	\$16.00	\$16.00	\$16.00	\$16.00	\$16.00	\$16.00
Ash Disposal	13	\$1,185,136	\$1,205,609	\$1,215,200	\$1,215,200	\$1,215,200	\$1,215,200
Process Rejects (% of solid waste processed)	14	0.055%	0.055%	0.055%	0.055%	0.055%	0.055%
Rejects Produced (Tons)	15	139	52	135	135	135	135
Reject Disposal Price Per Ton	16	\$30.00	\$33.00	\$33.00	\$33.00	\$33.00	\$33.00
Process Rejects	17	\$4,169	\$1,705	\$4,447	\$4,447	\$4,447	\$4,447
Ferrous Metals (\$ per ton)	18	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00	\$5.00
Property Tax Rate	19	1.000%	1.000%	1.000%	1.000%	1.000%	1.000%
Assessed Value	20	\$53,071,493	\$53,071,493	\$52,846,108	\$52,846,108	\$52,846,108	\$52,846,108
Change in Assessed Value	21	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
O&M Inflation	22	4.250%	1.080%	3.000%	3.000%	3.000%	3.000%
Energy Inflation	23	1.000%	0.000%	0.000%	0.000%	0.000%	0.000%
Sales Tax Inflation	24	5.000%	1.000%	1.000%	1.000%	1.000%	1.000%
Insurance Inflation	25	1.000%	1.000%	1.000%	1.000%	1.000%	1.000%
Air Permit Fees Inflation	26	8.000%	5.000%	5.000%	5.000%	5.000%	5.000%
Carbon Inflation	27	4.000%	4.000%	4.000%	4.000%	4.000%	4.000%
Dolomitic Lime	28	4.000%	4.000%	4.000%	4.000%	4.000%	4.000%
Administrative Expense Inflation	29	3.500%	2.000%	2.000%	2.000%	2.000%	2.000%
Bond Interest Rate	30	5.000%	5.000%	N/A	N/A	N/A	N/A
DSRF Interest Rate	31	5.250%	5.250%	N/A	N/A	N/A	N/A
Principal Account Interest Earnings Rate	32	4.410%	4.410%	N/A	N/A	N/A	N/A
RRA Interest Earnings Rate	33	4.250%	1.000%	1.000%	1.000%	1.000%	1.000%
Liquidity Fee	34	0.195%	0.195%	N/A	N/A	N/A	N/A
Remarketing Fee	35	0.060%	0.060%	N/A	N/A	N/A	N/A
<b>Operating &amp; Maintenance Expense</b>	<b>36</b>	<b>\$11,448,400</b>	<b>\$11,225,085</b>	<b>\$12,392,734</b>	<b>\$12,764,516</b>	<b>\$13,147,452</b>	<b>\$13,541,875</b>
<b>Pass-Through Costs</b>							
Ash Disposal	37	\$1,185,136	\$1,205,609	\$1,215,200	\$1,215,200	\$1,215,200	\$1,215,200
Process Rejects	38	\$4,169	\$0	\$4,447	\$4,447	\$4,447	\$4,447
Recovered Materials (Credit)	39	(\$261,334)	(\$245,473)	(\$245,473)	(\$245,473)	(\$245,473)	(\$245,473)
Insurance	40	\$340,515	\$321,024	\$324,234	\$327,477	\$330,751	\$334,059
Ferrous Metals	41	\$25,715	\$31,138	\$26,000	\$26,000	\$26,000	\$26,000
Property Tax	42	\$538,007	\$606,738	\$528,461	\$606,738	\$606,738	\$606,738
Sales Tax	43	\$326,424	\$269,307	\$272,000	\$274,720	\$277,467	\$280,242
Trustee/Remarketing Fees	44	\$17,566	\$6,000	\$6,300	\$0	\$0	\$0
Site Lease	45	\$198,000	\$198,000	\$198,000	\$198,000	\$198,000	\$198,000
Air Permit Fees/GHG Reporting/vehicle fees	46	\$51,465	\$171,927	\$180,523	\$189,549	\$199,026	\$208,978
County Fees/Other Fees	47	\$7,840	\$8,684	\$9,991	\$10,191	\$10,191	\$10,191
Franchise Fees	48	\$9,726	\$10,065	\$9,921	\$10,119	\$10,119	\$10,119
Carbon Expense	49	\$266,748	\$278,801	\$280,085	\$291,289	\$302,940	\$315,058
Dolomitic Lime Expense	50	\$219,778	\$259,861	\$230,767	\$239,998	\$249,597	\$259,581
<b>Total Pass-Through Costs</b>	<b>51</b>	<b>\$3,197,688</b>	<b>\$3,351,017</b>	<b>\$3,243,505</b>	<b>\$3,393,727</b>	<b>\$3,430,478</b>	<b>\$3,223,140</b>



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-237**

**RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF REPLACEMENT PLAY EQUIPMENT IN THE AIRPORT AREA OF THE TUOLUMNE RIVER REGIONAL PARK AND, CONFIRMING THIS AS A PARK PARTNER PROJECT AND IS EXEMPT FROM HAVING TO GO THROUGH THE PUBLIC BID PROCESS; AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED COST OF \$150,000**

WHEREAS, building and promoting partnerships that engage neighborhoods and create a sense of community is Council Strategic Commitment #1, and

WHEREAS, providing a safe and inviting community in which to live, work and visit is Council Strategic Commitment #2, and

WHEREAS, championing education partnerships is Council Strategic Commitment #5, and

WHEREAS, enhancing existing facilities and developing new facilities for the betterment of the community is a goal of the Parks, Recreation and Neighborhoods Department, and

WHEREAS, on May 3, 2011, the City Council, by Resolution No. 2011-154, approved the Draft FY 2011-2012 Annual Action Plan that addresses the goals established in the 2010-2015 Consolidated Plan and presents the City of Modesto's strategies and priorities for addressing community development needs for the upcoming year, and

WHEREAS, staff has determined that the current playground equipment in the Tuolumne River Regional Park is unsafe, and needs to be replaced, and



WHEREAS, the Hispanic Youth Leadership Clubs have adopted the Tuolumne River Regional Park to perform volunteer service projects in perpetuity and have volunteered to install new play equipment, and

WHEREAS, this project qualifies as a City of Modesto Park Partner project as defined in the City of Modesto's Charter, Article XIII, Section 1307,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase and installation of replacement play equipment in the Tuolumne River Regional Park, and confirms this project as a Park Partner project and is excluded from going through the public bid process.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated cost of \$150,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-238**

**RESOLUTION SUPPORTING THE APPLICATION BY COUNTY OF  
STANISLAUS FOR AT LEAST \$250,000 IN GRANT FUNDS FOR THE URBAN  
GREENING GRANT PROGRAM UNDER THE SAFE DRINKING WATER,  
WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL  
PROTECTION BOND ACT OF 2006 (PROPOSITION 84)**

WHEREAS, the Legislature and Governor of the State of California have provided funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), and

WHEREAS, the Strategic Growth Council has been delegated the responsibility for the administration of this grant program, establishing necessary procedures, and

WHEREAS, the County of Stanislaus is proposing to submit an application to the Strategic Growth Council for a grant to develop an Urban Greening Master Plan in the Airport Neighborhood of the City of Modesto and the County of Stanislaus, and

WHEREAS, the Airport Neighborhood is constituted of land that is part County of Stanislaus and part City of Modesto,

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

Support the County of Stanislaus filing of an application for at least \$250,000 to prepare a Master Plan for Urban Greening in the Airport Neighborhood Area of the City of Modesto and the County of Stanislaus to provide multiple benefits including storm water mitigation, revitalization of community neighborhoods, improved air and water quality, increased recreational opportunities and multi-jurisdictional cooperation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion was duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

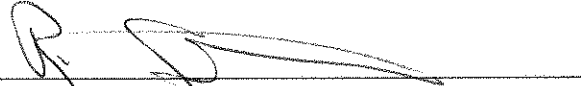
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-239**

**A RESOLUTION ACCEPTING THE CALIFORNIA MARIJUANA  
ERADICATION GRANT FROM THE U.S. DEPARTMENT OF JUSTICE DRUG  
ENFORCEMENT ADMINISTRATION IN THE AMOUNTY OF \$20,000 FOR  
THE STANISLAUS DRUG ENFORCEMENT AGENCY; AND AUTHORIZING  
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY  
GRANT DOCUMENTS**

WHEREAS, on May 16, 2011, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of \$20,000, and

WHEREAS, the funding will defray costs relating to the eradication and suppression of illicit cannabis, and

WHEREAS, the costs include marijuana eradication, overtime, training, supplies and removal costs, and

WHEREAS, there is no required match to the City of Modesto, and

WHEREAS, the term of this grant will be from January 1, 2011 through December 31, 2011, and

WHEREAS, the City of Modesto will be the fiscal agent,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the California Marijuana Eradication Grant from the U. S. Department of Justice Drug Enforcement Adminsitration in the amount of \$20,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-240**

**A RESOLUTION AMENDING THE STANISLAUS COUNTY DRUG  
ENFORCEMENT AGENCY'S FISCAL YEAR 2011/12 OPERATING BUDGET  
ESTIMATING REVENUE IN THE AMOUNT OF \$20,000 FROM THE U. S.  
DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION  
MARIJUANA ERADICATION GRANT**

WHEREAS, on May 16, 2011, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of \$20,000, and

WHEREAS, the funding will defray costs relating to the eradication and suppression of illicit cannabis, and

WHEREAS, the costs include marijuana eradication, overtime, training, supplies and removal costs, and

WHEREAS, there is no required match to the City of Modesto, and

WHEREAS, the City of Modesto will be the fiscal agent,

WHEREAS, the term of this grant will be from January 1, 2011 through December 31, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the the Stanislaus County Drug Enforcement Agency's Fiscal Year 2011/12 Operating Budget as indicated on **Attachment A**, which is incorporated by reference herein.

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 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Request for Budget Adjustment  
(Projects and Grants)**

Form SOC-PG13

Contact Person: Sara Guardado  
 Telephone: 577-5479  
 Submitting Department: Finance

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Project Name: Domestic Cannabis Eradication  
 Project Fund: 6600 - SDEA

Fiscal Year being Adjusted: 2010 - 11

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
TO								
11	6600	89999	42090	100605	\$0	\$20,000	\$20,000	Domestic Cannabis Eradication/Suppres. Grant
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

FROM							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
TO							
11	100605	Appr C	Training Expense	\$0	\$4,000	\$4,000	SDEA DCESP Federal Grant
11	100605	Appr C	Tools, Shop & Field Supp	\$0	\$3,000	\$3,000	SDEA DCESP Federal Grant
11	100605	Appr C	Fuel, Oil, & Lubircants	\$0	\$5,000	\$5,000	SDEA DCESP Federal Grant
11	100605	Appr C	Other Insurance	\$0	\$8,000	\$8,000	SDEA DCESP Federal Grant
						\$20,000	

**Justification for Budget Adjustment**

This budget adjustment is being made to 1) Recognize federal grant revenue awarded to the Stanislaus Drug Enforcement Agency in the amount of \$20,000 for the Domestic Cannabis Eradication/Suppression Program and; 2) To program offsetting expenses as outlined in the grant program document. These actions will establish a new multi-year operating budget beginning in FY 2010 -11.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-241**

**RESOLUTION ACCEPTING THE 2011 ALCOHOLIC BEVERAGE CONTROL  
GRANT PROJECT IN THE AMOUNT OF \$70,000 FROM THE STATE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL TO COMBAT  
ALCOHOL RELATED CRIMES; AND AUTHORIZING THE CITY MANAGER,  
OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS**

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as the Modesto ABC Project to be funded in part from funds made available through the Grant Assistance to Local Law Enforcement Agencies Project administered by the Department of Alcoholic Beverage Control (hereafter referred to as "ABC"), and

WHEREAS, the Police Department was awarded a grant in the amount of \$70,000 from the State Department of Alcoholic Beverage Control, and

WHEREAS, this \$70,000 grant will allow agencies in Stanislaus County and other outlying areas to work in collaboration to proactively address alcohol related-crimes in Stanislaus County,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2011 Alcoholic Beverage Control Grant Project in the amount of \$70,000 from the State Department of Alcoholic Beverage Control to combat alcohol related crimes.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

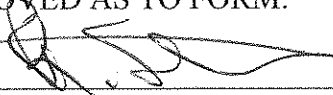
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2011-242**

**RESOLUTION AMENDING THE FISCAL YEAR 2011/2012 OPERATING BUDGET TO REFLECT REVENUES AND EXPENSES IN THE AMOUNT OF \$70,000 RELATED TO THE 2011 ALCOHOLIC BEVERAGE CONTROL GRANT PROJECT**

WHEREAS, the Police Department acquired a grant award in the amount of \$70,000 from the State Department of Alcoholic Beverage Control for several programs developed to reduce alcohol-related crimes, and

WHEREAS, there is no local match required for this program, and

WHEREAS, the Fiscal Year 2011/2012 Operating Budget will be amended as shown on **Exhibit A**, which is **attached** to this resolution and incorporated herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Fiscal Year 2011/2012 Operating Budget as shown on the **attached Exhibit A**.

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 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**REQUEST FOR BUDGET ADJUSTMENT**

Contact Person:	Julie Hendee	Council Action Date: 6/28/11
Telephone No.:	x 29518	Resolution Number: 2011-242
Department:	Police Department	
Fund Title:	Block Grant Reimbursed-ABC	<b>FY: 2011-2012-MY Project</b>
		Transfer No. _____

Fund-Agcy-Org-Object	Appr Unit	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Object
<b>DEPARTMENTAL REVENUE BUDGETS</b>					
<b>FROM</b>					
<b>TO</b>					
AFIN: 12-0410-190-2979-3190 Oracle:12-1341-19999-42141-100638-00000-00000	N/A	\$0	\$70,000	\$70,000	ABC Grant Revenue
<b>DEPARTMENTAL EXPENSE APPROPRIATIONS</b>					
<b>FROM</b>					
12-0410-190-2992-0130 Oracle: 12-1341-100179-Overtime	2992A	\$64,270	(\$64,270)	\$0	Overtime
12-0410-190-2992-0140 Oracle: 12-1341-100179-Part-time expense	2992A	\$6,448	(\$6,448)	\$0	Part-time labor
<b>TO</b>					
12-0410-190-2979-0130 Oracle: 12-1341-100638-Overtime	2979A	\$0	\$66,000	\$66,000	Overtime
12-0410-190-2979-0207 Oracle: 12-1341-100638-Conference Expenses	2979C	\$0	\$2,000	\$2,000	Conference Expenses
12-0410-190-2979-0260 Oracle: 12-1341-100638-Misc Services	2979C	\$0	\$1,000	\$1,000	Misc Services
12-0410-190-2979-0356 Oracle: 12-1341-100638-Police Equipment < \$5,000	2979C	\$0	\$1,000	\$1,000	Police Equipment < \$5,000
<b>TRANSFERS BETWEEN FUNDS</b>					
<b>FROM</b>					
<b>TO</b>					

**COMMENTS/JUSTIFICATION**

The budget adjustment will receive the revenue of \$70,000, eliminate the already \$70,718 budgeted FY 12 in AFIN Org 2992, and budget the new grant in a new (unique) project in Oracle. These actions will align revenue with expenses in the budget with those programmed in the grant application.

AUTHORIZATION (check if required)	SIGNATURE	DATE
<b>DEPARTMENT DIRECTOR</b> or AUTHORIZED ASSISTANT (Allocation of Dept Appr to Line-Item Level)		
<b>FINANCE DIRECTOR</b> (Transfers to/from Internal Service Charges) (All items requiring City Manager's Approval)		
<b>CITY MANAGER</b>  (Transfers between Budgeted Activities of Departments within Funds) (Appropriation of Unbudgeted Dept Revenues) (Transfers into Personnel Services)		

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-243**

**RESOLUTION APPROVING AN AMENDMENT TO THE STANISLAUS DRUG ENFORCEMENT AGENCY JOINT POWERS AGREEMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT**

WHEREAS, on August 6, 2008, the City Council, by Resolution No. 2008-438, approved a Stanislaus Drug Enforcement Agency (SDEA) Joint Powers Agreement in the amount of \$786,690 to provide a coordinated multi-agency specially trained police unit to assist each of the participating parties to enforce drug laws and narcotics enforcement, and

WHEREAS, the participating parties include the County of Stanislaus, and the cities of Modesto, Ceres, Oakdale, Turlock, Hughson, Patterson, Waterford, Riverbank and Newman, and

WHEREAS, the Amendment to the SDEA Joint Powers Agreement includes the following changes:

1. The City of Newman has voluntarily left the Joint Powers Agency.
2. Redistribute the costs of legal defense and damage/cost awards and/or settlement amounts incurred in civil litigation which will now be covered by the parties to the Agreement in proportion to the contribution formula set forth in paragraph 6 of the Agreement.
3. All participating agencies will provide cooperation in the investigation and defense of SDEA civil liability cases. The City Attorney for the City of Modesto shall investigate claims where it is alleged that liability arises out of the activities of SDEA, its agents and employees.

The City Attorney of the City of Modesto will defend civil actions arising from claims where the alleged liability arises out of the activities of SDEA, its agents and employees and may provide legal services with in-house counsel, or, upon determining that a matter cannot or should not be handled by legal staff of the City Attorney of the City of Modesto, retain the services of outside counsel to conduct the defense under the direction and supervision of the City Attorney of the City of Modesto.

All costs, fees and attorneys' fees associated with the investigation and/or defense of any personal injury or property damage claim seeking compensation for damages will be paid by the parties to the Agreement in proportion to the contribution formula set forth in paragraph 6 of the Agreement.

4. The City Attorney for the City of Modesto will provide legal representation for settlement and compromise of all civil claims and actions against SDEA.

and,

WHEREAS, on April 20, 2011, the SDEA Governing Board reviewed the proposed Amendment to the SDEA Joint Powers Agreement, and

WHEREAS, each participating entity will be submitting the Amendment to their respective Governing Authority for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Stanislaus Drug Enforcement Agency Joint Powers Agreement.

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 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-244**

**RESOLUTION ACCEPTING THE WORK BY BRC CONSTRUCTION, INC.,  
FOR THE "2009 SANITARY LIFT STATION REHABILITATION" PROJECT  
AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF  
COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON  
RECEIPT OF APPROVED WARRANTY BOND AND AUTHORIZING  
PAYMENT OF AMOUNTS TOTALING \$375,577**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the 2009 Sanitary Lift Station Rehabilitation project has been completed by BRC Construction, Inc., in accordance with the contract agreement dated April 28, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2009 Sanitary Lift Station Rehabilitation project is hereby accepted as complete from said contractor BRC Construction, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling \$375,577 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-245**

**RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH HOLDREGE & KULL CONSULTING ENGINEERS AND GEOLOGISTS FOR ADDITIONAL SERVICES NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR DESIGN SERVICES FOR EFFLUENT PUMP STATION SOIL STABILIZATION PROJECT (FORMERLY GROUT STABILIZATION OF THE WASTEWATER TREATMENT PLANT CHLORINATION FACILITY) IN AN AMOUNT NOT TO EXCEED \$28,636 FOR A MAXIMUM TOTAL AMOUNT OF \$114,109, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT**

WHEREAS, on October 28, 2008, by Resolution No. 2008-605, City Council approved an agreement with Holdrege & Kull Consulting Engineers and Geologists (Holdrege & Kull) for engineering services to stabilize the soil at the Effluent Pump Station, and

WHEREAS, part of Holdrege & Kull's scope of services was to provide Construction Quality Assurance (CQA) during construction, and

WHEREAS, the Director of Utility Planning and Projects has filed a report that the Effluent Pump Station Soil Stabilization Project has been completed, and

WHEREAS, numerous construction delays caused a shortfall to Holdrege & Kull's CQA budget, and

WHEREAS, in order to not impact the construction schedule, work continued to completion while staff evaluated H&K's request, and

WHEREAS, additional funds are required to account for the shortfall of the CQA budget, and

WHEREAS, therefore, the design agreement will need to be amended for the additional CQA scope of services provided that were not included in the original agreement, and

WHEREAS, this will allow City staff to close out the agreement for services rendered during construction, and

WHEREAS, City staff recommends approving an amendment to agreement with Holdrege & Kull for the additional CQA work provided as the additional CQA work contributed to a construction savings of \$53,474,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to agreement with Holdrege & Kull Consulting Engineers and Geologists for additional services not included in the original agreement for Design Services for Effluent Pump Station Soil Stabilization Project, in an amount not to exceed \$28,636.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)  
APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-246**

**RESOLUTION APPROVING AN ON-CALL CONSULTANT SERVICES AGREEMENT WITH BROWN AND CALDWELL FOR THE WELL FIELD OPTIMIZATION PROJECT PHASE II-A (MODESTO GROUNDWATER SUB-BASIN) IN AN AMOUNT NOT TO EXCEED \$200,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the cities of Modesto, Riverbank, and Oakdale; Modesto Irrigation District (MID), Oakdale Irrigation District (OID), and Stanislaus County formed the Stanislaus and Tuolumne River Groundwater Basin Association (STRGBA) to oversee and coordinate groundwater management activities in the Modesto groundwater sub-basin (i.e. area between the Stanislaus River and Tuolumne River), and

WHEREAS, the STRGBA developed an Integrated Regional Groundwater Management Plan (IRGMP), which was approved by the Modesto City Council on June 29, 2005, by Resolution No. 2005-340, and

WHEREAS, one of the IRGMP programs is the Well Field Optimization Project (Project), and

WHEREAS, in order to fund the Project, the STRGBA selected the City of Modesto to submit an application for Local Groundwater Assistance (LGA) Grant Program, and

WHEREAS, on September 14, 2010, by Resolution No. 2010-406, the City Council approved the LGA Program Grant Agreement with the Department of Water Resources, which funds \$250,000 of the Project, and

WHEREAS, this grant funding can only be applied to the Modesto Groundwater sub-basin area; therefore, the Project was split into two phases: Phase II-A and Phase II-B, and

WHEREAS, Phase II-A (Modesto Groundwater sub-basin) will include completing the water facilities inventory for each member agency of the STRGBA, excluding MID and OID, and

WHEREAS, a regional map and computer-based tools will be developed that will help the agencies meet the Project goals, and

WHEREAS, domestic water well evaluations and rankings will be performed and improvements needed to optimize the well field will be specified, along with associated costs, and

WHEREAS, the grant funding will fund this Agreement with Brown and Caldwell for \$200,000, and

WHEREAS, the balance of the grant funds (\$50,000) will be used to cover City staff costs (from Information Technology and Water Operations) related to Phase II-A of the Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-call Consultant Services Agreement with Brown and Caldwell for the Well Field Optimization Project Phase II-A (Modesto Groundwater sub-basin) in an amount not to exceed \$200,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-247**

**RESOLUTION APPROVING AN ON-CALL CONSULTANT SERVICES AGREEMENT WITH BROWN AND CALDWELL FOR THE WELL FIELD OPTIMIZATION PROJECT PHASE II-B (TURLOCK AND DELTA MENDOTA GROUNDWATER SUB-BASINS) IN AN AMOUNT NOT TO EXCEED \$65,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the cities of Modesto, Riverbank, and Oakdale; Modesto Irrigation District (MID), Oakdale Irrigation District (OID), and Stanislaus County formed the Stanislaus and Tuolumne River Groundwater Basin Association (STRGBA) to oversee and coordinate groundwater management activities in the Modesto groundwater sub-basin (i.e. area between the Stanislaus River and Tuolumne River), and

WHEREAS, the STRGBA developed an Integrated Regional Groundwater Management Plan (IRGMP), which was approved by the Modesto City Council on June 29, 2005, by Resolution No. 2005-340, and

WHEREAS, one of the IRGMP programs is the Well Field Optimization Project (Project), and

WHEREAS, the Project was split into two phases (Phase II-A and Phase II-B) as Phase II-A was approved for grant funding, and

WHEREAS, Phase II-B (Turlock and Delta Mendota sub-basins) will include completing the water facilities inventory for each member agency of the STRGBA, excluding MID and OID, and

WHEREAS, a regional map and computer-based tools will be developed that will help the agencies meet the Project goals, and



WHEREAS, domestic water well evaluations and rankings will be performed and improvements needed to optimize the well field will be specified, along with associated costs, and

WHEREAS, funding for Phase II-B of the Project will be partially funded through Operating Account 43010 (Groundwater Management Plan) \$20,000, with the balance coming from Water Fund Reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an On-call Consultant Services Agreement with Brown and Caldwell for the Well Field Optimization Project Phase II-B (Turlock and Delta Mendota Groundwater sub-basins)) in an amount not to exceed \$65,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-248**

**RESOLUTION AMENDING THE FISCAL YEAR 2011-12 MULTI-YEAR OPERATING BUDGET TO ESTABLISH TWO NEW MULTI-YEAR BUDGETS FOR THE WELL FIELD OPTIMIZATION PROJECT PHASE II-A (100609) AND PHASE II-B (100610) TO APPROPRIATE \$250,000 IN GRANT REVENUE AND EXPENSES, AND TO APPROPRIATE \$80,000 IN WATER FUND RESERVES**

WHEREAS, the cities of Modesto, Riverbank, and Oakdale; Modesto Irrigation District (MID), Oakdale Irrigation District (OID), and Stanislaus County formed the Stanislaus and Tuolumne River Groundwater Basin Association (STRGBA) to oversee and coordinate groundwater management activities in the Modesto groundwater sub-basin (i.e. area between the Stanislaus River and Tuolumne River), and

WHEREAS, the STRGBA developed an Integrated Regional Groundwater Management Plan (IRGMP), which was approved by the Modesto City Council on June 29, 2005, by Resolution No. 2005-340, and

WHEREAS, one of the IRGMP programs is the Well Field Optimization Project (Project), and

WHEREAS, in order to fund the Project, the STRGBA selected the City of Modesto to submit an application for Local Groundwater Assistance (LGA) Grant Program, and

WHEREAS, on September 14, 2010, by Resolution No. 2010-406, the City Council approved the LGA Program Grant Agreement with the Department of Water Resources, which funds \$250,000 of the Project, and

WHEREAS, the Fiscal Year 2011-2012 Multi-Year Operating Fund budget must be amended as shown in **Exhibits A and B**, which are **attached** to this resolution and incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Fiscal Year 2011-2012 Multi-Year Operating Budget as shown on the **attached Exhibits A and B.**

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Request for Budget Adjustment  
(Projects and Grants)**

Form 666-PG-13

**EXHIBIT A**

Contact Person: Brian MacDonald  
 Telephone: 341-2932  
 Submitting Department: UPP

Council Action Date: 6/28/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: 6/13/2011

Project Name: Well Field Optimiz. Phase II A  
 Project Fund: Water

Fiscal Year being Adjusted: 2012

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-				
TO								
2012	- 4100	- 49999	- 42210	- 100609	\$0	\$250,000	\$250,000	State Grant (Misc)
2012	- 5230	- 07310	- 45004	-	\$0	\$40,000	\$40,000	Interfund Labor Charges
2012	- 1300	- 42020	- 45004	-	\$1,916,237	\$20,000	\$1,936,237	Interfund Labor Charges

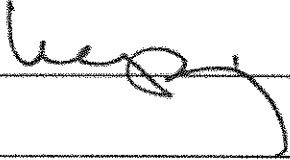
FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

FROM							
-	-	-	-				
TO							
2012	- 100609	- Appr Unit	C Professional Services	\$0	\$200,000	\$200,000	Well Field Optimization Phase II A
2012	- 100609	- Appr Unit	C Svcs City Forces-Interfund	\$0	\$60,000	\$60,000	Well Field Optimization Phase II A
2012	- 100609	- Appr Unit	C Svcs City Forces-Intrafund		\$40,000	\$40,000	Well Field Optimization Phase II A
2012	- 4100	- 55090	- 51991	\$0	(\$10,000)	(\$10,000)	Intrafund Labor Charges
2012	- 4100	- 43060	- 51991	(\$53,576)	(\$30,000)	(\$83,576)	Intrafund Labor Charges

**Justification for Budget Adjustment**

The City of Modesto (City), through Stanislaus and Tuolumne River Groundwater Basin Association (STRGBA) has secured a Proposition 84 grant of \$250,000 under the Local Groundwater Assistance (LGA) Program for Phase II-A. This is a request to recognize the grant revenue and to budget expenses for two agreements with Brown and Caldwell for On-call Consultant Services. Also included are expense budgets for staff support charges for Project Administration, Information Technology (GIS), Surveying, and Water Operations. \$50k will be transferred from Acct 4100-43010 (UPP-Groundwater Management Plan) to fully fund this project. (See Exhibit C).

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		6/14/2011
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**Request for Budget Adjustment  
(Projects and Grants)**

EXHIBIT B

Contact Person: Brian MacDonald  
 Telephone: 341-2932  
 Submitting Department: UPP

Council Action Date: 6/28/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: UPP

Project Name: Well Field Opt Phase II B  
 Project Fund: Water Fund

Fiscal Year being Adjusted: 2012

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-				
-	-	-	-	-				
-	-	-	-	-				
TO								
2012	5250	07310	45004		\$0	\$10,000	\$10,000	Interfund Charges - Service Credit Labor Charges
2012	1300	42020	45004		\$0	\$10,000	\$10,000	Interfund Charges - Service Credit Labor Charges

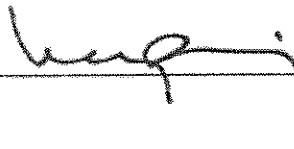
FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

FROM							
-	-	-	-	-			
TO							
2012	100610	Appr Unit C	Professional Services	\$0	\$65,000	\$65,000	Well Field Optimization Phase II B
2012	100610	Appr Unit C - Svcs City Forces-Interfund		\$0	\$20,000	\$20,000	Well Field Optimization Phase II B
2012	100610	Appr Unit C - Svcs City Forces-Intrafund		\$0	\$15,000	\$15,000	Well Field Optimization Phase II B
2012	4100	55090	51991	\$0	(\$5,000)	(\$5,000)	Intrafund Charges - Service Credit Labor Charges
2012	4100	43060	51991	\$0	(\$10,000)	(\$10,000)	Intrafund Charges - Service Credit Labor Charges

**Justification for Budget Adjustment**

This is a request to recognize the service credit revenue and to budget expenses for two agreements with Brown and Caldwell for On-call Consultant Services. Also included are expense budgets for staff support charges for Project Administration, Information Technology (GIS), Surveying, and Water Operations. \$80k will be transferred from Water Fund Reserves and \$20k will also be transferred from Acct 4100-43010 (UPP-Groundwater Management Plan) to fully fund this project. (See Exhibit C).

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		6/14/2011
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_

Completed By: \_\_\_\_\_

**Request for Budget Adjustment  
(Fiscal Year Operating Cost Centers)**

EXHIBIT C

Contact Person: Brian MacDonald Council Action Date: 6/28/2011  
 Telephone: 341-2932 Resolution Number: \_\_\_\_\_  
 Submitting Department: U.P.P. Date Submitted by Dept: 6/13/2011  
 Fund Title: Water Fiscal Year being Adjusted: 2012

FY	Fund	Cost Center	Account	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

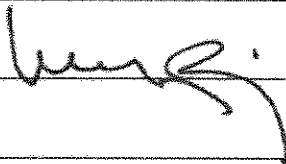
<b>FROM</b>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
<b>TO</b>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	

**Expenses**

<b>FROM</b>							
2012 -	4100	- 43010	- 53300	\$70,000	(\$70,000)	\$0	Professional Services
-	-	-	-			\$0	
-	-	-	-			\$0	
<b>TO</b>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	

**Justification for Budget Adjustment**

This transfer is being requested to partially fund the Well Field Optimization Project Phase II-A (\$50k) and Phase II-B (\$20k).

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		6/14/2011
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-249**

**RESOLUTION AMENDING THE FISCAL YEAR 2011-12 OPERATING BUDGET TO REDUCE COST CENTER 43010 EXPENSE BUDGET BY \$70,000, AND APPROPRIATE NEW REVENUE IN THE COMBINED AMOUNT OF \$135,000 FOR INFORMATION TECHNOLOGY DEPARTMENT (COST CENTER 07310), CONSTRUCTION ADMINISTRATION (COST CENTER 42020), WATER OPERATIONS (COST CENTER 55090) AND CAPITAL PLANNING (COST CENTER 43060)**

WHEREAS, certain budgetary transactions are necessary to fully fund the Well Field Optimization Project – Phase II-A and Phase II-B, and

WHEREAS, it is necessary to reduce Cost Center 43010 expense budget by \$70,000 and redistribute these funds in the amount of \$50,000 to Phase II-A (100609) and \$20,000 to Phase II-B (100610), and

WHEREAS, it is also necessary to increase revenue in the amount of \$135,000 to the following cost centers for work to be performed related to the Well Field

Optimization Project:

Information Technology (07310)	\$ 50,000
Construction Administration (42020)	\$ 30,000
Water Operations (55090)	\$ 15,000
Capital Planning (43060)	<u>\$ 40,000</u>
	\$135,000

WHEREAS, the Fiscal Year 2011-2012 Operating budget must be amended as shown in **Exhibits A, B, and C** which are **attached** to this resolution and incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Fiscal Year 2011-2012 Operating Fund budget as shown on the **attached Exhibits A, B, and C**.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**Request for Budget Adjustment  
(Projects and Grants)**

Form SOG-PG10

Contact Person: Brian MacDonald  
 Telephone: 341-2932  
 Submitting Department: UPP

Council Action Date: 6/28/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: 6/13/2011

**EXHIBIT A**

Project Name: Well Field Optimiz. Phase IIA  
 Project Fund: Water

Fiscal Year being Adjusted: 2012

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-				
-	-	-	-	-				
-	-	-	-	-				
TO								
2012 - 4100	- 49999	- 42210	- 100609		\$0	\$250,000	\$250,000	State Grant (Misc)
2012 - 5230	- 07310	- 45004	-		\$0	\$40,000	\$40,000	Interfund Labor Charges
2012 - 1300	- 42020	- 45004	-		\$1,916,237	\$20,000	\$1,936,237	Interfund Labor Charges

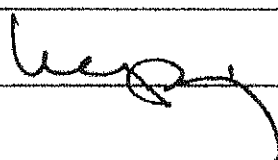
FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
----	---------	------	------------------	----------------	----------------------	----------------	----------------------

**Expenses**

FROM							
-	-	-	-				
-	-	-	-				
-	-	-	-				
TO							
2012 - 100609	- Appr Unit	C Professional Services		\$0	\$200,000	\$200,000	Well Field Optimization Phase II A
2012 - 100609	- Appr Unit	C Svcs City Forces-Interfund		\$0	\$60,000	\$60,000	Well Field Optimization Phase II A
2012 - 100609	- Appr Unit	C Svcs City Forces-Intrafund		\$0	\$40,000	\$40,000	Well Field Optimization Phase II A
2012 - 4100	- 53090	- 51991	-	\$0	(\$10,000)	(\$10,000)	Intrafund Labor Charges
2012 - 4100	- 43060	- 51991	-	(\$53,576)	(\$30,000)	(\$83,576)	Intrafund Labor Charges

**Justification for Budget Adjustment**

The City of Modesto (City), through Stanislaus and Tuolumne River Groundwater Basin Association (STRGBA) has secured a Proposition 84 grant of \$250,000 under the Local Groundwater Assistance (LGA) Program for Phase II-A. This is a request to recognize the grant revenue and to budget expenses for two agreements with Brown and Caldwell for On-call Consultant Services. Also included are expense budgets for staff support charges for Project Administration, Information Technology (GIS), Surveying, and Water Operations. \$50k will be transferred from Acct 4100-43010 (UPP-Groundwater Management Plan) to fully fund this project. (See Exhibit C).

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		6/14/2011
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**Request for Budget Adjustment  
(Projects and Grants)**

EXHIBIT B

6/28/2011

Contact Person: Brian MacDonald  
 Telephone: 341-2932  
 Submitting Department: UPP

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: UPP

Project Name: Well Field Opt Phase II B  
 Project Fund: Water Fund

Fiscal Year being Adjusted: 2012

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-				
-	-	-	-	-				
-	-	-	-	-				
TO								
2012	5230	07310	45004		\$0	\$10,000	\$10,000	Interfund Charges - Service Credit Labor Charges
2012	1300	42020	45004		\$0	\$10,000	\$10,000	Interfund Charges - Service Credit Labor Charges

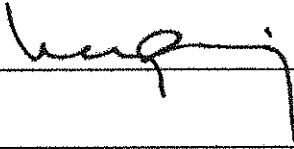
FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
----	---------	------	------------------	----------------	----------------------	----------------	----------------------

**Expenses**

FROM							
-	-	-	-	-			
-	-	-	-	-			
TO							
2012	100610	Appr Unit C	Professional Services	\$0	\$65,000	\$65,000	Well Field Optimization Phase II B
2012	100610	Appr Unit C - Sves City Forces-Interfund		\$0	\$20,000	\$20,000	Well Field Optimization Phase II B
2012	100610	Appr Unit C - Sves City Forces-Intrafund		\$0	\$15,000	\$15,000	Well Field Optimization Phase II B
2012	4100	55090	51991	\$0	(\$5,000)	(\$5,000)	Intrafund Charges - Service Credit Labor Charges
2012	4100	43060	51991	\$0	(\$10,000)	(\$10,000)	Intrafund Charges - Service Credit Labor Charges

**Justification for Budget Adjustment**

This is a request to recognize the service credit revenue and to budget expenses for two agreements with Brown and Caldwell for On-call Consultant Services. Also included are expense budgets for staff support charges for Project Administration, Information Technology (GIS), Surveying, and Water Operations. \$80k will be transferred from Water Fund Reserves and \$20k will also be transferred from Acct 4100-43010 (UPP-Groundwater Management Plan) to fully fund this project. (See Exhibit C).

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		6/14/2011
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_

Completed By: \_\_\_\_\_

**Request for Budget Adjustment  
(Fiscal Year Operating Cost Centers)**

EXHIBIT C

Contact Person: Brian MacDonald      Council Action Date: 6/28/2011  
 Telephone: 341-2932      Resolution Number: \_\_\_\_\_  
 Submitting Department: UPP      Date Submitted by Dept: 6/13/2011  
 Fund Title: Water      Fiscal Year being Adjusted: 2012

FY	Fund	Cost Center	Account	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

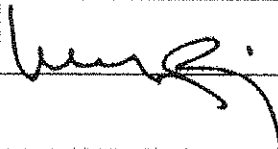
<b>FROM</b>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
<b>TO</b>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	

**Expenses**

<b>FROM</b>							
2012	4100	43010	53300	\$70,000	(\$70,000)	\$0	Professional Services
-	-	-	-			\$0	
-	-	-	-			\$0	
<b>TO</b>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	

**Justification for Budget Adjustment**

This transfer is being requested to partially fund the Well Field Optimization Project Phase II-A (\$50k) and Phase II-B (\$20k).

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		6/14/2011
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-250

RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 OPERATING  
BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that budget adjustments are required to the Operating Budget of the City of Modesto for Fiscal Year 2011-2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the Fiscal Year 2011-2012 budget have been adjusted as shown in **Exhibit A**, which is incorporated by reference herein.

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 28<sup>th</sup> day of June, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:

(SEAL)

  
STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By:

  
SUSANA ALCALA WOOD, City Attorney

## Fiscal Year 2011-12 Adopted Budget Adjustments

1. **Parks, Recreation and Neighborhoods** - Amend the City Council operating expense budget in the General Fund to decrease salary and benefits by \$29,122 for the vacant Management Analyst position and decrease the Cultural Services operating revenue budget in the Parks, Recreation and Neighborhoods (PR&N) department in the General Fund by \$40,000 in donations. \$61,882 of the savings for the vacant Management Analyst position had been reallocated to Cultural Services in the adopted budget for FY 2011-2012 along with a \$40,000 increase in the PR&N donations budget. This action will move the remaining vacant position savings of \$29,122 from the City Council budget to the PR&N budget, relieve the \$40,000 fundraising obligation for donations in the PR&N budget and appropriate \$10,878 from General Fund reserves.
2. **Community & Economic Development** - Amend the City Manager operating expense budget in the General Fund to restore \$23,472 to services, professional and other expense for and amend the Community and Economic Development operating expense budget in the General Fund to increase salary and benefit expense by \$142,618 to fully restore two (2) senior planner positions for FY 2011-2012 and increase job share contract, grant and service credit revenue by \$166,090 for partially fund the position restorations..
3. **Human Resources** - Amend the Risk Management operating budget in the Insurance-Administration Fund to decrease salary and benefit expense by \$85,236 for the elimination of a Safety Coordinator position in the adopted FY 2011-2012 budget and amend the Worker's Compensation operating budget in the Insurance Worker's Compensation Fund to decrease premium assessment revenue by \$77,995 and decrease the worker's compensation expense in the funds and by the amounts identified in Attachment 1 correspondingly.
4. **Fire** – Amend the Modesto Fire Department operating budget in the General Fund to reduce individual expense line budgets as detailed in Attachment 2 and to increase Modesto Regional Fire Authority (MFRA) contribution expense to \$25,067,083. In January, 2001, the Modesto City Council, the Stanislaus County Board of Supervisors and the Salida Fire Protection District Board of Directors approved the creation of a new Joint Powers Agency (JPA). This action is needed to adjust the General Fund budget to fund its contribution to the new JPA.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-251**

**RESOLUTION APPROVING AN AGREEMENT WITH VERDE DESIGN, INC.  
IN THE AMOUNT OF \$599,374 TO PROVIDE THE CITY WITH  
CONSTRUCTION DOCUMENTS FOR THE MARY E. GROGAN COMMUNITY  
PARK – PHASE 1 PROJECT; AND AUTHORIZING THE CITY MANAGER, OR  
HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the development of the Mary E. Grogan Community Park is desired by the Council and residents, and

WHEREAS, the City Council, on April 22, 2011, by Resolution No. 2011-107, approved the updated Master Plan and construction funding for Mary E. Grogan Community Park, and

WHEREAS, on April 23, 2011, City staff issued an RFP for Phase 1 Construction Documents, and

WHEREAS, on May 10, 2011, City staff received proposals from sixteen (16) design consultants for Phase 1 Construction Documents, and

WHEREAS, on May 24, 2011, a selection committee interviewed the top four (4) firms and determined that Verde Design, Inc. was the most qualified firm to provide the City with construction documents, and

WHEREAS, City staff recommends an agreement with Verde Design, Inc. to provide construction documents for the development of the Mary E. Grogan Community Park – Phase 1 project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Verde Design, Inc. for the development of construction documents for the Mary E. Grogan Community Park – Phase 1 project in the amount of \$599,374.00,

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 28<sup>th</sup> day of June, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-252**

**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): 2009 – 2014 HOUSING ELEMENT**

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

WHEREAS, the City of Modesto has proposed an amendment to the General Plan to adopt the 2009 – 2014 Housing Element, 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 No. 2009-24 (“Initial Study”) which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA Guidelines, beginning on May 14, 2011, 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 June 28, 2011, 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



2009 – 2014 Housing Element, 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 28<sup>th</sup> day of June 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2009-24

**City of Modesto**

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

**Initial Study Environmental Checklist  
EA/C&ED No. 2009-24**

**For the proposed:**

**Fourth Revision of the Housing Element  
of the Urban Area General Plan (2009 – 2014)  
(General Plan Amendment 08-001)**

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

**January 2011**

# 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 GPA-08-001 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)

This finding of conformance relies on the analysis contained in the Urban Area General Plan Master EIR (SCH #200707023).

### II. PROJECT DESCRIPTION

- A. Title: Fourth Revision of the Housing Element of the Urban Area General Plan (2009-2014)
- B. Address or Location: citywide
- C. Applicant: City of Modesto, Community and Economic Development Department
- D. City Contact Person: Patrick Kelly

Project Manager: Cindy van Empel  
Department: Community and Economic Development Department  
Phone Number: 209.577.5267  
E-mail address: cvanempel@modestogov.com

- E. Current General Plan Designation(s): R (Residential), VR (Village Residential)
- F. Current Zoning Classification(s): R-1, R-2, R-3, SP

G. Surrounding Land Uses:

- North: various, depending upon specific site location
- South: various, depending upon specific site location
- East: various, depending upon specific site location
- West: various, depending upon specific site location

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 the update of the City of Modesto Housing Element (2009-2014), Chapter IV of the Urban Area General Plan. The Regional Housing Needs Allocation for this update is 11,130 dwelling units for all income levels combined.

I. Other Public Agencies Whose Approval is Required:

State of California, Housing and Community Development Department, Division of Housing Policy

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

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

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

**Original signed copy on file with CEDD**

\_\_\_\_\_  
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 all residential projects constructed within Modesto's city limits. Modesto would also be the lead agency for residential development counted as part of the sites inventory in the Housing Element.
- (2) Policies/mitigation measures that affect new residential development contained in the Urban Area General Plan and its Master EIR will be applied to new residential development that occurs within Modesto's city limits.
- (3) This project does not result in, nor does it contemplate changes in federal, state, regional, or county regulations.
- (4) Neither through the recent update of the Urban Area General Plan, nor through other means, has the City of Modesto been made aware of any significant resources that might underlie the city or its sphere of influence.
- (5) The Housing Element (project) affects only those areas within existing city limits or in the city's sphere of influence.
- (6) As noted in #2 above, all residential development must comply with policies/mitigations in the Urban Area General Plan and its Master EIR.



## 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.	X	<input 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:	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.	X	<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.	X	<input type="checkbox"/>

Discussion:

- (1) The Master EIR was certified in October 2008.
- (2) The third revision of the Housing Element (2003-2008) is Chapter IV of the Urban Area General Plan. The Housing Element is a required component of the general plan and must be updated every five years.
  - (a) The physical and regulatory environments creating the circumstances under which the Master EIR for the Urban Area General Plan was certified has not changed appreciably.
  - (b) No new information that would affect the adequacy of the Master EIR has become available.
  - (c) All of the policies in the Urban Area General Plan and mitigations in the Master EIR affecting new residential construction remain in effect at this time.

#### **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:

No MEIR mitigation will be applied to the 2009 Housing Element. No new 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:

<b>TRAFFIC AND CIRCULATION</b>			
	No	Additional Mitigation Needed	Significant Impact with Mitigation
(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.	X	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed project would substantially increase hazards due to a design feature, such as sharp curves, or the development of incompatible uses in close proximity to one another.	X	<input 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.	X	<input 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).	X	<input 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.	X	<input type="checkbox"/>	<input 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, and so on.	X	<input type="checkbox"/>	<input type="checkbox"/>
(7) The proposed project would result in an increase in energy consumption associated with the operation on highway project, rail improvements, and aviation facilities (on a per capita basis) in excess of that considered in the Urban Area General Plan.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The majority of sites described in the sites inventory described in the 2009 Housing Element comprise a smaller portion of development allowed under the existing zoning citywide. Some of the sites in the inventory are included in areas such as Shackelford, Pelandale/McHenry Specific Plan, and Woodglen Specific Plan, are anticipated in the Urban Area General Plan, but are undergoing separate environmental review associated with the activities required prior to annexation of these properties to the City of Modesto. The 2009 Housing Element does not entitlement development, but primarily consists of updated demographic information and a site inventory, plus programs for the continued support, provision, and accommodation of affordable housing. It is largely intended to catalog and preserve development opportunities for housing available to all income levels.
- (2) As noted in #1, the 2009 Housing Element would not result in development, but instead catalogs the development anticipated in the 2008 Urban Area General Plan. The Housing Element would not create new streets or modify existing streets and, therefore, would not create road hazards. Furthermore, none of the residential development anticipated in the Housing Element is located near expected hazards, such as manufacturing facilities.
- (3) The 2009 Housing Element does not add new development to the city, but catalogs the development potential of the 2008 Urban Area General Plan. Should any program in the 2009 Housing Element be implemented in such a manner that results in residential development that was not evaluated in the Urban Area General Plan Master EIR, it will be subject to further environmental review.
- (4) The 2009 Housing Element does not add new development to the city, but catalogs the development potential of the 2008 Urban Area General Plan, therefore, no additional traffic will result from its adoption. Should any program in the Housing Element be implemented in such a manner that results in residential development that was not evaluated in the Urban Area General Plan Master EIR, it will be subject to further environmental review.
- (5) The 2009 Housing Element does not add new development to the city, but catalogs the development potential of the 2008 Urban Area General Plan. No impact on parking will result from adoption of the Housing Element.
- (6) The 2009 Housing Element neither supports nor conflicts with alternative transportation, as compared to the 2003 Housing Element. It simply catalogs currently available housing opportunities.
- (7) The 2009 Housing Element would have a neutral impact on energy consumption, as compared to the 2003 Housing Element, because it catalogs currently available opportunities to construct new housing.

## **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<sub>x</sub>) (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 (PM<sub>10</sub>) and 2.5 microns or less in diameter (PM<sub>2.5</sub>) (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<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.

**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:

No MEIR mitigation will be applied to the 2009 Housing Element. No new 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:

<b>DEGRADATION OF AIR QUALITY</b>			
	No	Additional Mitigation Needed	Significant Impact with Mitigation
(1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> .	X	<input type="checkbox"/>	<input type="checkbox"/>
(3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
(5) The proposed project would create objectionable odors affecting a substantial number of people.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The 2009 Housing Element has no effect on air pollutant emissions, as compared to the 2003 Housing Element. The revised Housing Element updates local demographic data and catalogs the number and locations of dwellings that could be developed under existing regulations. Should any program in the 2009 Housing Element be implemented in a way that changes the location or number of dwellings that could be developed, as compared to what was evaluated in the Urban Area General Plan Master EIR, that program would be subject to further environmental review. For example, some of the sites in the inventory are included in areas such as Shackelford, Pelandale/McHenry Specific Plan, and Woodglen Specific Plan, are anticipated in the Urban Area General Plan, but are undergoing separate environmental review associated with the activities required prior to annexation of these properties to the City of Modesto.
- (2) The 2009 Housing Element updates local demographic data and catalogs the number and locations of dwellings that could be developed as part of the Urban Area General Plan. Any development project inconsistent with the Urban Area General Plan would be subject to further environmental review.
- (3) All residential development proposed within Modesto's Sphere of Influence is subject to policies contained in the 2008 Urban Area General Plan pertaining to air quality. Any development project that would not comply with these policies is subject to further environmental review.
- (4) The 2009 Housing Element has no effect on the exposure of sensitive receptors, including residential development, to air pollutants, as compared to the 2003 Housing Element. The revised Housing Element updates local demographic data and catalogs the number and locations of dwellings that could be developed under existing regulations. Should any program in the Housing Element be implemented in a way that changes the location or number of dwellings that could be developed, that program would be subject to further environmental review.
- (5) Residential development does not normally result in the creation of objectionable odors beyond those resulting from construction. Any objectionable odors created would be similar to that expected to occur with the 2008 Urban Area General Plan and 2003 Housing Element.

### **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:

No MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

<b>GENERATION OF NOISE</b>		No	Additional Mitigation Needed	Significant Impact with Mitigation
(1)	The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	X	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>



Discussion:

- (1) Residential development does not normally exceed the City's noise standards other than noise that occurs during the construction phase of development. Any noise that occurs after construction is complete would be similar to that expected to occur with the 2008 Urban Area General Plan and 2003 Housing Element.
- (2) All development must comply with the noise policies contained in the 2008 Urban Area General Plan. Development that may not comply with these policies is subject to further environmental review.
- (3) Potential residential development specified by lot in the 2009 Housing Element is consistent with the locations identified in the 2008 Urban Area General Plan and does not include all of the locations at which affordable housing is likely to be built. Because the proposed Housing Element is consistent with the 2008 Urban Area General Plan, no effect on the noise contours in the Master EIR are expected. Any programs that might change the locations or numbers of dwelling units, as compared to the Urban Area General Plan, would be subject to further environmental review.
- (4) Construction activities are expected to temporarily increase ambient noise, but not to greater levels than disclosed in the 2008 Urban Area General Plan Master EIR. Operational noise impacts would also be similar, as the potential development described in the proposed Housing Element is consistent with that identified in the Urban Area General Plan.

#### **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 mitigations in the Master EIR are applicable 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 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:

<b>SIGNIFICANT EFFECTS IDENTIFIED IN THE MASTER EIR</b>			
		Additional Mitigation Needed	Significant Impact with Mitigation
	No		
(1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(1) The City's Regional Housing Needs Allocation has been met primarily using sites that lie within the Modesto's current city boundaries. A small number of affordable sites have been identified in areas outside of city boundaries for which planning activity has been under way for several years, such as Woodglen Specific Plan and Pelandale/McHenry Specific Plan. These areas are within the City's Sphere of Influence and have been expected to develop, as noted in the 2008 Urban Area General Plan and its Master EIR. Policies affecting development of areas within the Sphere of Influence are in Section VII.D.4 of the Urban Area General Plan. Specific plans, which must be consistent with the Urban Area General Plan, are being prepared for these areas, as well as supporting environmental documents. The Housing Element documents many existing affordable housing opportunities, but defers specific development direction for areas outside city boundaries to Specific Plans.

(2) As noted, the City's Regional Housing Needs Allocation has been accommodated almost entirely within existing city boundaries. The RHNA sites that are not inside the City have been in the planning process for several years and are also subject to CEQA review. Additionally, recent changes in the regional housing market have resulted in unusually high housing vacancy rates. Therefore, accommodating the Regional Housing Needs Allocation will result in the development of land outside the planning area boundary.

- (3) The property on which the Regional Housing Needs Allocation has been accommodated does not have a general plan designation for agriculture and because it is within the Sphere of Influence, it is expected to eventually be annexed to the City of Modesto and developed. Only one parcel of approximately 10 acres has an active Williamson Act contract, but that property lies within the City of Modesto and, as such, is considered to be urbanizing land by the California Department of Conservation, as is all land within a city's Sphere of Influence. The impact on agriculture has been evaluated in the Urban Area General Plan Master EIR.
- (4) The Housing Element is consistent with the 2008 Urban Area General Plan and so would result in no new impacts, as compared to those analyzed and disclosed in the Urban Area General Plan Master EIR.

## **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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

<b>INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</b>			
	No	Additional Mitigation Needed	Significant Impact with Mitigation
(1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) All new residential development must comply with water policies in the 2008 Urban Area General Plan or be subject to further environmental review.
- (2) The 2009 Housing Element does not propose residential development, but instead catalogs opportunities that exist in the 2008 Urban Area General Plan. Consequently, there is no evidence that the City's water supply would be insufficient to serve the number of dwellings expected in the future.
- (3) Because the 2009 Housing Element catalogs opportunities for residential development that are available in the 2008 Urban Area General Plan and because no substantial new information is available regarding available groundwater or recharge areas, as compared to the information disclosed in the MEIR, there is no evidence that development opportunities described in the revised Housing Element would either deplete groundwater or interfere with recharge.

## **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 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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

**INCREASED DEMAND FOR SANITARY SEWER SERVICES**

	No	Additional Mitigation Needed	Significant Impact with Mitigation
(1) The proposed project is inconsistent with the policies in the Modesto Urban Area General Plan.	X	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	X	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) All new residential development must be consistent with sanitary sewer policies contained in the Urban Area General Plan or be subject to additional environmental review. The revised Housing Element does not propose development, but catalogs existing residential development opportunities.
- (2) The revised Housing Element updates demographic data and catalogs existing residential development opportunities that are consistent with the 2008 Urban Area General Plan. The Housing Element does not confer any new entitlements. If any programs contained in the 2009 Housing Element are implemented in such a way that the location or amount of residential development is increased, additional environmental review will be necessary prior to approval.
- (3) The 2009 Housing Element has not accounted for any residential development that was not anticipated in the 2008 Urban Area General Plan. Potential residential development that has not been evaluated as part of the Master EIR is subject to further environmental review.

## **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**

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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

**LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT**

	No	Additional Mitigation Needed	Significant Impact with Mitigation
(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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
(5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) All new residential development in Modesto must comply with policies in the 2008 Urban Area General Plan or be subject to further environmental review. The revised Housing Element does not propose new development, as compared to what is anticipated in the Urban Area General Plan.
- (2) Because the revised Housing Element does not propose new or relocated residential development and is consistent with the 2008 Urban Area General Plan, no new impacts on sensitive wildlife and plant habitat are expected.
- (3-4) Because the revised 2009 Housing Element does not propose new or relocated residential development and is consistent with the 2008 Urban Area General Plan, no new impacts on sensitive wildlife and plant habitat are expected. Impacts on these resources were evaluated in the Urban Area General Plan Master EIR.
- (5) Because the revised 2009 Housing Element does not propose new or relocated residential development and is consistent with the 2008 Urban Area General Plan, no impacts on biological resource policies is expected.
- (6) There are no habitat conservation plans or natural community conservation plans, or other habitat conservation plans in the vicinity of Modesto with which the Urban Area General Plan might conflict.



## **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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

**DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES**

	No	Additional Mitigation Needed	Significant Impact with Mitigation
(1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed project would modify a historic resource, resulting in a substantial adverse change in its significance or would demolish a listed or eligible historic resource.	X	<input type="checkbox"/>	<input type="checkbox"/>
(3) The proposed project would modify or demolish a structure more than 50 years in age.	X	<input 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, or that is listed by the City of Modesto as a Designated Landmark Preservation site.	X	<input type="checkbox"/>	<input type="checkbox"/>
(5) The project site is in a riparian zone (see Figure V-7-1 in the MEIR), where archaeological resources are most likely to be discovered, or is otherwise located in an area of high archaeological sensitivity.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) All new residential development in Modesto must comply with policies in the 2008 Urban Area General Plan or be subject to further environmental review. The revised Housing Element does not propose new development, but catalogs residential development opportunities.
- (2) The revised Housing Element does not propose or entitle new development. However, individual residential projects that may be proposed in the future could have adverse impacts on either archaeological or historical resources. Should the potential for an individual development project to have such an impact, that project would be subject to further environmental review.
- (3) The revised Housing Element does not propose or entitle new development. Individual residential projects that may be proposed in the future could have adverse impacts on buildings greater than 50 years old. Should the potential for an individual development project to have such an impact, that project would be subject to further environmental review.
- (4) The revised Housing Element does not propose or entitle new development. Individual residential projects that may be proposed in the future could have adverse impacts on cultural resources on Modesto's Designated Landmark Preservation list or that are on or are eligible for listing on the California Register of Historical Resources. Should the potential for an individual development project to have such an impact, that project would be subject to further environmental review.
- (5) The revised Housing Element proposes no changes in either the number or location of residential dwellings that can be built as described in the 2008 Urban Area General Plan. As such, the revised Housing Element represents no change in potential impacts to archaeological resources, as compared to the 2008 Urban Area General Plan.

## **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:

No MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

**INCREASED DEMAND FOR STORM DRAINAGE**

	No	Additional Mitigation Needed	Significant Impact with Mitigation
(1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The proposed project is an update to the existing 2003 Housing Element of the 2008 Urban Area General Plan. The demographic information contained in the 2003 Housing Element and a catalog of current residential development opportunities is contained in the revised Housing Element. Therefore, the revised Housing Element continues to be consistent with storm water drainage policies in the 2008 Urban Area General Plan. Any development proposals that do not comply with policies in the Urban Area General Plan are subject to further environmental review.
- (2) Because the proposed 2009 Housing Element does not change the locations or quantity of land that can accommodate residential development, the 2009 Housing Element would create no changes in the rate or quantity of runoff or polluted runoff, as compared to the development expected in the 2008 Urban Area General Plan.
- (3) The proposed 2009 Housing Element does not entitle any residential development projects. Each development project must be evaluated when it is submitted for review to the City of Modesto to determine whether it is consistent with City storm water drainage policies.

## 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:

No MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

FLOODING AND WATER QUALITY			
		No Additional Mitigation Needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	X	<input 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.	X	<input 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.	X	<input type="checkbox"/>

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| (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 offsite.   | X | <input type="checkbox"/> | <input type="checkbox"/> |
| (5) | The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.   | X | <input type="checkbox"/> | <input type="checkbox"/> |
| (6) | The proposed project would violate water quality standards or waste discharge requirements.   | X | <input 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 Urban Area General Plan.           | X | <input type="checkbox"/> | <input 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 Urban Area General Plan implementation. | X | <input type="checkbox"/> | <input type="checkbox"/> |

Discussion:

- (1) The proposed project is an update to the existing 2003 Housing Element of the 2008 Urban Area General Plan. The demographic information contained in the 2003 Housing Element and a catalog of current residential development opportunities is contained in the revised Housing Element. Therefore, the revised Housing Element is consistent with flooding and water quality policies in the 2008 Urban Area General Plan. Any development proposals that do not comply with policies in the Urban Area General Plan are subject to further environmental review.
- (2) The proposed 2009 Housing Element updates the demographic information in the 2003 Housing Element and catalogs existing residential development potential. No changes to the location or quantity of housing are proposed, thus the proposed project is consistent with the 2008 Urban Area General Plan and with applicable water quality regulations.
- (3) The proposed 2009 Housing Element catalogs existing residential development potential. There are no changes to the location or quantity of potential residential development, as compared to the 2008 Urban Area General Plan, so there is no additional flooding impact on housing.
- (4) The proposed project does not alter the residential development pattern or density assumed in the 2008 Urban Area General Plan. No additional impacts on floodwater drainage are anticipated.
- (5) The proposed 2009 Housing Element does not create entitlements for new development. Individual residential development projects will be evaluated by the City as they are proposed to determine whether they comply with the City's storm water quality policies.
- (6) No entitlements or specific development project are associated with the 2009 Housing Element. Individual residential development project will be evaluated by the City as they are proposed to determine whether they comply with water quality standards and waste discharge requirements.

- (7) There are no specific development proposals associated with the proposed revised Housing Element. As development is proposed, each project will be evaluated by the City to determine the potential the project to cause erosion and/or siltation. Should any impacts that were not evaluated in the Urban Area General Plan Master EIR be likely to occur as a result of proposed development, that proposal will be subject to further CEQA review.
- (8) No development proposal is associated with the draft 2009 Housing Element. As development projects are proposed in the future, each will be evaluated by the City of Modesto to determine whether it will add storm water runoff to the drainage system and whether runoff will be polluted. If a project does not comply with the City's policies, it will be subject to further environmental review.

## **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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

**INCREASED DEMAND FOR PARKS AND OPEN SPACE**

	No	Additional Mitigation Needed	Significant Impact with Mitigation
(1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed project would eliminate parks or open space.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) No new development is proposed as part of the draft 2009 Housing Element. No impacts on parks or open space will result from adoption of the project, which is consistent with the 2008 Urban Area General Plan.
- (2) No changes are proposed in the locations of potential residential development, as compared to the assumptions in the 2008 Urban Area General Plan. No new impacts will occur.
- (3) The revised Housing Element makes no changes to the locations of residential development assumed to occur as part of the 2008 Urban Area General Plan. Impacts on parks and other recreational facilities disclosed in the Master EIR would not change as a result of the 2009 Housing Element. Should any programs in the Housing Element be implemented in such a way that greater impacts on parks and recreation could occur, further environmental review will be required.

**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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

<b>INCREASED DEMAND FOR SCHOOLS</b>				
		No	Additional Mitigation Needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Discussion:</u>				
(1)	The proposed project makes no changes to the numbers of dwelling units or development patterns established in the 2008 Urban Area General Plan. The draft Housing Element is consistent with the schools policies in the Urban Area General Plan.			
(2)	Because the draft Housing Element is not an entitlement project, no SB 50/Proposition 1A funding is associated with it. No new impact will occur. School mitigation fees are collected by the affected school district before the City issues a building permit.			

### 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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

INCREASED DEMAND FOR POLICE SERVICES		No	Additional Mitigation Needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The draft 2009 Housing Element makes no changes in the development pattern or number of potential dwelling units in Modesto and is consistent with the assumptions in the 2008 Urban Area General Plan. As such, it is consistent with policing policies in the Urban Area General Plan and Master EIR.
- (2) Because the proposed project makes no changes to the development pattern assumed in the 2008 Urban Area General Plan, there is no increase in the demand for police facilities and no impact on response times or other policing performance standards.

## **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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

**INCREASED DEMAND FOR FIRE SERVICES**

		No	Additional Mitigation Needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
(3)	The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The draft 2009 Housing Element makes no changes in the development pattern or number of potential dwelling units in Modesto and is consistent with the assumptions in the 2008 Urban Area General Plan. As such, it is consistent with fire protection policies in the Urban Area General Plan and Master EIR.
- (2) Because the proposed project makes no changes to the development pattern assumed in the 2008 Urban Area General Plan, there is no increase in the demand for fire protection facilities and no impact on response times or other performance standards.
- (3) Stanislaus County has indicated a concern that the Housing Element (see Appendix J of the Housing Element) would be accompanied by or implemented by annexations/detachments from some fire protection districts to the City of Modesto and the Modesto Fire Department, with, in the County's opinion, a potentially adverse impact on the financial solvency of the relevant fire protection district(s). The City of Modesto received similar comments from the County, the Salida Fire Protection District, the Consolidated Fire Protection District, and the Stanislaus County Local Agency Formation Commission in response to the Master Environmental Impact Report for the 2008 Urban Area General Plan update (SCH #2007072023), from which this Finding of Conformance is tiered.

In order to meet its Regional Housing Needs Allocation, the City of Modesto has relied on both infill sites and sites in the Planned Urbanizing Area, which are expected to be annexed to the City and be developed. Infill development will have no fiscal impact on fire protection service in the unincorporated portion of Stanislaus County. Regarding the annexation to the City and development of land in unincorporated Stanislaus County, the City noted in Master Response #1—Fire Protection Districts (2008 Urban Area General Plan Final Master EIR) that it is the policy of the City

“to plan and develop large areas (community planning districts or a portion) within the Planned Urbanizing Area using specific plans (Government Code Section 65450 et seq). The City's policy for the establishment of specific plans includes the preparation of an infrastructure master plan and a finance master plan, which present more specific information about infrastructure and service needs, needed funding, and the financing mechanism. Each specific plan will be subject to environmental review before it may be adopted, which will allow a project-specific analysis to be prepared using the most current information available.”

In other words, future development proposals in the Planned Urbanizing Area will be subject to planning and environmental review prior to annexation. When that more detailed work occurs, the potential impacts of the future proposal will be evaluated in light of the information available at that time. By itself, a loss of revenue is not a physical impact subject to CEQA.

The Housing Element, which is Chapter IV of the Urban Area General Plan, is being updated as required by State law; it is not a development proposal, but an inventory of sites and updated demographic information.

Because the updated Housing Element will result in no changes to the development pattern, densities, or location of future development assumed in the 2008 Urban Area General Plan, no new or additional impact on fire protection services either in unincorporated Stanislaus County or in the City of Modesto will occur as a result of the proposed 2009 Housing Element, as compared to that evaluated in the 2008 Urban Area General Plan Master EIR.

Finally, the City of Modesto entered into a Joint Powers Agreement with Stanislaus County and the Salida Fire Protection District on January 11, 2011, to provide fire protection services in the Modesto area. Other fire protection districts were approached, but declined to enter into the agreement with the identified parties.

## **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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

**GENERATION OF SOLID WASTE**

	No	Additional Mitigation Needed	Significant Impact with Mitigation
(1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The proposed 2009 Housing Element updates the demographic data contained in the 2003 Housing Element and catalogs residential development opportunities throughout the City and in portions of the Sphere of Influence. Development anticipated by the 2009 Housing Element is consistent with that anticipated in the 2008 Urban Area General Plan and future development must comply with the applicable policies enumerated in the General Plan. Should a future development project not comply with General Plan policies, it would be subject to further environmental review.
- (2) Because the proposed Housing Element does not increase the amount of development anticipated to occur in Modesto, there will be no impacts on solid waste disposal capacity, as compared to the impacts disclosed in the 2008 Urban Area General Plan 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 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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

<b>GENERATION OF HAZARDOUS MATERIALS</b>			
		Additional Mitigation Needed	Significant Impact with Mitigation
	No		
(1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<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.	X	<input type="checkbox"/>	<input type="checkbox"/>

- (4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008. X

Discussion:

- (1) The proposed project will have no impact on the hazardous materials policies in the 2008 Urban Area General Plan because the proposed 2009 Housing Element only updates demographic information in the 2003 Housing Element and catalogs potential residential development throughout the City.
- (2) Hazardous materials are not normally associated with residential development beyond the expected use of various household hazardous materials, such as cleaning chemicals, pesticides and herbicides for domestic use, batteries for domestic appliances, and similar materials. No increase in the quantity of domestic hazardous materials will result from the proposed project.
- (3) None of the potential sites available for residential development is known to the State of California to be a hazardous materials site.
- (4) None of the potential sites available for residential development is known to the State of California to be contaminated.

## **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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

<b>GEOLOGY, SOILS, AND MINERAL RESOURCES</b>					
			No	Additional Mitigation Needed	Significant Impact with Mitigation
(1)	The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.		X	<input type="checkbox"/>	<input 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.		X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Discussion:</u>					
(1)	The proposed revision of the Housing Element creates no new development entitlements or proposes development projects. Consequently, the project is consistent with the geological policies in the 2008 Urban Area General Plan.				
(2)	No changes in either the location or number of potential dwelling units are proposed as part of the project. Rather, the project updates demographic information in the 2003 Housing Element and catalogs the locations at which residential development may occur, consistent with the assumptions in the 2008 Urban Area General Plan. The project will have no impact on geological hazards or 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 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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

ENERGY		No	Additional Mitigation Needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The proposed project will have no impact on the energy policies in the 2008 Urban Area General Plan because the proposed 2009 Housing Element only updates demographic information in the 2003 Housing Element and catalogs potential residential development throughout the City.
- (2) No more energy will be used, as compared to that assumed in the 2008 Urban Area General Plan, if the proposed revised 2009 Housing Element is adopted. No changes in the residential development pattern or quantity will occur. Should any program in the proposed 2009 Housing Element be implemented in such a manner that increases the amount of energy likely to be used when development occurs, further environmental review will be necessary.

## **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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

## EFFECTS ON VISUAL RESOURCES

		Additional Mitigation		Significant Impact with Mitigation
		No	Needed	
(1)	The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion:

- (1) The proposed project will have no impact on the visual resources policies contained in the 2008 Urban Area General Plan because the proposed 2009 Housing Element simply updates demographic information in the 2003 Housing Element and catalogs potential residential development throughout the City.
- (2) The proposed Housing Element would add no residential development adjacent to the Tuolumne River and Dry Creek, as compared to the development assumptions in the 2008 Urban Area General Plan and Master EIR, and so would have no effect on views from those waterways and the abutting parks.
- (3) The proposed Housing Element would add no residential development adjacent to the Tuolumne River and Dry Creek, as compared to the development assumptions in the 2008 Urban Area General Plan and Master EIR, and thus would have no effect on views of Dry Creek and Tuolumne River.

## 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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

<b>LAND USE AND PLANNING</b>		No	Additional Mitigation Needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
(4)	The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The revised Housing Element reflects the location and density of residential development described in the 2008 Urban Area General Plan, and within the bounds of the Urban Area General Plan's land use categories identifies specific properties on which residential development is expected to occur.
- (2) The proposed 2009 Housing Element reflects the existing opportunities for residential development in Modesto as presented more generally in the 2008 Urban Area General Plan. There is no new component of the Housing Element that would have the effect of dividing or creating barriers between established communities.
- (3) Because the proposed 2009 Housing Element is essentially a catalog of residential development opportunities generally described in the 2008 Urban Area General Plan, it is consistent with the Urban Area General Plan and with all the various land use policies and regulations contained in it.
- (4) There are no habitat conservation plans or natural community conservation plans in or around Modesto, therefore no impact on such plans is anticipated to occur as a result of the 2009 Housing Element.

## **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 MEIR mitigation will be applied to the proposed 2009 Housing Element. No new 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:

**CLIMATE CHANGE**

		No	Additional Mitigation Needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	X	<input type="checkbox"/>	<input type="checkbox"/>
(2)	The proposed project would result in average automobile trip lengths or CO <sub>2</sub> emissions higher than those assumed in the Master EIR.	X	<input type="checkbox"/>	<input type="checkbox"/>
(3)	The proposed project would conflict with the Sustainable Communities Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

- (1) The updated Housing Element would have no effect on climate change policies in the 2008 Urban Area General Plan. The Housing Element simply catalogs residential development opportunities in the 2008 Urban Area General Plan and updates demographic information in the 2003 Housing Element.
- (2) The proposed 2009 Housing Element would result in no change to trip lengths, vehicle miles traveled, or CO<sub>2</sub> emissions as disclosed in the Master EIR for the 2008 Urban Area General Plan because it reflects the location and quantity of residential development opportunities established in the Urban Area General Plan.
- (3) StanCOG, the Metropolitan Planning Organization responsible for preparing a Sustainable Communities Strategy for Stanislaus County, has not yet prepared the SCS nor submitted an SCS to the Air Resources Board for approval.

## **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:**

None

#### **Degradation of Air Quality:**

None

#### **Generation of Noise:**

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

**Climate Change:**

None

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-253**

**RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN  
AREA GENERAL PLAN TO REPLACE THE 2003 – 2008 HOUSING ELEMENT  
WITH THE 2009 – 2014 HOUSING ELEMENT, CHAPTER IV OF THE  
GENERAL PLAN**

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

WHEREAS, on August 15, 1995, the City Council, by Resolution No. 95-409, approved a new General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan”, 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, 2007-066, 2008-142, and 2008-583, 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 has applied for an amendment to the General Plan to replace the 2003 – 2008 Housing Element with the 2009 – 2014 Housing Element, Chapter IV of the General Plan, and

WHEREAS, the Community & Economic Development Department has analyzed the proposed amendment and concluded that it is within the scope of the Master EIR, and

WHEREAS, on February 28, 2011, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, relating to this proposed amendment to the Modesto Urban Area General Plan to replace the Housing Element, Chapter IV, and

WHEREAS, after said public hearing, the Planning Commission, by Resolution No. 2011-03, recommending to the City Council an amendment to the Modesto Urban Area General Plan to approve the 2009 – 2014 Housing Element replacing the 2003 – 2008 Housing Element, Chapter IV of the General Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on June 28, 2011, 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 the proposed amendment to the Modesto Urban Area General Plan is consistent with the Master EIR (SCH No. 2007072023) and has been adequately analyzed by the Master EIR.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves the proposed amendment to the Urban Area General Plan as described in **Exhibit "A"**, **attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of the Community and Economic Development Department is hereby authorized and directed to forward certified copies of this resolution and said amendment to the Urban Area General Plan to the Board of Supervisors, and file a Notice of Determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

City of Modesto Housing Element (2009-2014)

**A COPY OF THE 354 PAGE EXHIBIT A IS ON FILE  
IN THE MODESTO CITY CLERK'S OFFICE**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-254**

**RESOLUTION APPROVING MINOR AMENDMENTS TO THE CITY OF  
MODESTO URBAN AREA GENERAL PLAN**

WHEREAS, on October 14, 2008, the City Council of the City of Modesto recertified 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 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, 2007-066, 2008-142, and 2008-583, 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 has applied for an amendment to the Urban Area General Plan to update the Urban Area General Plan pursuant to Assembly Bill 162 (2007) with respect to hazard plans and groundwater recharge at a date no later than the adoption of the 2009 – 2014 Housing Element; update the Urban Area General Plan pursuant to Senate Bill 5 (2007) relating to flood risks in the Central Valley; make necessary amendments to the Urban Area General Plan to support the location of

passenger rail in downtown Modesto as directed by City Council at its regularly scheduled meeting of January 12, 2010; amend the Urban Area General Plan to include a policy supporting the preparation of transportation corridor studies and to plan for “complete streets;” and make minor text amendments to clarify the language in the Urban Area General Plan, and

WHEREAS, the Community & Economic Development Department has analyzed the proposed amendment and concluded that it is not a project as defined by Section 15378 of the California Code of Regulations and is therefore not subject to review under the California Environmental Quality Act, and

WHEREAS, on February 28, 2011, 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 minor amendment to the Modesto Urban Area General Plan, and

WHEREAS, after said public hearing, the Planning Commission adopted Resolution No. 2011-04, recommending to the City Council a minor 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 June 28, 2011, 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 minor amendments 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 amendments to the Modesto Urban General Plan as described in **Exhibit "A"**, **attached** hereto and incorporated herein by reference, are 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 the proposed amendments to the Modesto Urban Area General Plan are consistent with the Final Master Environmental Impact Report for the Urban Area General Plan (SCH No. 2007072023) and have been adequately analyzed by the Master Environmental Impact Report.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves the proposed amendments to the Modesto 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 Director of the Community and Economic Development Department is hereby authorized and directed to forward certified copies of this resolution and said amendments 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 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

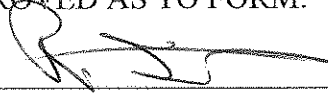
By:   
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

## **GPA-09-004 Text and Exhibit Amendments (Summary)**

The following text and exhibits represent the proposed amendments to the 2008 Urban Area General Plan. Revisions appear in italics and strikethrough. Page numbers and policies reference the Urban Area General Plan.

### **Chapter III, Community Development Policies**

- Replace outdated text as follows (page III-1):

The Housing Element of the Urban Area General Plan identifies future housing need and the approach to meeting those needs. Chapter 6 of the 2004 Housing Element is the Housing Plan, which contains a variety of goals, objectives, policies, and programs intended to achieve a high-quality, balanced housing stock that will meet the needs of existing and future citizens of Modesto. Goal 4 of the Housing Plan is intended to ensure that land use and zoning procedures accommodate housing. Program 4.1 implements Goal 4 by ensuring there is an adequate inventory of sites available for housing. *Expected locations for affordable housing and number of expected dwelling units are shown in Chapter 4 and Appendices A, B, C, and D of the Housing Element (Chapter IV of the General Plan).*

~~In order to implement Program 4.1 of the 2004 Housing Element (page 6–19 of the Housing Element), at least 15 percent of the residentially designated areas in the Planned Urbanizing Area shall be planned for multi-family development, at an average of 22 units per acre. Residentially designated areas do not include land planned for commercial or industrial uses. Program 4.1 applies equally to property within City limits and within the City's Sphere of Influence. Additionally, Map A-1 in the Housing Element identifies sites for which the potential exists to add multi-family residential development and on which such development should be considered. These sites lie within the Baseline Developed Area and the Planned Urbanizing Area.~~

- **Clarify language regarding design guidelines**

Policy III.C.1.h (page III-12):

Establish and maintain an orderly and compatible land use pattern. Evaluate land use compatibility, *design compatibility, and the compatibility of lot size and configuration where new development is proposed within or adjacent to established neighborhoods, as well as* noise, traffic, and other environmental hazards, when making land use decisions.

### **Chapter V, Community Services and Facilities**

- **Section B, add complete streets text and policy**

Section 1, page V-2, insert sixth paragraph:

*The California Complete Streets Act (AB 1358) was signed into law in 2008. This law requires that cities and counties modify the general plan's circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways in a manner that is suitable to the context of the general plan and consider how appropriate accommodation varies depending upon its transportation and land use context.*

Section 1, page V-2, seventh paragraph:

Transportation modes in Modesto currently include pedestrian, bicycle, bus, two- and four-wheel private motor vehicles, trucks, freight and passenger rail, emergency vehicles, and air (addressed in Section V-F. Community Facilities – Modesto City-County Airport). Each mode has its own requirements, but mode choice and route choice are generally made considering speed, efficiency, comfort, and safety. When transportation decisions are made, tradeoffs that encourage or promote one mode or route to the disadvantage of another mode or route should be considered *evaluated in light of AB 1358*.

Section 2, page V-2, add goal:

*b. The circulation element should be updated to allow the citizens of Modesto to effectively travel by foot, bicycle, and transit to reach important destinations in Modesto and the region. The City should view all transportation improvements, whether new or retrofit, as opportunities to improve safety, access, and mobility for all travelers and recognize bicycle, pedestrian, and transit modes as integral elements of the transportation system, the promotion of which will help the City achieve important financial and air quality objectives. The standard practice should be to construct complete streets while prioritizing project selection and project funding to accelerate development of a balanced, multimodal transportation network that allows residents to choose a variety of modes.*

◦ **Section B, add corridor planning policy**

Policy V.B.2.a, page V-2:

The purpose of transportation and the circulation system is to move people and goods safely, conveniently, and efficiently. The transportation and circulation systems should be designed to make transportation safe and convenient for all users.

*In order to implement this goal, the City shall consider preparing corridor (e.g. SR 108/McHenry Avenue, SR 132/Yosemite Boulevard, Crows Landing Road, Paradise Road, SR 132/9<sup>th</sup> Street) planning studies. Corridor studies focus on the interaction between land use and transportation and identify the mix of investments in transportation improvements (pedestrian, bicycle, bus, rail, automobile) and land uses that would most effectively move people and goods in the context of existing and planned development. The guiding principle of transportation planning is that new transportation investments should reinforce existing travel patterns. Corridor studies should follow this principle and consider the "4 D's" of transportation: density, diversity (of land use), design, and destination accessibility. Studies may include the following elements: number of motor vehicle travel and turn lanes, transit accommodation, safe bicycle and pedestrian accommodation, median refuges and raised medians, land use designations, standards for developing land fronting on and adjacent to corridors, and others as determined appropriate.*

◦ **Section B, amend existing policies to facilitate a downtown passenger rail station**

Policy V.B.6.k, page V-9

*Transportation is a local, regional, and interregional issue. Effective improvements to the transportation system depend on the multijurisdictional cooperative efforts of multiple agencies beyond the City of Modesto, such as the State of California, the California High Speed Rail Commission, the San Joaquin Regional Rail Commission, the Stanislaus Council of*

*Governments, Stanislaus County, various transit agencies, and adjacent cities and counties. The City of Modesto has entered into a Memorandum of Understanding (City Council Resolution 2010-056) to engage in a planning process with the California High Speed Rail Authority, recognizing local, regional, and statewide needs for regional and high speed rail service in a shared service corridor and has received grant funding to plan for a passenger rail station in downtown.*

*Land use and transportation are inextricably connected. They must be coordinated so that future development and transportation services will be balanced with each other. The land use and transportation policies in this Plan reflect this relationship.*

*Modesto is the multi-modal hub of Stanislaus County, providing access to all major travel modes, including highways, transit, rail, and air transport systems. As such, Downtown Modesto should be the site of the passenger rail station, which is consistent with the California High Speed Rail Authority's service goals. The eventual design of the station should incorporate Landmark 19, the Southern Pacific Transportation Center and be compatible with its architecture.*

~~The City shall encourage the effort to make a safe, efficient, and effective rail service possible by increasing the frequency, speed, and comfort of its passengers. The City recognizes and encourages a safe and convenient interface among rail, transit, automobile, and non-motorized traffic. The following forms of rail services are particularly encouraged:~~

Revise paragraph 2 to read,

Inter-regional Rail Service. *The City supports the extension of the Altamont Commuter Express (ACE) through the northern San Joaquin Valley and advocates its routing through and a station in downtown Modesto. The City also supports the rerouting of San Joaquin rail service to provide service to the downtown area and the intermodal facilities and creation of passenger commute rail service from Modesto to San Joaquin County and over the Altamont Pass to the Bay Area.*

Revise paragraph 4 to read,

High Speed Rail. ~~The City encourages and supports~~ *and advocates* the development of high speed rail corridor through the San Joaquin Valley and the development of a high speed rail station *in downtown* ~~within the City.~~

- **Revisions to satisfy the requirements of Assembly Bill 162 and Senate Bill 5**

Section C, Water

Add a new figure (Figure V-3-1a and V-3-1b) showing groundwater recharge areas in the sphere of influence.

Insert new text following first paragraph on page V-16 to read,

*Figures V-3-1a and V-3-1b illustrate areas within and near the City's Sphere of Influence suitable for groundwater recharge. These figures also show areas that may be suitable for stormwater management.*

## **Chapter VI, Public Safety Issues**

- **Revisions to satisfy the requirements of Assembly Bill 162 and Senate Bill 5**

Add Figures VI-2-1a and VI-2-1b with new state preliminary flood maps.

Amend text in Section VI.C.2 on page VI-4 to read,

*The Department of Water Resources has prepared the Preliminary 200-Year Floodplain Maps, displayed for informational purposes in the Urban Area General Plan as Figures VI-2.a and VI-2.b. The Federal Emergency Management Agency's (FEMA) 100-year floodplain map, shown as Figure VI-2, is used by Modesto as the official floodplain map. When the Department of Water Resources finalizes its 200-Year Floodplain Maps and related policies, Figures VI-2.a and VI-2.b may become the official floodplain map.*

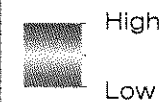
*The newly-formed Central Valley Flood Protection Board (Board) is responsible for flood protection in the Sacramento and San Joaquin Rivers, their tributaries, and related areas. The flood hazard zone policies below and included here for information, which are intended to protect life and property, may be implemented following the adoption of a flood protection plan in accordance with State law. Current State laws will be implemented with respect to development in floodplains.*

~~When development is proposed on parcels located within any "Flood Potential Study Area" shown on Figure VI-2, the following policies apply:~~

Figure V-3-1a

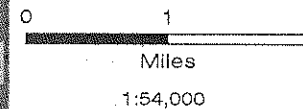


### Urbanized Area Stormwater Recharge Rates



Modesto  
Incorporated Area

Modesto Sphere  
of Influence



January 25, 2010

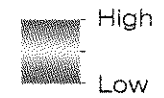




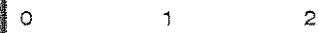
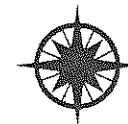
Figure V-3-1b



### Natural Stormwater Recharge Rates

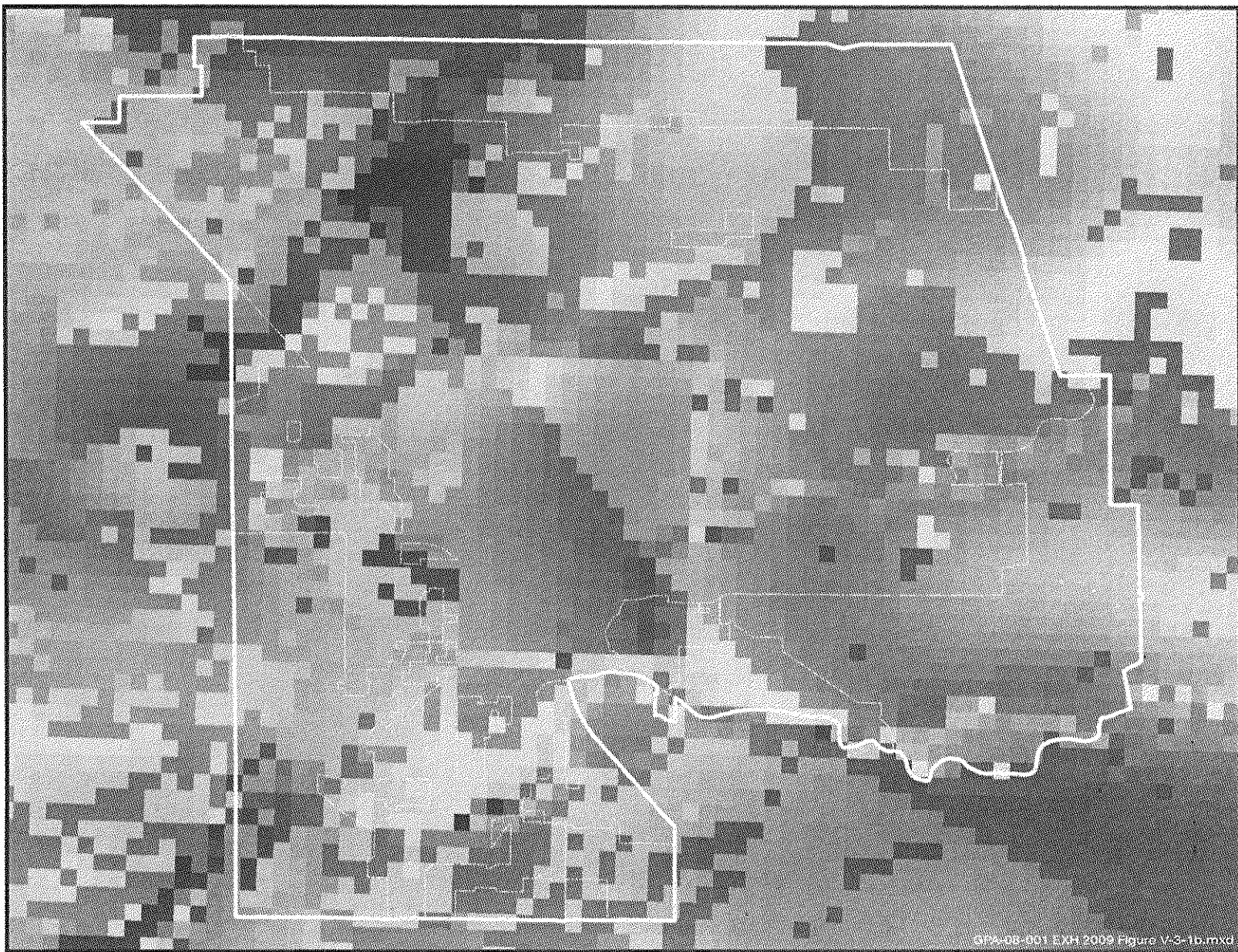


Modesto Incorporated Area  
Modesto Sphere of Influence



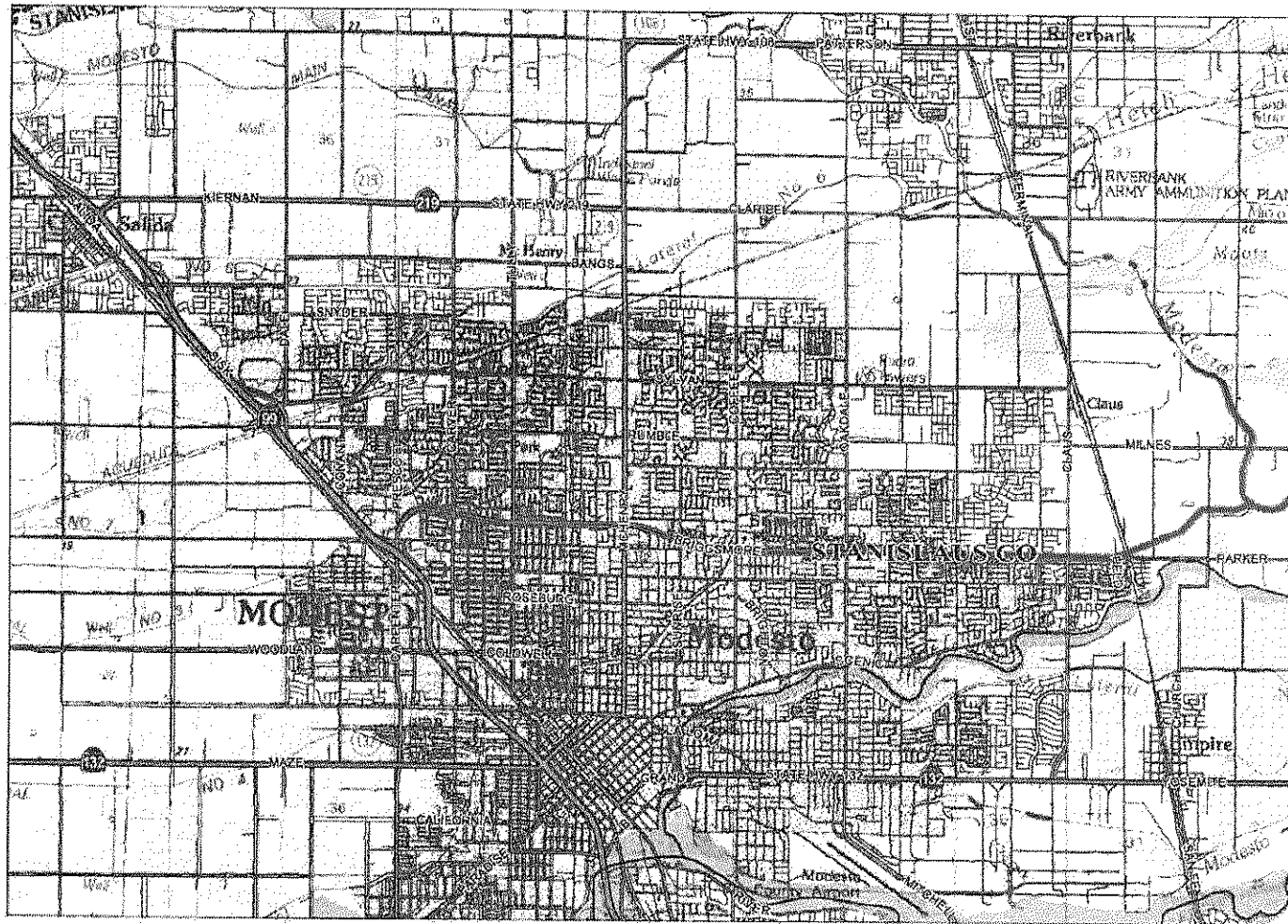
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January 25, 2010



# Figure VI-2.a Flood Potential Diagram

## Preliminary 100- and 200-Year Floodplains Based Upon Best Available Data



**LEGEND**

- Project Levee Centerline
- Non-Project Levee Centerline
- River / Stream Centerline
- Sacramento-San Joaquin Valley Boundary
- County Boundary
- 100-Year Composite Floodplains
- FEMA Effective Floodplains
- Other Available Floodplain Data
- 200-Year Composite Floodplains
- Available Floodplain Data

In every case, the 200-Year Composite Floodplains incorporate the areas of the 100-Year Composite Floodplains.

		California			
	A3	A4			
	B3	B4			
	C2	C3	C4	C5	
	D2	D3	D4	D5	D6
E1	E2	E3	E4	E5	E6
F1	F2	F3	F4		
G1	G2	G3			
H1	H2	H3			
	I2				

State of California  
Department of Water Resources  
August 20, 2008

**PBSJ**

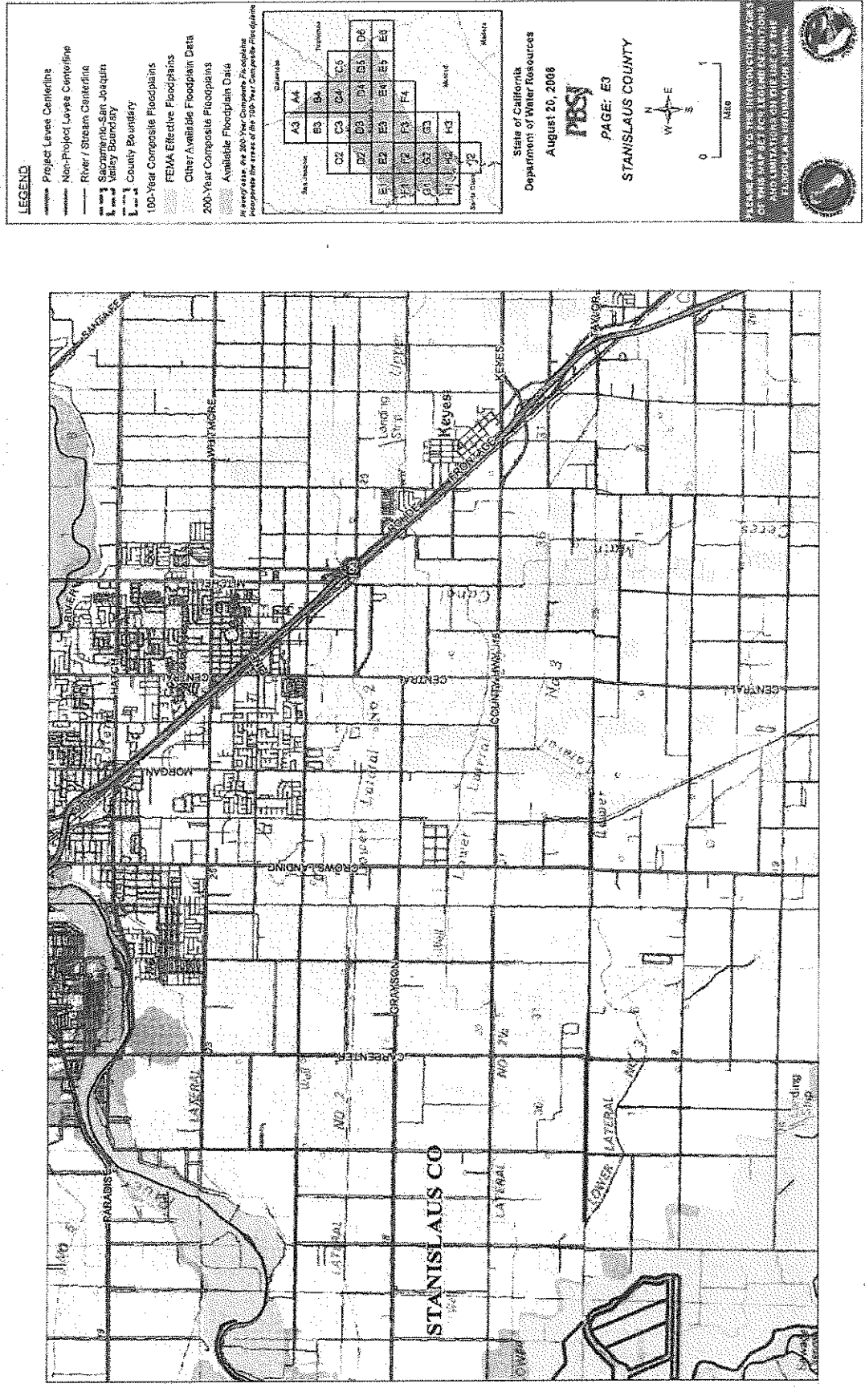
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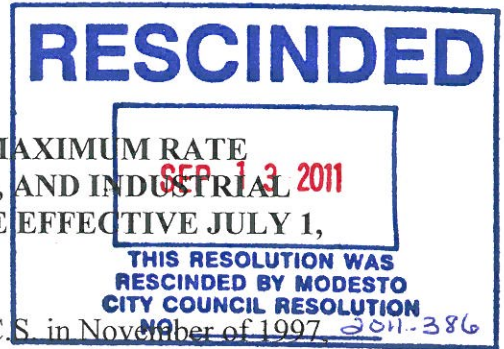
PLEASE REFER TO THE INTRODUCTION PAGES OF THIS MAP SET FOR LEGEND DEFINITIONS AND LIMITATIONS ON THE USE OF THE FLOODPLAIN INFORMATION SHOWN.

**Figure VI-2.b Flood Potential Diagram**  
**Preliminary 100- and 200-Year Floodplains Based Upon Best Available Data**





MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-255



RESOLUTION APPROVING ADJUSTMENTS TO THE MAXIMUM RATE SCHEDULE FOR CITY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SOLID WASTE COLLECTION SERVICES, TO BECOME EFFECTIVE JULY 1, 2011, AND RESCINDING RESOLUTION NO. 2011-092

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, ~~2011-386~~

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 a 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 requested by the City's garbage collection companies, and

WHEREAS, the City conducted an analysis using the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and

WHEREAS, staff has adjusted the fuel component of the maximum rates and has incorporated the fuel component adjustment into the schedule of Maximum Charges for

Garbage Service **attached** hereto, marked **Exhibit "1"** and incorporated herein by reference, and

WHEREAS, on November 25, 2008, by Resolution No. 2008-650, the Council approved the assessment of an AB 939 Green Waste Diversion fee that would be assessed on a per ton basis on residential, commercial bin, and drop box wastes generated in the City of Modesto, and

WHEREAS, on April 12, 2010, the Economic Development Committee approved sending a recommendation to the Council for a two-step increase in the AB 939 Green Waste Diversion fees in order to purchase green waste collection equipment that complies with the California Air Resources Board's (CARB) emissions regulations, and

WHEREAS, the Committee recommended that the fee on wastes from residential sources be increased to \$1.48 per month, the fee on wastes from commercial bins be increased to \$2.64 per cubic yard per month, and the fee on wastes from industrial bins be increased to \$8.48 per ton in order to fund the purchase of CARB compliant green waste collection equipment, and

WHEREAS, the Committee further recommended that an additional increase in the fees in the same amounts occur in July 2011, and

WHEREAS, these fee increases are to be implemented at the time of the annual maximum rate review, and

WHEREAS, with the second step of the increases, the fee on wastes from residential sources will be increased to \$1.63 per month, the fee on wastes from commercial bins will be increased to \$2.92 per cubic yard per month, and the fee on

wastes from industrial bins will be increased to \$8.56 per ton in order to fund the purchase of CARB compliant green waste collection equipment, and

WHEREAS, on December 4, 2007, by Resolution No. 2007-729, the Council approved the assessment of a Carpenter Road Landfill Mitigation fee on the collection companies, for the purpose of mitigating the groundwater impacts of garbage placed in the landfill by the collection companies, and

WHEREAS, the fee on residential wastes generates the majority of the revenues for mitigation, and

WHEREAS, staff has reviewed the Landfill Mitigation Fund balances, and has determined that the Fund balances appear to be adequate to allow for a reduction in the fees charged on residential wastes while ensuring that there is adequate ongoing funding for mitigation work, and

WHEREAS, staff is proposing that the mitigation fees on residential wastes be reduced from the present \$0.50 to \$0.25, and that staff will reevaluate the fees and revenues at the next annual rate review and will bring back a recommendation, if warranted, as to possible future reductions to the fees charged on wastes from commercial bins and drop boxes, and

WHEREAS, the above noted fees and charges to the collection companies have been incorporated into the recommended schedules of maximum rates shown as **Exhibit 1** hereto, and

WHEREAS, a report dated June 7, 2011, from the Parks, Recreation and Neighborhoods Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on June 28, 2011, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto California, at which date and time a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, 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 that quarterly adjustments to the fuel component of the maximum rates should be made.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Maximum Charges for Garbage Service as **attached** hereto, marked **Exhibit "1"** and incorporated herein by reference. Said Maximum Charges for Garbage Service includes twice-a-year bulky item pickup for residential customers and all other residential services as stipulated in the Service Agreements and shall become effective July 1, 2011, and shall remain in effect until revised by Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 2011-092 is hereby rescinded, effective July 1, 2011.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Mayor Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MAXIMUM CHARGES FOR GARBAGE SERVICE****STANDARD CONTAINERS**

Maximum Monthly Rates  
(Once a Week Pickup Service)

Standard container service shall include the following:

- One, 96-gallon container for garbage
- One, 96-gallon container for green waste, food, paper, and other organics
- Countertop container for kitchen scraps
- Drop-off of old TV and computer tubes
- Two bulky item collections per year by appointment
- Pruned Refuse Collection

Standard container service customers may opt for smaller containers; however, maximum rates apply. Containers must be placed in a location set forth in Section 5-5.111 of the Municipal Code.

**1. Standard container service –**

- a. The maximum rate for new sign ups for service or changes in service that occur after July 1, 1996, shall be **\$24.70 per month** regardless of size of container. A fuel component of \$1.22 per month is included in the maximum rate for the quarter beginning July 1, 2011 and ending September 30, 2011. The fuel component may be adjusted quarterly.
- b. The maximum rate for each additional garbage container shall be **\$18.41 per month, and \$9.93 per month** for each additional green waste container.

**2. 60-gallon container service (grandfathered customers) –**

- a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be **\$20.76 per month**. A fuel component of \$1.22 per month is included in the maximum rate for the quarter beginning July 1, 2011 and ending September 30, 2011. The fuel component may be adjusted quarterly.
- b. The maximum rate for each additional 60-gallon garbage container shall be **\$17.96 per month**.

- 3. Fuel Component adjustments**
- The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. 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.

**DETACHABLE CONTAINERS  
Maximum Monthly Rates**

Container Size	Regular Container Maximum Rates					
	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	\$29.40	\$58.80	\$88.20	\$117.60	\$147.00	\$176.40
2 CY	\$58.80	\$117.60	\$176.40	\$235.20	\$294.00	\$352.80
3 CY	\$88.20	\$176.40	\$264.60	\$352.80	\$441.00	\$529.20
4 CY	\$117.60	\$235.20	\$352.80	\$470.40	\$588.00	\$705.60
5 CY	\$147.00	\$294.00	\$441.00	\$588.00	\$735.00	\$882.00
6 CY	\$176.40	\$352.80	\$529.20	\$705.60	\$882.00	\$1,058.40

FORK Participants Container Maximum Rates						
Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
2 CY	\$44.10	\$88.20	\$132.30	\$176.40	\$220.50	\$264.60
3 CY	\$66.15	\$132.30	\$198.45	\$264.60	\$330.75	\$396.90
4 CY	\$88.20	\$176.40	\$264.60	\$352.80	\$441.00	\$529.20
5 CY	\$110.25	\$220.50	\$330.75	\$441.00	\$551.25	\$661.50
6 CY	\$132.30	\$264.60	\$396.90	\$529.20	\$661.50	\$793.80
90-gallon	\$18.53	\$37.05	\$55.58	\$74.10	\$92.63	\$111.15

- Weekly rental/Detachable Containers** - Shall not exceed the rate for 1 pickup per week for each size container.
- Fuel Component** - A fuel component of \$1.06 per cubic yard per month (\$0.24 per cubic yard) for a 1 cubic yard container collected once a week is included in the maximum rate for the quarter beginning July 1, 2011 and ending September 30, 2011. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/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.

**DROP BOX CONTAINERS**

- Pick up charge** - \$231.10 per pick up
- Rental**
  - \$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
- Disposal charge** - Actual charge to be paid by customer. Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of \$8.56 per ton will be added to the disposal charges.

**COMPACTORS**

**Front Loader Type:**

Compactor Rates						
Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
3 CY	\$264.60	\$529.20	\$793.80	\$1,058.40	\$1,323.00	\$1,587.60
4 CY	\$352.80	\$705.60	\$1,058.40	\$1,411.20	\$1,764.00	\$2,116.80
6 CY	\$529.20	\$1,058.40	\$1,587.60	\$2,116.80	\$2,646.00	\$3,175.20

**Roll-Off Type:**

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| 1. 6 CY to 40 CY                    | \$231.10 per pickup                  |
| 2. Medical waste compactors         | \$265.00 per pickup                  |
| 3. Washing compactor                | \$30.00                              |
| 4. Disposal Charge:                 | Actual charge to be paid by customer |
| 5. AB 939 Green Waste Diversion Fee | \$8.56 per ton                       |

**EXTRA PICKUPS**

- |                                      |                                |
|--------------------------------------|--------------------------------|
| 1. Standard containers or equivalent | \$3.50 plus \$1.38/container   |
| 2. Detachable containers             | \$12.00 plus \$2.75/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

**NOTATIONS**

- The above maximum rates include a \$0.25 per month residential recycling fee; a \$0.05 per cubic yard (\$0.22/cubic yard/month) commercial recycling fee; and a \$5.00 per pull (\$0.25 per ton) industrial recycling fee, a \$0.15 per month residential litter abatement fee, and a \$0.05 per cubic yard (\$0.22/cubic yard/month) commercial litter abatement fee.
- The above residential maximum rates include a \$1.63 per month per household AB 939 Green Waste Diversion Fee.
- The above commercial bin and front-loader compactor maximum rates include an AB 939 Green Waste Diversion Fee of \$2.92 per yard/month.
- The above maximum rates include Carpenter Road Landfill Mitigation Fees of \$0.25 per month on residential wastes, \$0.21 per cubic yard (\$0.90/cubic yard/month) on commercial wastes; and \$5.00 per pull on industrial wastes.
- 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. 2011-256**

**RESOLUTION ESTABLISHING A CAPACITY BANKING APPLICATION FEE  
IN THE AMOUNT OF \$400.00 PER TRANSACTION**

WHEREAS, at the January 27, 2009, Council meeting, Ordinance No. 3503-CS entitled “Wastewater Permitted Capacity Banking and Transfer” was approved and added to Article 9, Chapter 6 of Title 5 of the Modesto Municipal Code, and

WHEREAS, under Section 5-6.907(e) of the Modesto Municipal Code, it indicates that “The City shall charge an application review and processing fee in an amount to be set by the City to recover direct cost,” and

WHEREAS, a Capacity Banking Application Fee (CBAF) is paid at the time of application for transfer of permanent capacity transfers, and

WHEREAS, in the past, there have not been any fees associated with the CBAF. Capacity transactions are labor intensive requiring historical review, calculations, and audits, and this CBAF will recover these costs, and

WHEREAS, City staff has determined that the CBAF should be \$400.00 and should be charged for each application, and

WHEREAS, the CBAF recovers costs for Administrative and Management staff in the Public Works Department responsible for managing the Economic Incentive Wastewater Capacity Bank,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a capacity banking application fee in the amount of \$400.00 per transaction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA AECALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-256A**

**RESOLUTION ESTABLISHING A CAPACITY BROKERING FEE IN THE  
AMOUNT OF \$300.00 PER TRANSACTION**

WHEREAS, at the January 27, 2009, Council meeting, Ordinance No. 3503-CS entitled "Wastewater Permitted Capacity Banking and Transfer" was approved and added to Article 9, Chapter 6 of Title 5 of the Modesto Municipal Code, and

WHEREAS, under Section 5-6.903, is the introduction of the Wastewater Treatment Capacity Banking (Bank) which allows the City, using purchased, donated or other transfers, to bank, transfer, sell, lend or otherwise distribute portions of permitted capacity to other industrial or commercial sewer customers, and

WHEREAS, Section 5-6.907 states, "The City shall charge an application review and processing fee in an amount to be set by the City to recover direct cost;" therefore, staff has determined that the Capacity Brokering Fee (CBF) should be \$300.00.

WHEREAS, the CBF will be added to each invoice for transactions requiring the transfer of temporary capacity,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a capacity brokering fee in the amount of \$300.00 per transaction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-257**

**RESOLUTION APPROVING A LETTER OF UNDERSTANDING BETWEEN  
THE CITY OF MODESTO AND THE MODESTO CITY FIRE FIGHTERS'  
ASSOCIATION (MCFFA) WHICH INCLUDES OFFERING THE VOLUNTARY  
SEPARATION PROGRAM TO ELIGIBLE MCFFA-REPRESENTED  
EMPLOYEES AND FORFEITING THE THREE PERCENT (3%) WAGE  
INCREASE DUE JULY 5, 2011**

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto City Fire Fighters' Association (MCFFA) expires on December 20, 2010, and was modified and extended pursuant to Resolution No. 2009-269 and Resolution No. 2010-263, 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 a Letter of Understanding (LOU) which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the LOU provides as follows:

SECTION 1. TERMS. Except as modified in the LOU, all terms of the MOU and fully executed LOU's remain in full force and effect through the expiration of the MOU on June 30, 2013.

SECTION 2. VOLUNTARY SEPARATION INCENTIVE. The City shall offer eligible MCFFA-represented employees, as authorized by the City Manager, and who have been employed by the City for at least five (5) full years of continuous service in a regular position, the option of electing to participate in a Voluntary Separation Program.



The Voluntary Separation program will provide for a maximum Thirty Thousand Dollar (\$30,000) incentive for eligible employees who voluntarily separate between July 12, 2011 and August 1, 2011. The incentive formula is calculated based on one week's base pay multiplied by the number of completed years of continuous service. Additionally, employees approved to separate between August 2 and December 31, 2011, will be subject to a maximum of Fifteen Thousand Dollars (\$15,000) using the same formula.

SECTION 3. MINIMUM STAFFING POLICY. Effective July 1, 2011, Article 17, Section A of the MCFFA MOU is amended to provide that there shall be a minimum of thirty-four (34) suppression personnel on duty each shift, composed of three (3) employees per engine (Captain, Engineer and Firefighter) and three (3) employees per truck company (Captain, Engineer and Firefighter). The Fire Chief and MCFFA shall meet and discuss workload assignments given current staffing levels.

SECTION 4. FORFEITURE OF SALARY INCREASE. Employees shall forfeit the previously negotiated three percent (3%) wage increase due July 5, 2011.

WHEREAS, the Council considered this matter at its meeting of June 28, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Letter of Understanding between the City of Modesto and the Modesto City Fire Fighters' Association for a term ending June 30, 2013, contingent upon an affirmative ratification vote by the City of Modesto Fire Fighters' Association membership, and upon execution of same, a copy of the LOU 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 28<sup>th</sup> day of June, 2011, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-258**

**RESOLUTION AUTHORIZING THE CITY TO EXTEND THE VOLUNTARY SEPARATION PROGRAM TO ELIGIBLE UNREPRESENTED FIRE MANAGEMENT EMPLOYEES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN IMPLEMENTATION DOCUMENTS**

WHEREAS, the City has projected a budget shortfall for Fiscal Year 2011-12 as a result of the economic downturn, and

WHEREAS, in order to address the budget shortfall, and in an effort to reduce the number of employees impacted due to budget reductions, the City desires to offer eligible Unrepresented Fire Management employees, as authorized by the City Manager, and who have been employed by the City for at least five (5) full years of continuous service in a regular position, the option of electing to participate in a Voluntary Separation Program, and

WHEREAS, the City Manager is authorized to extend an employee's separation date, after consulting with the employee, under the Voluntary Separation Program to meet the needs and objectives of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City to extend the Voluntary Separation Program to eligible Unrepresented Fire Management employees upon separation as outlined in **Exhibit A**, entitled, "City of Modesto Voluntary Separation Program." The approved Voluntary Separation formula shall be as set forth therein.

The City Manager is authorized to extend Employee's separation date, after consulting with the Employee, under the Voluntary Separation Program to meet the needs and objectives of the City. No appeal of the City Manager's decision shall be permitted.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to sign implementation documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**City of Modesto**  
**2011 Unrepresented Fire Management Voluntary Separation Program**

1. Employees in identified classifications as set forth herein as **Attachment A**, who have completed at least five (5) full years of continuous service in a regular position are eligible to participate.
2. Any eligible employee who has been approved by the City Manager to voluntarily separate from the City between July 12, 2011 and August 1, 2011 shall receive a cash incentive based on years of service with the City to a maximum of \$30,000. The employee's last day on payroll shall be on or after July 12, 2011 and no later than August 1, 2011.

Any eligible employee who has been approved by the City Manager to voluntarily separate from the City after August 1, 2011 shall receive a cash incentive based on years of service with the City to a maximum of \$15,000. The employee's last day on payroll shall be on or after August 2, 2011 and no later than December 31, 2011.

3. The employee must notify the Human Resources Department, in writing no later than 4:30 p.m. on June 30, 2011, of his/her election to take this option.
4. The City Manager is authorized to accept or reject these elections, based on the needs of the City. There is no appeal of the City Manager's decision, nor is the City Manager's decision subject to the Grievance Procedure.
5. The City Manager is authorized to extend an employee's separation date under the Voluntary Separation Program, with the employee's agreement, to meet the needs of the City.
6. The actual incentive amount shall be calculated by multiplying the employee's number of completed years of continuous City of Modesto service, as of the employee's separation effective date, by the employee's base hourly rate multiplied by forty (40) hours or fifty-six (56) hours for Fire Department shift employees. For employees whose regular work schedule is less than 40 hours, the 40 hour calculation shall be reduced proportionally. Only continuous years of service in regular benefited positions will be qualifying. In no event shall the Incentive amount exceed \$30,000 for employees separating between July 12, 2011 and August 1, 2011 and not to exceed \$15,000 for employees separating between August 2, 2011 and December 31, 2011.
7. The method of distributing the Incentive must be on a bargaining unit-wide basis. No individual employee elections regarding the method of distribution will be permitted. (The City Manager shall determine the method of distribution for the Unrepresented group.) If no method of distribution is designated by any given employee Association, the distribution for that Association's bargaining unit shall be in cash and subject to all applicable taxes.
8. Distribution options may include Health Reimbursement Arrangements (HRA's) or cash.
9. The employee shall execute the Separation Agreement and Release of All Claims which is set forth herein as **Attachment B**.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-259**

**RESOLUTION APPROVING THE SALE OF WASTEWATER CAPACITY  
FROM THE CAPACITY BANK TO RIZO LOPEZ FOODS, INC. AS SPECIFIED  
IN MODESTO MUNICIPAL CODE SECTION 5-6.906(J)**

WHEREAS, Rizo Lopez Foods, Inc. has purchased the former Trim Masters Inc. site located at 201 South McClure Road in Modesto and is planning to begin operation December 2011, and

WHEREAS, at full production, Rizo Lopez will manufacture 75,000 pounds of cheese, 13,000 pounds of yogurt, and 41,000 pounds of sour cream per day, and

WHEREAS, Rizo Lopez will hire about 180 full-time employees with health insurance at salaries above minimum wage to meet its production projections, and

WHEREAS, based on Rizo Lopez's project production of food products, they will need a significant amount of wastewater treatment capacity, and

WHEREAS, in order to assist Rizo Lopez in the development of its new production plant, staff is recommending that 100% of the available wastewater capacity in the Capacity Bank be made available to Rizo Lopez, and

WHEREAS, this recommendation will provide Rizo Lopez with a reduction of \$443,624.98 in wastewater capacity charges, and

WHEREAS, it should be noted that while there is enough flow and Biochemical Oxygen Demand (BOD) capacity in the Capacity Bank, there is not enough Total Suspended Solids (TSS) capacity to address all of Rizo Lopez's TSS capacity needs, and

WHEREAS, Rizo Lopez will need to purchase 183,574 pounds per year of TSS from available new treatment capacity in the City's wastewater treatment facility at the current capacity charge, and

WHEREAS, staff is also recommending that the five-year capacity charge payment schedule be applied that was recently developed through the Comprehensive Fees Task Force, and approved by Council on March 22, 2011, and

WHEREAS, this will allow Rizo Lopez to pay its capacity charge at a monthly rate over a five-year period (as opposed to a lump sum payment), and

WHEREAS, the capacity bank charge for Rizo Lopez will be approximately \$1,485,812.00, and

WHEREAS, staff will evaluate actual usage and capacity needs by Rizo Lopez over a 12-month period of operation, and at the end of the 12 months, an assessment would be made to confirm actual capacity demands and make any necessary adjustments at that time,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of Wastewater Capacity from the Capacity Bank to Rizo Lopez Foods, Inc., as specified in Modesto Municipal Code Section 5-6.906(j).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28<sup>th</sup> day of June, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-260**

**RESOLUTION ACCEPTING THE STRATEGIC GROWTH COUNCIL'S  
PROPOSITION 84 COUNTYWIDE PLANNING GRANT, IN THE AMOUNT OF  
\$92,000, ON BEHALF OF THE COMMUNITY & ECONOMIC DEVELOPMENT  
DEPARTMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS  
DESIGNEE, TO EXECUTE ANY NECESSARY GRANT CONTRACTS AND  
RELATED DOCUMENTS**

WHEREAS, the people of the State of California approved Proposition 84 in 2006, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act, which also authorized the Legislature to appropriate \$90 million for planning grants and incentives to reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits, and

WHEREAS, the California Strategic Growth Council has the authority to award grants of financial assistance for the development and implementation of plans that reduce greenhouse gas emissions and achieve other specified public objectives, and

WHEREAS, the City of Modesto is participating in a Proposition 84 grant application prepared and administered by County staff to assist in updating general plans, community plans, specific plans; revise development codes; prepare corridor studies; develop energy and water efficiency, conservation, and innovation programs; engage the community in developing smart growth programs; and coordinate implementation strategies and capacity building, which will allow Stanislaus County agencies to have greater influence over future development patterns that are consistent with both the San Joaquin Valley Blueprint and the greenhouse gas reduction goals of AB 32 and SB 375, and

WHEREAS, on August 10, 2010, the City Council, by Resolution No. 2010-375, approved the City's joint applications with other cities in Stanislaus County, the County of Stanislaus, and the Stanislaus Council of Governments for Proposition 84 grant funding with a in-lieu match of staff time, and

WHEREAS, the County of Stanislaus submitted a grant application to the Strategic Growth Council for a Proposition 84 Countywide Planning Grant as authorized by City Council, and

WHEREAS, the Strategic Growth Council reviewed the grant application and awarded the project a Proposition 84 Planning Grant including \$92,000 for the City of Modesto's portion of the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the \$92,000 Proposition 84 Countywide Planning Grant from the Strategic Growth Council, and authorizes the \$18,000 matching funds of in-lieu staff time.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute any grant contracts and related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of July, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-261**

**RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 MULTI-YEAR  
OPERATING GRANT FUND BUDGET TO ESTABLISH A NEW MULTI-YEAR  
BUDGET FOR THE STRATEGIC GROWTH COUNCIL'S PROPOSITION 84  
COUNTYWIDE PLANNING GRANT AND TO APPROPRIATE \$92,000 IN GRANT  
REVENUE AND EXPENSE**

WHEREAS, the people of the State of California approved Proposition 84 in 2006, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act, which also authorized the Legislature to appropriate \$90 million for planning grants and incentives to reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits, and

WHEREAS, the California Strategic Growth Council has the authority to award grants of financial assistance for the development and implementation of plans that reduce greenhouse gas emissions and achieve other specified public objectives, and

WHEREAS, the City of Modesto is participating in a Proposition 84 grant application prepared and administered by County staff to assist in updating general plans, community plans, specific plans; revise development codes; prepare corridor studies; develop energy and water efficiency, conservation, and innovation programs; engage the community in developing smart growth programs; and coordinate implementation strategies and capacity building, which will allow Stanislaus County agencies to have greater influence over future development patterns that are consistent with both the San Joaquin Valley Blueprint and the greenhouse gas reduction goals of AB 32 and SB 375, and

WHEREAS, on August 10, 2010, the City Council, by Resolution No. 2010-375, approved the City's joint applications with other cities in Stanislaus County, the County of Stanislaus, and the Stanislaus Council of Governments for Proposition 84 grant funding with a in-lieu match of staff time, and

WHEREAS, the County of Stanislaus submitted a grant application to the Strategic Growth Council for a Proposition 84 Countywide Planning Grant as authorized by City Council, and

WHEREAS, the Strategic Growth Council reviewed the grant application and awarded the project a Proposition 84 Planning Grant including \$92,000 for the City of Modesto's portion of the project, and

WHEREAS, the Fiscal Year 2011-2012 Multi-Year Operating Grant Fund budget must be amended as shown in **Exhibit A**, which is **attached** to this resolution and incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Fiscal Year 2011-2012 Multi-Year Operating Grand Fund budget as shown on the **attached Exhibit A**.

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 5<sup>th</sup> day of July, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## Request for Budget Adjustment (Projects and Grants)

Contact Person: Debbie Magdaleno  
 Telephone: 577-5473  
 Submitting Department: CEDD

Council Action Date: 7/5/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: 5/16/2011

Project Name: Prop 84 Countywide Form Based Code Fiscal Year being Adjusted: MY

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

<b>FROM</b>								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
<b>TO</b>								
MY	- 1341	- 14999	- 3162	- 100603	\$0	\$92,000	\$92,000	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

<b>FROM</b>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
<b>TO</b>							
MY	- 100603	- Appr Unit C	Postage	\$0	\$1,000	\$1,000	CED.Planning
MY	- 100603	- Appr Unit (-	Printing & Binding	\$0	\$2,000	\$2,000	CED.Planning
MY	- 100603	- Appr Unit (-	Svcs City Forces - Interfund	\$0	\$88,000	\$88,000	CED.Planning
MY	- 100603	- Appr Unit (-	Office Supplies	\$0	\$1,000	\$1,000	CED.Planning

**Justification for Budget Adjustment**

This action is to establish a new multi-year budget for the Prop 84 Countywide Form Based Code grant. This action was presented to Council on June 7, 2011.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-262

**RESOLUTION APPROVING THE TRANSFER OF FOUR (4) PARCELS (APNs 106-042-001, 106-042-002, 106-042-003 and 106-042-004) OWNED BY THE REDEVELOPMENT AGENCY TO THE CITY OF MODESTO, AND MAKING CERTAIN FINDINGS RELATING THERETO**

WHEREAS, the City Council of the City of Modesto (“City”) approved and adopted the Modesto Redevelopment Plan (“Redevelopment Plan”) for the Modesto Redevelopment Project (the “Project Area”), and

WHEREAS, the Redevelopment Agency of the City of Modesto (“Agency”) is engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000, *et seq.*) (“CRL”), and

WHEREAS, for the improvement of the Project Area and the immediate neighborhoods in which the Project Area is located, the Agency has recognized the need for certain public improvements, which improvements are located within the boundaries of the Project Area, and

WHEREAS, in accordance with the CRL, the Agency has used its tax increment funds received pursuant to CRL Section 33670 to pay for all or part of the cost of the value of land for certain properties located within the Project Area (collectively, the “Agency Properties”), as listed on the **attached Exhibit A**, and

WHEREAS, in response to the Governor’s proposed State budget package and proposals for FY 2011-2012, which include recommending the elimination of redevelopment agencies “to realign the delivery of state services to counties and local governments” and eliminate a projected State deficit of \$25.4 billion, the City Manager



and Agency Executive Director have proposed the transfer of the Agency Properties to the City to avoid losing control of these properties, and provide flexibility to preserve local public assets, and

WHEREAS, the Governor's budget proposal threatens the ability of the Agency to control the use of the Agency Properties, and control of the use of the Agency Properties is important to successful redevelopment of the Project Area, and

WHEREAS, transfer of the Agency Properties to the City is necessary in order to continue to carry out the Redevelopment Plan, and

WHEREAS, CRL Section 33430 authorizes a redevelopment agency to sell, lease, exchange, subdivide, transfer, assign, encumber and dispose of any real property or any interest in real property, and

WHEREAS, the City Council has considered all terms and conditions of the proposed transfer, and has determined that the proposed action is in the best interests of the City and in accord with the public purposes and provisions of applicable State and local laws, and

WHEREAS, the Agency is the lead agency pursuant to the California Environmental Quality Act (codified as Public Resources Code Sections 21000 *et seq*) ("CEQA") and the State CEQA Guidelines, and

WHEREAS, Agency staff has determined that the Agency's authorization of the transfer of the Agency Properties is exempt from CEQA, pursuant to the CEQA Guidelines set forth in California Code of Regulations, Title 14, Section 15378(b)(5), which provides that such authorizations are not considered a project subject to CEQA

review because the transfer of the Agency Properties is an organizational activity that will not result in direct or indirect physical changes in the environment,

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

Section 1. Recitals: The Recitals set forth above are true and correct and incorporated herein.

Section 2. Findings: The Council hereby finds and determines, based on the Recitals set forth above and the information made available in the staff report accompanying this resolution, the oral presentation of City staff, and all other written and oral evidence presented to the Council, that the Agency's transfer of the Agency Properties is of benefit to the Project Area because the transfer of the Agency Properties to the City: (1) is in the best interest of the City and the health, safety, morals and welfare of its residents, businesses, tenants, and property owners, and (2) will assist in the elimination of one or more blighting conditions in the Project Area, stimulate economic development and minimize depreciated or stagnant property values and high business vacancies, while improving aesthetics and visibility in the Project Area.

Section 3. Transfer Authorization: In the event that the adoption of legislation is imminent, or legislation is adopted, whereby the Agency is disestablished, prohibited from continuing activities or making any new agreements for non-affordable housing related matters under the CRL, the Council authorizes and directs the City Manager, with the concurrence of the City Attorney, to execute and deliver on behalf of the City, one or more grant deeds for the conveyance of the Agency Properties listed on **Exhibit A** to the City and to take any action and execute any other documents as may be necessary to

implement this resolution. Should it be later discovered that the Agency owns other properties not shown on **Exhibit A**, the Council further authorizes and directs that those properties be transferred to the City immediately upon discovery.

Section 4. CEQA: The City directs and authorizes that a Notice of Exemption shall be filed with the Clerk of the County of Stanislaus, California, within five (5) working days following the date of adoption of this resolution.

Section 5. Effective Date: This resolution shall take effect immediately upon its adoption.

Section 6. Certification: The City Clerk shall certify to the passage and adoption of this resolution and the same shall thereupon take effect and be in force immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



APN: 106042001 – Parking Lot

<b>Council District:</b>	District 2
<b>Zoning:</b>	DC
<b>General Plan:</b>	RPD
<b>CFD:</b>	None
<b>Redevelopment Area:</b>	C, R, P
<b>SOI:</b>	Modesto
<b>Fire Management Areas:</b>	Station 1
<b>Specific Plan:</b>	None
<b>Annexation:</b>	Original City
<b>Perimeter (Ft.):</b>	430.04879223495
<b>Square Footage:</b>	10502.7489980067

APN: 106042002 – Parking Lot

<b>Council District:</b>	District 2
<b>Zoning:</b>	DC
<b>General Plan:</b>	RPD
<b>CFD:</b>	None
<b>Redevelopment Area:</b>	C, R, P
<b>SOI:</b>	Modesto
<b>Fire Management Areas:</b>	Station 1
<b>Specific Plan:</b>	None
<b>Annexation:</b>	Original City
<b>Perimeter (Ft.):</b>	380.038722727459
<b>Square Footage:</b>	7001.78481590446

APN: 106042003 – Parking Lot

<b>Council District:</b>	District 2
<b>Zoning:</b>	DC
<b>General Plan:</b>	RPD
<b>CFD:</b>	None
<b>Redevelopment Area:</b>	C, R, P
<b>SOI:</b>	Modesto
<b>Fire Management Areas:</b>	Station 1
<b>Specific Plan:</b>	None
<b>Annexation:</b>	Original City
<b>Perimeter (Ft.):</b>	380.039515499222
<b>Square Footage:</b>	7001.83721893764

APN: 106042004 – Parking Lot

<b>Council District:</b>	District 2
<b>Zoning:</b>	DC
<b>General Plan:</b>	RPD
<b>CFD:</b>	None
<b>Redevelopment Area:</b>	C, R, P
<b>SOI:</b>	Modesto
<b>Fire Management Areas:</b>	Station 1
<b>Specific Plan:</b>	None
<b>Annexation:</b>	Original City
<b>Perimeter (Ft.):</b>	380.039584655545
<b>Square Footage:</b>	7001.82319021312

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-263**

**RESOLUTION AUTHORIZING A 60-DAY EXTENSION OF THE  
IRREVOCABLE DIRECT PAY LETTER OF CREDIT SUPPORTING THE  
GENERAL FUND'S LEASE REVENUE REFUNDING BONDS, SERIES 2008,  
AND RATIFYING THE CITY MANAGER'S EXECUTION OF THIS  
EXTENSION**

WHEREAS, the City has issued General Fund Lease Revenue Refunding Bonds, Series 2008 (Bonds) with an outstanding amount of \$63,255,000, and WHEREAS, the Bonds were issued to refund the Series 1998 and Series 2007 Lease Revenue Bonds (together the "Prior Bonds"), and

WHEREAS, the Prior Bonds were issued in order to assist in the financing of certain public capital improvements in the City which consist of the following: (i) the Redevelopment Agency's parking garage, (ii) the City's one-half interest in the City-County JPA's administration building, (iii) the City's police headquarters building and police operations building, (iv) certain miscellaneous City properties and (v) the City's one-half undivided interest in the Communications Dispatch Center, and

WHEREAS, the City has an irrevocable direct pay Letter of Credit (LOC) with Bank of America, and

WHEREAS, the Bank of America LOC has an annual fee of .60%, and

WHEREAS, the Bank of America LOC expires on August 1, 2011, and

WHEREAS, the Bonds require the City maintain this liquidity support, and

WHEREAS, in December 2010, the City began discussion with Bank of America to renew the LOC on the Bonds, and

WHEREAS, the City, with assistance from Public Financial Management, Inc. (PFM), issued a Request for Proposal to financial institutions for a new LOC to provide liquidity support to the Bonds, and

WHEREAS, the City did not receive any responses to the Request for Proposal, and

WHEREAS, on June 10, 2011, Bank of America offered the City a one-year LOC, and

WHEREAS, Bank of America also offered the City a 60-day extension of the existing LOC at 1.40% which will result in additional costs of \$85,00 during this period, and

WHEREAS, the 60-day extension had to be executed on or before June 30, 2011, and

WHEREAS, the City Manager executed the extension prior to June 30, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a 60-day extension of the irrevocable direct pay Letter of Credit supporting the General Fund's Lease Revenue Refunding Bonds, Series 2008.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby ratifies the City Manager's execution of the 60-day extension prior to June 30, 2011.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-264**

**A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT  
BETWEEN THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO  
FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT  
(JAG) FORMULA PROGRAM FISCAL YEAR 2011 LOCAL SOLICITATION  
AUTHORIZING A JOINT APPLICATION WITH THE COUNTY OF  
STANISLAUS, AND AUTHORIZING THE CITY MANAGER, OR HIS  
DESIGNEE, TO EXECUTE THE GRANT APPLICATION UPON AWARD**

WHEREAS, the allocation of Edward Byrne Memorial Justice Assistance Grant (JAG) is based on a formula of population and violent crime statistics, in combination with a minimum allocation to ensure that each state and territory received an appropriate share of funding, and

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 \$131,513 and Stanislaus County is eligible for \$54,686, and

WHEREAS, the City of Modesto Police Department is considered a "disparate" under the terms of this grant because the City is eligible to receive one and one-half times more 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 \$186,199 and

WHEREAS, recommended distribution of the 2011 JAG funds is as follows:

Probation	\$ 13,261
Sheriff	\$ 39,784
Sheriff (Administrative Fee)	\$ 5,586
Modesto Police Department	\$127,568



WHEREAS, the City of Modesto will use its allocation to purchase personal recording devices and an additional computer server to store the videos, and

WHEREAS, there is no match required for this grant, and

WHEREAS, the awards are made in the first fiscal year of the appropriation and may be expended during the following three years for a total of four years, 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 \$3,945 to cover the reporting costs associated with the grant, and

WHEREAS, the administrative fee reduces the City's total projected grant award to \$127,568 (\$131,513 less the 3% administrative fee of \$3,945), and

WHEREAS, the grant requires that a trust fund must be established for fund deposits, and funds cannot be commingled with funds from any other source, and

WHEREAS, the Memorandum of Agreement states that the City agrees to provide the County a quarterly financial and programmatic report not later than five calendar days after the end of the quarter, and

WHEREAS, grant requires a signed Memorandum of Understanding for the application,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Fiscal Year 2011 Local Solicitation, authorizing a joint application with the County of Stanislaus.

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 at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-265**

**RESOLUTION APPROVING A GRANT DEED WITH STANISLAUS COUNTY THAT WIDENS ITS RIGHT-OF-WAY ON WEST MAIN STREET REQUIRED BY THE MEMORANDUM OF UNDERSTANDING RELATED TO THE JENNINGS ROAD TREATMENT PLANT ANNEXATION; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE GRANT DEED**

WHEREAS, on August 4, 2010, the City Council, by Resolution No. 2010-347, approved a Memorandum of Understanding (MOU) between the City of Modesto and the County of Stanislaus regarding the dedication of right-of-way along West Main Street, and

WHEREAS, the MOU was approved as part of the City's application to annex 4,665 acres located at 7007 Jennings Road, which is used for Secondary Wastewater Treatment Plant operations, and

WHEREAS, the annexation was approved and recorded on January 10, 2011, and

WHEREAS, the MOU defines the responsibilities of each agency regarding the 1.77 miles of West Main Street that passes through the annexed land, and

WHEREAS, one of the requirements of the MOU is that the City will grant the County a grant deed for 20 feet of right-of-way consisting of 10 feet on each side of West Main Street as it passes through the annexed area, and

WHEREAS, this will bring the right-of-way width for West Main Street into conformance with Stanislaus County road standards for its future development as a four-lane Class "C" expressway with a right-of-way width of 110 feet,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant Deed with Stanislaus County that widens its right-of-way

on West Main Street required by the Memorandum of Understanding related to the Jennings Road Treatment Plant.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute the Grant Deed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion be duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-266**

**RESOLUTION FREEZING THE ANNUAL INFLATIONARY ADJUSTMENT  
FOR THE WASTEWATER CAPACITY CHARGE AND THE WATER  
CONNECTION CHARGE FOR FISCAL YEAR 2011/2012**

WHEREAS, Section 5-6.801 of the Modesto Municipal Code (MMC) provides that the Council may establish by resolution charges for the connection of property to the sewage system, and

WHEREAS, on May 8, 2007, by Resolution No. 2007-287, the City Council authorized the Director of Public Works to administratively make an annual inflation adjustment to the Wastewater Capacity Charges, and

WHEREAS, Section 11-1.04 of the MMC authorizes the Council, by resolution, to establish charges for water service installation, and MMC Section 11-1.05 authorizes the Council, by resolution, to establish charges for water main connection charges, and MMC Section 11-6.05 authorizes the Council, by resolution, to establish charges for metered water services, and MMC Section 11-6.06 authorizes the Council, by resolution, to establish charges for unmetered water services, and

WHEREAS, on November 23, 2004, the City Council, by Resolution No. 2004-627, rescinded all previous water fee resolutions, establishing a single rate base, and establishing fees for the provision of water and all fees associated with water operations and management, and

WHEREAS, on April 26, 2005, the City Council, by Resolution No. 2005-204, amended Sections 3 and 14 of Resolution No. 2004-267 to clarify that water connection charges are actual hookup fees and are not land based, and

WHEREAS, on October 4, 2005, the City Council, by Resolution No. 2005-492, amended and restated Resolution No. 2005-282 to add section 10A clarifying policy issues on water connection fees and amending Section 14, footnote 1 to clarify inflation adjustment for connection charges, and

WHEREAS, on November 4, 2009, the City Council, by Resolution No. 2009-519, established the Utility Planning and Projects Department and the position of Director of Utility Planning and Projects who would assume a portion of the duties previously assigned to the Director of Public Works,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby freezes the annual inflationary adjustment for the Wastewater Capacity Charge and the Water Connection Charge for Fiscal Year 2011/2012.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-267**

**A RESOLUTION APPROVING A REPAYMENT SCHEDULE FOR THE LOAN  
ISSUED BY THE CITY OF MODESTO TO THE MODESTO  
REDEVELOPMENT AGENCY**

WHEREAS, from 1984 to 2004, the City of Modesto made annual loans to the Redevelopment Agency for payment of debt service, projects and staff administration, and

WHEREAS, the total principal amount of the City loans to the Agency is \$21,578,400, and

WHEREAS, in accordance with the agreement between the City and the Agency there was a 7% interest rate attached to the loans, and

WHEREAS, in January 2008, the Agency made a loan payment in the amount of \$1,300,000, and

WHEREAS, in 2009 the Agency made a payment of \$250,000, and

WHEREAS, the total principal only balance due is now \$20,028,400, and

WHEREAS, in June of 2008, the Agency adopted the Fiscal Year 2009-2010 budget, which contained the following loan repayment schedule:

- A Minimum of \$1 Million in Net Revenue is required in a given fiscal year before a loan repayment to the City is considered for that fiscal year.
- If the Net Tax Increment equals \$1 Million in a given fiscal year, then minimum annual repayment to the City will be \$100,000, or a set 10%, whichever is greater.
- The last 10 years of Net Tax Increment of the Redevelopment Agency (Years 2032-2042) will go entirely to loan repayment to the City to ensure that the loan is not repaid before 2042, and

WHEREAS, based on this schedule, the projected first fiscal year of repayment by the Agency to the City is Fiscal Year 2014-2015.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the loan repayment schedule as noted above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-268**

**RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF  
MODESTO, ACTING AS THE GOVERNING BODY OF ALL ITS COMMUNITY  
FACILITIES DISTRICTS, TO ORDER JUDICIAL FORECLOSURE OF  
DELINQUENT ANNUAL SPECIAL FACILITIES TAXES PURSUANT TO THE  
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, AND TO ORDER  
THAT THE STANISLAUS COUNTY TAX COLLECTOR BE CREDITED WITH  
THOSE TAXES**

WHEREAS, the City of Modesto ("City") has conducted proceedings resulting in the formation of Community Facilities Districts ("CFDs") and the issuance and sale of bonds or debt pursuant to the Mello-Roos Community Facilities Act of 1982 (Cal. Gov. Code Section 53311, et seq.; the "Act"), and

WHEREAS, pursuant to the Act, the City has duly recorded Notices of Special Tax Lien and has duly and regularly levied special taxes, which special taxes and interest and penalties thereon constitute a lien against the parcel of the land against which it was levied until the same are paid, which liens secure in whole or part debt issued pursuant to the Act, and

WHEREAS, certain installments of the special taxes have not been paid when due, and certain special taxes may not be paid when due in the future, and

WHEREAS, pursuant to Section 53356.1(a) of the Act, the CFDs are authorized to order the special taxes collected by an action brought in the Superior Court to foreclose their liens, and

WHEREAS, pursuant to Section 53356.1(b) of the Act, the CFDs covenanted for the benefit of owners of the debt to file such foreclosure actions on behalf of the debt holders and are authorized to order the County Auditor to credit the delinquent special taxes upon the secured tax roll, thus relieving the County Tax Collector of further duty

and regard thereto, and

WHEREAS, on July 12, 2011, the City Council, by Resolution No. 2011-269, authorized the City Manager to execute an Amendment No. 1 to Task Order No. 1 to the Master Professional Services Agreement with Goodwin Consulting Group, Inc., a firm experienced and qualified to process such judicial collection and foreclosure actions,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto, acting as the governing body of all of the City of Modesto Community Facilities Districts that:

1. The City finds that the Act authorizes the filing of judicial foreclosure lawsuits to collect delinquent special taxes, and hereby orders that the delinquent special taxes listed on the **attached Exhibit A** and all future delinquent special taxes as to such property, be collected by action brought in the appropriate Superior Court to foreclose the liens thereof.

2. City staff in conjunction with special counsel and other City consultants are authorized and directed if and as applicable, pursuant to Government Code Section 53356.2: 1) to record notices of intent to remove the delinquent special taxes from the tax rolls, and 2) to request that the applicable County officials remove current and future delinquent special taxes from the tax rolls.

3. The Act provides for the payment of the costs and attorneys fees for prosecution of the foreclosure lawsuits on redemption prior to entry of judgment as well as on post-judgment redemption, and hereby authorizes Attorney to require payment on its behalf of all costs and all attorneys' fees incurred to collect the delinquent special taxes as a condition of such redemption as provided in the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Exhibit "A"

Delinquent Parcels as of June 10, 2011  
Missed 3 or More Installments

APN	CFD	Tax Year	Unpaid Taxes
056-096-065-000	CFD 2003-1 (Fairview Village)	2009	\$943.72
		2010	\$962.60
077-055-076-000	CFD 2004-1 (Village One #2)	2009	\$551.79
		2010	\$1,125.66

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-269

**A RESOLUTION APPROVING AMENDMENT NO. 1 TO TASK ORDER NO. 1 TO THE MASTER PROFESSIONAL SERVICES AGREEMENT FOR CONSULTANT SERVICES WITH GOODWIN CONSULTING GROUP, INC. TO SERVE AS FORECLOSURE COUNSEL FOR THE ADMINISTRATION, COLLECTION AND JUDICIAL FORECLOSURE OF DELINQUENT ANNUAL SPECIAL FACILITIES TAXES PURSUANT TO THE MELLO-ROOS ACT OF 1982, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER NO. 1**

WHEREAS, the City Council is desirous of administering and maintaining its existing Community Facilities Districts (“CFDs”), and

WHEREAS, on February 13, 2007, the City Council, by Resolution No. 2007-105, approved a Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. (“Consultant”) for the administration of CFDs, and

WHEREAS, on July 24, 2007, the City Council, by Resolution No. 2007-433, approved Task Order No. 1 for the administration of the City’s then existing CFDs, and

WHEREAS, Consultant has prepared Amendment No. 1 to Task Order No. 1 (“Amendment”) to serve as Foreclosure Counsel for the administration, collection and judicial foreclosure of delinquent annual special facilities taxes, **attached** hereto as **Exhibit “A”** and incorporated herein by reference, and

WHEREAS, the Foreclosure Counsel is funded by payment from property owners as part of the delinquency recovery, and in the event recovery from property owner is not possible, then the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) and City of Modesto Community Facilities District No. 2004-1 (Village One #2) will be responsible for the payment of Foreclosure Counsel’s advanced fees, costs, and expenses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 1 to Task Order No. 1 to the Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. to serve as Foreclosure Counsel for the administration, collection and judicial foreclosure of delinquent annual special facilities taxes.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute Amendment No. 1 to Task Order No. 1.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Exhibit A

**AMENDMENT NO. 1 TO TASK ORDER NO. 1  
FOR GOODWIN CONSULTING GROUP INC. MASTER PROFESSIONAL  
SERVICES AGREEMENT FOR CONSULTANT SERVICES**

This AMENDMENT NO. 1 TO TASK ORDER NO. 1, made and entered into in the City of Modesto, State of California, this \_\_\_\_ day of \_\_\_\_\_, by and between the CITY OF MODESTO, a Charter City and municipal corporation of the State of California, hereinafter referred to as "CITY", and GOODWIN CONSULTING GROUP, INC., hereinafter referred to as "CONSULTANT".

RECITALS: This Amendment No. 1 to Task Order No. 1 is made with reference to the following recitals:

- A. A Master Professional Services Agreement for Consultant Services was entered into between CITY and CONSULTANT on February 13, 2007,
- B. Task Order No. 1 to the Master Professional Services Agreement for Consultant Services was entered into between CITY and CONSULTANT on June 24, 2011,
- C. CITY and CONSULTANT desire that CONSULTANT perform the additional services identified in the attached Exhibit "C".

NOW, THEREFORE, the parties hereto mutually agree as follows:

- 1. Section 2 of Task Order No. 1 to the Master Professional Services Agreement for Consultant Services shall be amended to read as follows:

SCOPE OF SERVICES. Consultant shall perform the services described in Exhibit "A", Exhibit "B", Exhibit "C" and Exhibit "D" attached hereto and incorporated herein by reference. CONSULTANT shall not replace its Authorized

## Exhibit A

Representative, nor shall CONSULTANT use any subcontractors or subconsultants not listed in this Task Order, without the prior written consent of the CITY.

2. Section 4 of Task Order No. 1 to the Master Professional Services Agreement for Consultant Services shall be amended to read as follows:

COMPENSATION: For services performed by CONSULTANT in accordance with Amendment No. 1 to Task Order No. 1, CONSULTANT agrees to accept a sum not to exceed \$77,500 annually for annual administration services. CONSULTANT shall be paid at the times and in the manner set forth in Paragraph 3 of the Master Professional Services Agreement, unless expressly provided otherwise in the attached Amendment No. 1 to Task Order No. 1.

For services performed by CONSULTANT in accordance with Amendment No. 1 to Task Order No. 1 for services related to delinquent special tax management and coordination of foreclosure activities, CONSULTANT agrees to defer all fees and advance all costs and expenses and will receive payment from the property owners as part of the delinquency recovery. CONSULTANT shall be paid at the times and in the manner set forth in Paragraph 3 of the Master Professional Services Agreement, unless expressly provided otherwise in the attached Amendment No. 1 to Task Order No. 1.

3. Except as otherwise provided herein, each and every and all of the terms and conditions of the Master Professional Services Agreement for Consultant Services between the parties dated June 24, 2007 are hereby incorporated by reference, and shall continue in full force and effect.



Exhibit A

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Amendment No. 1 to Task Order No. 1 for Goodwin Consulting Group, Inc. Master Professional Services Agreement for Consultant Services in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2011-\_\_\_\_, adopted by the Council of the City of Modesto on the \_\_\_\_ day of \_\_\_\_\_, 2011. and CONSULTANT has caused this Amendment No. 1 to Task Order No. 1 to be duly executed.

CITY OF MODESTO,  
a municipal corporation

CONSULTANT,  
GOODWIN CONSULTING GROUP,  
INC.

By \_\_\_\_\_  
GREG NYHOFF, City Manager

By \_\_\_\_\_  
Name Title

By \_\_\_\_\_  
Name Title

APPROVED AS TO FORM:  
SUSANA ALCALA WOOD, City Attorney  
(Seal)

By \_\_\_\_\_  
ROLAND STEVENS,  
Assistant City Attorney

Consultant's Federal  
ID # \_\_\_\_\_

ATTEST:

*\* Corporations - signature of two (2) officers  
required or one (1) officer plus corporate seal.*

By \_\_\_\_\_  
STEPHANIE LOPEZ, City Clerk

*Partnership - signature of a partner required*

**EXHIBIT A**

**GOODWIN CONSULTING GROUP, INC.**

**TASK ORDER 1**

**SCOPE OF WORK FOR ANNUAL ADMINISTRATION**

**CARVER BANGS CFD No. 1998-2**  
**COFFEE CLARATINA CFD No. 2000-2**  
**FAIRVIEW VILLAGE CFD No. 2003-1**  
**NORTH BEYER CFD No. 1997-1**  
**NORTH POINTE CFD No. 2002-1**  
**VILLAGE ONE CFD No. 1996-1**  
**VILLAGE ONE CFD No. 2004-1**  
**ENTERPRISE BUSINESS PARK CFD No. 1998-1**

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This task order sets forth the scope of work and fee schedule for Goodwin Consulting Group, Inc. (GCG) to provide services related to the annual administration of the City of Modesto Community Facilities Districts (CFD) listed above. Five of the eight CFDs do not allow for the issuance of bonds and, therefore, a separate scope of services is provided for these CFDs in Section I below. Section II includes all tasks associated with levying the special tax, complying with continuing disclosure requirements, and preparing arbitrage rebate calculations for CFD No. 2003-1 (Fairview Village) and CFD No. 2004-1 (Village One #2).

***SECTION I. CFDs WITHOUT BOND ISSUANCE AUTHORITY***

This Section I shall apply to the following City of Modesto CFDs:

- Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder)
- Community Facilities District No. 2000-2 (Coffee-Claratina)
- Community Facilities District No. 1997-1 (North Beyer)
- Community Facilities District No. 2002-1 (North Pointe)
- Community Facilities District No. 1996-1 (Village One)
- Community Facilities District No. 1998-1 (Enterprise Business Park)

Each fiscal year, GCG will prepare the special tax levy for the CFDs listed above pursuant to the adopted Rate and Method of Apportionment of Special Tax for each CFD. Preparation of the levy will include the following tasks:

## Exhibit A

- (1) GCG will update the database with land use, parcel and acreage data provided by the Districts.
- (2) GCG will consult with the Districts to confirm the following items and determine the amount of the levy: (i) maintenance costs to be funded by the CFDs, (ii) CFD administrative costs, and (iii) surplus/deficits in CFD accounts.
- (3) GCG will determine the special tax that will be levied on each parcel within each CFD to generate the amount needed to pay the annual maintenance expenses and will submit the corresponding levy to the Stanislaus County Auditor-Controller's Office.
- (4) GCG will provide the Districts with an annual summary of the components of the special tax calculation and levy. This summary will include a list of Assessor's parcels that will be taxed in the then current fiscal year and the corresponding special tax that will be levied on each parcel.
- (5) After April 10<sup>th</sup>, GCG will determine if there have been special tax delinquencies in the CFDs, discuss the amount of such delinquencies with the Districts, and if requested, prepare demand letters to the owners of such delinquent parcels.
- (6) GCG will provide the County Tax Collector's Office with a GCG contact name and phone number to allow us to field calls from homeowners, realtors, appraisers, title companies, and other interested parties. The Districts can also forward all calls directly to GCG, and calls will generally be returned the day they are received.

### ***SECTION II. CFDs WITH BOND ISSUANCE AUTHORITY***

This Section II shall apply to the following City of Modesto CFDs:

- Community Facilities District No. 2003-1 (Fairview Village)
- Community Facilities District No. 2004-1 (Village One #2)

Each fiscal year, GCG will provide the following tasks for each of the CFDs listed above to ensure submittal of the special tax levy, compliance with continuing disclosure requirements, and monitoring arbitrage earned on CFD accounts.

## Exhibit A

### A. CFD SPECIAL TAX ADMINISTRATION

#### 1. Database Development

With parcel and building permit data provided by City staff, GCG will construct a database that will be used to calculate the annual special tax levy for each CFD. This task will include the following:

**Map, Parcel and Permit Data:** Coordinate with City staff to obtain information needed for the allocation of special taxes, including assessor parcel numbers (APNs), date of subdivision and building permit issuance, property use, and acreage for each parcel in the CFDs in each fiscal year.

**Classification of Property:** Pursuant to the Rate and Method of Apportionment (RMA) of Special Tax for each CFD, categorize each parcel to the appropriate special tax classification.

**Database Management:** Prepare a database for the CFDs which will contain all properties, parcel numbers, assigned tax categories, and other relevant information which will allow for the assignment of the special tax pursuant to the RMA.

#### 2. Annual Special Tax Levy Calculation

GCG will calculate the special tax levy for each taxable parcel in each CFD by applying the Rate and Method of Apportionment of Special Tax. GCG will identify all CFD expenses including annual debt service, administrative expenses, and collection costs. Any applicable surplus special taxes, interest earnings, and other credits will be applied to reduce the annual special tax levy.

#### 3. Annual CFD Administration Report Preparation

GCG will annually prepare a special tax administration report for each CFD which contains the results of our parcel research and findings of the financial analysis. An explanation of the methodology employed to calculate the special taxes levied will be incorporated. The report will also include annual reporting items required by Senate Bill 165 (Local Agency Special Tax and Bond Accountability Act). The appendix to this report will identify the special tax levy for each assessor's parcel for the fiscal year.

#### 4. Annual Special Tax Enrollment

GCG will compile a list of parcels in each CFD that will be subject to the special tax levy and format it in compliance with the specific formatting instructions of the Stanislaus County Auditor-Controller's Office. The formatted tax levies will be submitted to the Auditor-Controller's Office on or before August 10 (or other specified date) for inclusion on the consolidated property tax bills.

## Exhibit A

### 5. Delinquent Special Tax Reporting

GCG will monitor the Auditor-Controller's tax collection summaries and report on delinquent parcels and corresponding delinquent CFD taxes. If requested by the City, GCG will prepare and mail demand letters to property owners with delinquent special taxes. Additionally, GCG will work with the City to ensure each CFD's compliance with any foreclosure covenants and provisions in the bond documents.

### 6. Answer Inquiries from Various Parties

GCG will respond to property owners, realtors, title companies, appraisers and other parties' questions regarding the special tax and other CFD related issues. A GCG staff member will be listed as the contact for calls that are received by the County Treasurer/Tax Collector's Office; most calls will be responded to on the day received.

### 7. Mello-Roos Cash Flow Analysis

If needed, GCG will update the financial cash flow model for each CFD to examine the relationship of special tax revenues and debt service requirements. This cash flow model will incorporate information regarding bonded indebtedness, annexations, prepayments, and current and projected development.

### 8. Prepayments

If a property owner is interested in reducing or ceasing the levy of special taxes on a Parcel, GCG will provide the City with a prepayment estimate based on the formula provided in the Rate and Method of Apportionment of Special Tax. GCG will ensure that prepayments include all required bond premiums, negative arbitrage estimates, reserve fund credits and administrative charges.

### 9. Coordination of Foreclosure Activities

GCG will assist the City in complying with provisions in the bond indenture or fiscal agent agreement regarding actions to be taken in the event of a foreclosure on a property due to tax delinquency. GCG will coordinate with City staff and legal counsel to identify those parcels for which judicial foreclosure will be initiated.

## B. CONTINUING DISCLOSURE

GCG will provide information to the Nationally-Recognized Municipal Securities Information Repositories (pursuant to S.E.C. regulations) and the California Debt and Investment Advisory Commission (pursuant to Senate Bill 1464) and prepare special tax disclosure materials to home buyers as specified in Senate Bill 1464. This task shall include the following subtasks:

## Exhibit A

Prepare the annual Continuing Disclosure Report and respond to secondary information requirements set forth in SEC Section 15c2-12, as amended.

Submit the annual Fiscal Report as specified in Government Code Section 53359.5 to California Debt and Investment Advisory Commission by October of each year.

Prepare special tax disclosure materials on the City's behalf for resale properties as required by Government Code Section 53340.2.

### **C. ARBITRAGE REBATE CALCULATION**

GCG will prepare the annual or five-year arbitrage rebate calculations. A report, identifying the rebate liability for each CFD, will be produced. GCG will determine the amount, if any, that must be rebated to the federal government at each five-year interval.

**EXHIBIT B**

**GOODWIN CONSULTING GROUP, INC.**

**TASK ORDER 1  
FEE SCHEDULE WORK FOR ANNUAL ADMINISTRATION**

**CARVER BANGS CFD NO. 1998-2  
COFFEE CLARATINA CFD NO. 2000-2  
FAIRVIEW VILLAGE CFD NO. 2003-1  
NORTH BEYER CFD NO. 1997-1  
NORTH POINTE CFD NO. 2002-1  
VILLAGE ONE CFD NO. 1996-1  
VILLAGE ONE CFD NO. 2004-1  
ENTERPRISE BUSINESS PARK CFD NO. 1998-1**

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**A. Maximum Annual Budgets**

The budget for annual administration for each of the CFDs is as follows:

<b><u>CFD</u></b>	<b><u>Budget for Fiscal Year 2006-07*</u></b>
CFD No. 1998-2 (Carver-Bangs/Pelandale-Snyder)	\$10,000
CFD No. 2000-2 (Coffee-Claratina)	\$ 7,000
CFD No. 1997-1 (North Beyer)	\$ 8,000
CFD No. 2002-1 (North Pointe)	\$ 6,500
CFD No. 1996-1 (Village One)	\$12,000
CFD No. 2003-1 (Fairview Village)	\$13,000
CFD No. 2004-1 (Village One #2)	\$13,000
CFD No. 1998-1 (Enterprise Business Park)	\$ 0

*\* Effective through fiscal year 2006-07 and may be adjusted for inflation thereafter.*

**B. Hourly Fee Schedule**

Services provided pursuant to this scope of work will be billed using the following fee schedule:

Exhibit A

GCG HOURLY SERVICE RATES \*

Managing Principal	\$210/Hour
Principal	200/Hour
Senior Associate	170/Hour
Associate	150/Hour
Analyst	135/Hour
Research Assistant	80/Hour

*\* Effective through fiscal year 2007-08 and may be adjusted for inflation thereafter.*

**C. General Terms and Conditions**

GCG will charge for time and materials, using the hourly rates set forth in above, up to the proposed budget maximums, subject to the limitations below, unless otherwise agreed to by the City. Monthly invoices will be presented to the City to provide details of services rendered and expenses incurred. At the City's request, services in addition to those identified in the scope of work may be provided if the total fee to complete the tasks selected is less than the budget. Alternatively, if the selected tasks can be completed for less than the budget, only the hours actually expended will be billed.

In addition to fees for services, GCG will be reimbursed for mileage, photocopying, database services or materials, facsimile and telephone calls, clerical services, and other out-of-pocket expenses in an amount not to exceed \$500 per year per CFD.



Exhibit A



Exhibit C

CITY OF MODESTO  
COMMUNITY FACILITIES DISTRICT NO. 2003-1 (FAIRVIEW VILLAGE) AND  
CFD NO. 2004-1 (VILLAGE 1 #2)

AMENDMENT TO SCOPE OF WORK FOR TAX DELINQUENCY MANAGEMENT SERVICES

---

Goodwin Consulting Group, Inc. (GCG) proposes the following Amendment to Scope of Work and Fee Schedule (Exhibit B) to provide services related to the annual tax delinquency management services for the City of Modesto Community Facilities District (CFD) Nos. 2003-1 (Fairview Village) and 2004-1 (Village 1 #2). The following tasks will be provided by GCG on an annual basis or as needed basis:

**Delinquent Special Tax Management**

- GCG will monitor the Auditor-Controller's tax collection summaries and provide a report to the City identifying parcels and corresponding delinquent CFD taxes after each of the two annual tax installments and at the end of the fiscal year, as necessary.
- If directed by the City, GCG will prepare and mail a Reminder Letter after each delinquent tax installment to each delinquent property owner.
- If directed by the City, GCG will prepare and mail a tax delinquency Demand Letter to property owners with delinquent special taxes. Demand Letters will be sent to property owners whose delinquent taxes have contributed to a violation of the bond foreclosure covenants. The Demand Letter provides notice to the property owner that CFD taxes will be stripped from the tax roll if payment is not made to the County Tax Collector's office by a certain date.

**Coordination of Foreclosure Activities**

- GCG will coordinate with the City to ensure compliance with all foreclosure covenants and provisions in the bond documents. Should the City decide to initial foreclosure, GCG will assist the City in drafting a City Council resolution to remove the delinquent property owners from the county tax roll.
- GCG will prepare and record the Notice of Intent to Remove Delinquent Special Tax Installments From the Tax Roll (NOI) and subsequently coordinate with the county to remove the CFD taxes from the county roll.

## Exhibit A

- GCG will send a final Foreclosure Letter to the property owner requesting payment of delinquent CFD taxes by a certain date. The Foreclosure Letter provides the property owner an opportunity to pay only their CFD tax portion of the tax bill instead of the entire bill if it was paid through the County. All CFD taxes, including penalties, interest, and service fees will be sent to GCG and forwarded to the City.
- If delinquent CFD taxes are still outstanding after the deadline noted in the Foreclosure Letter, GCG will research property documents to determine the primary lien holder. GCG will contact the lien holder and send a Lien Holder Letter demanding payment of all CFD taxes, penalties, interest, and administration fees for the City and GCG. All CFD tax payments, including penalties, interest, and service fees will be sent to GCG and forwarded to the City.
- If delinquent CFD taxes are still outstanding after the deadline noted in the Lien Holder Letter, GCG will coordinate with the City and foreclosure attorney on proceeding with foreclosure. GCG will provide the foreclosure attorney with a detailed report of all parcels subject to foreclosure along with associated CFD taxes, penalties, interest, and other service fees.
- GCG will record a Notice of Payment of Delinquent Special Tax for parcels whose delinquent taxes have been remedied.

Exhibit A

**Exhibit D**

**FEE SCHEDULE**

**A. Services**

General delinquency monitoring and reporting services will be billing against the fee schedule budget in the original CFD agreement for CFD administration services. Services associated with individual delinquent properties, as described in Amendment to Scope of Work in Exhibit A above, will be based on the fees in Table 1 below. Additional out-of-scope shall be billed on a time and materials based on the rate schedule in Table 2 below.

*TABLE 1*  
**DELINQUENCY MANAGEMENT RATES**

<i>Services</i>	<i>Fees</i>
Reminder Letter	\$10 per letter
Demand Letter	\$20 per letter
Foreclosure Letter	\$40 per letter
Lien Holder Research and Letter	\$60 /parcel/year
Record NOI - Remove of Tax from County Roll and Record Subsequent Cancellation of NOI	\$120/parcel/year
Foreclosure Management Services	\$150/parcel/year

*TABLE 2*  
**GCG HOURLY SERVICE RATES \***

Managing Principal	\$250/Hour
Principal	240/Hour
Vice President	200/Hour
Senior Associate	185/Hour
Associate	160/Hour
Analyst	145/Hour
Research Assistant	80/Hour

*\* These rates are effective through fiscal year 2011-12 and may be adjusted for inflation thereafter.*

**B. Expenses**

In addition to fees for services, GCG shall be reimbursed for all out-of-pocket expenses and

## Exhibit A

costs related to delinquency and foreclosure management services including, but not limited to, travel, document recordings, photocopying, data purchases, postal service, courier, overnight delivery, and long-distance telephone expenses.

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-270

RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 ANNUAL  
OPERATING BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Year 2010-2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the Fiscal Year 2010-2011 budgets have been adjusted as shown in **Exhibit A**, which is incorporated by reference herein..

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 12<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## EXHIBIT A

### CITY CLERK'S OFFICE

An adjustment is necessary to appropriate \$76,949 from General Fund Reserves (0100) to increase the General Fund Elections Organization for unbudgeted costs relating to the November 2, 2010 elections. This additional expense brings the City's total cost of the election to \$97,162.

### FINANCE

On October 12, 2010 Modesto City Council, by Resolution #2010-437, approved funding for a new Slurry Seal project to an existing Multi-Year Slurry Seal project. It was later found that the existing appropriation amounts were incorrect. The funding for this project stems from Prop 42 funds which must be spent by June 30, 2011. An adjustment in the amount of \$250,000 is necessary to correct the appropriation to be spent on this project.

### FLEET

The initial purchase of non-General Fund vehicles and equipment takes place in the Fleet Replacement Fund 5410. After the purchase has been completed, and approved by Fleet, the Fleet Replacement Fund 5410 is reimbursed by the purchasing departments Fleet Replacement Fund. In some cases, purchases can span over multiple fiscal years.

An adjustment is necessary to transfer funds in the amount \$24,570 from Water Replacement Fund 4109 to Fleet Replacement Fund 5410 for purchase made FY09/10 Resolution 2009-533, which included Truck ¾ Ton Full Size (5517 object).

An adjustment is necessary to transfer funds in the amount \$228,804 from Solid Waste Replacement Fund 4899 to Fleet Replacement Fund 5410 for purchase made FY09/10 Resolution 2010-29, which included Loader W/Claw Attachment (5514 object).

An adjustment is necessary to transfer funds in the amount \$68,114 from Sewer Operations Replacement Fund 4219 to Fleet Replacement Fund 5410 for purchase made FY09/10 Resolution 2010-177, which included Truck W/Utility Body & Crane (5518 object).

An adjustment is necessary to transfer funds in the amount \$24,074 from Surface Transportation Replacement Fund 1709 to Fleet Replacement Fund 5410 for purchase made FY10/11 Resolution 2011-05, which included Loader with Box Scraper (4612 object).

### PARKS, RECREATION & NEIGHBORHOODS

An adjustment is necessary to reduce the Developer Tree Organization's (4714) anticipated revenue in the amount of \$41,469, and appropriations in the amount of \$97,786. This organization was created to reserve funding paid by developers to plant trees in new subdivisions. Due to economic conditions, subdivision growth is at a standstill, and the City does not foresee planting of new trees at this time.

As part of the FY 2010-11 budget adoption, the Parks, Recreation, and Neighborhoods Department committed to raising \$25,000 in donations to offset staff costs associated with managing the Amgen Tour and other community events. An adjustment is necessary to recognize unbudgeted donation revenue in the amount of \$25,000 and appropriate these funds to Salary Adjustment - Increase.

**POLICE**

An adjustment is necessary to recognize unbudgeted Supplemental Law Enforcement Services Fund (SLESF) revenue in the amount of \$103,543, and appropriate these funds to Overtime Expense.

**PUBLIC WORKS**

The Airport Capital Fund (4320) receives funding from the Airport Operating Fund (4310) for the Parking Lot Improvement Project (A041). An adjustment is necessary to reduce the transfer from the Airport Operating Fund to the Airport Capital Fund in the amount of \$52,125 to reconcile the budget with funding for this project.

**UTILITY PLANNING & PROJECTS**

An adjustment is necessary to transfer funds in the amount of \$1,500 from Wastewater Developer Fees Fund Reserves (4211) to the Wastewater Developer Fees Fund (4211) Intergovernmental Services to provide funding for Stanislaus Local Agency Formation Commissions (LAFCO) application fees for an Out-of-Boundary Service Agreement can be processed.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-271**

**RESOLUTION ACCEPTING TWO GRANTS FROM THE JOHNNY BRENDEN FUND OF THE TED AND DR ROBERTA MANN FOUNDATION TO SUPPORT ADDED SECURITY IN THE DOWNTOWN AREA OF MODESTO IN THE AMOUNT OF \$95,000, AND CLEAN-UP AND BEAUTIFICATION OF THE DOWNTOWN AREA IN THE AMOUNT OF \$43,000; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY GRANT DOCUMENTS AND ANY AGREEMENTS THAT WILL IMPLEMENT THE DOWNTOWN CLEANUP PROGRAM**

WHEREAS, the City Manager, working with the Modesto Chamber of Commerce, submitted a grant application to the Ted and Dr. Roberta Mann Foundation (Mann Foundation), and

WHEREAS, on June 13, 2011, the City Manager received notification that the City was successful in receiving two grants from the Johnny Brenden Fund of the Mann Foundation in the amount of \$138,000, and

WHEREAS, up to \$95,000 will cover the costs to support added security for the downtown area of Modesto, and

WHEREAS, up to \$43,000 will cover the costs to support clean-up and the beautification of the downtown area of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts two Grants from the Johnny Brenden Fund of the Mann Foundation in the amount of \$138,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents and any agreements that will implement the Downtown Cleanup Program.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-272**

**RESOLUTION AMENDING THE FISCAL YEAR 2011/2012 MULTI-YEAR  
OPERATING BUDGET, ADOPTED BY THE CITY COUNCIL ON JUNE 7, 2011,  
TO APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$138,000 TO  
SUPPORT ADDED SECURITY AND CLEAN-UP AND BEAUTIFICATION OF  
THE DOWNTOWN AREA**

WHEREAS, the City Manager, working with the Modesto Chamber of Commerce, submitted a grant application to the Ted and Dr. Roberta Mann Foundation (Mann Foundation), and

WHEREAS, on June 13, 2011, the City Manager received notification that the City was successful in receiving two grants from the Johnny Brenden Fund of the Mann Foundation in the amount of \$138,000, and

WHEREAS, up to \$95,000 will cover the costs to support added security for the downtown area of Modesto, and

WHEREAS, up to \$43,000 will cover the costs to support clean-up and the beautification of the downtown area of Modesto, and

WHEREAS, the Fiscal Year 2011-2012 Multi-Year Operating budget must be amended to receive and appropriate these grant funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2011/2012 Multi-Year Operating Budget adopted by the City Council on June 7, 2011.

BE IT FURTHER RESOLVED that the Finance Director, or her 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 12<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

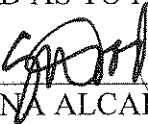
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-273**

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PURCHASE OF ONE HYDRO EXCAVATOR TRUCK FOR THE WATER DIVISION, THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, BY "ACCESSING THE TERMS" OF A COMPETITIVELY BID CONTRACT WITH THE COUNTY OF SACRAMENTO, CA, TO MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF \$328,394**

WHEREAS, the Water Division has budgeted over \$80,000 annually for service credit charges from the Wastewater Division for hydro excavation work, and

WHEREAS, the work performed by the Wastewater Division results in their crews having less time to devote to their priority work, and

WHEREAS, staff is recommending that the Water Division purchase a hydro excavator truck eliminating the need to call on Wastewater crews for various water projects and will result in the following benefits, quicker response times to water leaks and priority jobs will be expedited, time saved for meter box clean-outs, eliminating damage to high risk utilities (liability), allowing safer ways to locate water lines for the engineers, operators will work from the surface instead of in the trench (safety), a more thorough cleaning of the job sites, safer excavation repairs after hours without USA, saving the backhoe/loader for other tasks, and

WHEREAS, on May 27, 2010, the County of Sacramento went through a competitive bid process for the purchase of one hydro excavator truck. The most responsive and responsible bidder that met the bid specifications was Municipal Maintenance Equipment, Sacramento, CA, and

WHEREAS, On November 18, 2010, Municipal Maintenance Equipment was awarded the County of Sacramento bid and is extending the same bid pricing to the City of Modesto, and

WHEREAS, there are no local vendors for this type of equipment and to take advantage of this process and award by “accessing the terms” of the County of Sacramento’s competitive bid process is an efficient and effective way to purchase the hydro excavator truck, by saving the time and expense to the City to formally solicit RFB’s, 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 MM C,

WHEREAS, one exception, MMC Section 8-3.204(d), is available where the Purchasing Manager, in his or her discretion, determines that 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. Acting within his discretion, the Purchasing Manager invoked that exception for this purchase due to the cost savings of staff time and the limited number of competitors. There are no local vendors can supply this type of equipment. The purchase of one hydro excavator truck, by “accessing the terms” of the County of Sacramento, CA contract with Municipal Maintenance Equipment, Sacramento, CA, will conform to MMC Section 8-3.204(d), and

WHEREAS, sufficient funds are budgeted in Fiscal year 2011-12 in the following Water Fund account 4100-55050-57020,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of contract for the purchase of one hydro excavator truck for the Water Division, through the Public Works Department, Fleet Services Division, to Municipal Maintenance Equipment, Sacramento, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for an estimated total cost of \$328,394.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-274**

**RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND DEL RIO CC FOUNDATION TO MANAGE THE  
CLUBHOUSE AT MUNICIPAL GOLF COURSE; AND AUTHORIZING THE  
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto owns, operates and manages the Municipal Golf Course (“Muni”), and

WHEREAS, Del Rio CC Foundation (Del Rio) is the local chapter sponsor for the World Golf Foundation, Inc., known as “The First Tee,” and

WHEREAS, The First Tee is a national program formed to promote involvement of young people in golf and teach life skills as part of its curriculum, and

WHEREAS, on June 10, 2003, the City Council, by Resolution No. 2003-284, approved an agreement with the Del Rio to administer The First Tee program at Muni Golf Course, and

WHEREAS, both the City of Modesto and The First Tee feel that a partnership that promotes youth and family golf can be beneficial to Muni Golf Course, and

WHEREAS, Del Rio desires to assume the daily operations of the Muni Golf Course and practice facility and provide food and beverage services, and

WHEREAS, the City and Del Rio have agreed to a three (3) year contract with one three-year extension option, and

WHEREAS, on August 11, 2010, the Finance Committee met and supported a partnership between the City of Modesto and Del Rio to manage the clubhouse at Muni Golf Course,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between Del Rio CC Foundation and the City of Modesto to manage the clubhouse at Muni Golf Course.

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 12<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

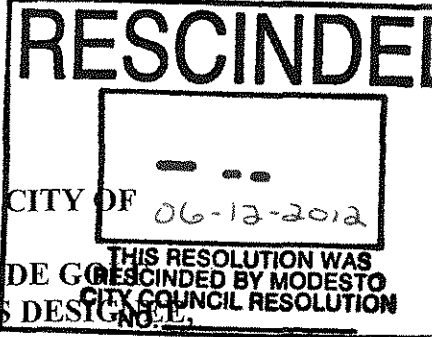
(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-275



RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FISCOE MANAGEMENT TO PROVIDE GOLF PROFESSIONAL SERVICES AT DRYDEN PARK AND CREEKSIDE GOLF COURSES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto owns, operates and manages the Municipal Golf Course (“Muni”), Dryden Park Municipal Golf Course (“Dryden Course”), Dryden Park Municipal Golf Course Driving Range (“Dryden Range”), Creekside Municipal Golf Course (“Creekside Course”) and Creekside Municipal Golf Course Driving Range (“Creekside Range”), and

WHEREAS, on April 28, 2009, the City Council, by Resolution No. 2009-185, approved an agreement between the City of Modesto and Fiscoe Management (FM) to provide golf professional services at Muni Golf Course, Dryden Course, Dryden Range, Creekside Course, Creekside Range, and to provide concession services at Muni Golf Course, Dryden Course Clubhouse and Creekside Clubhouse, and

WHEREAS, on March 24, 2011, the City Council, by Resolution No. 2000-131, approved an amendment to the Agreement between the City of Modesto and FM to incorporate management changes, and

WHEREAS, a new agreement between the City of Modesto and FM is required to retain FM as golf course professional to provide golf professional services at Dryden Course, Dryden Range, Creekside Course, Creekside Range, and to provide concession services at Dryden Course Clubhouse and Creekside Clubhouse, and

WHEREAS, the City and FM have agreed to a three (3) year contract with two additional five (5) year extension options,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between the City of Modesto and Fiscoe Management to provide golf professional services at Dryden Course, Dryden Range, Creekside Course and Creekside Range and to provide concession services at Dryden Course Clubhouse and Creekside Clubhouse.

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 12<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-276**

**RESOLUTION REJECTING ALL BIDS FOR THE ARRA ROOF AND SOLAR IMPROVEMENTS PROJECT AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT FOR THE ARRA ROOF AND SOLAR IMPROVEMENTS PROJECT**

WHEREAS, the bids received for the ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility Project were opened at 11:00 a.m. on June 14, 2011, and later tabulated by the Director of Utility Planning & Projects for the consideration of the Council, and

WHEREAS, City staff have reviewed all information and has determined it is in the best interest of the City to recommend that all bids be rejected, and

WHEREAS, City staff will clarify the equipment and soil conditions in the ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility Project, and

WHEREAS, City staff recommends re-advertising the project for the ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility Project, opened in the office of the City Clerk on June 14, 2011,

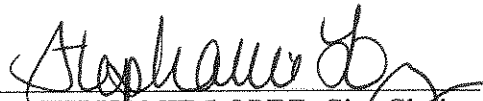
BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project for the ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-277**

**RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 CAPITAL  
IMPROVEMENT PROGRAM BUDGET IN ORDER TO ADJUST THE  
EXPENSE BUDGET FOR 100203.INSTALL FOAM ROOF.PRN.PARK  
PLANNING AND DEVELOPMENT & 100204.INSTALL SOLAR  
PANELS.PRN.PARK PLANNING AND DEVELOPMENT**

WHEREAS, a budget adjustment is necessary in order to adjust the expense budget for each object in the Parks CIP Accounts 100203.Install Foam Roof.PRN.Park Planning and Development & 100204.Install Solar Panels.PRN.Park Planning and Development; and

WHEREAS, additional funding of \$92,983 from non-designated ARRA-EECBG funds and a transfer of Solid Waste Reserve Funds is necessary to award this bid; and

WHEREAS, the Fiscal Year 2011-2012 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 2011-2012 Capital Improvement Program budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 12<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

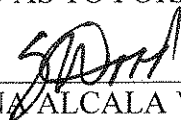
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## Request for Budget Adjustment (Projects and Grants)

Contact Person: Loren Holt  
 Telephone: 571-5573  
 Submitting Department: PR&N

Council Action Date: 7/12/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Project Name: Install Solar Panels  
 Project Fund: \_\_\_\_\_

Fiscal Year being Adjusted: MY FY11-12

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
MY	3100	39999	42020	100202	\$273,000	(\$46,983)	\$226,017	Intergov-Federal American Rec Reimb Act
MY	- 3100	- 39999	- 42020	- 100204	\$376,070	(\$38,440)	\$337,630	Intergov-Federal American Rec Reimb Act
-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-
TO								
MY	- 3100	- 39999	- 42020	- 100203	\$294,000	\$85,423	\$379,423	Intergov-Federal American Rec Reimb Act
-	-	-	-	-	-	-	\$0	-
-	-	-	-	-	-	-	\$0	-
-	-	-	-	-	-	-	\$0	-

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

FROM								
MY	- 100204	- CON	-	Construction	\$300,856	(\$37,082)	\$263,774	PRN.Parks Planning and Development
MY	- 100204	- CTGY	-	Contingency	\$24,068	(\$2,966)	\$21,102	PRN.Parks Planning and Development
MY	- 100204	- EDA	-	ENG/Design/Admin	\$27,078	(\$701)	\$26,377	PRN.Parks Planning and Development
MY	- 100202	F-CTGY	-	Finance Contingency	\$46,983	(\$46,983)	\$0	PRN.Parks Planning and Development
-	- 100204	- CA	-	Construction Administration	\$24,068	\$2,309	\$26,377	PRN.Parks Planning and Development
-	- 100203	- CA	-	Construction Administration	\$10,000	\$19,578	\$29,578	PRN.Parks Planning and Development
MY	- 100203	- CTGY	-	Contingency	\$10,000	\$13,662	\$23,662	PRN.Parks Planning and Development
MY	- 100203	- CON	-	Construction	\$218,000	\$77,777	\$295,777	PRN.Parks Planning and Development
MY	- 100203	- EDA	-	ENG/Design/Admin	\$10,000	\$20,406	\$30,406	PRN.Parks Planning and Development

**Justification for Budget Adjustment**

Adjustment reflects the budget needed to award the project and is based on the lowest responsible bid received to complete this project.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**Request for Transfer**

Contact Person: Susana Diaz Council Action Date: 7/12/2011  
 Telephone: 577-5345 Resolution Number: \_\_\_\_\_  
 Submitting Department: Parks, Recreation & Neigh Date Submitted by Dept: \_\_\_\_\_  
 Fund Title: Install Solar Panels Fiscal Year being Adjusted: FY 11-12

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
<b>Transfers between Fiscal Year Cost Centers (Expense and Revenue)</b>								
<b>FROM</b>								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
<b>TO</b>								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
<b>Transfers between Fiscal Year Cost Centers (Expense) and Projects (Revenue)</b>								
<b>FROM</b>								
12	- 3100	- 39999	- 64890	- 100203		(\$46,000)	(\$46,000)	Transfer from PRN.Solid Waste Fund
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
<b>TO</b>								
MY	- 3100	- 39999	42020	- 100203	\$248,000	\$46,000	\$294,000	Intergov-Federal American Rec Reimb Act
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
<b>Transfers between Projects (Expense) and Fiscal Year Cost Centers (Revenue)</b>							
<b>FROM</b>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
<b>TO</b>								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
<b>Transfers between Projects (Expense and Revenue)</b>							
<b>FROM</b>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
<b>TO</b>								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	

**Justification for Budget Adjustment**

Transfer from Solid Waste is eligible to be used on this project because the City is required by Cal Recycle and State law to promote "green building practices", including energy efficiency measures that reduce energy use and preserve natural resources. This transfer will provide the needed funds to be able to award the contract "ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility"

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Director Of Finance		
City Manager		

To be Completed by Finance Staff

Transfer Number: _____	Completed By: _____
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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-278**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE  
TANK 8 INTERIOR RECOATING PROJECT, ACCEPTING THE BID, AND  
APPROVING A CONTRACT WITH ADVANCED INDUSTRIAL SERVICES,  
INC. OF PARAMOUNT, CALIFORNIA, IN THE AMOUNT OF \$156,800, AND  
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE  
THE CONTRACT**

WHEREAS, specifications have been prepared for the Tank 8 Interior Recoating project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Tank 8 Interior Recoating project were opened at 11:00 a.m. on May 31, 2011, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of \$156,800 received from Advanced Industrial Services, Inc. be accepted as the lowest responsible bid and the contract be awarded to Advanced Industrial Services, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Tank 8 Interior Recoating project, accepts the bid of Advanced Industrial Services, Inc. of Paramount, California in the amount of \$156,800, and approves the contract.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-279**

**RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 CAPITAL  
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$67,645 IN  
ORDER TO FULLY FUND CONSTRUCTION, CONTINGENCY, AND  
CONSTRUCTION ADMINISTRATION PLUS ENGINEERING  
CONSTRUCTION SUPPORT AND CITY FORCE WORK BY CITY STAFF FOR  
THE TANK 8 INTERIOR RECOATING PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of \$67,645, in order to fully fund construction, contingency, and construction administration plus engineering construction support and City force work by City staff for the Tank 8 Interior Recoating project, and

WHEREAS, the Fiscal Year 2010-2011 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 2010-2011 Capital Improvement Program budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 12<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

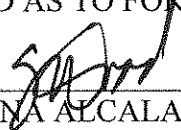
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Request for Budget Adjustment  
(Projects and Grants)**

**EXHIBIT A**

Contact Person: Gail Clement  
 Telephone: 571-5538  
 Submitting Department: Utility Planning & Projects

Council Action Date: 6/28/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: 6/7/2011

Project Name: Recoat & Inspect Tanks 2nd  
 Project Fund: \_\_\_\_\_

Fiscal Year being Adjusted: 10-11

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
TO								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	

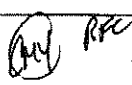
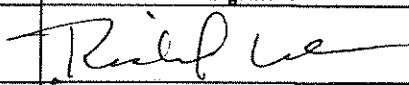
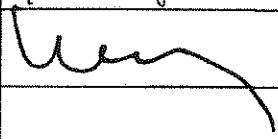
FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

FROM							
MY	- 100564	- PA	- Primary Approp	\$6,258,999	(\$67,645)	\$6,191,354	Wellhead Treatment - Primary UPP.Engineering Design
MY	- 100342	- EDA	- Eng/Design/Admin	\$15,600	(\$7,902)	\$7,698	Recoat & Inspect Tanks 2nd UPP.Engineering Design
MY	- 100342	- CCF	- City Construct Force	\$159,400	(\$115,749)	\$43,651	UPP.Engineering Design
TO							
MY	- 100342	- CON	- Construction	\$0	\$156,800	\$156,800	Recoat & Inspect Tanks 2nd UPP.Engineering Design
MY	- 100342	- CTGY	- Contingency - CIP	\$0	\$15,680	\$15,680	UPP.Engineering Design
MY	- 100342	- CA	- Construction Administration	\$0	\$18,816	\$18,816	UPP.Engineering Design

**Justification for Budget Adjustment**

This budget amendment is being made to transfer funds from Primary CIP Account 100564 "Wellhead Treatment - Primary" to unrelated stand alone CIP Account 100342 "Recoat & Inspect Tanks 2nd". The initial project cost was based on an estimate prepared by the operations staff that did not include complete construction costs and contingencies required to perform the work. Therefore, additional funds are necessary to set up and fund construction, contingency and construction administration for the project, and award the project to Advanced Industrial Services, Inc. There are sufficient funds in Primary Account 100564 to effect this transfer for the required reappropriation of funds to Construction, Contingency, and Construction Administration in CIP Account 100342 necessary for the project.

Authorization	Signature	Date
 Deputy Director (UP&P)		6/7/11
Department Director (UP&P)		6/7/2011
Financial Analyst		
Finance Director		
City Manager		

**To be Completed by Finance Staff**

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-280**

**RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION IN THE AMOUNT OF \$75,000 FOR DEVELOPMENT OF A FEASIBILITY STUDY FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROGRAM – EASTSIDE IMPROVEMENTS UNDER THE STATE WATER RESOURCES CONTROL BOARD WATER RECYCLING FACILITIES PLANNING GRANT PROGRAM, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT-RELATED DOCUMENTS**

WHEREAS, the North Valley Regional Recycled Water Program (NVRWP) provides a regional solution to part of California's water crisis by making tertiary-treated water available to the drought-impacted west side of several California counties (Stanislaus, San Joaquin, and Merced) for farmland irrigation, and

WHEREAS, the NVRWP is a partnership formed in April 2010, by Resolution No. 2010-153, with the Cities of Modesto, Turlock, and Ceres, Stanislaus County and Del Puerto Water District (DPWD), and

WHEREAS, in January 2010, the City of Modesto and DPWD agreed to share costs in a study to determine the feasibility of delivering recycled water to DPWD (Resolution No. 2010-016), and

WHEREAS, this Phase 1 Feasibility Study was completed in January 2011 and concluded that it is feasible to provide recycled water to DPWD to augment its irrigation needs and provides several alternatives for the delivery of water, and

WHEREAS, to maximize the grant funding opportunities, it was determined that the subsequent phase of work should be divided into three studies (Phase II), which includes the Eastside Improvements (Modesto), the Westside Improvements (DPWD), and San Joaquin River Improvements (Turlock), and

WHEREAS, it was determined that the City of Modesto should apply for the State Water Resources Control Board Water Recycling Facilities Planning Grant Program to help fund the cost of the Eastside Improvements Feasibility Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes and directs the City Manager to sign and file, for and on behalf of the City of Modesto, a Financial Assistance Application for a loan/grant from the State Water Resources Control Board in the amount not to exceed \$75,000, for development of a feasibility study for the North Valley Regional Recycled Water Program – Eastside Improvements.

BE IT FURTHER RESOLVED that the City of Modesto hereby agrees and further does authorize the aforementioned representative, or his designee, to certify that the Agency has and will comply with all applicable state and federal statutory and regulatory requirements related to any federal and state loan/grants received.

BE IT FURTHER RESOLVED that the City Manager, or his designee, of the City of Modesto is hereby authorized to negotiate and execute a loan/grant contract and any amendments or change orders thereto, and to certify loan/grant disbursement 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 12<sup>th</sup> day of July, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-281**

**RESOLUTION AUTHORIZING THE REIMBURSEMENT OF \$2,525,354 TO  
TURLOCK IRRIGATION DISTRICT PURSUANT TO THE FIRST DRINKING  
WATER AGREEMENT DATED MARCH 7, 2006, FOR WORK PERFORMED  
RELATED TO THE REGIONAL SURFACE WATER SUPPLY PROJECT**

WHEREAS, Turlock Irrigation District (TID) has requested reimbursement for work performed related to the proposed Regional Surface Water Supply Project (RSWSP), and

WHEREAS, on March 7, 2006, the City Council, by Resolution No. 2006-128, entered into a First Drinking Water Agreement with TID, and

WHEREAS, this Agreement authorized TID to move forward with work related to the design, engineering, preparatory, and development of bid specifications for award of bid for the construction of a RSWSP, and

WHEREAS, the work was originally proposed to take place in three phases:

- Phase I – Preliminary engineering design, water rights review, environmental review and compliance
- Phase II – Production of final engineering design, permitting, land and right-of-way acquisition, legal, and preparatory financial work to support the issuance of bonds or other instruments by TID for financing the project
- Phase III – TID will obtain construction bids for the project and develop final financing costs.

WHEREAS, Phase I and Phase II have been substantially completed, and

WHEREAS, the First Drinking Water Agreement provides for two options of repayment to TID: 1) enter into a water sales agreement with TID, with the preliminary work being financed as part of the whole project construction, or 2) make a lump sum payment of the costs of performing the work TID has incurred, plus interest accrued up to

the date of termination, or repay in 24 monthly installments at an interest rate of 4% per annum, and

WHEREAS, as the RSWSP has been in development for a number of years, staff recommends reimbursing TID for the work related to the proposed RSWSP rather than continuing to accumulate interest charges, and

WHEREAS, as part of the repayment, the City of Modesto will receive all work completed by TID to date including pilot study reports, and

WHEREAS, in addition, staff has requested that TID provide assurance that the partner agencies (Ceres, Hughson, Turlock, and Modesto) will have access to the Tuolumne River infiltration gallery and related right-of-way should the project proceed to construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the reimbursement of \$2,525,354 to Turlock Irrigation District pursuant to the First Drinking Water Agreement dated March 7, 2006, for work performed related to the Regional Surface Water Supply Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-282**

**A RESOLUTION FINDING THAT THE ANNEXATION OF THE ROUSE-COLORADO NEIGHBORHOOD TO SEWER DISTRICT NO. 1 AND EXTENSION OF SEWER SERVICE TO THE AREA IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023)**

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

WHEREAS, the City's Community and Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2011-14 ("Initial Study") reviewed the proposed Annexation of the Rouse-Colorado Neighborhood to Sewer District No. 1 and Extension of Sewer Service to the Area ("Project") to determine whether the Project is within the scope of the project covered by the Master EIR, and concluded that the proposed Project is within the scope of the Master EIR and will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new additional mitigation measures or alternatives are required, and that, therefore, the proposed Project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA Guidelines beginning on June 21, 2011, the City caused to be published a 20-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 duly noticed public hearing which was held on July 12, 2011, 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 Project, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed Project is contemplated and described in the Master EIR (SCH No. 2007072023) as being within the scope of the Master EIR.
2. That the Project will have no new significant effects on the environment not identified or examined in the Master EIR, and no new or additional mitigation measures are required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed Project that require Project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this Project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the Project shall be incorporated in the Project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community and Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 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 12<sup>th</sup> day of July, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

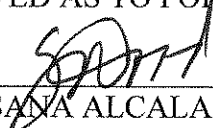
By:   
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A  
Initial Study  
EA/C&ED 2011-14

# **City of Modesto**

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

### **Initial Study Environmental Checklist C&ED No. 2011-14**

**For the proposed:**

**Rouse-Colorado Neighborhood "Measure M" Ballot Measure  
(ANX-11-002)**

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

**June 17, 2011**



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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 Rouse-Colorado Neighborhood "Measure M" ballot measure 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 MEIR; 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)

This environmental review utilizes the Modesto Urban Area General Plan MEIR (SCH #2007072023), certified in October 2008, and the Wastewater Master Plan MEIR (SCH #2006052076), certified in March 2007.

### II. PROJECT DESCRIPTION

- A. Title: Rouse-Colorado Neighborhood "Measure M" Ballot Measure (ANX-11-002)
- B. Address or Location: The Rouse-Colorado Neighborhood is generally bounded by South Avenue on the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the south, and Sutter Avenue on the west (see Figure A).
- C. Applicant: City of Modesto, 1010 10<sup>th</sup> Street, Modesto, CA 95354
- D. City Contact:
- |                  |                                  |
|------------------|----------------------------------|
| Project Manager: | Brad Wall, AICP                  |
| Department:      | Community & Economic Development |
| Phone Number:    | 209.577.5267                     |
| E-mail address:  | bwall@modestogov.com             |
- E. Current General Plan Designation(s): R, Residential (City of Modesto General Plan)

- F. Current Zoning Classification(s): The entire site is outside the City of Modesto in unincorporated Stanislaus County, and all zoning is based on the Stanislaus County Zoning Code. The majority of the parcels are zoned R-2. R-1, R-3, R-A, C-1 and H-1 zoning designations are also applied within the Rouse-Colorado Neighborhood area.
- G. Surrounding Land Uses: Residential and open-space land uses are applied to the surrounding properties within the City of Modesto.
- 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 ballot measure would allow the extension of sewer service (annexation to Sewer District 1) to the subject area, which includes 381 parcels within approximately 154 acres in the City of Modesto's Sphere of Influence. The project site is generally designated for residential uses in/by the County of Stanislaus. Annexation to the City of Modesto is not contemplated at this time. The proposed ballot measure, which is advisory only, would ask Modesto citizens whether sewer service should be provided to this area.

I. Other Public Agencies Whose Approval is Required:

- Stanislaus County must approve a public improvement agreement with the City of Modesto which will establish financial responsibilities.
- Stanislaus County Local Agency Formation Commission must approve an Out of Boundary Service Application in order for Modesto to provide sewer service without annexation.

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

E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

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

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

\_\_\_\_\_  
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) Modesto would be the lead agency for subsequent discretionary actions.
- (2) No significant impacts other than those related to construction are anticipated to result from extension of sewer service (annexation to Sewer District #1) to the Rouse-Colorado neighborhood.
- (3) No change to federal, state, or local regulations are expected to occur.
- (4) The Rouse-Colorado neighborhood is a developed area, therefore, no additional impacts on natural resources is expected to occur.
- (5) The Rouse-Colorado neighborhood (County Island Area #9 in the 2009 Urban Growth Review) lies wholly within the City of Modesto's Sphere of Influence.
- (6) All relevant mitigation measures will be applied to the extension of sewer service (annexation to Sewer District #1) to the Rouse-Colorado neighborhood.

## 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.	X	<input 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:	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.	X	<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.	X	<input type="checkbox"/>

### Discussion:

- (1) The Urban Area General Plan Master EIR was last certified in October 2008. The Wastewater Plan Master EIR was certified in March 2007. Both documents are less than five years old.
- (2)
  - (a) Due in large part to the recession, there has been little change to the environmental circumstances under which the Urban Area General Plan and Wastewater Plan Master EIRs were certified.
  - (b) No new information has become available that affects the accuracy of either Master EIR upon which this analysis relies.
  - (c) Policies developed in the Urban Area General Plan and Wastewater Plan Master EIRs remain in effect and will be applied to this 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 Master EIR 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 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:

No mitigation measures would be applied to the 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 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
<b>1. TRAFFIC AND CIRCULATION</b>				
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 Master EIR mitigation measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>
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, and so on.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>	<b>X</b>

Discussion:

(1-7) The proposed ballot measure could result in the extension of sewer service (annexation to Sewer District #1) outside the City of Modesto. Additional development could occur as a result, and such development would be consistent with existing regulations.

**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<sub>x</sub>) (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 (PM<sub>10</sub>) and 2.5 microns or less in diameter (PM<sub>2.5</sub>) (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<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.

**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:

No mitigation measures would be applied to the 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-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
<b>2. DEGRADATION OF AIR QUALITY</b>				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> 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"/>	<b>X</b>
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> .	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>
5) The proposed project would create objectionable odors affecting a substantial number of people.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

#### Discussion:

(1-5) The proposed ballot measure could result in the extension of sewer service (annexation to Sewer District #1) outside the City of Modesto. Additional development could occur as a result, and such development would be consistent with existing regulations.

### 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:

No mitigation measures would be applied to the 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-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 is 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
<b>3. GENERATION OF NOISE</b>				
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"/>	<b>X</b>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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) The proposed ballot measure could result in the extension of sewer service (annexation to Sewer District #1) outside the City of Modesto. Additional development could occur as a result, and such development would be consistent with existing regulations. Short-term noise impacts could result during construction activities, and these have been anticipated in the Urban Area General Plan Master EIR.

**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 would be applied to the 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 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
<b>4. EFFECTS ON AGRICULTURAL LANDS</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

(1-4) The proposed ballot measure could result in the extension of sewer service (annexation to Sewer District #1) outside the City of Modesto. The Rouse-Colorado Neighborhood lies in a developed area and is completely surrounded by existing development. No impacts to agricultural land would result from this action.

## **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 would be applied to the 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

(1-3) No significant increase in the use of potable water would be expected to occur as a result of the extension of sewer service. Some increase is expected to occur, because it is likely that residents of the Rouse-Colorado Neighborhood have curtailed their use of water to reduce the amount of sewage being processed by their septic systems.

**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

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 would be applied to the 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>6. INCREASED DEMAND FOR SANITARY SEWER SERVICES</b>				
1) The proposed project is inconsistent with sewer policies in the Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

(1-3) The Urban Area General Plan Master EIR and the Wastewater Master Plan Master EIR contemplated extension of sewer service to all areas within the City's Sphere of Influence, including the project area. No additional impacts beyond those disclosed in those environmental documents would be anticipated.

## **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**

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 would be applied to the 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

(1-6) The project site lies well outside areas in which significant biological resources would be expected (Dry Creek, Tuolumne River). There are no local policies or ordinances that protect biological resources and no conservation plans that affect the area.

## **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 would be applied to the project except in the very unlikely event that archaeological resources are discovered during construction. Should that occur, construction activity will cease and an archaeologist will be consulted. No new 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
<b>8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>
3) The proposed project would modify or demolish a structure more than 50 years in age.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

(1-5) The project site lies well outside areas in which significant archaeological resources would be expected to exist (near Dry Creek, Tuolumne River). Should sewer infrastructure be extended to this area, soil disturbance would occur during construction activities, during which archaeological resources might be discovered. If this were to occur, construction activity would stop and an archaeologist would be consulted. No impacts to historic resources are expected.

**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:

No mitigation measures would be applied to the 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 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
<b>9. INCREASED DEMAND FOR STORM DRAINAGE</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

- (1-3) The extension of sewer service to the Rouse-Colorado Neighborhood could slightly decrease storm water runoff from the area. Extending sewer service would eventually result in the drying of existing leach fields, which would then be better able to infiltrate rain. No development is expected to occur beyond that which is allowed under current County zoning regulations.

## **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:

No mitigation measures would be applied to the 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>10. FLOODING AND WATER QUALITY</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>
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 offsite.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
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"/>	<b>X</b>
6) The proposed project would violate water quality standards or waste discharge requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
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 Urban Area General Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
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 Urban Area General Plan implementation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>

Discussion:



(1-8) The project site lies outside both the 100- and 200-year floodplains, therefore, no significant flooding is expected to occur. Annexing the Rouse-Colorado Neighborhood to Sewer District #1 and providing service will likely result in incremental improvements in groundwater quality. Currently, the area has a higher concentration of privately-owned septic systems than would be allowed under existing State regulations, resulting in some groundwater contamination. Should sewer service be extended to the area, it is expected that failing privately-operated septic systems will be abandoned and groundwater quality in the area will gradually improve. No new development is expected to occur beyond that which is currently allowed under existing County zoning regulations. Finally, because the area lies outside the City of Modesto and the City does not intend to annex the area to the City, the area is not subject to the City's stormwater quality control measures.

## **11. INCREASED DEMAND FOR PARKS AND OPEN SPACE**

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

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of 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 would be applied to the 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
<b>11. INCREASED DEMAND FOR PARKS AND OPEN SPACE</b>				
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"/>	<b>X</b>
2) The proposed project would eliminate parks or open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

(1-3) The project site is outside the City of Modesto, and annexation to the City is not anticipated. Therefore, the area is not subject to the City's parks and open space policies.

**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 would be applied to the 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
<b>12. INCREASED DEMAND FOR SCHOOLS</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

(1-2) Any new development that may occur in accordance with the County's zoning regulations will be subject to schools fees in effect at that time. Collecting those fees will be the responsibility of the County, not the City, as the area is not being contemplated for annexation to the City, only to Sewer District #1.

**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 would be applied to the 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
<b>13. INCREASED DEMAND FOR POLICE SERVICES</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

- (1-2) The possible annexation of the Rouse-Colorado Neighborhood to Sewer District #1 and extension of sewer service to the area would not create a demand for police protection services.

#### **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 would be applied to the 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
<b>14. INCREASED DEMAND FOR FIRE SERVICES</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

(1-3) Should additional development occur as a result of the extension of sewer service to the area, a small increase in the demand for fire protection could occur. However, any new development would be consistent with applicable County regulations.

**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 would be applied to the 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
<b>15. GENERATION OF SOLID WASTE</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

(1-2) Annexing the area to Sewer District #1 and extending sewer service would not directly increase solid waste generation. However, extension of sewer service could indirectly result in increased solid waste generation by allowing new development to occur consistent with existing County zoning. No significant impact or cumulative impact is expected.

**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 would be applied to the 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
<b>16. GENERATION OF HAZARDOUS MATERIALS</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

- (1-4) Potential annexation of the Rouse-Colorado Neighborhood to Sewer District #1 and extension of sewer service to the area would not generate hazardous materials beyond that normally expected to occur with construction activity. Any impact(s) would be temporary and less than significant.



## **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 would be applied to the 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
<b>17. GEOLOGY, SOILS, AND MINERAL RESOURCES</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

(1-2) No new impacts relating to geologic hazards or mineral resources would result from the extension of sewer service beyond those anticipated by the Urban Area General Plan Master EIR and Wastewater Plan Master EIR. Furthermore, the soils underlying the project site are incapable of adequately supporting the use of septic tanks at the density at which they are in use. Extending sewer service to the area would result in failing septic tanks to be abandoned and could improve the function of the remaining septic systems.

**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 would be applied to the 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
<b>18. ENERGY</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

(1-2) No energy impacts greater than those anticipated in the Urban Area General Plan Master EIR or Wastewater Plan Master EIR would be expected to result from construction of sewer lines to the Rouse-Colorado Neighborhood or system operations.

**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 would be applied to the 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
<b>19. EFFECTS ON VISUAL RESOURCES</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>

	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"/>	<b>X</b>

Discussion:

(1-3) Construction activities create an unsightly, but temporary impact. No other effects on visual resources would be expected.

**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 would be applied to the 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 with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>20. LAND USE AND PLANNING</b>				
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

(1-4) If the Rouse-Colorado Neighborhood is annexed to Sewer District #1 and sewer service is extended to the area, a small amount of new development could be accommodated under the existing County zoning regulations. This level of development is allowed, but is constrained by septic systems that are beyond their capacity and the lack of available sewer service. No other land use impacts beyond those identified in the Master EIR would be expected to occur.

**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 would be applied to the 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 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
<b>21. CLIMATE CHANGE</b>				
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"/>	<b>X</b>
2) The proposed project would result in average automobile trip lengths or CO <sub>2</sub> emissions higher than those assumed in the Master EIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>X</b>
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"/>	<b>X</b>

Discussion:

(1-3) Extension of sewer service to the Parklawn Neighborhood would allow a small amount of infill development under the existing County zoning regulations, which would help keep the metropolitan area compact, although the amount of development would not be significant. There is no Sustainable Communities Strategy in place at this time. As such, no impacts would be expected to occur as a result sewer service extension.

## **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, 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/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 adopted, all appropriate mitigation measures from the Master EIR must be incorporated into the proposed project. Urban Area General Plan Policies and Master EIR mitigation measures must 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. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

#### **Traffic and Circulation:**

None

#### **Degradation of Air Quality:**

None

#### **Generation of Noise:**

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

**Climate Change:**

None

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-283**

**A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO THE UNINCORPORATED AREA REFERRED TO AS THE "ROUSE-COLORADO NEIGHBORHOOD," WHICH IS DESCRIBED AS THE AREA GENERALLY BOUNDED BY SOUTH AVENUE ON THE NORTH, SUNSET AVENUE AND COLORADO AVENUE ON THE EAST, ROBERTSON ROAD ON THE SOUTH AND SUTTER AVENUE ON THE WEST**

WHEREAS, on March 6, 1979, the voters enacted the Modesto Citizens' Advisory Growth Management Act (Measure A) which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trench without first holding an advisory election, and

WHEREAS, on November 4, 1997, the voters enacted the Modesto Citizens' Advisory Growth Management Act of 1995 (Measure M), which provides that the City Council of the City of Modesto shall not approve, authorize, or appropriate funds for sewer improvements without first holding an advisory election, and

WHEREAS, in order to satisfy the requirements of Measure A and Measure M the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto, at the regular municipal election to be held on November 8, 2011, an Advisory measure relating to the provision of sewer service to a certain unincorporated area of the County, within the City's Sphere of Influence,

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

SECTION 1. BALLOT MEASURE.

That pursuant to California Elections Code Section 9603, the Council of the City of Modesto proposes to, upon request of the Rouse-Colorado Neighborhood, submit to the qualified electors of the City of Modesto at a regular election to be held on November 8, 2011, an Advisory vote relating to the provision of sewer service to a certain unincorporated area known as the "Rouse-Colorado Neighborhood" as set forth below, and hereby designates the form of the ballot measure for use at said election as follows:

**Shall the City Council provide sewer service to the following described area:**

**"Rouse-Colorado Neighborhood"**

The unincorporated area designated "Rouse-Colorado Neighborhood" which is described generally as the area bounded by South Avenue on the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the south and Sutter Avenue on the west.

SECTION 2. FORM OF BALLOT.

On the ballot to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the advisory question to extend sanitary sewer service:

**ADVISORY VOTE ONLY**

MEASURE \_\_\_\_

Shall the City Council provide sewer service to the following unincorporated county area described below?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

The unincorporated area designated "Rouse-Colorado Neighborhood" which is described generally as the area bounded by South Avenue on the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the south and Sutter Avenue on the west.

### SECTION 3. CONDUCT OF ELECTION.

The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the advisory election shall be held as provided by law for the holding of advisory elections and regular municipal elections in the city of Modesto and otherwise in accordance with the Elections Code of the State of California.

### SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-284**

**A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL, OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO A CERTAIN AREA OF THE MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS THE "ROUSE-COLORADO NEIGHBORHOOD"**

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 8, 2011, an advisory measure concerning the unincorporated area referred to as the "Rouse-Colorado Neighborhood", which is generally described as that area bounded by South Avenue on the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the south, and Sutter Avenue on the west, to the City Attorney for the purpose of preparing an impartial analysis of said measure,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

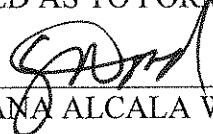
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-285**

**A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE ADVISORY MEASURE CONSIDERING THE EXTENSION OF SEWER SERVICE TO A CERTAIN UNINCORPORATED AREA OF THE MODESTO URBAN AREA GENERAL PLAN, COMMONLY REFERRED TO AS THE "ROURSE-COLORADO NEIGHBORHOOD", AS DESCRIBED IN THE MODESTO 2009 URBAN GROWTH REVIEW, GENERALLY BOUNDED BY SOUTH AVENUE ON THE NORTH, SUNSET AVENUE AND COLORADO AVENUE ON THE EAST, ROBERTSON ROAD ON THE SOUTH AND SUTTER AVENUE ON THE WEST, TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE**

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular general election to be held on November 8, 2011, an advisory measure concerning the unincorporated area designated as the "Rouse-Colorado Neighborhood" or "Area \_\_\_\_" in the Modesto 2009 Urban Growth Review to the City Attorney for the purpose of preparing an impartial analysis of said measure,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law on the operation of the measure.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-286**

**A RESOLUTION GRANTING THE APPEAL OF DELTA SIERRA BEVERAGE COMPANY, LOCATED AT 3700 FINCH ROAD, FOR MODIFICATION OF ITS CAPITAL FACILITIES FEES**

WHEREAS, on June 22, 2010, the Modesto City Council, by Resolution No. 2010-272, amended Resolution No. 2006-055, and updated its Capital Facilities Fees (CFF) Program and established the 2010 CFF Program for the establishment and collection of fees for future capital facilities, and

WHEREAS, the categories identified in the CFF Program include a broad range of uses based on square footage to ensure that each use pays its share of the CFF based on the anticipated impacts of the development, and

WHEREAS, the current City practice is to charge the CFF that is in place at the time of building permit issuance unless "vesting status" provides for a lower rate, and

WHEREAS, if permits are pulled during a sixty (60) day window from the time new fees are adopted and become effective, reimbursements for the difference in fees are issued, and

WHEREAS, in July 2010, Delta Sierra Beverage Company ("Appellant") pulled a permit for 3700 Finch Road and paid CFF at the 2006 CFF Program Rate, and

WHEREAS, Appellant paid said CFF during a sixty (60) day window period between the establishment and implementation of the 2010 CFF Program, and

WHEREAS, Appellant paid said CFF at the time the City's Comprehensive Fees Task Force's study and recommendations for new development fees, including CFF, was underway, and

WHEREAS, in September 2010, Appellant was issued a refund of \$9,069.50 for the difference between the 2006 CFF Program Rate and the 2010 CFF Program Rate, and

WHEREAS, on April 4, 2011, Appellant requested a modification of its CFF previously paid in July 2010, requesting the 2011 CFF Program Rate that went into effect on May 23, 2011, and

WHEREAS, Appellant has filed an appeal and is requesting an additional refund of \$46,269 for the difference between the 2010 CFF Program Rate and 2011 CFF Program Rate, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the Tenth Street Place Chambers located at 1010 10<sup>th</sup> Street, Modesto, California, on July 12, 2011, at 5:30 p.m., at which date and time said duly noticed public hearing was held and evidence, both oral and documentary, was received and considered,

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

1. The City Council has reviewed Delta Sierra Beverage Company's request and has determined that the 2011 CFF Program Rate is appropriate.
2. The permit was issued during a sixty (60 day) window between the establishment and implementation of the 2010 CFF Program.
3. The permit was issued during the City's Comprehensive Fees Task Force's study and recommendation of new development fees, including CFF.
4. The City Council adopted the City's Comprehensive Fees Task Force's recommendations for new development fees, including the new 2011 CFF Program, on March 22, 2011.
5. Said appeal should be granted as recommended.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby grants the appeal of Delta Sierra Beverage Company, located at 3700 Finch Road, for modification of Capital Facilities Fees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-287**

**A RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE  
VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION ADVISORY  
MEASURES RELATING TO CITY EMPLOYEE PENSION REFORM**

WHEREAS, Over the last years the City Council has had to make significant cuts to the General Fund Budget due to the economic downturn and the State of California's transfers of revenue away from our city. For the most part these cut have come through reduction of services. The City of Modesto has arrived at a point where further cuts to services would be potentially damaging to the safety and well-being of Modesto. When confronted with a problem of this magnitude the Council must consider all options to bring fiscal stability to the City; and.

WHEREAS, if the City is to continue the current level of service in a declining revenue climate, it must reduce costs, including the costs of it's public workforce retirement program in order to survive. The City of Modesto is not alone in this dilemma. Cities and counties all over California and the nation are facing the same issue; and,

WHEREAS, these Advisory Votes are a chance for the citizens to formally give their opinion on how the Council should precede forward on taking steps to reduce the costs associated with City employee retirement benefits, thereby allowing the voters of the City to weigh in on how the Council should approach the process of negotiating new agreements in this regard with public employees which will shape Modesto's financial future; and

WHEREAS, in order to avoid the costs of a special election, the November of 2011 election presents the final opportunity to gather this public input on this important

matter as it will be the last general municipal election before the city employee contracts begin to be renegotiated in 2012 and 2013, and therefore time is of the essence to place this advisory matter on the November, 2011 ballot; and,

WHEREAS, this election provides voters in Modesto the best opportunity for the voters to inform the new mayor, newly elected councilmembers and seated councilmembers of their opinion on this important matter. By placing these advisory measure questions on the ballot, voters will be able to clearly guide the council and the future mayor in working to solve the pension reform issue to better serve the City of Modesto.

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

SECTION 1. BALLOT MEASURES.

That pursuant to California Elections Code Section 9603, the Council of the City of Modesto proposes to submit to the qualified electors of the City of Modesto at a regular election to be held on November 8, 2011, Advisory Measures relating to City Employee Pension Reform as set forth below, and hereby designates the form of the ballot measures for use at said election as follows:

SECTION 2. FORM OF BALLOT.

On the ballot to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the advisory question on City Employee Pension Reform:

MEASURE \_\_\_\_  
ADVISORY VOTE ONLY

Should the City of Modesto:	
<ul style="list-style-type: none"> <li>• Seek to move employees from a defined benefit plan to a defined contribution (401k style) plan for retirement benefits?</li> </ul>	<input type="radio"/> Yes  <input type="radio"/> No

MEASURE \_\_\_\_  
ADVISORY VOTE ONLY

Should the City of Modesto:	
<ul style="list-style-type: none"> <li>• Seek to avoid “pension spiking” by city employees by moving to an average of the last three year salary as baseline rather than current last single highest year?</li> </ul>	<input type="radio"/> Yes  <input type="radio"/> No

MEASURE \_\_\_\_  
ADVISORY VOTE ONLY

Should the City of Modesto:	
<ul style="list-style-type: none"> <li>• Seek retirement formulas that increase employee retirement age to mirror the private sector retirement?</li> </ul>	<input type="radio"/> Yes  <input type="radio"/> No

SECTION 3. CONDUCT OF ELECTION.

The advisory election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, the advisory election shall be held as provided for in the City Charter, and in all particulars not provided for therein, the advisory election shall be held as provided by law for the holding of advisory elections and regular municipal elections in the city of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 4. CITY CLERK CERTIFICATION.

That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.


The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Councilmember Hawn, moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Hawn, Muratore, Mayor Ridenour

NOES: Councilmembers: Geer, Lopez, Marsh

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-288**

**A RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY  
OF THE ADVISORY MEASURE RELATING TO CITY EMPLOYEE  
PENSION REFORM TO THE CITY ATTORNEY FOR THE PURPOSE OF  
PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE**

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular general election to be held on November 8, 2011, an advisory measure relating to City Employee Pension Reform to the City Attorney for the purpose of preparing an impartial analysis of said measure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an Impartial Analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Hawn, Muratore, Mayor Ridenour

NOES: Councilmembers: Geer, Lopez, Marsh

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-289**

**A RESOLUTION AUTHORIZING THE MEMBERS OF THE CITY COUNCIL,  
OR ANY OF THEM, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN  
OPPOSITION TO THE ADVISORY MEASURE RELATING TO CITY  
EMPLOYEE PENSION REFORM**

WHEREAS, the City Council has directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 8, 2011, an advisory measure seeking advisory input from the public regarding City Employee Pension Reform; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to California Elections Code Section 9282 the members of the City Council, or any of them, are hereby authorized to file written arguments in favor of or in opposition to said advisory measure and to change such arguments until and including the date and time after which no argument may be filed with the City Clerk.

The foregoing resolution was introduced at a meeting of the Council of the City of Modesto held on the 12<sup>th</sup> day of July, 2011 by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Hawn, Muratore, Mayor Ridenour

NOES: Councilmembers: Geer, Lopez, Marsh

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-290**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PROJECT TITLED, "DALE ROAD CCTV AND CCTV SYSTEM UPGRADE," ACCEPTING THE BID, APPROVING A CONSTRUCTION CONTRACT WITH TERRY HANSEN, IN THE AMOUNT OF \$214,800; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, Traffic Engineering staff applied for, and received, Congestion Mitigation Air Quality (CMAQ) funding for the project titled, "Dale Road CCTV and CCTV System Upgrade," and

WHEREAS, the project will construct CCTV cameras on Dale Road at Bangs Avenue and Veneman Avenue, and

WHEREAS, in addition, the project will upgrade first generation CCTV cameras and communication equipment, and

WHEREAS, bids for this project were originally opened on January 25, 2011, and

WHEREAS, all of the bids were over the amount budgeted for this project, and

WHEREAS, on April 12, 2011, the Council, by Resolution No. 2011-125, rejected all bids for the project and directed staff to reduce the scope of work for the project to equate the project with the budget, and

WHEREAS, bids for the revised project were opened on June 7, 2011, and Terry Hansen was determined to be the responsible low bidder,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the project titled, "Dale Road CCTV and CCTV System Upgrade," accepts the bid, and approves a construction contract with Terry Hansen, in the amount of \$214,800.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-291**

**RESOLUTION ALLOCATING \$75,000 FROM THE CITY OF MODESTO'S  
CAPITAL IMPROVEMENT PROGRAM (CIP) FOR STATE ROUTE 132 WEST  
EXPRESSWAY PROJECT APPROVAL AND ENVIRONMENTAL DOCUMENT  
PHASE OF THE PROJECT**

WHEREAS, on August 14, 2001, the City Council, by Resolution No. 2001-417, establishing the City of Modesto's intent to enter into an agreement with the State of California for the purpose of contributing \$4 million of Capital Facilities Fees collected by the City towards the construction of the State Route 132 West, Stage I Project, and

WHEREAS, on April 12, 2011, the Capital Improvement Project Task Force approved the contribution of \$75,000 to fund the local match for the Project Approval & Environmental Document (PA&ED) Phase of the Project, and

WHEREAS, certain budgetary transactions are necessary in the amount of \$75,000, in order to fully fund the local match for the PA&ED Phase of the Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2011/2012 Capital Improvement Program Budget in the amount of \$75,000 to fund the local match for the PA&ED Phase of the Project as shown in **Exhibit A attached** hereto and incorporated herein.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized 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 3<sup>rd</sup> day of August, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside, Muratore

ATTEST: Stephaine Lopez  
STEPHAINE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood  
SUSANA ALCALA WOOD, City Attorney



**Request for Budget Adjustment  
(Projects and Grants)**

Form SOC-PG13

Contact Person: BILL SANDHU  
 Telephone: 577-5356  
 Submitting Department: CED

Council Action Date: 8/3/2011  
 Resolution Number: 2011-  
 Date Submitted by Dept: 7/20/2011

Project Name: STATE ROUTE 132 WEST EXPRESSWAY  
 Project Fund: FF-ATREETS

Fiscal Year being Adjusted: 2011/2012

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
TO								
11/12-	3410	- 14999	- 43240	- 100614	\$0	\$75,000	\$75,000	CS-CD-Capital Facilities Fee
-	-	-	-	-			\$0	

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

FROM							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
TO							
11/12-	100614	- ENV	- Environmental	\$0	\$75,000	\$75,000	CED - Land Development Engineering
-	-	-	-			\$0	

**Justification for Budget Adjustment**

As stated earlier, this project is funded with the federal earmark that requires a non-federal match. At the time of contract approval, the California Transportation Commission allocated \$900,000 in State Transportation Improvement Program (STIP) funds that were sufficient to match \$3.6 million of the earmark funding. Thus the total expenditures were restricted to a total of \$4.5 million. An additional \$100,000 in match was needed to take the expenditure up to the full contract amount. The City of Modesto and Stanislaus County have partnered with StanCOG to provide \$75,000 each from their CFF program and the Local Gas Tax Funds, respectively

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_

Completed By: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-292**

**RESOLUTION AMENDING THE FISCAL YEAR 2011/2012 CAPITAL  
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$75,000 FOR  
STATE ROUTE 132 EXPRESSWAY, CIP #100614 FOR PROVIDING LOCAL  
MATCH TO STANCOG FOR THE PROJECT APPROVAL AND  
ENVIRONMENTAL DOCUMENT PHASE OF THE PROJECT**

WHEREAS, on August 14, 2001, the City Council, by Resolution No. 2001-417, establishing the City of Modesto's intent to enter into an agreement with the State of California for the purpose of contributing \$4 million of Capital Facilities Fees collected by the City towards the construction of the State Route 132 West, Stage I Project, and

WHEREAS, on April 12, 2011, the Capital Improvement Project Task Force approved the contribution of \$75,000 to fund the local match for the Project Approval & Environmental Document (PA&ED) Phase of the Project, and

WHEREAS, certain budgetary transactions are necessary in the amount of \$75,000, in order to fully fund the local match for the PA&ED Phase of the Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2011/2012 Capital Improvement Program Budget in the amount of \$75,000 to fund the local match for the PA&ED Phase of the Project as shown in **Exhibit A attached** to this resolution and incorporated herein.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized 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 3<sup>rd</sup> day of August, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside, Muratore

ATTEST:   
STEPHAINE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Request for Budget Adjustment  
(Projects and Grants)**

Form SOC-PG13

Contact Person: BILL SANDHU  
 Telephone: 577-5356  
 Submitting Department: CED

Council Action Date: 8/3/2011  
 Resolution Number: 2011-  
 Date Submitted by Dept: 7/20/2011

Project Name: STATE ROUTE 132 WEST EXPRESSWAY  
 Project Fund: FF- ATREETS

Fiscal Year being Adjusted: 2011/2012

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
TO								
11/12-	3410	-	14999	-	43240	-	100614	
					\$0	\$75,000	\$75,000	CS-CD-Capital Facilities Fee
-	-	-	-	-			\$0	

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

FROM									
-	-	-	-			\$0			
-	-	-	-			\$0			
-	-	-	-			\$0			
-	-	-	-			\$0			
TO									
1/12-	100614	-	ENV	-	Environmental	\$0	\$75,000	\$75,000	CED - Land Development Engineering
-	-	-	-			\$0			

**Justification for Budget Adjustment**

As stated earlier, this project is funded with the federal earmark that requires a non-federal match. At the time of contract approval, the California Transportation Commission allocated \$900,000 in State Transportation Improvement Program (STIP) funds that were sufficient to match \$3.6 million of the earmark funding. Thus the total expenditures were restricted to a total of \$4.5 million. An additional \$100,000 in match was needed to take the expenditure up to the full contract amount. The City of Modesto and Stanislaus County have partnered with StanCOG to provide \$75,000 each from their CFF program and the Local Gas Tax Funds, respectively

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number \_\_\_\_\_

Completed By \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-293**

**RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE AND INSTALLATION OF PLAY EQUIPMENT FOR THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO GAMETIME NORTHERN CALIFORNIA, NOVATO, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED COST OF \$68,522**

WHEREAS, Robertson Road Neighborhood Park turf and play area is in need of repairs to improve surface drainage of storm water runoff and relieve standing water that prevents the play area from being fully accessible and creates a possible safety hazard, and

WHEREAS, in addition to the standing water in the play area, the existing play equipment is becoming old and subject to repeated acts of vandalism, and

WHEREAS, the Community Development Block Grant Program (CDBG) is directed to neighborhood revitalization through funding for the provision of improved community facilities and services, and

WHEREAS, CDBG funds are limited to activities that benefit low and moderate income persons and aid in the prevention of blight, and

WHEREAS, the 2010 census indentifies the Robertson Road area as an area that is predominantly low income, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase and installation of play equipment, and

WHEREAS, the Purchasing Division issued RFB No. 1011-23 Purchase and Installation of Play Equipment to nine (9) prospective bidders, one of which was a local

vendor, posted the bid on the City's website and formally advertised as required by law, and

WHEREAS, bids were formally opened in the City Clerk's office, ten (10) companies chose to respond, none of which was a local vendor. Of the ten (10) bids received, nine (9) were considered responsive and responsible, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase and installation of play equipment to Gametime Northern California, Novato, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase and installation of play equipment to Gametime Northern California, Novato, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted for the purchase and installation of play equipment in Project No. 100258,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase and installation of play equipment for the Parks, Recreation and Neighborhoods Department to Gametime Northern California, Novato, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated cost of \$68,522.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-294**

**RESOLUTION APPROVING AN APPLICATION TO THE STATEWIDE PARK DEVELOPMENT PROGRAM FOR GRANT FUNDS IN THE AMOUNT OF \$4,668,000 TO IMPLEMENT THE MANCINI PARK RENOVATION PROJECT**

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 Program, setting up necessary procedures governing the Application, and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify, by resolution, the approval of application(s) before submission of said application(s) to the State, and

WHEREAS, the applicant will enter into a contract with the State of California to complete the grant scope project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and authorizes the Parks, Recreation and Neighborhoods Department Director, to file an application for Statewide Park Development Program Grant Funds to implement the Mancini Park Renovation Project, and

1. Certifies that said applicant has 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 the applicant has or will have sufficient funds to operate and maintain the project(s), 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 Parks, Recreation and Neighborhoods Department Director, or their designee, 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. The delegation of authority will expire on December 31, 2017, and
6. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

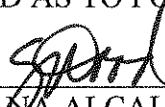
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-295**

**RESOLUTION APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA, COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING FOR UP TO \$10,400, TO PROVIDE TRAINING FOR 50 STUDENTS IN FORCE OPTIONS SIMULATOR COURSES AND 50 STUDENTS IN MOBILE FORCE OPTIONS SIMULATOR TRAINING COURSES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Modesto Police Department acquired the Force Options Simulator (FOS) in 1999, and

WHEREAS, the FOS is a 42-foot trailer that contains state-of-the-art video technology, and

WHEREAS, the video scenarios place an officer in a position to make critical decisions regarding the use of force, and

WHEREAS, the FOS training provides the student with practical handling of volatile situations and the proper use of available force options, and

WHEREAS, the training goal is to reduce unnecessary deaths, injuries, liability costs, and improve safety overall for California law enforcement personnel and the public, and

WHEREAS, when the Police Department acquired the FOS, the State of California Commission on Peace Officer Standards and Training (POST) agreed to reimburse the Modesto Police Department for training administered via the FOS, or the Mobile FOS, and

WHEREAS, when the training is conducted locally, the FOS reimbursement is \$79.00 per student, and

WHEREAS, when the training is conducted outside the local area, the reimbursement is \$129.00 per student, and

WHEREAS, the maximum reimbursement is 50 students locally (\$3,950) and 50 students when the simulator is at another jurisdiction (\$6,450), and

WHEREAS, the projected total annual reimbursement is \$10,400, and

WHEREAS, staff estimates these reimbursements will fully cover the cost of the officer's salary, per diem, mileage, and routine maintenance expenses for the simulator and transport vehicle, and

WHEREAS, POST is requesting a renewal of the Agreement for the term July 1, 2011 through June 30, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with the State of California, Commission on Peace Officer Standards and Training for up to \$10,400, to provide training for 50 students in Force Options Simulator Courses and 50 students in Mobile Force Options Simulator training courses.

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 special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-296**

**RESOLUTION AMENDING THE FISCAL YEAR 2011/2012 BUDGET TO  
REDUCE REVENUES IN THE AMOUNT OF \$4,600 FOR FORCE OPTION  
SIMULATOR POST REIMBURSEMENT**

WHEREAS, the Modesto Police Department acquired the Force Options Simulator (FOS) in 1999, and

WHEREAS, the FOS is a 42-foot trailer that contains state-of-the-art video technology, and

WHEREAS, the video scenarios place an officer in a position to make critical decisions regarding the use of force, and

WHEREAS, when the Police Department acquired the FOS, the State of California Commission on Peace Officer Standards and Training (POST) agreed to reimburse the Modesto Police Department for training administered via the FOS, or the Mobile FOS, and

WHEREAS, the maximum reimbursement is 50 students locally (\$3,950) and 50 students when the simulator is at another jurisdiction (\$6,450), for a total annual reimbursement of \$10,400, and

WHEREAS, revenues were projected at \$15,000 for FY 2011/12 in account number 0100-19420-42410 Force Option Simulator (FOS) POST Reimbursement, and

WHEREAS, this action will amend the adopted budget to reduce revenue in the amount of \$4,600,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2011/2012 budget is hereby amended as indicated in the **attached** Budget Adjustment, which is attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Finance Director, 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 special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Request for Budget Adjustment  
(Fiscal Year Operating Cost Centers)**

Contact Person: Julie Hendee Council Action Date: \_\_\_\_\_  
 Telephone: 572-9518 Resolution Number: \_\_\_\_\_  
 Submitting Department: Police Department Date Submitted by Dept: \_\_\_\_\_

Fund Title: General Fund Fiscal Year being Adjusted: 2011-12

FY	Fund	Cost Center	Account	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

<u>FROM</u>							
-	-	-	-			\$0	
12	- 0100	- 19420	- 42410	\$15,000	(\$4,600)	\$10,400	Intergov - Local - Force Option Sim - POST Reimbursement
-	-	-	-			\$0	
<u>TO</u>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	

**Expenses**

<u>FROM</u>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
<u>TO</u>							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	

**Justification for Budget Adjustment**

This budget adjustment is being made to reduce budgeted revenue as adopted in the FY 2011-12 Operating Budget in Org. 0100-19420-42410 - Intergov - Local - Force Option Sim - POST Reimbursement in the amount of \$4,600. Revenue is currently budgeted at \$15,000. Per an updated Agreement with POST the City could receive up to \$10,400 in reimbursement annually. This is less than the \$15,000 offered in previous FY's. Reimbursement is contingent upon the number of officers attending from both MPD and outside law enforcement agencies.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-297**

**RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT WITH BROWN AND CALDWELL (B&C) FOR FINAL DESIGN SERVICES FOR THE PRIMARY OUTFALL REHABILITATION – PHASE 2 & 3 PROJECT IN AN AMOUNT NOT TO EXCEED \$98,272 FOR THE IDENTIFIED SCOPE OF SERVICES NOT INCLUDED IN THE ORIGINAL AGREEMENT, PLUS \$10,061 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$108,333, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE SECOND AMENDMENT TO AGREEMENT**

WHEREAS, the City of Modesto (City) owns and operates approximately 6.5 miles of 60-inch diameter pipeline that transports primary effluent from the Sutter Avenue Primary Water Quality Control (WQC) Plant (Primary Plant) to the Jennings Road Secondary WQC Plant (Secondary Plant), and

WHEREAS, the existing Primary Outfall pipeline was constructed in 1969 across mainly agricultural lands, and

WHEREAS, at the time of construction, an easement was acquired over the entire length of the pipe, without surface rights, with the condition that all pipes and appurtenances to have a minimum of earth cover of three feet, and

WHEREAS, the condition of the Primary Outfall pipe has deteriorated over its operational life, and

WHEREAS, to date, approximately 7,000 feet of the Primary Outfall has been rehabilitated in two locations along the alignment, and

WHEREAS, subsequent spot inspections by the City and recent condition assessments have identified a continuing deterioration and occasional sewer overflows to the surface necessitating the need for corrective action, and



WHEREAS, the Primary Outfall Rehabilitation project was included in the Wastewater Master Plan (WWMP) Update, and

WHEREAS, the WWMP identified that the Primary Outfall has insufficient capacity under its current operating condition for projected Peak Dry Weather Flow, and recommends changing the operating condition from a gravity system to a pressure system to increase capacity, and

WHEREAS, this project will not only rehabilitate the Primary Outfall, but will also increase its hydraulic capacity and improve reliability, and

WHEREAS, on June 12, 2007, by Resolution No. 2007-350, the City Council approved an agreement with Brown and Caldwell (B&C) to complete the 35% design effort and a Preliminary Design Report (PDR) for the Primary Outfall Rehabilitation Project, and

WHEREAS, the PDR, which was accepted by City Council on March 11, 2008, by Resolution No. 2008-163, served as the basis of final design for the Primary Outfall, and

WHEREAS, on April 1, 2008, by Resolution No. 2008-188, the City Council approved an agreement with B&C to prepare the final project design of this project, and

WHEREAS, the original PDR and the initial B&C agreement identified the entire facility remediation project as one project, and

WHEREAS, subsequently, due to extensive right-of-way requirements, complexity of construction methods, and restricted construction periods, City staff divided the work into two phases as approved by City Council on March 9, 2010 by Resolution No. 2010-085 which amended the original agreement, and

WHEREAS, Phase 1 of the project was completed in October 2010 and was accepted by City Council on October 12, 2010 by Resolution No. 2010-444, and

WHEREAS, at the completion of the 95% design of Phase 2, City staff determined it would be necessary to further separate the project into a third phase due to budgetary constraints and a limited construction window which is contingent on the local cannery season, and

WHEREAS, this second amendment is recommended to cover the following additional work that is beyond the original scope: 1) Separating the Phase 2 design into a Phase 3 portion of the project; 2) Completing additional sets of design bid documents; 3) Changes to project specifications related to the new California Storm Water Pollution Prevention Plan requirements; 4) Changes to the design to accommodate land acquisition changes; 5) Provide support for contractor pre-qualification; and 6) Provide support during bid period services, and

WHEREAS, the Primary Outfall is a critical component of the City's wastewater treatment and conveyance system, and

WHEREAS, City staff recommends approving a second amendment to agreement with B&C for the work for final design of Phase 2 & 3, and

WHEREAS, City staff recommends approving a second amendment to agreement with B&C as the City does not have the staffing level or subject matter expertise to provide final design services for the Primary Outfall Rehabilitation – Phase 2 & 3 project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to agreement with Brown and Caldwell for final design services for the Primary Outfall Rehabilitation – Phase 2 & 3 project in an amount not to exceed \$98,272 for the identified scope of services not included in the original agreement, plus \$10,061 for additional services (if needed), for a maximum total amount of \$108,333.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-298**

**RESOLUTION ACCEPTING THE WORK BY GSE CONSTRUCTION CO., INC.,  
FOR THE "DIGESTER GAS TREATMENT SYSTEM" PROJECT AS  
COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF  
COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON  
RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING  
PAYMENT OF AMOUNTS TOTALING \$470,745.12**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Digester Gas Treatment System project has been completed by GSE Construction Co., Inc., in accordance with the contract agreement dated May 4, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Digester Gas Treatment System project is hereby accepted as complete from said contractor GSE Construction Co., Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling \$470,745.12 is authorized as provided in the contract.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-299**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE EMERGENCY GENERATORS AT TANKS 7, 8 AND WELL 100 PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH CON J. FRANKE ELECTRIC, INC. OF STOCKTON, CALIFORNIA, IN THE AMOUNT OF \$557,500, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the Emergency Generators at Tanks 7, 8 and Well 100 project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Emergency Generators at Tanks 7, 8 and Well 100 project were opened at 11:00 a.m. on June 28, 2011, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of \$557,500 received from Con J. Franke Electric, Inc. be accepted as the lowest responsible bid and the contract be awarded to Con J. Franke Electric, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Emergency Generators at Tanks 7, 8 and Well 100 project, accepts the bid of Con J. Franke Electric, Inc. of Stockton, California in the amount of \$557,500, and approves the contract.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-300

**RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 CAPITAL  
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$236,982 IN  
ORDER TO FULLY FUND CONSTRUCTION, CONTINGENCY, AND  
CONSTRUCTION ADMINISTRATION PLUS ENGINEERING  
CONSTRUCTION SUPPORT BY CITY STAFF FOR THE EMERGENCY  
GENERATORS AT TANKS 7, 8 AND WELL 100 PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of \$236,982, in order to fully fund construction, contingency, and construction administration plus engineering construction support by City staff for the Emergency Generators at Tanks 7, 8 and Well 100 project, and

WHEREAS, the Fiscal Year 2011-2012 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 2011-2012 Capital Improvement Program budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized 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 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Request for Budget Adjustment  
(Projects and Grants)**

Form SOC-PG13

**EXHIBIT A**

Contact Person: Gail Clement  
 Telephone: 571-5538  
 Submitting Department: Utility Planning & Projects  
 Project Name: Tank 7 & 8 Purchase  
 Project Fund: 4180 Water Fund-CIP

Council Action Date: 8/3/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: 7/7/2011  
 Fiscal Year being Adjusted: 11-12

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
<b>Revenues</b>								
<b>FROM</b>								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
<b>TO</b>								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
<b>Expenses</b>							
<b>FROM</b>							
							Water Reserves
<b>TO</b>							
MY	- 100504	- EDA	- Eng/Design/Admin	\$50,000	\$30,416	\$80,416	Tank 7 & 8 Purchase
MY	- 100504	- CON	- Construction	\$390,000	\$175,000	\$565,000	UPP.Engineering Design
MY	- 100504	- CTGY	- Contingency - CIP	\$40,000	\$15,750	\$55,750	UPP.Engineering Design
MY	- 100504	- CA	- Construction Admin	\$40,000	\$15,816	\$55,816	UPP.Engineering Design
				<b>\$236,982</b>			

**Justification for Budget Adjustment**

This budget amendment is being made to transfer funds from Water Reserves to CIP Account 100504-Tank 7 & 8 Purchase to award the contract to Con J. Franke Electric, Inc. for the Emergency Generators at Tanks 7 & 8 and Well 100 project. This transfer includes funding design support during construction, construction, contingency and construction admin activities for the project. Additional funding had been identified to be transferred from the Primary Account 100567 (W433); however, all available funding in the Primary Account in the amount of \$600,000 was returned back to Water Reserves in the annual FY12 CIP process. There are sufficient funds in Water Reserves to cover the costs of the required reappropriation of funds to CIP Account 100504 for the required design support during construction, construction, contingency and construction admin funds necessary for the project.

Authorization	Signature	Date
<i>CM</i> <i>(RFC)</i> Deputy Director (UP&P)	<i>[Signature]</i>	7/7/11
Department Director (UP&P)	<i>[Signature]</i>	7/7/2011
Deputy Director (PW)	<i>[Signature]</i>	
Department Director (PW)	<i>[Signature]</i>	7/8/11
Financial Analyst		
Finance Director		
City Manager		

**To be Completed by Finance Staff**

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-301**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH JEFF L. LEE AND NANCY A. LEE, FOR A 400 SQ. FT. (0.01-ACRE) PERMANENT FACILITIES EASEMENT, AND A 23,141 SQ. FT. (0.53-ACRE) PORTION FOR A PERMANENT ACCESS EASEMENT, AND A 29,327 SQ. FT. (0.67-ACRE) PORTION FOR A TEMPORARY ACCESS EASEMENT, OF A PARCEL LOCATED AT 3500 VIVIAN ROAD (APN 017-038-010), IN THE AMOUNT OF \$19,504, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is mainly agricultural located at 3500 Vivian Road, Modesto, California (APN 017-038-010), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Jeff L. Lee and Nancy A. Lee, Trustees of the J & N Lee Revocable Trust, dated June 17, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Jeff L. Lee and Nancy A. Lee,

Trustees of the J & N Lee Revocable Trust, for a 400 sq. ft. (0.71-acre) Permanent Facilities Easement, and a 23,141 sq. ft. (0.53-acre) portion for a Permanent Access Easement, and a 29,327 sq. ft. (0.67-acre) Temporary Access Easement ,of a parcel located at 3500 Vivian Road, Modesto, California (APN 017-038-010), in the amount of \$19,504, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-302**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATES OF ACCEPTANCE FOR THE PERMANENT SEWER FACILITIES EASEMENT, PERMANENT ACCESS EASEMENT AND TEMPORARY ACCESS EASEMENT FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 3500 VIVIAN ROAD, OWNED BY JEFF L. LEE AND NANCY A. LEE, TRUSTEES OF THE J & N LEE REVOCABLE TRUST, (APN 017-038-010) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 400 sq. ft. (0.01-acre) Permanent Sewer Facilities Easement, 23,141 sq. ft. (0.53-acre) Permanent Access Easement and a 29,327 sq. ft. (0.67-acre) Temporary Access Easement portion of a 53.83-acre parcel of property interests located at 3500 Vivian Road within the project area, owned by Jeff L. Lee and Nancy A. Lee (APN 017-038-010) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificates of Acceptance for the Permanent Sewer Facilities Easement, Permanent Access Easement and Temporary Access Easement, for the acquisition of property interests located at 3500 Vivian Road owned by Jeff L. Lee and Nancy A. Lee, (APN 017-038-010) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-303**

**RESOLUTION APPROVING PURCHASE AGREEMENTS WITH ROBERT P. FERNANDES AND CAROLE L. FERNANDES, TRUSTEES OF THE FERNANDES 2002 REVOCABLE TRUST, DATED APRIL 11, 2002, FOR A 750 SQ. FT. (0.02-ACRE) PERMANENT SEWER FACILITIES EASEMENT, A 1,625 SQ. FT. (0.04-ACRE) PERMANENT SEWER FACILITIES EASEMENT, A 4,076 SQ. FT. (0.09-ACRE) TEMPORARY CONSTRUCTION EASEMENT AND A 12,338 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT PORTION OF A PARCEL LOCATED AT 3270 W. SERVICE ROAD (APN 017-051-061 & 063), IN THE AMOUNT OF \$10,074, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is mainly agricultural located at 3270 W. Service Road, Modesto, California (APN 017-051-061 & 063), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Robert P. Fernandes and Carole L. Fernandes, Trustees of the Fernandes 2002 Revocable Trust, dated April 11, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Robert P. Fernandes and Carole L. Fernandes, Trustees of the Fernandes 2002 Revocable Trust, dated April 11, 2002, for a 750 sq. ft. (0.02-acre) Permanent Sewer Facilities Easement, and a 1,625 sq. ft. (0.04-acre) portion for a Permanent Sewer Facilities Easement, and a 4,076 sq. ft. (0.09-acre) Temporary Construction Easement , and a 12,338 sq. ft. (0.28-acre) of a parcel located at 3270 W. Service Road, Modesto, California (APN 017-051-061 & 063), in the amount of \$10,074, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-304**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATES OF ACCEPTANCE FOR THE PERMANENT SEWER FACILITIES EASEMENTS, AND TEMPORARY ACCESS EASEMENTS FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 3270 W. SERVICE ROAD, OWNED BY ROBERT P. FERNANDES AND CAROLE L. FERNANDES, TRUSTEES OF THE FERNANDES 2002 REVOCABLE TRUST DATED APRIL 11, 2002, (APN 017-051-061 & 063) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 750 sq. ft. (0.02-acre) Permanent Sewer Facilities Easement, a 1,625 sq. ft. (0.04-acre) Permanent Sewer Facilities Easement, a 4,076 sq. ft. (0.09-acre) Temporary Construction Easement, and a 12,338 sq. ft. (0.28-acre) Temporary Construction Easement portion of a 38.51-acre and of a 38.15-acre parcel of property interests located at 3270 W. Service Road within the project area, owned by Robert P. Fernandes and Carole L. Fernandes (APN 017-051-061 & 063) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificates of Acceptance for the Permanent Sewer Facilities Easements, and Temporary Construction Easements, for the acquisition of property interests located at 3270 W. Service Road owned by Robert P. Fernandes and Carole L. Fernandes, (APN 017-051-061 & 063) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-305

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH HOWARD E. HUGHES, FOR A 3,450 SQ. FT. (0.08-ACRE) PERMANENT FACILITIES SEWER EASEMENT, AND A 37,555 SQ. FT. (0.86-ACRE) PORTION FOR A PERMANENT ACCESS EASEMENT, AND A 630 SQ. FT. (0.01-ACRE) PORTION FOR A PERMANENT ACCESS EASEMENT, AND A 17,520 SQ. FT. (0.40-ACRE) PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT OF A PARCEL LOCATED ON W. GRAYSON ROAD (APN 017-051-069), IN THE AMOUNT OF \$10,349, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is mainly agricultural located on W. Grayson Road, Modesto, California (APN 017-051-069), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Howard E. Hughes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Howard E. Hughes, for a 3,450 sq. ft. (0.08-acre) Permanent Sewer Facilities Easement, and a 37,555 sq. ft. (0.86-acre)

portion for a Permanent Access Easement, and a 630 sq. ft. (0.01-acre) Permanent Access Easement ,of a parcel located on W. Grayson Road, Modesto, California (APN 017-051-069), in the amount of \$10,349, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-306**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO SIGN CERTIFICATES OF ACCEPTANCE FOR THE PERMANENT  
SEWER FACILITIES EASEMENT, PERMANENT ACCESS EASEMENTS AND  
TEMPORARY CONSTRUCTION EASEMENT FOR THE ACQUISITION OF  
PROPERTY INTERESTS LOCATED ON W. GRAYSON ROAD, OWNED BY  
HOWARD E. HUGHES, (APN 017-051-069) TO BE PURCHASED BY THE CITY  
OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION  
PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 3,450 sq. ft. (0.08-acre) Permanent Sewer Facilities Easement, a 37,555 sq. ft. (0.86-acre) Permanent Access Easement and a 630 sq. ft. (0.01-acre) Permanent Access Easement portion, and a 17,520 sq. ft. (0.40-acre) Temporary Construction Easement of a 83.14-acre parcel of property interests located on W. Grayson Road within the project area, owned by Howard E. Hughes (APN 017-051-069) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificates of Acceptance for the Permanent Sewer Facilities Easement, Permanent Access Easements and Temporary Construction Easement, for the acquisition of property interests located on W. Grayson Road owned by Howard E. Hughes, (APN 017-051-069) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-307**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH REX R. WAKEFIELD, TRUSTEE OF THE WAKEFIELD LIVING TRUST, DATED FEBRUARY 21, 1995, FOR A 3,310 SQ. FT. (0.08-ACRE) PERMANENT ACCESS EASEMENT, AND A 40,000 SQ. FT. (0.92-ACRE) PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 4843 VIVIAN ROAD (APN 017-051-040), IN THE AMOUNT OF \$4,496, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is mainly agricultural located at 4843 Vivian Road, Modesto, California (APN 017-051-040), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Rex R. Wakefield,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Rex R. Wakefield, for a 3310 sq. ft. (0.08-acre) Permanent Access Easement, and a 40,000 sq. ft. (0.92-acre) portion for a

Temporary Construction Easement, located at 4843 Vivian Road, Modesto, California (APN 017-051-040), in the amount of \$4,496, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-308**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATES OF ACCEPTANCE FOR THE, PERMANENT ACCESS EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 4843 VIVIAN ROAD, OWNED BY REX R. WAKEFIELD, TRUSTEE OF THE WAKEFIELD LIVING TRUST, DATED FEBRUARY 21, 1995, (APN 017-051-040) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 3,310 sq. ft. (0.08-acre) Permanent Access Easement, and a 40,000 sq. ft. (0.92-acre) Temporary Construction Easement of a 24.71-acre parcel of property interests located at 4843 Jennings Road within the project area, owned by Rex R. Wakefield (APN 017-051-040) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificates of Acceptance for the Permanent Access Easement, and Temporary Construction Easement, for the acquisition of property interests located on 4843 Vivian Road owned by Rex R. Wakefield, (APN 017-051-040) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-309**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH TONY MORRIS AND DELFINA R. MORRIS, TRUSTEES OF THE MORRIS REVOCABLE TRUST, DATED MAY 19, 1992, FOR A 2,800 SQ. FT. (0.06-ACRE) PERMANENT FACILITIES SEWER EASEMENT, AND A 4,500 SQ. FT. (0.10-ACRE) PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, AND A 40,000 SQ. FT. (0.92-ACRE) PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, PORTION OF A PARCEL LOCATED ON SANDERS ROAD (APN 017-058-045), IN THE AMOUNT OF \$3,993, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is mainly agricultural located on Sanders Road, Modesto, California (APN 017-058-045), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Tony Morris and Delfina R. Morris,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Tony Morris and Delfina R. Morris,

for a 2,800 sq. ft. (0.06-acre) Permanent Sewer Facilities Easement, and a 4,500 sq. ft. (0.10-acre) portion for a Temporary Construction Easement, and a 40,000 sq. ft. (0.92-acre) Temporary Construction Easement, of a parcel located on Sanders Road, Modesto, California (APN 017-058-045), in the amount of \$3,993, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-310**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATES OF ACCEPTANCE FOR THE PERMANENT SEWER FACILITIES EASEMENT, AND TWO (2) TEMPORARY CONSTRUCTION EASEMENTS FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED ON SANDERS ROAD, OWNED BY TONY MORRIS AND DELFINA R. MORRIS, TRUSTEES OF THE MORRIS REVOCABLE TRUST, DATED MAY 19, 1992, (APN 017-058-045) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 3,450 sq. ft. (0.08-acre) Permanent Sewer Facilities Easement, a 2,800 sq. ft. (0.06-acre) Permanent Sewer Facilities Easement, a 4,500 sq. ft. (0.10-acre) Temporary Construction Easement, and a 40,000 sq. ft. (0.92-acre) Temporary Construction Easement of a 36.39-acre parcel of property interests located on Sanders Road within the project area, owned by Tony Morris and Delfina R. Morris (APN 017-058-045) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificates of Acceptance for the Permanent Sewer Facilities Easement, and two Temporary Construction Easements, for the acquisition of property interests located on Sanders Road owned by Tony Morris and Delfina R. Morris, (APN 017-058-045) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-311**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH TONY D. ALAMO, DANIEL ALAMO, JOSEPH ALAMO AND NELIA A. ALAMO, FOR A 2,000 SQ. FT. (0.05-ACRE) PERMANENT SEWER FACILITIES EASEMENT, AND A 1.16-ACRE (50,315 SQ. FT.) PORTION FOR A PERMANENT ACCESS EASEMENT, AND A 10,400 SQ. FT. (0.24-ACRE) PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT QUISENBERRY ROAD (APN 017-062-029 & 001, 017-061-004 & 009 & 020 & 021), IN THE AMOUNT OF \$12,335, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is mainly agricultural located at Quisenberry Road, Modesto, California (APN 017-062-029, 017-061-004 & 009 & 020 & 021), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Tony D. Alamo, Daniel Alamo, Joseph Alamo and Nelia A. Alamo,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement Tony D. Alamo, Daniel Alamo, Joseph

Alamo and Nelia A. Alamo, for a 2,000 sq. ft. (0.05-acre) Permanent Sewer Facilities Easement, and a 1.16-acre. (50,315 sq. ft.) portion for a Permanent Access Easement, and a 10,400 sq. ft. (0.24-acre) Temporary Construction Easement ,of a parcel located at Quisenberry Road, Modesto, California (APN 017-062-029 & 001, 017-061-004 & 009 & 020 & 021), in the amount of \$12,335, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.


The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-312**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATES OF ACCEPTANCE FOR THE PERMANENT SEWER FACILITIES EASEMENT, PERMANENT ACCESS EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT QUISENBERRY ROAD, OWNED BY TONY D. ALAMO, DANIEL ALAMO, JOSEPH ALAMO AND NELIA A. ALAMO, (APN 017-062-029 & 001, 017-061-004 & 009 & 020 & 021) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 2,000 sq. ft. (0.05-acre) Permanent Sewer Facilities Easement, a 1.16-acre (50,315 sq. ft.) Permanent Access Easement and a 10,400 sq. ft. (0.24-acre) Temporary Construction Easement portion of a 504-acre parcel of property interests located at Quisenberry Road within the project area, owned by Tony D. Alamo, Daniel Alamo, Joseph Alamo and Nelia A. Alamo (APN 017-062-029 & 001, 017-061-004 & 009 & 020 & 021) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificates of Acceptance for the Permanent Sewer Facilities Easement, Permanent Access Easement and Temporary Construction Easement, for the acquisition of property interests located at Quisenberry Road owned by Tony D. Alamo, Daniel Alamo, Joseph Alamo and Nelia A. Alamo, (APN 017-062-029 & 001, 017-061-004 & 009 & 020 & 021) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susan Alcala Wood  
SUSAN ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-313**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH JOHANNES T. NIJSKENS AND MARI L. NIJSKENS, FOR A 5,918 SQ. FT. (0.14-ACRE) PERMANENT ACCESS EASEMENT, PORTION OF A PARCEL LOCATED AT 6733 JENNINGS ROAD (APN 017-062-026), IN THE AMOUNT OF \$2,500, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is mainly agricultural located at 6733 Jennings Road, Modesto, California (APN 017-062-026), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Johannes T. Nijskens and Mari L. Nijskens,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Johannes T. Nijskens and Mari L. Nijskens, for a 2,500 sq. ft. (0.14-acre) Permanent Access Easement, of a parcel located

at 6733 Jennings Road, Modesto, California (APN 017-051-069), in the amount of \$2,500, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-314**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATES OF ACCEPTANCE FOR THE PERMANENT SEWER FACILITIES EASEMENT, PERMANENT ACCESS EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENT FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 6733 JENNINGS ROAD, OWNED BY JOHANNES T. NIJSKENS AND MARI L. NIJSKENS, (APN 017-062-026) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 2,500 sq. ft. (0.14-acre) Permanent Access Easement portion of a 40.32-acre parcel of property interests located at 6733 Jennings Road within the project area, owned by Johannes T. Nijskens and Mari L. Nijskens (APN 017-062-026) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Permanent Access Easement, for the acquisition of property interests located at 6733 Jennings Road owned by Johannes T. Nijskens and Mari L. Nijskens, (APN 017-062-026) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-315**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH ZYLSTRA FAMILY, LLC, FOR A 1.18-ACRE (51,419 SQ. FT.) PERMANENT ACCESS EASEMENT PORTION OF A PARCEL LOCATED AT 6807 JENNINGS ROAD (APN 017-062-044), IN THE AMOUNT OF \$13,292, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is mainly agricultural located at 6807 Jennings Road, Modesto, California (APN 017-062-044), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Zylstra Family, LLC,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Zylstra Family, LLC, for a 1.18-acre (51,419 sq. ft.) Permanent Access Easement, of a parcel located at 6807 Jennings Road, Modesto, California (APN 017-062-044), in the amount of \$13,292, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-316**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN A CERTIFICATE OF ACCEPTANCE FOR THE PERMANENT ACCESS EASEMENT FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 6807 JENNINGS ROAD, OWNED BY ZYLSTRA FAMILY, LLC, (APN 017-062-044) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 1.18-acre (51,419 sq. ft.) Permanent Access Easement portion of a 38.78-acre parcel of property interests located at 6807 Jennings Road within the project area, owned by Zylstra Family, LLC (APN 017-062-044) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Permanent Access Easement, for the acquisition of property interests located at 6807 Jennings Road owned by Zylstra Family, LLC, (APN 017-062-044) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-317**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH ANDREW HENRY ZYLSTRA AND MARLENE JEAN ZYLSTRA, TRUSTEES OF THE 2007 ZYLSTRA FAMILY TRUST, DATED MARCH 28, 2007, FOR A 25,081 SQ. FT. (0.58-ACRE) PERMANENT ACCESS EASEMENT PORTION OF A PARCEL LOCATED AT 6919 JENNINGS ROAD (APN 017-062-035), IN THE AMOUNT OF \$25,186, FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto adopted a Wastewater Master Plan (WWMP) in 2007, which also identified insufficient capacity in the existing Primary Outfall Pipeline and called for the rehabilitation of the Primary Outfall, and

WHEREAS, due to the length of the system and complexity of the work, the project was divided into two phases, and

WHEREAS, Phase 1 is completed and these easements are needed for access and construction of Phase 2 of the project, and

WHEREAS, the property is mainly agricultural located at 6919 Jennings Road, Modesto, California (APN 017-062-035), and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the rehabilitation of the Primary Outfall, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Andrew Henry Zylstra and Marlene Jean Zylstra,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Andrew Henry Zylstra and Marlene Jean Zylstra, for a 25,081 sq. ft. (0.58-acre.) Permanent Access Easement, of a parcel

located at 6919 Jennings Road, Modesto, California (APN 017-062-035), in the amount of \$25,186, for the Primary Outfall Rehabilitation Project, Phase 2.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-318**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN A CERTIFICATE OF ACCEPTANCE FOR THE PERMANENT ACCESS EASEMENT FOR THE ACQUISITION OF PROPERTY INTERESTS LOCATED AT 6919 JENNINGS ROAD, OWNED BY ANDREW HENRY ZYLSTRA AND MARLENE JEAN ZYLSTRA, TRUSTEES OF THE 2007 ZYLSTRA FAMILY TRUST, DATED MARCH 28, 2007, (APN 017-062-035) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE PRIMARY OUTFALL REHABILITATION PROJECT, PHASE 2**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 25,081 sq. ft. (0.58-acre) Permanent Access Easement portion of a 36.48-acre parcel of property interests located at 6919 Jennings Road within the project area, owned by Andrew Henry Zylstra and Marlene Jean Zylstra (APN 017-062-035) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Permanent Access Easement, for the acquisition of property interests located at 6919 Jennings Road owned by Andrew Henry Zylstra and Marlene Jean Zylstra, (APN 017-062-035) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-319**

**A RESOLUTION CONFIRMING THE FISCAL YEAR 2011-2012 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, the City of Modesto has by Resolution No. 2011-174, adopted on May 24, 2011, 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 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. 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 Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for Fiscal Year 2011/2012, 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 2011/12 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following votes:

AYES            Councilmembers:       Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
   Mayor Ridenour

NOES           Councilmembers:       None

ABSENT       Councilmembers:       None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney





City of Modesto

## LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT No. 1

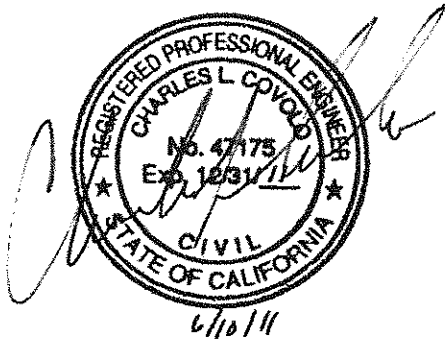
◆ DRY CREEK MEADOWS SUBDIVISIONS Nos. 1 through 6 ◆

*A Landscape Maintenance Assessment District Pursuant to the Landscape and Lighting Act of 1972*

## ENGINEER'S ANNUAL REPORT

FISCAL YEAR

JULY 1, 2011 - JUNE 30, 2012



**Prepared By:**

Tina Rocha, IFP Administrator

**Certified By:**

Charles Covolo, Senior Civil Engineer

**Accepted By Motion:**

Modesto City Council - May 24, 2011

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IV.	Maintenance & Plan Specifications
V.	Annual Assessment District Diagram
VI.	Annual Assessments List by Parcel & Property Owner

## SECTION I HISTORY

On December 12, 1988, Landscape Maintenance Assessment District No. 1 ("LMAD No. 1") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act"), to administer the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6. All costs for the LMAD No. 1 are funded by the annual assessments levied on each property within the district. The Act requires several courses of action on the part of City staff and City Council prior to August 10<sup>th</sup> of each year.

The Act initially requires the City Council to order, prepare, and file an Engineer's Annual Report for the City Council. This report is prepared for the purpose of detailing the plans and specifications for the maintenance of work, the estimates of costs for landscape maintenance performed by City contractors, utility service charges, City street tree pruning costs, City staff time to administer the maintenance contract, and additional work to be performed by the Contractor at the request of the City.

LMAD No. 1 is located east of North McClure Road and southwest of MID Lateral #2 and Claus Road. It is comprised of 749 single-family residential lots and two (2) public agency owned parcels. The \$26 per single-family residential parcel annual assessment has remained the same since 1996. It should be noted that in fiscal years 1999-2000 through 2010-2011, an annual assessment of \$19,500 was reported and was based on a total of 750 residential lots. However, staff has recently determined that only 749 residential lots are in the district. Therefore, the actual annual assessment that was levied during the above-mentioned time frames was \$19,474.

The projected ending balance for fiscal year 2010-2011 shows LMAD No. 1 maintaining a slight revenue surplus. However, without adjustment to the expenditures for LMAD No. 1, the district is on course to run into deficit spending during fiscal year 2011-2012. The proposed budget for fiscal year 2011-2012 is based on the revenue that is currently able to be generated within LMAD No. 1. These expenditures do not represent the actual amount needed for a good service level within LMAD No. 1. The City has retained an outside engineering firm to assist the City in determining the appropriate annual fee needed to provide a good level of service within LMAD No. 1. It is anticipated that a Proposition 218 election will occur in 2012.

Upon the City Council's approval of the Engineer's Annual Report, the City Council adopts a resolution declaring its intent to levy and collect assessments within LMAD No. 1 for the following fiscal year and schedules a public hearing. This public hearing and proposed resolution levying the proposed assessments is in accordance with the annual assessment procedures.

Finally, in compliance with the Act, the City Council conducts the public hearing and adopts certain resolutions in accordance with the California Streets and Highways Code §22625 through §22641. The City Clerk is required to give the Modesto Bee notice of the public hearing no less than 10 days prior to the scheduled hearing date. All interested persons are afforded the opportunity to be heard during the public hearing. Should there be any protests, whether written or oral, the City Council may choose

to continue the hearing to a later date and/or may change any part of the Engineer's Annual Report to address the concerns of the property owner(s). The adopted resolution is then forwarded to the Auditor-Controller of the County of Stanislaus for placement of such charges on the upcoming year's County Tax Roll.

## SECTION II ANNUAL ASSESSMENT REVIEW AND SUMMARY

### A. PARCEL REVIEW

1. Single Family Residential Parcels:  
There are 749 single-family residential parcels located within LMAD No. 1.
2. Multi-Family Residential Parcels:  
There are no multi-family residential parcels located within LMAD No. 1.
3. Commercial/Industrial Parcels:  
There are no commercial or industrial parcels located within LMAD No. 1.
4. Public Agency Parcels:  
There are two (2) parcels owned by the City of Modesto (Creekwood Park and the Pedestrian Overcrossing at Claus Road) and one (1) parcel owned by the Empire School District (Bernard Hughes School). According to Section 22663 of the California Streets and Highways Code, public property owned by any public agency and in use in the performance of a public function shall not be subject to assessment.

### B. 2011-2012 ANNUAL ASSESSMENTS

All single-family residential parcels are levied at a flat rate of \$26.00 per parcel. Each parcel receives equal benefits from the District. The annual assessments levied are calculated by multiplying the total number of parcels by the flat rate.

\$	26.00	Annual assessment per parcel
x	749	Single-family residential parcels
\$	19,474.00	Total annual assessment

### C. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed Fiscal Year 2011-2012 annual assessment is the same as the annual assessment for Fiscal Year 2010-2011 of \$26.00 per single-family residential parcel.

## SECTION 3 FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

### Landscape Maintenance Assessment District #1

LMAD #1 Fund 0480	Estimated FY 2010-11 <sup>1</sup>	Proposed FY 2011-12 <sup>2</sup>
<b>Beginning Fund Balance</b>	\$ 7,314	\$ 4,280
<b>Revenue (Type 31s)</b>		
Special Assessments	\$ 19,912	\$ 19,474
Interest	\$ (23)	\$ -
<b>Total Revenue</b>	<b>\$ 19,889</b>	<b>\$ 19,474</b>
<b>Expenses (Type 22s)</b>		
Operating Budget		
Postage		\$ (200)
Utilities (Object 0210)	\$ (3,045)	\$ (3,000)
Photocopies		\$ (50)
Landscape Maintenance (Object 0231)	\$ (6,155)	\$ (8,000)
Services Professional and Other (Object 0235)	\$ (5,854)	\$ (2,500)
Services City Forces (Object 0255)	\$ (4,802)	\$ (7,323)
<i>Estimated - Utilities</i>	\$ (1,015)	
<i>Estimated - Landscape Maintenance</i>	\$ (2,052)	
<b>Total Expenses</b>	<b>\$ (22,923)</b>	<b>\$ (21,073)</b>
<b>Ending Fund Balance</b>	<b>4,280</b>	<b>2,681</b>

**Footnotes:**

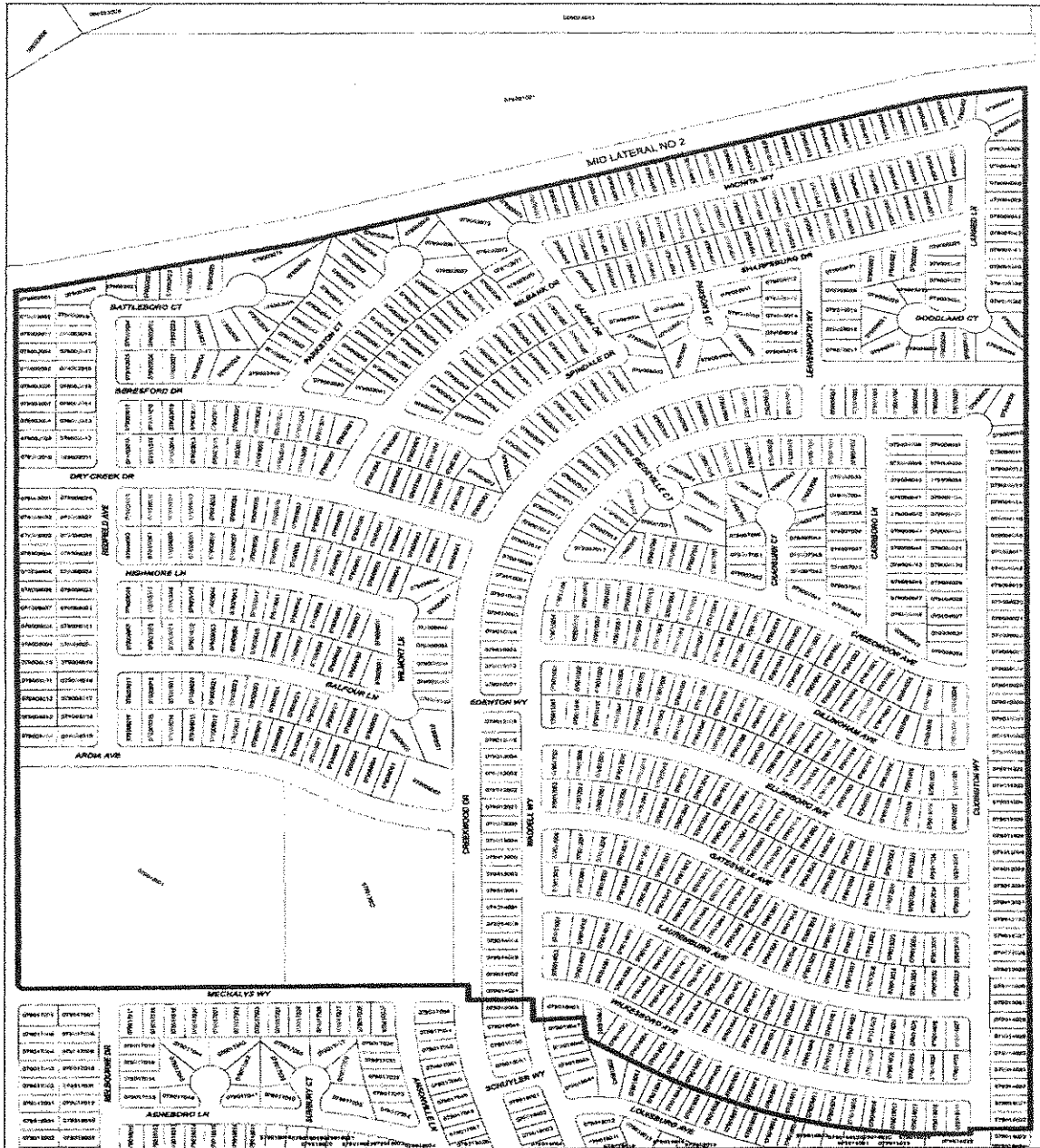
<sup>1</sup>The estimated amount shows what has been expended as of 03-31-2011. There will be more expenses for the final three months of the fiscal year (June); these are shown as *Estimated*.

<sup>2</sup>The estimated expenditures for FY 2011-12 are based on the revenue that is currently able to be generated within LMAD #1. These expenditures do not represent the actual amount needed for a good service level within LMAD #1. The City has retained an outside engineering firm to assist the City in determining the appropriate annual fee needed to provide a good level of service. It is anticipated that a Proposition 218 election will occur in 2012.

## SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Parks, Recreation, and Neighborhood's Department, located at 501 N. Jefferson Street, Modesto, CA 95354. For more information, contact Kelly Gallagher, Parks Operations Supervisor at (209) 524-2330.

# SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



## Assessment District Diagram

Landscape Maintenance Assessment District No. 1  
(Dry Creek Meadows Subdivisions No. 1 - 6)



April 19, 2011





## SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & PROPERTY OWNER

APN	Owner Name	Property Address	City	State	Zip	2011-2012 Assessment
079015001	EMPIRE UNION SCHOOL DISTRICT	512 N MC CLURE RD	MODESTO	CA	95357	-
079015002	MODESTO CITY OF	MECHALYS WAY	MODESTO	CA	95353	-
079006009	MODESTO CITY OF	756 CODINGTON WAY	MODESTO	CA	95357-1523	-
079002001	JONES MICHAEL L & JONES CATHRINE J	736 N MC CLURE RD	MODESTO	CA	95357	26.00
079002002	HARRIS MATTHEW & PATRICIA C	732 N MC CLURE RD	MODESTO	CA	95357	26.00
079002003	SORDO BRYON S ET AL	728 N MC CLURE RD	MODESTO	CA	95357	26.00
079002004	PRASAD AJAY B & CHANDRA SAILESHNI D	724 N MC CLURE RD	MODESTO	CA	95357	26.00
079002005	YUSON BONIFACIO C & YUSON ZENAIDA P	720 N MC CLURE RD	MODESTO	CA	95354	26.00
079002006	YATES MICHAEL V & YATES CHRISTINE M	716 N MC CLURE RD	MODESTO	CA	95357	26.00
079002007	ALBANO FLORANTE J & ALBANO JUANITA T	712 N MC CLURE RD	MODESTO	CA	95354	26.00
079002008	AYRES RICHARD D & AYRES DONNA	708 N MC CLURE RD	MODESTO	CA	95354	26.00
079002009	ESPINOZA GABRIEL	704 N MC CLURE RD	MODESTO	CA	95357	26.00
079002010	LEON MARTHA	700 N MC CLURE RD	MODESTO	CA	95357	26.00
079002011	SAMRA AMARJIT S TR	701 REDFIELD AVE	MODESTO	CA	95357	26.00
079002012	BARRIENTOS DAVID & BARRIENTOS MARIA E	705 REDFIELD AVE	MODESTO	CA	95357-1557	26.00
079002013	US BANK NA	709 REDFIELD AVE	MODESTO	CA	95357	26.00
079002014	BATTAGLIA COREY J	713 REDFIELD AVE	MODESTO	CA	95357	26.00
079002015	BADAL EDWARD E & BADAL JANET E	717 REDFIELD AVE	MODESTO	CA	95357	26.00
079002016	NAWROCKI JAMES R & NAWROCKI MARIA J	721 REDFIELD AVE	MODESTO	CA	95357	26.00
079002017	SMITH ROBIN K & SMITH SUSAN R	725 REDFIELD AVE	MODESTO	CA	95357	26.00
079002018	DEOL HARMINDER S & DEOL SUKHWINDER K	729 REDFIELD AVE	MODESTO	CA	95357	26.00
079002019	BERGLIN JUDY R TR	733 REDFIELD AVE	MODESTO	CA	95357	26.00
079002020	MIGUEL TARA L ET AL	737 REDFIELD AVE	MODESTO	CA	95357	26.00
079002021	PANYANOUVONG ROCKY P ET AL	3513 BATTLEBORO CT	MODESTO	CA	95357	26.00
079002022	JOHNSON VERDELL TR	3517 BATTLEBORO CT	MODESTO	CA	95357	26.00
079002023	VILLEGAS JOSEPH J	3521 BATTLEBORO CT	MODESTO	CA	95354	26.00
079002024	REYES FRANCISCO J & REYES SILVIA	3525 BATTLEBORO CT	MODESTO	CA	95357	26.00
079002025	HILL ROBERT L & KELLY TRS	3529 BATTLEBORO CT	MODESTO	CA	95357	26.00
079002028	ALVAREZ VICTOR R & CRISTINA TRS	3536 BATTLEBORO CT	MODESTO	CA	95357	26.00
079002029	CARBERY DONALD R & FREIDA A TRS	3532 BATTLEBORO CT	MODESTO	CA	95357	26.00
079002030	TREVINO SHONDA	3528 BATTLEBORO CT	MODESTO	CA	95357	26.00
079002031	HOFF RICHARD A & HOFF MERRI LEA	3524 BATTLEBORO CT	MODESTO	CA	95357	26.00
079002032	CARR PATRICK K & CHERYL J	3520 BATTLEBORO CT	MODESTO	CA	95357	26.00
079002033	PRASHAD RAJENDRA & SONI L	3516 BATTLEBORO CT	MODESTO	CA	95357	26.00
079002034	VO SANG	3512 BATTLEBORO CT	MODESTO	CA	95357	26.00
079002035	ARROYO STEVEN I & ARROYO SANDRA	3513 BERESFORD DR	MODESTO	CA	95357-5841	26.00
079002036	CARREON JOSE & CECILIA	3517 BERESFORD DR	MODESTO	CA	95357	26.00
079002037	GOMEZ PATRICIA	3521 BERESFORD DR	MODESTO	CA	95357	26.00
079002038	COENEN KELVIN L & COENEN CHRISTINA P	3525 BERESFORD DR	MODESTO	CA	95357	26.00
079002039	HILL PAUL JAMES SR TRS & HILL DORTHA HELENE	3529 BERESFORD DR	MODESTO	CA	95357	26.00
079002040	CARSON SAMMY D & CARSON BRENDA S	713 PARKSTON CT	MODESTO	CA	95357	26.00
079002041	HAHTO MARK D & HAHTO KAREN A	717 PARKSTON CT	MODESTO	CA	95357	26.00
079002042	WOLTER DENNIS & CAROL	721 PARKSTON CT	MODESTO	CA	95357	26.00
079002043	BEJARANO CARLOS	725 PARKSTON CT	MODESTO	CA	95357	26.00
079002044	MEFFERD JULIE A	729 PARKSTON CT	MODESTO	CA	95357	26.00
079002048	CADIZ SIMPLICIO V JR & CADIZ ALMA B	745 PARKSTON CT	MODESTO	CA	95357	26.00
079002049	BISHOP ROSIE	749 PARKSTON CT	MODESTO	CA	95357	26.00
079002050	ALTON KARIM & ALTON WAILET	753 PARKSTON CT	MODESTO	CA	95357	26.00
079002051	SINGH BEER	752 PARKSTON CT	MODESTO	CA	95357	26.00
079002052	BLAKE TERRY L & CANDACE L	748 PARKSTON CT	MODESTO	CA	95357	26.00

APH	Owner Name	Property Address	City	State	Zip	2011-2012 Assessment
079002053	LANZA ROBERT J & LANZA MARION R	744 PARKSTON CT	MODESTO	CA	95357	26.00
079002054	RUCKER SHARON E	740 PARKSTON CT	MODESTO	CA	95357	26.00
079002055	LONN RALPH S & MICHELA SUZANNE	736 PARKSTON CT	MODESTO	CA	95357-1550	26.00
079002056	MOUSHIPOUR OUSHANA EDDIE & MOUSHIPOUR ELIZABETH SE	732 PARKSTON CT	MODESTO	CA	95357	26.00
079002057	DALMAN DAVID & JEAN	728 PARKSTON CT	MODESTO	CA	95357	26.00
079002058	COLLS LUIS R TR	724 PARKSTON CT	MODESTO	CA	95357	26.00
079002059	FRAMSTAD RAYMOND J & TAMMIE LYNN	720 PARKSTON CT	MODESTO	CA	95357-1550	26.00
079002060	ORTEGA EFRAIN R & GLORIA C	716 PARKSTON CT	MODESTO	CA	95355	26.00
079002061	CASTIGLIONE JOSEPH B & BECKY M	713 MILBANK DR	MODESTO	CA	95357	26.00
079002062	LUBINSKY EDWARD & LUBINSKY CAROL E	717 MILBANK DR	MODESTO	CA	95354	26.00
079002063	CASTILLO HECTOR	721 MILBANK DR	MODESTO	CA	95357	26.00
079002064	PRASAD RAMA	725 MILBANK DR	MODESTO	CA	95357	26.00
079002065	WINGO NAIDA J	729 MILBANK DR	MODESTO	CA	95357	26.00
079002066	SMITH MARQUE R	733 MILBANK DR	MODESTO	CA	95357-1549	26.00
079002067	VILLANUEVA DAVID M & VILLANUEVA DIANE M	737 MILBANK DR	MODESTO	CA	95357-1549	26.00
079002068	JAMES BRENDAN R ET AL	741 MILBANK DR	MODESTO	CA	95357	26.00
079002069	HEWITT SCOTT	745 MILBANK DR	MODESTO	CA	95357	26.00
079002070	WILKERSON KENNETH	817 SALINA DR	MODESTO	CA	95357	26.00
079002071	DIAZ ANGELINA	821 SALINA DR	MODESTO	CA	95357	26.00
079002072	KEMPER CHRISTOPHER S	825 SALINA DR	MODESTO	CA	95357	26.00
079002073	GRANT CURTIS R & NANCY E	3701 WICHITA WAY	MODESTO	CA	95357	26.00
079002074	BELL WILLIAM CJR & KIMBERLY A	3705 WICHITA WAY	MODESTO	CA	95357	26.00
079002076	BATES HAROLD & JANICE	3533 BATTLEBORO CT	MODESTO	CA	95357	26.00
079002078	HSBC BANK USA NATL ASSOC TRUSTEE	733 PARKSTON CT	MODESTO	CA	95357	26.00
079002079	MARTINEZ CONCHA A	737 PARKSTON CT	MODESTO	CA	95357	26.00
079002080	HASKEL ROBERT P	3537 BATTLEBORO CT	MODESTO	CA	95357-1510	26.00
079002082	GOMAN TOD A	741 PARKSTON CT	MODESTO	CA	95357	26.00
079003001	MAHARAJ SANJAI S & MAHARAJ ARUNA D	3641 DRY CREEK DR	MODESTO	CA	95357	26.00
079003002	HUFFMAN JOSEPH R II & MARLENE J	3637 DRY CREEK DR	MODESTO	CA	95357	26.00
079003003	MC ENTIRE MICHAEL A & MC ENTIRE ANNA M	3633 DRY CREEK DR	MODESTO	CA	95357	26.00
079003004	CALVO SERGIO & SILVIA	3629 DRY CREEK DR	MODESTO	CA	95357	26.00
079003005	MCE VENTURES LLC	3625 DRY CREEK DR	MODESTO	CA	95357	26.00
079003006	FEDERAL HOME LOAN MORTGAGE CORP	3621 DRY CREEK DR	MODESTO	CA	95357	26.00
079003007	CORDOVA ISIDRO C & CORDOVA MARTHA B	3613 DRY CREEK DR	MODESTO	CA	95357	26.00
079003008	CHUANGS INVESTMENT INC	3609 DRY CREEK DR	MODESTO	CA	95357	26.00
079003009	SINGH ASHOK K & SINGH JAQLIN O	3605 DRY CREEK DR	MODESTO	CA	95357-1527	26.00
079003010	GIL MARTIN & GIL DEBORAH L	3601 DRY CREEK DR	MODESTO	CA	95357	26.00
079003011	DOUGLAS GREG & DOUGLAS TERI	3537 DRY CREEK DR	MODESTO	CA	95357	26.00
079003012	HERNANDEZ FERNANDO PARDO & HERNANDEZ GLORIA C	3533 DRY CREEK DR	MODESTO	CA	95357	26.00
079003013	WERNER RONALD L & WERNER JACQUELINE	3529 DRY CREEK DR	MODESTO	CA	95357	26.00
079003014	CRANDALL FREDERICK J HEIRS OF	3525 DRY CREEK DR	MODESTO	CA	95357	26.00
079003015	ANDERSON CAMERON C	3521 DRY CREEK DR	MODESTO	CA	95357	26.00
079003016	DIXON THOMAS	3517 DRY CREEK DR	MODESTO	CA	95357	26.00
079003017	MICHAEL SCOTT A	3512 BERESFORD DR	MODESTO	CA	95354	26.00
079003018	ESTRADA ADRIANA G	3516 BERESFORD DR	MODESTO	CA	95357	26.00
079003019	DELANEY KIMBERLY R	3520 BERESFORD DR	MODESTO	CA	95357-1511	26.00
079003020	EHRLER LEE & EHRLER THERESA A	3524 BERESFORD DR	MODESTO	CA	95357-1511	26.00
079003021	DHALIWAL AMRITPAL	3528 BERESFORD DR	MODESTO	CA	95357	26.00
079003022	LUTTRELL ERIC ET AL	3532 BERESFORD DR	MODESTO	CA	95357	26.00
079003023	MENDOZA ADRIAN & ROSA	3536 BERESFORD DR	MODESTO	CA	95357	26.00
079003024	MANHOSO FRANK & MANHOSO MARIA	3540 BERESFORD DR	MODESTO	CA	95357-1511	26.00
079003025	FISCHER WILLIAM & FISCHER CAROL	3600 BERESFORD DR	MODESTO	CA	95357	26.00
079003026	MEYER FELESHIA J ET AL	3604 BERESFORD DR	MODESTO	CA	95357	26.00
079003027	PRAKASH OM & SUSHIL	3608 BERESFORD DR	MODESTO	CA	95357	26.00
079003028	REYES ERLINDA M TR	3616 BERESFORD DR	MODESTO	CA	95357	26.00

APN	Owner Name	Property Address	City	State	Zip	2011-2012 Assessment
079003029	CHUNG WILLIAM & YEH GEORGINA PIK-CHING TRS	3620 BERESFORD DR	MODESTO	CA	95357-4052	26.00
079003030	STANLEY COYE & MACHELLE	3624 BERESFORD DR	MODESTO	CA	95357	26.00
079003031	HERNANDEZ MARTIN GUTIERREZ	3628 BERESFORD DR	MODESTO	CA	95357	25.00
079003032	PALHEGYI RICK L	3632 BERESFORD DR	MODESTO	CA	95357-1515	26.00
079003033	ROTH WILLIAM C & ROTH DOLORES	704 SPINDALE DR	MODESTO	CA	95350	26.00
079003034	SOLIS MARIA	708 SPINDALE DR	MODESTO	CA	95357	26.00
079003035	MUNCRIEF DAVID E	712 SPINDALE DR	MODESTO	CA	95357	26.00
079003036	SHARMA RUORA DUTT & RESHMIKA	716 SPINDALE DR	MODESTO	CA	95357	26.00
079003037	DEL REAL INDELAJO & DEL REAL ELENA	720 SPINDALE DR	MODESTO	CA	95357	26.00
079003038	MORALES DIANA R	724 SPINDALE DR	MODESTO	CA	95357	26.00
079003039	JORDAN NEIL WAYNE & JORDAN MARY	728 SPINDALE DR	MODESTO	CA	95357-1565	26.00
079003041	STIEHR TIMOTHY & STIEHR DIANE	729 SPINDALE DR	MODESTO	CA	95357	26.00
079003042	CORONA ALVARO	725 SPINDALE DR	MODESTO	CA	95357	26.00
079003043	HANLEY JOHN & SAMANTHA L	721 SPINDALE DR	MODESTO	CA	95357-1566	26.00
079003044	GEISER KATHLEEN	717 SPINDALE DR	MODESTO	CA	95357	26.00
079003045	HOWARD THOMAS A	713 SPINDALE DR	MODESTO	CA	95357	26.00
079003046	CLELAND DOUGLAS B & CLELAND PAMELA J	709 SPINDALE DR	MODESTO	CA	95357	26.00
079003047	BIELEFELDT JAMES W & MONICA C	3617 BERESFORD DR	MODESTO	CA	95357	26.00
079003048	DEUTSCHE BANK NATIONAL TRUST CO TRUSTEE	720 MILBANK DR	MODESTO	CA	95357	26.00
079003049	MOODY ROBERT P & MOODY DIANE K	724 MILBANK DR	MODESTO	CA	95357	26.00
079003050	SWITZER LYNDELL	728 MILBANK DR	MODESTO	CA	95357	26.00
079003051	KILGORE LINDA L & SELLERS JESSE M	732 MILBANK DR	MODESTO	CA	95357	26.00
079003052	MAXWELL VIRGINIA	736 MILBANK DR	MODESTO	CA	95357-1548	26.00
079003053	JUDD JIMMIE RANDALL ET AL	740 MILBANK DR	MODESTO	CA	95357	26.00
079003054	SPIEKER DAVE M & SPIEKER JANE R	744 MILBANK DR	MODESTO	CA	95357	26.00
079003055	ALVEAR FELICITAS	748 MILBANK DR	MODESTO	CA	95357	26.00
079003056	WILSON JANENE M ET AL	733 SPINDALE DR	MODESTO	CA	95357	26.00
079004001	ESPARZA WILLIAM & ELSA	3709 WICHITA WAY	MODESTO	CA	95357	26.00
079004002	CASSIDY ALAN K & CASSIDY SUSAN H	3713 WICHITA WAY	MODESTO	CA	95357	26.00
079004003	HAWIL ALFRED	3717 WICHITA WAY	MODESTO	CA	95357	26.00
079004004	PALMERIN ARTURO & PATRICIA	3721 WICHITA WAY	MODESTO	CA	95357	26.00
079004005	FRIEDRICH MATTHEW J TR	3725 WICHITA WAY	MODESTO	CA	95357-1570	26.00
079004006	MANLULU NOEL M & MANLULU MARIVIC F	3729 WICHITA WAY	MODESTO	CA	95357	26.00
079004007	TOWNE JAMES E & TOWNE AMANDA J	3733 WICHITA WAY	MODESTO	CA	95357	26.00
079004008	BRIGHT GARY E & BETTY J TRS	3801 WICHITA WAY	MODESTO	CA	95357-1572	26.00
079004009	DE ALBA RIGOBERTO & DE ALBA SANDRA L	3805 WICHITA WAY	MODESTO	CA	95357	26.00
079004010	DE ALBA RIGOBERTO ET AL	3809 WICHITA WAY	MODESTO	CA	95357	26.00
079004011	GOODWIN MARILYN L	3813 WICHITA WAY	MODESTO	CA	95357	26.00
079004012	HECKLER LAWRENCE S TR	3817 WICHITA WAY	MODESTO	CA	95357	26.00
079004013	GARCIA ARMANDO & MARISOL RESENDIZ	3821 WICHITA WAY	MODESTO	CA	95357	26.00
079004014	CURTRIGHT BILLY C & CURTRIGHT BARBARA L	3825 WICHITA WAY	MODESTO	CA	95357	26.00
079004015	KENNEDY CHAD & SHINOBU	3829 WICHITA WAY	MODESTO	CA	95354	26.00
079004016	GETREU DANIEL L & GETREU PATRICIA E	3901 WICHITA WAY	MODESTO	CA	95354-1576	26.00
079004017	MILLER RAYMOND E & MILLER JERELYN	3905 WICHITA WAY	MODESTO	CA	95357	26.00
079004018	OROZCO JESUS I	3909 WICHITA WAY	MODESTO	CA	95357	26.00
079004019	ALBERG DAVID A & PAMELA M TRS	3913 WICHITA WAY	MODESTO	CA	95354	26.00
079004020	ROBERTS BILLIE G & ROBERTS WAVA J	3917 WICHITA WAY	MODESTO	CA	95357	26.00
079004021	COX JULIE A	3921 WICHITA WAY	MODESTO	CA	95355	26.00
079004022	TEJADA SERGIO L	3925 WICHITA WAY	MODESTO	CA	95357	26.00
079004023	RUIZ GREGORIO & MARIA	3929 WICHITA WAY	MODESTO	CA	95357	26.00
079004024	MARTINEZ ARTHUR J & ELISA R	3933 WICHITA WAY	MODESTO	CA	95357	26.00
079004025	GARDNER GEORGE & GARDNER DAWN	844 LARNED LN	MODESTO	CA	95357	26.00
079004026	SAMUEL BENJAMIN & JANET Y	840 LARNED LN	MODESTO	CA	95357	26.00
079004027	MORALES JOSE & MARIA	836 LARNED LN	MODESTO	CA	95357	26.00
079004028	SEN INDIR & SEN SURUJ M	832 LARNED LN	MODESTO	CA	95357	26.00

APN	Owner Name	Property Address	City	State	Zip	2011-2012 Assessment
079004029	VIGIL CELSO ET AL	828 LARNED LN	MODESTO	CA	95357	26.00
079004030	WELLS FARGO BANK NA TRUSTEE	3925 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004031	KEYS MARK A & KEYS SANDY M	3921 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004032	MARTIN CHRISTOPHER & MONIQUE	3917 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004033	GLEN MAVIS J TR	3913 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004034	CHRISTIANSON ADAM E & CHRISTIANSON YVONNE M	3909 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004035	CHICKEN RANCH MEWUK INDIANS	3905 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004036	PHIPPS CORY L & PHIPPS CAROLE J	3901 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004037	RETFORD HANK W & RETFORD KAREN J	3821 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004038	RICE DAVID M	3817 SHARPSBURG DR	MODESTO	CA	95357-1562	26.00
079004039	MCE VENTURES LLC	3813 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004040	AU-YEUNG CHI & AU-YEUNG TZE H	3809 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004041	VASQUEZ RICHARD P & VASQUEZ SHAROLYN M	3805 SHARPSBURG DR	MODESTO	CA	95351	26.00
079004042	SERNA JOE H & SERNA MARLA A	3801 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004043	SOUZA RICK L & SOUZA MARVELYN	3721 SHARPSBURG DR	MODESTO	CA	95357-1560	26.00
079004044	WOOD SHAWN & WOOD KRISTINA M	3717 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004045	HATTERSLEY SCOTT LEYTON & SANDRA LEE TRS	3713 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004046	CHIEN PETER C	3709 SHARPSBURG DR	MODESTO	CA	95357	26.00
079004047	DIVIRD JASON R ET AL	3705 SHARPSBURG DR	MODESTO	CA	95354	26.00
079004048	KRUKAR JOHN & KRISTINE W	3701 SHARPSBURG DR	MODESTO	CA	09535	26.00
079004049	EYRING MARION L TR	3712 WICHITA WAY	MODESTO	CA	95357	26.00
079004050	BENTLEY DOUGLAS & BENTLEY LEEANNE K	3716 WICHITA WAY	MODESTO	CA	95357	26.00
079004051	DUMAS JAMES BRIAN & PAMELA L	3720 WICHITA WAY	MODESTO	CA	95357	26.00
079004052	EVANS-BRADLEY MITTIE V & BRADLEY MARK D	3724 WICHITA WAY	MODESTO	CA	95357	26.00
079004053	MORENO LUIS F & MORENO ROSA M	3728 WICHITA WAY	MODESTO	CA	95354	26.00
079004054	MENDOZA MICHAEL & FRANCISCA	3732 WICHITA WAY	MODESTO	CA	95357	26.00
079004055	CASTILLO RAFAEL	3800 WICHITA WAY	MODESTO	CA	95357-1571	26.00
079004056	SALVATION ARMY	3804 WICHITA WAY	MODESTO	CA	95357-1571	26.00
079004057	CLINE DAVID L & DEBRA N TRS	3808 WICHITA WAY	MODESTO	CA	95357	26.00
079004058	FUGATE KAREN M TR	3812 WICHITA WAY	MODESTO	CA	95357	26.00
079004059	COUCHMAN PAUL E & KATHRYN A	3816 WICHITA WAY	MODESTO	CA	95357	26.00
079004060	CABEBE MA. RIZALINA C TR	3820 WICHITA WAY	MODESTO	CA	95357	26.00
079004061	REISINGER LILLY TR	3824 WICHITA WAY	MODESTO	CA	95357	26.00
079004062	HERNANDEZ CESAR E & MARGARITA C	3828 WICHITA WAY	MODESTO	CA	95357	26.00
079004063	BEAUDETTE GARY & BEAUDETTE DEBORAH	3900 WICHITA WAY	MODESTO	CA	95357	26.00
079004064	ALVAREZ LOUIS L ET AL	3904 WICHITA WAY	MODESTO	CA	95357	26.00
079004065	MANCINI JUDITH	3908 WICHITA WAY	MODESTO	CA	95357-1575	26.00
079004066	ISRAEL SAMMY S & SHERLY ESGUERRA	3912 WICHITA WAY	MODESTO	CA	95357	26.00
079004067	WATKINS GREGORY N	3916 WICHITA WAY	MODESTO	CA	95354	26.00
079004068	OVIEDO RAFAEL S & OVIEDO IRMA L	3920 WICHITA WAY	MODESTO	CA	95357	26.00
079004069	OCKEY LEOTA L TR	3924 WICHITA WAY	MODESTO	CA	95357	26.00
079005001	SIMPSON STEVEN	732 SPINDALE DR	MODESTO	CA	95357	26.00
079005002	BALLIET RICHARD L & BALIJET SHERRY	736 SPINDALE DR	MODESTO	CA	95357	26.00
079005003	BORDNER FATIMA	800 SALINA DR	MODESTO	CA	95357	26.00
079005004	HELLERUD GARRY A & HELLERUD ARIENE L	804 SALINA DR	MODESTO	CA	95354-1558	26.00
079005005	SOUZA DONOVAN & SOUZA NICOLE	813 PARSONS CT	MODESTO	CA	95354	26.00
079005006	BARRINGTON AMANDA MARIE & JUSTIN	809 PARSONS CT	MODESTO	CA	95357-1552	26.00
079005007	THOMPSON MELANIE	805 PARSONS CT	MODESTO	CA	95357	26.00
079005008	LAKE DAVID E & LAKE MARGARET R	800 PARSONS CT	MODESTO	CA	95357-1552	26.00
079005009	LEE EDMUND W TR	804 PARSONS CT	MODESTO	CA	95357	26.00
079005010	GARCIA EDUARDO C & GARCIA ELIZABETH A	808 PARSONS CT	MODESTO	CA	95351	26.00
079005011	KHAMOO BABA & KHAMOO HILDA	812 PARSONS CT	MODESTO	CA	95357	26.00
079005012	OROZCO ELVA D	817 LEAVENWORTH WAY	MODESTO	CA	95357	26.00
079005013	MEDINA VICTOR & IRMA	813 LEAVENWORTH WAY	MODESTO	CA	95357	26.00
079005014	FAGUNDES ANTONIO & HAIR JACQUELINE K	809 LEAVENWORTH WAY	MODESTO	CA	95357	26.00

APN	Owner Name	Property Address	City	State	Zip	2011-2012 Assessment
079005015	GARCIA MATIAS & GARCIA MERCEDES	805 LEAVENWORTH WAY	MODESTO	CA	95357	26.00
079005016	SANDHU MANJINDER SINGH & SUKHJIT KAUR	801 LEAVENWORTH WAY	MODESTO	CA	95357	26.00
079005017	OWENS LARRY G & MARY Z	800 LEAVENWORTH WAY	MODESTO	CA	95351	26.00
079005018	TAYLOR BRADLEY JOSEPH	804 LEAVENWORTH WAY	MODESTO	CA	95357-1539	26.00
079005019	BISHOFF PHYLLIS	808 LEAVENWORTH WAY	MODESTO	CA	95357	26.00
079005020	GROSS THOMAS T	812 LEAVENWORTH WAY	MODESTO	CA	95357	26.00
079005021	EWING MARGARET K & JOHN	816 LEAVENWORTH WAY	MODESTO	CA	95357	26.00
079005022	AMIRAH YOUTBERT B	3908 SHARPSBURG DR	MODESTO	CA	95357	26.00
079005023	DAVISON WAYNE & JO	3912 SHARPSBURG DR	MODESTO	CA	95357-1563	26.00
079005024	WEIN PATRICIA A	3916 SHARPSBURG DR	MODESTO	CA	95357	26.00
079005025	PLUMMER THOMAS L & PLUMMER JOANN L	817 LARNED LN	MODESTO	CA	95357	26.00
079005026	MERCHANT JEANETTE	813 LARNED LN	MODESTO	CA	95357	26.00
079005027	CHEN GEORGE CHONG JYH & HOLLY YUN YAN	809 LARNED LN	MODESTO	CA	95357	26.00
079005028	VAN DIEMEN MICHAEL B & VAN DIEMEN LAURI L	805 LARNED LN	MODESTO	CA	95357	26.00
079005029	LIGHT MARK T	3909 GOODLAND CT	MODESTO	CA	95357-1530	26.00
079005030	LUCAS THOMAS M III & LUCAS LISA M	3905 GOODLAND CT	MODESTO	CA	95357-1530	26.00
079005031	BARKLEY JOSEPH E	3900 GOODLAND CT	MODESTO	CA	95357	26.00
079005032	BROOKS CHARLES A & BROOKS SUSAN D	3904 GOODLAND CT	MODESTO	CA	95357	26.00
079005033	BIHEL MICHAEL R & SANDRA K	3908 GOODLAND CT	MODESTO	CA	95357	26.00
079005034	MORALES SHARON & LUIS	3912 GOODLAND CT	MODESTO	CA	95357	26.00
079005035	YOUNGER ROGER & LAURA	3916 GOODLAND CT	MODESTO	CA	95357	26.00
079005036	STRUMPF KARL V	3920 GOODLAND CT	MODESTO	CA	95357	26.00
079005037	ALVARADO MARIA D	800 LARNED LN	MODESTO	CA	95357	26.00
079005038	PALMERIN JOSE DE JESUS	804 LARNED LN	MODESTO	CA	95357	26.00
079005039	HATTER MICHAEL A & LINDA D	808 LARNED LN	MODESTO	CA	95357	26.00
079005040	PARKS STEVEN M & BECKY	812 LARNED LN	MODESTO	CA	95357	26.00
079005041	SEIDLER MICHAEL	816 LARNED LN	MODESTO	CA	95357-1537	26.00
079005042	MORAD EDMOND & MORAD CARMEN	820 LARNED LN	MODESTO	CA	95357	26.00
079005043	PULIDO HECTOR E ET AL	824 LARNED LN	MODESTO	CA	95357	26.00
079006001	FOWLER DEBORAH A	737 WADDELL WAY	MODESTO	CA	95357	26.00
079006002	M & M PROPERTIES INC	741 WADDELL WAY	MODESTO	CA	95357	26.00
079006003	CALLAHAN MARILYN S	745 WADDELL WAY	MODESTO	CA	95357	26.00
079006004	CHHM LIM	749 WADDELL WAY	MODESTO	CA	95357	26.00
079006005	TRIMBLE ANDREW J & TRIMBLE SHERRY L	753 WADDELL WAY	MODESTO	CA	95357	26.00
079006006	ESQUIVEL JAMES P & ESQUIVEL SUZANNE	757 WADDELL WAY	MODESTO	CA	95357	26.00
079006007	ARELLANO JOSE & ROSA JANET	761 WADDELL WAY	MODESTO	CA	95357	26.00
079006008	REYES JIM R & REYES ELLEN S	765 WADDELL WAY	MODESTO	CA	95357	26.00
079006010	JOHNSON GERALD L ET AL	752 CODINGTON WAY	MODESTO	CA	95357	26.00
079006011	BUGARIN LUIS DEL REAL	748 CODINGTON WAY	MODESTO	CA	95357	26.00
079006012	CAMACHO EFREN ET AL	744 CODINGTON WAY	MODESTO	CA	95357	26.00
079006013	GARCIA FRANCISCO & YOLANDA	740 CODINGTON WAY	MODESTO	CA	95357	26.00
079006014	MC CRARY LLOYD U & MC CRARY MARY J	736 CODINGTON WAY	MODESTO	CA	95357	26.00
079006015	PARKINS HARRY ROBERT TR	732 CODINGTON WAY	MODESTO	CA	95357	26.00
079006016	TELLEZ MAURICE R & MARGARITA F	728 CODINGTON WAY	MODESTO	CA	95357	26.00
079006017	TELLEZ MAURICE R & MARGARITA F	724 CODINGTON WAY	MODESTO	CA	95357	26.00
079006018	SANTOS LUZ MARIA	720 CODINGTON WAY	MODESTO	CA	95357	26.00
079006019	SANTOS LUZ	716 CODINGTON WAY	MODESTO	CA	95357	26.00
079006020	PADILLA SALVADOR & PADILLA ANTONIA	712 CODINGTON WAY	MODESTO	CA	95357	26.00
079006021	MAUCH EVA & LOREN	708 CODINGTON WAY	MODESTO	CA	95357	26.00
079006022	BAINS GURNAM S & BALVINDER K	704 CODINGTON WAY	MODESTO	CA	95355	26.00
079006023	LOTKO ANN E	700 CODINGTON WAY	MODESTO	CA	95357	26.00
079006024	PEREZ JUAN MANUEL & SILVIA PULIDO	640 CODINGTON WAY	MODESTO	CA	95357	26.00
079006025	RAM RAVI PRAKASH & RAM SANJLA PRAKASH	701 CODINGTON WAY	MODESTO	CA	95357-1519	26.00
079006026	BANUELOS MARTHA E	705 CODINGTON WAY	MODESTO	CA	95357	26.00
079006027	LEISHMAN DONALD E & LEISHMAN MARCIA L	709 CODINGTON WAY	MODESTO	CA	95357	26.00

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079006028	CONDER DEBORAH	713 CODINGTON WAY	MODESTO	CA	95357	26.00
079006029	BRAUN BRANDON	717 CODINGTON WAY	MODESTO	CA	95357	26.00
079006030	FEDERAL NATIONAL MORTGAGE ASSN	721 CODINGTON WAY	MODESTO	CA	95357	26.00
079006031	KERLIN JESSICA M & SHANE C	725 CODINGTON WAY	MODESTO	CA	95357	26.00
079006032	FIGUEROA LUIS E & FIGUEROA ISABEL L	729 CODINGTON WAY	MODESTO	CA	95357	26.00
079006033	NAN WAYNE TR	733 CODINGTON WAY	MODESTO	CA	95357	26.00
079006034	AMBROSICH STEPHEN F	737 CODINGTON WAY	MODESTO	CA	95357	26.00
079006035	ARMENDARIZ DAVID & ARMENDARIZ LORI A	741 CODINGTON WAY	MODESTO	CA	95357	26.00
079006036	FIELDS FRANCES	745 CODINGTON WAY	MODESTO	CA	95354	26.00
079006037	SILLEMONT ANTHONY	749 CODINGTON WAY	MODESTO	CA	95357	26.00
079006038	GUZMAN JESUS A	744 CARRBORO LN	MODESTO	CA	95357	26.00
079006039	LOUCKS DAVID GEORGE & JOSEFA M TRS	740 CARRBORO LN	MODESTO	CA	95357	26.00
079006040	PATRICK ANTONIO	736 CARRBORO LN	MODESTO	CA	95357	26.00
079006041	WRIGHT DARREN W & ANGELA M	732 CARRBORO LN	MODESTO	CA	95357	26.00
079006042	MCE VENTURES LLC	728 CARRBORO LN	MODESTO	CA	95357-1408	26.00
079006043	DE BERRY GARY L & ALICE A	724 CARRBORO LN	MODESTO	CA	95357	26.00
079006044	LAMPROE LEONARD C & LAMPROE MARY A	720 CARRBORO LN	MODESTO	CA	95357	26.00
079006045	GARCIA FELIPE & FLORES BLANCA	716 CARRBORO LN	MODESTO	CA	95357	26.00
079006046	ODISHO DAVID & ODISHO JULIET	712 CARRBORO LN	MODESTO	CA	95357	26.00
079006047	WAY DONALD E & TERESA M	708 CARRBORO LN	MODESTO	CA	95357	26.00
079006048	DAVID SAM & VIRGEEN	704 CARRBORO LN	MODESTO	CA	95357	26.00
079006049	CONN HILARY A & GARY	700 CARRBORO LN	MODESTO	CA	95357	26.00
079007001	CHOW MINH LU ET AL	729 WADDELL WAY	MODESTO	CA	95354	26.00
079007002	BIBENS ROBERT E TRS & BIBENS JO ANN R	725 WADDELL WAY	MODESTO	CA	95357	26.00
079007003	BROWN JEFF	721 WADDELL WAY	MODESTO	CA	95357	26.00
079007004	RUNYAN JOHN MICHAEL & BRANDY LYNN TRS	717 WADDELL WAY	MODESTO	CA	95357	26.00
079007005	L & D RENTALS LLC	713 WADDELL WAY	MODESTO	CA	95357	26.00
079007006	SWEETEN HAROLD	709 WADDELL WAY	MODESTO	CA	95357	26.00
079007007	SANCHEZ ENRIQUE	705 WADDELL WAY	MODESTO	CA	95357	26.00
079007008	PENIRIAN JODI	701 WADDELL WAY	MODESTO	CA	95357	26.00
079007009	FERNANDEZ RAMIRO & ALMA	669 WADDELL WAY	MODESTO	CA	95357	26.00
079007010	ZAMORA ANITA ET AL	665 WADDELL WAY	MODESTO	CA	95357	26.00
079007011	STOLLBERG WILLIAM R & HOAI TRS	661 WADDELL WAY	MODESTO	CA	95354	26.00
079007012	L & D RENTALS LLC	657 WADDELL WAY	MODESTO	CA	95357	26.00
079007013	MCCULLOUGH STACI ET AL	653 WADDELL WAY	MODESTO	CA	95357	26.00
079007014	CHAUVIN GARY & DEBBIE	649 WADDELL WAY	MODESTO	CA	95357	26.00
079007015	MARSELLA BARBARA A	645 WADDELL WAY	MODESTO	CA	95357	26.00
079007016	PRAKASH RAVI	641 WADDELL WAY	MODESTO	CA	95357	26.00
079007017	ORR MILDRED M	648 WADDELL WAY	MODESTO	CA	95357	26.00
079007018	MEYER LISA M	652 WADDELL WAY	MODESTO	CA	95357	26.00
079007019	MENDEZ HILARIO	656 WADDELL WAY	MODESTO	CA	95350	26.00
079007020	SANTOS RICHARD	721 RIEDSVILLE CT	MODESTO	CA	95357	26.00
079007021	GOOTGELD MARLA	717 RIEDSVILLE CT	MODESTO	CA	95354	26.00
079007022	OCHOA JOSE G ET AL	713 RIEDSVILLE CT	MODESTO	CA	95357	26.00
079007023	ACOSTA DAVID ET AL	716 RIEDSVILLE CT	MODESTO	CA	95357	26.00
079007024	SCHULTZ BRENDA J & RONALD	720 RIEDSVILLE CT	MODESTO	CA	95357	26.00
079007025	SCALA PAOLO & MEDINA MIRIAM	712 WADDELL WAY	MODESTO	CA	95357	26.00
079007026	JIMENEZ GREGORIO	716 WADDELL WAY	MODESTO	CA	95357-1487	26.00
079007027	MOLES EDWARD A & MOLES SUSAN H	720 WADDELL WAY	MODESTO	CA	95357	26.00
079007028	PRASAD RAJENDRA & SAVITRI D	724 WADDELL WAY	MODESTO	CA	95357	26.00
079007029	TRIMBLE BRENDA E	728 WADDELL WAY	MODESTO	CA	95354	26.00
079007030	POZZOLI JOHN L	732 WADDELL WAY	MODESTO	CA	95357	26.00
079007031	SINGH SURUJ B & SINGH LACHMI BAI	736 WADDELL WAY	MODESTO	CA	95357	26.00
079007032	DE LA TORRE CONRAD M & DE LA TORRE ROSEMARY H	740 WADDELL WAY	MODESTO	CA	95357	26.00
079007033	MARCIANO ARMANDO D & MARCIANO REMEDIOS R	737 CARRBORO LN	MODESTO	CA	95357-1409	26.00

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079007034	FANNIE MAE	733 ARRBORO LN	MODESTO	CA	95357	26.00
079007035	SOTELO ANTHONY J & STEPHANIE A	729 ARRBORO LN	MODESTO	CA	95357	26.00
079007035	HAM TAMMY J TR	725 ARRBORO LN	MODESTO	CA	95357-1409	26.00
079007037	AYALA ROBERTO DUARTE TRS & AYALA LUCY C	721 ARRBORO LN	MODESTO	CA	95357	26.00
079007038	NAVARRO RAFAEL	717 ARRBORO LN	MODESTO	CA	95357	26.00
079007039	HARRISON KAREN S	713 ARRBORO LN	MODESTO	CA	95357	26.00
079007040	VILLALOVOS YOLANDA & ART R	709 ARRBORO LN	MODESTO	CA	95357	26.00
079007041	GALLOWAY JACK	700 HADBURN CT	MODESTO	CA	95357	26.00
079007042	BELL GEORGE C	704 HADBURN CT	MODESTO	CA	95357	26.00
079007043	GRIM ROBERT & AMANDA	708 HADBURN CT	MODESTO	CA	95357	26.00
079007044	SAMRA GURDIP & PREET	712 HADBURN CT	MODESTO	CA	95357	26.00
079007045	STAPP GLENDA	716 HADBURN CT	MODESTO	CA	95357	26.00
079007046	SINGH JORAWAR ET AL	720 HADBURN CT	MODESTO	CA	95354	26.00
079007047	TRUESDAIL SHELBY J	724 HADBURN CT	MODESTO	CA	95357	26.00
079007048	BAHI EILEEN	721 HADBURN CT	MODESTO	CA	95354	26.00
079007049	IBARRA JUANA	717 HADBURN CT	MODESTO	CA	95357	26.00
079007050	YEFREMKO ALEKSEY & CANDICE	713 HADBURN CT	MODESTO	CA	95357	26.00
079007051	BROOKS HARVEY EARL TR	709 HADBURN CT	MODESTO	CA	95357	26.00
079007052	ESTRADA-GAMBOA RAMON	705 HADBURN CT	MODESTO	CA	95355	26.00
079007053	SILVEIRA FERNANDA	3725 REEDMOOR AVE	MODESTO	CA	95357	26.00
079007054	BERTRAM ELLEN	3721 REEDMOOR AVE	MODESTO	CA	95357	26.00
079007055	PEREZ JOSE P & PEREZ ROSA M	3717 REEDMOOR AVE	MODESTO	CA	95357	26.00
079007056	SKOCHKO KATHLEEN A & SKOCHKO RICHARD A	3713 REEDMOOR AVE	MODESTO	CA	95357	26.00
079007057	DAVIS JAMES R & DAVIS LETECIA B	3709 REEDMOOR AVE	MODESTO	CA	95354	26.00
079008001	BUAYA DAVID S	620 MC CLURE RD	MODESTO	CA	95357	26.00
079008002	DANIEL JAMES ET AL	616 MC CLURE RD	MODESTO	CA	95357	26.00
079008003	CONCHAS SANDRA H	612 MC CLURE RD	MODESTO	CA	95356	26.00
079008004	RENO FRED W	608 MC CLURE RD	MODESTO	CA	95354	26.00
079008005	CHAND VIJAY & MATI SOHAN	604 MC CLURE RD	MODESTO	CA	95354	26.00
079008006	CHAND VIJAY V ET AL	600 MC CLURE RD	MODESTO	CA	95357	26.00
079008007	JACKSON MATTHEW & JACKSON SUZANNA	564 MC CLURE RD	MODESTO	CA	95357	26.00
079008008	WARD DONALD G & CARLILE-WARD CARRIE LYNN	560 MC CLURE RD	MODESTO	CA	95354	26.00
079008009	MOUNDI HARINDER K & GURDIAL SINGH W	556 MC CLURE RD	MODESTO	CA	95354	26.00
079008010	BORGES FRANK J	552 MC CLURE RD	MODESTO	CA	95357	26.00
079008011	MILLER THOMAS H TR	548 MC CLURE RD	MODESTO	CA	95357	26.00
079008012	COLEMAN TERICA T	544 MC CLURE RD	MODESTO	CA	95357	26.00
079008013	MAHARAJ ARNOLD	540 MC CLURE RD	MODESTO	CA	95357	26.00
079008014	TAGRE ABEL JOSE & TERRIE MARIE TRS	536 MC CLURE RD	MODESTO	CA	95357	26.00
079008015	DECKARD GARY & IVONNE IRMA TRS	501 EDFIELD AVE	MODESTO	CA	95357	26.00
079008016	SABLOK SATISH KUMAR & SABLOK RENUKA DEVI	505 EDFIELD AVE	MODESTO	CA	95357	26.00
079008017	PEEK CHARLES & PEEK ADRIENNE	509 EDFIELD AVE	MODESTO	CA	95357	26.00
079008018	BERNAL ARMANDO R & BERNAL JACKIE Z	513 EDFIELD AVE	MODESTO	CA	95357	26.00
079008019	SHARMA DEO D & UMA L	517 EDFIELD AVE	MODESTO	CA	95357	26.00
079008020	CARDOSO JOHN P	521 EDFIELD AVE	MODESTO	CA	95357	26.00
079008021	WILSON JEFFREY L & MARTIN JESSICA	525 EDFIELD AVE	MODESTO	CA	95357	26.00
079008022	PHILLIPS FELICIA	529 EDFIELD AVE	MODESTO	CA	95357	26.00
079008023	TANAKA KIMBERLY	533 EDFIELD AVE	MODESTO	CA	95357	26.00
079008024	ISHAYA JACK DAVID TRS & ISHAYA ELISHWA L	601 EDFIELD AVE	MODESTO	CA	95357	26.00
079008025	LI YUN TO & LI STELLA	605 EDFIELD AVE	MODESTO	CA	95357	26.00
079008026	BETTENCOURT JOHN C TRS ET AL	609 EDFIELD AVE	MODESTO	CA	95357-1555	26.00
079008027	KUMAR PRANEEL	613 EDFIELD AVE	MODESTO	CA	95357	26.00
079008028	FEDERAL NATL MORTGAGE ASSOC	617 EDFIELD AVE	MODESTO	CA	95357	26.00
079008029	MIRELES FRANCISCO SR & MIRELES LAURA	3516 RY CREEK DR	MODESTO	CA	95357	26.00
079008030	BROWN CAROL	3520 RY CREEK DR	MODESTO	CA	95357	26.00
079008031	WRIGHT JACQUELINE L TR	3524 RY CREEK DR	MODESTO	CA	95354	26.00

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079008032	JONES CARROLL JR & JONES BARBARA L	3528 DRY CREEK DR	MODESTO	CA	95357	26.00
079008033	LA MAS MIKE & SHIRLEY LEE TRS	3532 DRY CREEK DR	MODESTO	CA	95357	26.00
079008034	BHATTI BALBIR S & JASVIR K	3536 DRY CREEK DR	MODESTO	CA	95357	26.00
079008035	SINGH KULDIP & KOUR JASBIR	3600 DRY CREEK DR	MODESTO	CA	95357	26.00
079008036	EDWARDS ROBERT S IV	3604 DRY CREEK DR	MODESTO	CA	95357	26.00
079008037	ORTIZ MATIAS & ORTIZ JOSEFINA	3608 DRY CREEK DR	MODESTO	CA	95357	26.00
079008038	SULLIVAN MICHAEL L & SANDRA L	3612 DRY CREEK DR	MODESTO	CA	95357	26.00
079008039	CARPENTER WALTON L & CARPENTER TERRAE A	3616 DRY CREEK DR	MODESTO	CA	95357	26.00
079008040	ECKLES ROBERT S & ECKLES JULIE L	3620 DRY CREEK DR	MODESTO	CA	95357-1528	26.00
079008041	HENSBRUD VICTOR & JENNIFER	3624 DRY CREEK DR	MODESTO	CA	95357	26.00
079008042	MALLEY KATHERINE S	3628 DRY CREEK DR	MODESTO	CA	95357	26.00
079008043	KELLER ALFRED W	3632 DRY CREEK DR	MODESTO	CA	95357	26.00
079008044	DAVIS LUELLA B & DAVIS WAYNE W	3636 DRY CREEK DR	MODESTO	CA	95357	26.00
079008045	HERNANDEZ FRANK J & DIANA C	3640 DRY CREEK DR	MODESTO	CA	95357	26.00
079008046	STAMPS GENE A & GLORIA M	532 WILMONT LN	MODESTO	CA	95357	26.00
079008047	BECERRA JAIME MARTIN	536 WILMONT LN	MODESTO	CA	95357-1579	26.00
079008048	MATULIS ERIC A	3633 HIGHMORE LN	MODESTO	CA	95357	26.00
079008049	CHIU JOSEPH C & CHIU HELEN LEE	3629 HIGHMORE LN	MODESTO	CA	95357	26.00
079008050	FARA AHMED & FARA MUFDHILA	3625 HIGHMORE LN	MODESTO	CA	95357	26.00
079008051	JAUREGUI HORACIO J & SUSANA	3621 HIGHMORE LN	MODESTO	CA	95357	26.00
079008052	CISNEROS MARTIN T & CISNEROS MELISSA	3617 HIGHMORE LN	MODESTO	CA	95357	26.00
079008053	SINGH NARAYAN & SINGH PREM	3613 HIGHMORE LN	MODESTO	CA	95357	26.00
079008054	WHITAKER SAUDIA F	3609 HIGHMORE LN	MODESTO	CA	95357	26.00
079008055	PRASAD JACK J & RESHMA D	3605 HIGHMORE LN	MODESTO	CA	95357	26.00
079008056	PHILLIPI PETE & PHILLIPI BARBARA	3601 HIGHMORE LN	MODESTO	CA	95357	26.00
079008057	WELLS JEFFREY R & CARRIE H	3533 HIGHMORE LN	MODESTO	CA	95357	26.00
079008058	POSŁANIEC CDBY L	3529 HIGHMORE LN	MODESTO	CA	95357	26.00
079008059	SADA FRED & JACKIE N	3525 HIGHMORE LN	MODESTO	CA	95357	26.00
079008060	WHITE JOHN L & WHITE MARILYN K	3521 HIGHMORE LN	MODESTO	CA	95357	26.00
079008061	BASSI JOE & KIRAN TRS	3517 HIGHMORE LN	MODESTO	CA	95357	26.00
079008062	KOKOLOGIANNAKIS MARTHA TR	3513 HIGHMORE LN	MODESTO	CA	95357	26.00
079009003	HENRY JILL ANNETTE & MULLINS MARY FRANCES TRS	3629 ARDIA AVE	MODESTO	CA	95357	26.00
079009004	VILLANUEVA GLEN A & VILLANUEVA YVONNE M	3625 ARDIA AVE	MODESTO	CA	95358	26.00
079009005	WRIGHT ROBERT T SR	3621 ARDIA AVE	MODESTO	CA	95357	26.00
079009006	DALMAN NINON M	3617 ARDIA AVE	MODESTO	CA	95357	26.00
079009007	REDELLE JAMES & JENNIFER	3613 ARDIA AVE	MODESTO	CA	95357	26.00
079009008	RUSH ROBERT P SR & PATRICIA L	3609 ARDIA AVE	MODESTO	CA	95357	26.00
079009009	REYNOLDS EVA NELL TR	3605 ARDIA AVE	MODESTO	CA	95357	26.00
079009010	WILLIAMS DONALD F & DEBORAH A	3601 ARDIA AVE	MODESTO	CA	95357	26.00
079009011	NAIRN DENNIS & NAIRN REBECCA	3533 ARDIA AVE	MODESTO	CA	95357	26.00
079009012	BENEDICT WILLIAM H	3529 ARDIA AVE	MODESTO	CA	95357	26.00
079009013	JOHAL SUKHWINDER KAUR & JASBIR S SINGH	3525 ARDIA AVE	MODESTO	CA	95357	26.00
079009014	THANDI H S & S K	3521 ARDIA AVE	MODESTO	CA	95357	26.00
079009015	RATTANANAI KAYTHAWEEP	3517 ARDIA AVE	MODESTO	CA	95357-1501	26.00
079009016	MARTINEZ TONY R JR	3513 ARDIA AVE	MODESTO	CA	95357	26.00
079009017	BILYCIA STEVEN M	3512 BALFOUR LN	MODESTO	CA	95357	26.00
079009018	WOOD WARREN S & WOOD ALICE B	3516 BALFOUR LN	MODESTO	CA	95357	26.00
079009019	ODGEN ROBERT C & DEBORAH A TRS	3520 BALFOUR LN	MODESTO	CA	95357-1504	26.00
079009020	FOUNTAIN TIMOTHY J & FOUNTAIN DEBORAH A	3524 BALFOUR LN	MODESTO	CA	95357	26.00
079009021	MILLS AUDREY C	3528 BALFOUR LN	MODESTO	CA	95357	26.00
079009022	COLLS LUIS R TR	3600 BALFOUR LN	MODESTO	CA	95357	26.00
079009023	MANRIQUEZ UBALDO & DORA	3604 BALFOUR LN	MODESTO	CA	95357	26.00
079009024	AMEREL CLEVE & ROSA	3608 BALFOUR LN	MODESTO	CA	95357-1508	26.00
079009025	MIRALLE GRACE A TR	3612 BALFOUR LN	MODESTO	CA	95354	26.00
079009026	LEWMAN-KUNKLER BRENDA F TR	3616 BALFOUR LN	MODESTO	CA	95357	26.00



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079009027	HANSEN ERIKA & DAHLIN KEITH R	3620 BALFOUR LN	MODESTO	CA	95357	26.00
079009028	CHAVEZ ALFONSO & CHAVEZ-GONZALES JUDY	3624 BALFOUR LN	MODESTO	CA	95357	26.00
079009029	SANCHEZ HUGO & ZENAIDA	3628 BALFOUR LN	MODESTO	CA	95357	26.00
079009030	TOMLINSON MARK S & TOMLINSON JENNIFER D	3632 BALFOUR LN	MODESTO	CA	95357	26.00
079009031	GOVEA PETER C & CAROL M TRS	512 WILMONT LN	MODESTO	CA	95357	26.00
079009032	SHELTON CHRISTINA D	516 WILMONT LN	MODESTO	CA	95357	26.00
079009033	FRANCO DANIEL R & TANIA SALIBA	520 WILMONT LN	MODESTO	CA	95351	26.00
079009034	BARRY MAGED	524 WILMONT LN	MODESTO	CA	95355	26.00
079009035	BIZZINI KELLY A & BIZZINI SHELLY	528 WILMONT LN	MODESTO	CA	95357	26.00
079009036	CHEN KOM & SAYKO CHAMNONG	3628 HIGHMORE LN	MODESTO	CA	95357	26.00
079009037	RAMIREZ JESUS & LORENA	3624 HIGHMORE LN	MODESTO	CA	95357	26.00
079009038	HUMAN MARIA LOUISA TR	3620 HIGHMORE LN	MODESTO	CA	95357	26.00
079009039	WILHELM DENNIS & WILHELM JANICE	3616 HIGHMORE LN	MODESTO	CA	95357-1534	26.00
079009040	ALBARRAN CELIA P ET AL	3612 HIGHMORE LN	MODESTO	CA	95357	26.00
079009041	VIZCARRA JOSE A	3608 HIGHMORE LN	MODESTO	CA	95357	26.00
079009042	YAU KING PO & YAU SU AI	3604 HIGHMORE LN	MODESTO	CA	95357	26.00
079009043	RODRIGUEZ WISTON L	3600 HIGHMORE LN	MODESTO	CA	95354	26.00
079009044	MENDES ANTHONY J & MENDES RENEE K	3528 HIGHMORE LN	MODESTO	CA	95357	26.00
079009045	FORBES DEENA M ET AL	3524 HIGHMORE LN	MODESTO	CA	95357	26.00
079009046	MINOT SANDRA J & MINOT BRAD	3520 HIGHMORE LN	MODESTO	CA	95355	26.00
079009047	DUSCHEN ALAN F & DUSCHEN LENNA J	3516 HIGHMORE LN	MODESTO	CA	95357	26.00
079009048	SPYKSA GLENN D & CARLA	3512 HIGHMORE LN	MODESTO	CA	95357	26.00
079009049	MAHUSAY SATURNINO & MAHUSAY PATRICIA	3513 BALFOUR LN	MODESTO	CA	95357	26.00
079009050	REYNOSO SOCORRO GUTIERREZ	3517 BALFOUR LN	MODESTO	CA	95357	26.00
079009051	BILLIKOPF GREGORY E & BILLIKOPF LINDA M	3521 BALFOUR LN	MODESTO	CA	95357	26.00
079009052	PETERSON GAIL W & KAREN TRS	3525 BALFOUR LN	MODESTO	CA	95357	26.00
079009053	PRAKASH SUSHEEL & DEVI VINITA	3529 BALFOUR LN	MODESTO	CA	95357	26.00
079009054	OSHANA DOONA	3533 BALFOUR LN	MODESTO	CA	95357	26.00
079009055	VERSOLA KENNETH & VERSOLA DONNA	3601 BALFOUR LN	MODESTO	CA	95357	26.00
079009056	MARTINEZ RICHARD A & MARTINEZ MARTHA S	3605 BALFOUR LN	MODESTO	CA	95354	26.00
079009057	VALADEZ RUBEN & KATHLEEN	3609 BALFOUR LN	MODESTO	CA	95357	26.00
079009058	HEDRICK KENNETH L & HEDRICK MARGIE	3613 BALFOUR LN	MODESTO	CA	95357	26.00
079009059	WASPE LAWRENCE E MD	3617 BALFOUR LN	MODESTO	CA	95357	26.00
079009060	RODRIGUEZ MARIO & RODRIGUEZ SONIA	3621 BALFOUR LN	MODESTO	CA	95357	26.00
079009061	CISNEROS STEVE P & CISNEROS ELVIRA	3625 BALFOUR LN	MODESTO	CA	95357	26.00
079009062	MARKMILLER RONALD & MARKMILLER MARILEE	3633 ARDIA AVE	MODESTO	CA	95357	26.00
079010001	CASTELLANOS ROBERT & MARIA	609 WADDELL WAY	MODESTO	CA	95357	26.00
079010002	CICERO EDWARD FRANCIS JR TR	613 WADDELL WAY	MODESTO	CA	95357-14	26.00
079010003	RIVERA JESUS & HERMINA	617 WADDELL WAY	MODESTO	CA	95357	26.00
079010004	LEWIS LA VONA L	621 WADDELL WAY	MODESTO	CA	95357	26.00
079010005	MALDONADO LUIS & MALDONADO ERENDIRA	625 WADDELL WAY	MODESTO	CA	95357-14	26.00
079010006	BETTENCOURT JOHN C ET AL TRS ET AL	629 WADDELL WAY	MODESTO	CA	95351	26.00
079010007	AISPURO ROSALVA P	633 WADDELL WAY	MODESTO	CA	95357	26.00
079010008	HERNANDEZ PONCIANO & CALDERON MARIA N	637 WADDELL WAY	MODESTO	CA	95357	26.00
079010009	AVINA DELFINO & YOLONDA	3700 CREEDMOOR AVE	MODESTO	CA	95357-1414	26.00
079010010	LERINDEGUI JOYCE C ET AL	3704 CREEDMOOR AVE	MODESTO	CA	95357	26.00
079010011	TRIO DONNA M	3708 CREEDMOOR AVE	MODESTO	CA	95357	26.00
079010012	JONES STEVE & REBECCA	3712 CREEDMOOR AVE	MODESTO	CA	95357	26.00
079010013	ANTONIO MARIA ET AL	3716 CREEDMOOR AVE	MODESTO	CA	95357-1414	26.00
079010014	STOCKAND MIMI M	3720 CREEDMOOR AVE	MODESTO	CA	95357-1414	26.00
079010015	WATSON THOMAS R & SHARON M	3724 CREEDMOOR AVE	MODESTO	CA	95357	26.00
079010016	MAO LEANG & TANG CHHIENG ENG	3728 CREEDMOOR AVE	MODESTO	CA	95357-1417	26.00
079010017	NELSON RONALD J	3732 CREEDMOOR AVE	MODESTO	CA	95357	26.00
079010018	RAMIREZ GABRIELA	3736 CREEDMOOR AVE	MODESTO	CA	95357	26.00
079010019	CHESLEY JENNIFER V	3800 CREEDMOOR AVE	MODESTO	CA	95357-1418	26.00

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079010020	AU-YEUNG CHI & AU-YEUNG TZE HING LAM	3804 CREEDMOOR AVE	MODESTO	CA	95357-1418	26.00
079010021	SALDANA BENJAMIN	3808 CREEDMOOR AVE	MODESTO	CA	95357	26.00
079010022	VELAZQUEZ RAUL & VELAZQUEZ MARIBEL	3812 CREEDMOOR AVE	MODESTO	CA	95355	26.00
079010023	MILLDRUM DAEDRE ET AL	3816 CREEDMOOR AVE	MODESTO	CA	95357-1418	26.00
079010024	STEWART ALLAN HENRY ET AL TRS	3900 CREEDMOOR AVE	MODESTO	CA	95357	26.00
079010025	JAMES GLORIA R ET AL	3904 CREEDMOOR AVE	MODESTO	CA	95357	26.00
079010026	TOOMBS ROBERT D & TOOMBS XIM	3908 CREEDMOOR AVE	MODESTO	CA	95357	26.00
079010027	KUMAR ABINESH	3912 CREEDMOOR AVE	MODESTO	CA	95357	26.00
079010028	BENNETT DANNY T	3916 CREEDMOOR AVE	MODESTO	CA	95357	26.00
079010029	DYRCZ JEFFREY LEE	636 CODINGTON WAY	MODESTO	CA	95357	26.00
079010030	GALOTO-FISHER LISA M	632 CODINGTON WAY	MODESTO	CA	95357	26.00
079010031	SMITH JUSTIN KEITH	628 CODINGTON WAY	MODESTO	CA	95357	26.00
079010032	LAURANCE MICHAEL E & DEBRA	624 CODINGTON WAY	MODESTO	CA	95357	26.00
079010033	LONERO CHARLES & LONERO ANNA M	620 CODINGTON WAY	MODESTO	CA	95357	26.00
079010034	LOVEALL DENNIS J & TANG JANNY LUU	3925 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010035	HALE DENNA M	3921 DILLINGHAM AVE	MODESTO	CA	95357-1425	26.00
079010036	CHARLES TIMOTHY M & CHARLES LISA A	3917 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010037	GALLEGOS ELIDIA	3913 DILLINGHAM AVE	MODESTO	CA	95357-1425	26.00
079010038	RAMIREZ JUAN J & RAQUEL COSIO	3909 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010039	PABLA HARJEET SINGH & PABLA JASBEER SINGH	3905 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010040	VHAN SUNILA TR	3901 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010041	PERA ADRIAN	3825 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010042	BRESHEARS DONALD K	3821 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010043	DELGADO MIGUEL	3817 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010044	HERNANDEZ DANNI LEE	3813 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010045	HO TONY K & HO CLAIRE	3809 DILLINGHAM AVE	MODESTO	CA	95357-1423	26.00
079010046	CUEVAS JOSE C ET AL	3805 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010047	ALBARRAN ARUTRO S & ALBARRAN CELIA P	3801 DILLINGHAM AVE	MODESTO	CA	95354	26.00
079010048	GALLO MARTIN & GALLO BEATRIZ	3725 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010049	SECRETARY OF HOUSING & URBAN DEVEL	3721 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010050	PEREZ JOSE P & ROSA M	3717 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010051	KUMAR ASHOK	3713 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010052	MADRIGAL ROBERT	3709 DILLINGHAM AVE	MODESTO	CA	95357-1421	26.00
079010053	GARDALI CHARLES J TR	3705 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079010054	DENEALU JASON & KIMBERLY	3701 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011001	ADAMS DONALD KENT & HOLLY B	3700 DILLINGHAM AVE	MODESTO	CA	95354	26.00
079011002	VARGAS RACHELLE E & VARGAS EDWARD J	3704 DILLINGHAM AVE	MODESTO	CA	95357-1420	26.00
079011003	SALAZAR ISRAEL A	3708 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011004	KOCHOU NINOUS & DOMARINA	3712 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011005	US BANK NATL ASSOC TRUSTEE	3716 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011006	RODRIGUEZ MARCELINO & RODRIGUEZ ELENA	3720 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011007	CHUANGS INVESTMENT INC	3724 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011008	ALVES JASON L	3800 DILLINGHAM AVE	MODESTO	CA	95357-1422	26.00
079011009	WONG SHERRE LEE	3804 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011010	SAMO LUAY	3808 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011011	KINGSLEY BRANDON K & AMBER N	3812 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011012	STILLWELL VINCE	3816 DILLINGHAM AVE	MODESTO	CA	95351	26.00
079011013	ROWE DANIEL V & ROWE MICHELLE R	3820 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011014	LOBAO THOMAS A & LOBAO LISA	3824 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011015	COUTO MANUEL	3900 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011016	CONTRERAS JAVIER	3904 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011017	BAKER HAROLD & MELVIARENNA	3908 DILLINGHAM AVE	MODESTO	CA	95357-1424	26.00
079011018	VASQUEZ ROSA & PEDRO	3912 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011019	BAXTER RACHEL	3916 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011020	MENDEZ JOSE ALVAREZ & TERESA JESUS	3920 DILLINGHAM AVE	MODESTO	CA	95357	26.00

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079011021	SAENGSOORY TONY & SAENGSOORY MARY	3924 DILLINGHAM AVE	MODESTO	CA	95357	26.00
079011022	MARQUEZ ELIZABETH K & MARQUEZ RICHARD R	616 CODINGTON WAY	MODESTO	CA	95357-1584	26.00
079011023	HAMILTON ROBERT A & HAMILTON KATHLEEN A	612 CODINGTON WAY	MODESTO	CA	95357	26.00
079011024	REGALADO JUAN ET AL	608 CODINGTON WAY	MODESTO	CA	95357	26.00
079011025	CEJA MIGUEL Y & BEATRICE	604 CODINGTON WAY	MODESTO	CA	95357	26.00
079011026	MORALES STACIE A & KENNETH	500 CODINGTON WAY	MODESTO	CA	95357-1584	26.00
079011027	LEBON FRANCIS LOUIS	3925 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011028	GHEAT JASON A & KRISSY L	3921 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011029	KLINGENBERG E W & KLINGENBERG TERRIE R	3917 ELLENBORO AVE	MODESTO	CA	95357-1443	26.00
079011030	MC KAY JAMES A & MC KAY MARY L	3913 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011031	FERNANDEZ ELMA ET AL	3909 ELLENBORO AVE	MODESTO	CA	95351-3528	26.00
079011032	BAILEY ELIZABETH M & BAILEY STEVEN R	3905 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011033	MANI GYANESH & MANI SHAKUNTALA	3901 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011034	LOVE JAMES H & LOVE BRENDA W	3825 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011035	LEVCHENKO LAURIE	3821 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011036	KIRKBRIDE CHRISTOPHER C ET AL	3817 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011037	GARRISON JAMES A TR	3813 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011038	GUTIERREZ JOSE E	3809 ELLENBORO AVE	MODESTO	CA	95357-1441	26.00
079011039	SLONIKER MARLENE	3805 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011040	BANKS TONYA	3801 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011041	SANCHEZ DAVID & JENNIFER	3725 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011042	MORRIS SAMUEL DAVID ET AL	3721 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011043	LOPEZ DIANA MORENO ET AL	3717 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011044	AUDINO RALPH & AUDINO YOUNG	3713 ELLENBORO AVE	MODESTO	CA	95351-1439	26.00
079011045	COSTA WILMA D	3709 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011046	WRUCK JAMES A TR	3705 ELLENBORO AVE	MODESTO	CA	95357	26.00
079011047	CHIHIL JOSEPHINE U TR	3701 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012001	HONBERGER ROBERT & HONBERGER LISA	541 WADDELL WAY	MODESTO	CA	95357	26.00
079012002	BETYAGHOUB VILHAM & BETYAGHOUB LINDA	545 WADDELL WAY	MODESTO	CA	95357	26.00
079012003	WONG SAI YING & LIXIAN KUANG TRS	549 WADDELL WAY	MODESTO	CA	95357	26.00
079012004	YU BETTY	553 WADDELL WAY	MODESTO	CA	95357	26.00
079012005	DICKERSON SAMUEL	557 WADDELL WAY	MODESTO	CA	95357	26.00
079012006	POULUS MARGARET S ET AL	601 WADDELL WAY	MODESTO	CA	95357	26.00
079012007	MILLER JOSEPH D	3700 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012008	DSJM LLC	3704 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012009	MATOS BRUNO O & MICHELLE N	3708 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012010	KIDD BRIAN & KIDD KIMBERLY	3712 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012011	ESTRADA JOSE & ALICIA	3716 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012012	SERRANO GUADALUPE & MARIA ELENA	3720 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012013	VALENCIA-BOSTIC D NELLY & BOSTIC JOHN B	3724 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012014	HUDOCK TERRY J	3800 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012015	YAGI ALAN K	3804 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012016	NABER BLAIR ALAN & NABER JUDY LYNN	3808 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012017	CHUNG TINA Y	3812 ELLENBORO AVE	MODESTO	CA	95357-1440	26.00
079012018	AGAS JANELYN R	3816 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012019	MADEROS KATHLEEN J	3820 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012020	BRITZKE GARY T & BRITZKE PATRICIA L	3824 ELLENBORO AVE	MODESTO	CA	95357-1440	26.00
079012021	PENA BERNIE & PENNA TREANNA	3900 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012022	BETTENCOURT JOHN C TRS ET AL	3904 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012023	SOLOMON LLOYD R & SOLOMON JEAN M	3908 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012024	DILLON JOHN E & CAMMY A	3912 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012025	HSBC BANK USA	3916 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012026	FILICELLI ANTHONY J & FILICELLI ELIZABETH	3920 ELLENBORO AVE	MODESTO	CA	95357-1442	26.00
079012027	MATA JUAN W ET AL	3924 ELLENBORO AVE	MODESTO	CA	95357	26.00
079012028	ROACH ERIC M & ROACH NANETTE C	556 CODINGTON WAY	MODESTO	CA	95357	26.00

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079012029	CALDERON RICARDO G ET AL	532 CODINGTON WAY	MODESTO	CA	95357	26.00
079012030	MCE VENTURES LLC	548 CODINGTON WAY	MODESTO	CA	95350	26.00
079012031	ADNEY TAMMY M	544 CODINGTON WAY	MODESTO	CA	95357	26.00
079012032	KHAMPHILAVONG VILAYPHONE ET AL	540 CODINGTON WAY	MODESTO	CA	95357	26.00
079012033	HEWITT RACHEL TR	3925 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012034	TAYLOR ANTHONY M & TAYLOR MARY L	3921 GATESVILLE AVE	MODESTO	CA	95354	26.00
079012035	RATANA KAM & RATANA TIMOTHY	3917 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012036	SORIA RUBEN & SORIA GLORIA L	3913 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012037	CHENG WILLIAM D	3909 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012038	TORRES VICOTR MANUEL & PANTOJA MARIA	3905 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012039	PARSONS NANCY M	3901 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012040	VOQUY HIEP & PHAN LIEN TRS	3825 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012041	TUERS TERRY B & TUERS LENORE L	3821 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012042	KINNE DONNELLY & SUSAN N TRS	3817 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012043	CAMPIOTTI EDWARD L & CAMPIOTTI DIANA L	3813 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012044	BUSH CHARLES F & BUSH DONNA L	3809 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012045	NYGAARD LEROY A TRS & NYGAARD VERNA F	3805 GATESVILLE AVE	MODESTO	CA	95354	26.00
079012046	ODISHO CATHERINE	3801 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012047	RONE GARY L	3725 GATESVILLE AVE	MODESTO	CA	95357-1445	26.00
079012048	BARTHOLOMEW RUSSELL RAY	3721 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012049	WELLS FARGO BANK NA TRUSTEE	3717 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012050	JENSEN STEVEN H & TONJA R	3713 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012051	PATEL JAGUBHAI & PATEL GANGABEN	3709 GATESVILLE AVE	MODESTO	CA	95357	26.00
079012052	NELSON LESTER J & NELSON CRESENCIA	3705 GATESVILLE AVE	MODESTO	CA	95326	26.00
079012053	MUTOZA CRAIG J	3701 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013001	DAVIS KURT ROBERT	521 WADDELL WAY	MODESTO	CA	95357	26.00
079013002	VARGAS EDWARD & VARGAS RACHELLE	525 WADDELL WAY	MODESTO	CA	95357	26.00
079013003	ROCHA JOHN DANIEL & ROCHA DIANNE MARIE	529 WADDELL WAY	MODESTO	CA	95354	26.00
079013004	VANDERHEIDEN ROBIN	533 WADDELL WAY	MODESTO	CA	95357	26.00
079013005	CORREA ARMANDO JR	537 WADDELL WAY	MODESTO	CA	95356	26.00
079013006	VALLADOLID YESENIA	3700 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013007	FORD MARK T & FORD DEBORAH E	3704 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013008	GOUVEIA JOHN E & GOUVEIA TERRE L	3708 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013009	DELEMONS ALBINA	3712 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013010	NEPTUNE DENNIS W & NEPTUNE KATHERINE	3716 GATESVILLE AVE	MODESTO	CA	95357-1444	26.00
079013011	HOLLANDER CLIFFORD H & HOLLANDER ROSANNA	3720 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013012	ASHFORD PATRICIA JOANN TR	3724 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013013	MARTINEZ PEDRO & IRMA	3800 GATESVILLE AVE	MODESTO	CA	95357-1446	26.00
079013014	CURTIS ROCHELLE	3804 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013015	HAYNES ERIC L	3808 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013016	PARKINSON MARK & DIANE	3812 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013017	BROWN WILLIAM K & BROWN SHAMIRAN	3816 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013018	OXFORD DAVID C JR & JUDY D	3820 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013019	YANG VANG Y	3824 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013020	A5CH ALEXIS	3900 GATESVILLE AVE	MODESTO	CA	95357-1448	26.00
079013021	ROUNGREUANG BOUNLONG	3904 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013022	GRISHAM KEVIN ET AL	3908 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013023	MENDEZ MENDEZ & ALBA C	3912 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013024	JOLLIFF GARTH & KATHERINE	3916 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013025	BAXTER RACHEL A	3920 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013026	SAMI PRANESH	3924 GATESVILLE AVE	MODESTO	CA	95357	26.00
079013027	RODRIGUEZ REYES & MARIA C	536 CODINGTON WAY	MODESTO	CA	95357	26.00
079013028	USSERY CAROL D	532 CODINGTON WAY	MODESTO	CA	95350-1575	26.00
079013029	ZAVALA CLEMENTE JR & ZAVALA IRMA	528 CODINGTON WAY	MODESTO	CA	95357-1412	26.00
079013030	WELLS FARGO BANK NA TRUSTEE	524 CODINGTON WAY	MODESTO	CA	95357	26.00

APN	Owner Name	Property Address	City	State	Zip	2011-2012 Assessment
079013031	MIRANDA SERGIO	520 CODINGTON WAY	MODESTO	CA	95357-1412	26.00
079013032	ORTIZ-EDWARDS SARAH	3925 LAURENBURG AVE	MODESTO	CA	95357-1455	26.00
079013033	CAMPBELL LISA R	3921 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013034	RODRIGUEZ MANUEL & MARIA E TRS	3917 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013035	BASYE JONATHAN M & PAMELA LYN	3913 LAURENBURG AVE	MODESTO	CA	95357-1455	26.00
079013036	SUPNET BRANDI	3909 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013037	SHAMESALDIN JOHNY K & SHAMESALDIN MUNA M	3905 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013038	JOSEPHSON JOSEPH A & JOSEPHSON STACEY	3901 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013039	RAMIREZ JACOB & ARACELI	3825 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013040	PENN KRISTLE	3821 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013041	HERNANDEZ SALVADOR M & HERNANDEZ NILDA M	3817 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013042	WHITEAKER JEREMY STEPHEN & APRIL MARIA	3813 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013043	DOW STEPHEN & ELIZABETH	3809 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013044	ATHNEIL GEORGE K & ATHNEIL INAAM M	3805 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013045	QUINONEZ JESUS	3801 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013046	DUNN JAY ALAN	3725 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013047	HENRY JILL	3721 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013048	TAYLOR CHRIS B	3717 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013049	SABINIANO MARLON N ET AL	3713 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013050	CAPUTO DONALD E & LYNDA BINGHAM TRS	3709 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013051	SMITH STEVEN J & SMITH AIDA L	3705 LAURENBURG AVE	MODESTO	CA	95357	26.00
079013052	LOPEZ MARIO & LUZ ELVIRA	3701 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014001	GARCIA MIGUEL & GARCIA MARIA	449 WADDELL WAY	MODESTO	CA	95357	26.00
079014002	PHONGPHAYCHIT BANDITH	501 WADDELL WAY	MODESTO	CA	95357	26.00
079014003	OSHANA OSHANA & OSHANA MARGRIT	505 WADDELL WAY	MODESTO	CA	95357	26.00
079014004	GADONG JOYCELYN T	509 WADDELL WAY	MODESTO	CA	95357	26.00
079014005	NOUN SAMNANG	513 WADDELL WAY	MODESTO	CA	95357	26.00
079014006	BAILEY DOROTHY E TR	517 WADDELL WAY	MODESTO	CA	95357	26.00
079014007	AUSTIN CATHERINE A	3700 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014008	HEATH DOUGLAS M & LE-HEATH TRANG T	3704 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014009	MILTON JEANNIE	3708 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014010	CASTRO GREGORY ALAN & BARBARA LYNN TRS	3712 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014011	DIXON GARY W	3716 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014012	MCE VENTURES LLC	3720 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014013	WARNER JO ANNE	3724 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014014	GARCIA THERESA L	3800 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014015	NUNEZ CLAUDIA	3804 LAURENBURG AVE	MODESTO	CA	95354	26.00
079014016	LORUSSO DION RAMON & OLIVERA TRS	3808 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014017	FIELD JAMES D & FIELD ALICIA L	3812 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014018	RIVERA DAYSI M	3816 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014019	HUYNH NGOC D	3820 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014020	LYNCH BARBARA ET AL	3824 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014021	GUZMAN MIRIAM & FLORES MARTIN	3900 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014022	GANN CHRISTOPHER	3904 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014023	TORRES JOSE DE JESUS & TORRES MARIA DOLORES	3908 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014024	HO KAI-YIN	3912 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014025	SINHA NAVIN & SINGH PRITI P	3916 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014026	CHRISTIAN RICHARD D & DIANE L TRS	3920 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014027	MATA JOHN & BACA CHRISTINA TRS	3924 LAURENBURG AVE	MODESTO	CA	95357	26.00
079014028	PIERCE FRANKLIN C & JODI L	516 CODINGTON WAY	MODESTO	CA	95357	26.00
079014029	PRASAD SURESH & PRASAD MUNI L	512 CODINGTON WAY	MODESTO	CA	95357	26.00
079014030	CASTELLANOS RIGOBERTO	508 CODINGTON WAY	MODESTO	CA	95357	26.00
079014031	MILLER NATHALIE	504 CODINGTON WAY	MODESTO	CA	95357-1412	26.00
079014032	KEE DANIEL A & BRENDA A	500 CODINGTON WAY	MODESTO	CA	95357	26.00
079014033	ATWOOD BOBBY D	3925 WILKESBORO AVE	MODESTO	CA	95357	26.00

APN	Owner Name	Property Address	City	State	Zip	2011-2012 Assessment
079014034	BEST JERROLIN E	3921 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014035	WELDON AMBERLY B	3917 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014036	KRAUT JOSHUA J ET AL	3913 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014037	COX KATHERINE & ADAMS JOSH	3909 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014038	TRAN TRUNG V ET AL	3905 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014039	ZIA JOHNNY B & MARGRAIT S TRS	3901 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014040	YOUNG HOLLY M ET AL	3825 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014041	FAMA JOSELITO & FAMA DOROTEA	3821 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014042	LEHMAN MICHAEL W & CAROL A TRS	3817 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014043	CABRERA THOMAS & CABRERA JANET S L	3813 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014044	RIVERA LOUIS S & RIVERA LOUELLA J	3809 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014045	DANIELS RODNEY	3805 WILKESBORO AVE	MODESTO	CA	95357-1493	26.00
079014046	MCNARRY MICHAEL P & ASHLEY A	3801 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014047	SKARIA JOSEPH & JOSEPHINE	3725 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014048	BAINS SARVSATINDER ET AL	3721 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014049	BOUCHER GARY C & BOUCHER DENISE K	3717 WILKESBORO AVE	MODESTO	CA	95357-1491	26.00
079014050	POWLEY ANAMARIA	3713 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014051	PRASAD GEORGE & PRASAD LALITA	3709 WILKESBORO AVE	MODESTO	CA	95357-1491	26.00
079014052	FOSTER JAMES R	3705 WILKESBORO AVE	MODESTO	CA	95357	26.00
079014053	BENJAMIN LINDA & EUGENE	3701 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016001	FUENTEZ RUDY & FUENTEZ MANUELA N	440 WADDELL WAY	MODESTO	CA	95357	26.00
079016002	MENDOZA DAHLIA J	3704 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016003	BARNES REECE WAYNE	3708 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016004	BIERMAN ALLEN	3712 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016005	PRASAD VIJAY	3716 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016006	GONZALEZ JOSE	3720 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016007	ARREOLA ARMANDO	3800 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016008	HOECHSTENBACH DONALD E	3804 WILKESBORO AVE	MODESTO	CA	95357-1492	26.00
079016009	CANCINO DANIEL D & CANCINO FEDERICA B	3808 WILKESBORO AVE	MODESTO	CA	95354-1024	26.00
079016010	COLEMAN CARLA	3812 WILKESBORO AVE	MODESTO	CA	95357-1492	26.00
079016011	STINHILVER WILLARD & STINHILVER MARLENE	3816 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016012	MAREK BETTY J ET AL	3820 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016013	DALMACEDA MAJORIE	3824 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016014	CHAU MICHELLE L TR	3900 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016015	OU KANG YE & LIANG LIZHEN	3904 WILKESBORO AVE	MODESTO	CA	95354	26.00
079016016	REED EARNEST JR	3908 WILKESBORO AVE	MODESTO	CA	95357-1494	26.00
079016017	MANSOUR ALEN M	3912 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016018	EASTHAM GLENDA S	3916 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016019	GERSON COREY	3920 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016020	SOLORIO SAMMY & MARIA L	3924 WILKESBORO AVE	MODESTO	CA	95357	26.00
079016021	SINGH AACHAL & AJESH	440 CODINGTON WAY	MODESTO	CA	95357	26.00
079016022	LOPEZ ADRIAN	436 CODINGTON WAY	MODESTO	CA	95357	26.00

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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-320**

**A RESOLUTION CONFIRMING THE FISCAL YEAR 2011-2012 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, the City of Modesto has by Resolution No. 2011-175, adopted on May 24, 2011, 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, 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 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 2011/2012, 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 2011/2012 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 and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following votes:

AYES	Councilmembers:	Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
NOES	Councilmembers:	None
ABSENT	Councilmembers:	None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



City of Modesto

**LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT No. 2**

◆ DRY CREEK MEADOWS SUBDIVISIONS Nos. 7 through 10 ◆

◆ CREEKWOOD MEADOWS SUBDIVISION ◆

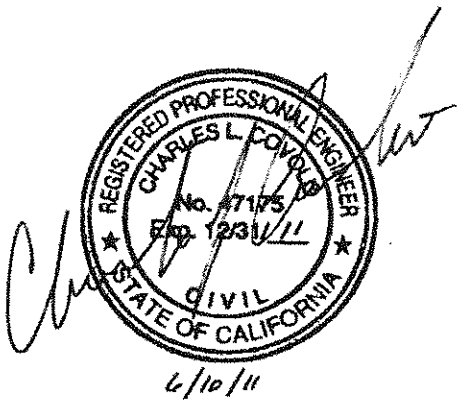
◆ YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2 ◆

*A Landscape Maintenance Assessment District Pursuant to the Landscape and Lighting Act of 1972*

**ENGINEER'S ANNUAL REPORT**

FISCAL YEAR

JULY 1, 2011 - JUNE 30, 2012



**Prepared By:**

Tina Rocha, IFP Administrator

**Certified By:**

Charles Covolo, Senior Civil Engineer

**Accepted By Motion:**

Modesto City Council - May 24, 2011

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VI.	Annual Assessment List by Parcel & Property Owner

## SECTION I HISTORY

On April 4, 1989, Landscape Maintenance Assessment District No. 2 ("LMAD No. 2") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act") to administer the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 and 2. All costs for the LMAD No. 2 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 10<sup>th</sup> of each year.

The Act initially requires the City Council to order, prepare, and file an Engineer's Annual Report for the City Council. This report is prepared for the purpose of detailing the plans and specifications for the maintenance of work, the estimates of costs for landscape maintenance performed by the City Contractor, utility service charges, City street tree pruning costs, City staff time to administer the maintenance contract, and additional work to be performed by the Contractor at the request of the City.

Prompted by negative reserve balances in LMAD No. 2, staff successfully completed a Proposition 218 ballot in June 2000. This ballot added an annual cost of living increase based on the Building Cost Index ("BCI"). As a result of this ballot, the approved "inflater" adjusts each year's assessment. California Government Code §54954.6(a) and (c) requires that a notice be mailed no less than 45 days in advance of the public hearing to all property owners if costs will increase.

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 LMAD No. 2 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 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

Total Acreage: 135.20 Acres

Total Assessed Acreage 134.17 Acres

1. Single-Family Residential: 116.117 acres (589 Parcels)
2. Commercial 18.053 acres(17 Parcels)
3. Publicly- Owned 1.03 acres (2 Parcels)
  - a) One (1) parcel owned by the City of Modesto (0.03 acres) which is utilized as a traffic island.
  - b) One (1) parcel owned by the Empire School District (1.0 acres) which is utilized as their District Offices.

According to the Section 22663 of the California Streets and Highways Code, public property owned by any public agency and in use in the performance of a public function shall not be subject to assessment.

### B. ANNUAL ASSESSMENTS

Each parcel receives equal benefits from LMAD No. 2. The annual assessment levied is calculated by dividing the total cost estimate by the total number of acres.

1. The single-family residential properties are levied on a flat rate, which is calculated by dividing the total cost estimate by the number of residential acres and subsequently by the total number of residential parcels.
2. Commercial properties are levied based on actual acreage.

The annual assessment is adjusted annually according to the BCI for the San Francisco Bay Area, as reported in the Engineer News Record the first week of March 2011. The inflationary adjustment is applied when the district has minimal or negative reserves to offset the total cost estimates for the upcoming fiscal year. The increase for fiscal year 2011-2012 is 4.13% (March 7, 2011 BCI = 5009.60 divided by March 8, 2010 BCI = 4810.91).

**C. PROJECTED ANNUAL ASSESSMENT SUMMARY**

1. Single-Family Residential Annual Assessment – 589 Parcels

\$18,255.16	Annual Assessment for fiscal year 2011-2012
÷ 134.17	Total assessed acres
<u>\$136.05</u>	Annual assessment per acre
\$136.05	Annual assessment per Acre
x 116.117	Residential acres
<u>\$15,797.72</u>	Total residential annual assessment
\$15,797.72	Total residential annual assessment
÷ 589	# Parcels
<u>\$26.82</u>	Total residential annual assessment/parcel

2. Commercial Annual Assessment – 17 Parcels

APN	Acreage	\$/Acre	Assessment
079-025-005	0.495	\$136.05	\$67.34
079-025-007	0.550	\$136.05	\$74.82
079-025-011	1.370	\$136.05	\$186.40
079-025-012	3.020	\$136.05	\$410.88
079-025-013	0.460	\$136.05	\$62.58
079-025-014	0.400	\$136.05	\$54.42
079-026-005	0.595	\$136.05	\$80.95
079-026-006	0.200	\$136.05	\$27.22
079-026-007	0.200	\$136.05	\$27.22
079-026-008	1.540	\$136.05	\$209.52
079-026-009	0.250	\$136.05	\$34.00
079-026-010	0.275	\$136.05	\$37.40
079-026-011	0.300	\$136.05	\$40.82
079-026-012	0.280	\$136.05	\$38.10
079-026-013	6.270	\$136.05	\$853.02
079-026-014	1.350	\$136.05	\$183.68
079-027-097	0.498	\$136.05	\$67.74

**D. COMPARISON TO PREVIOUS FISCAL YEAR**

The proposed 2011-2012 annual assessment for single-family residential parcels has increased from \$25.76 to \$26.82 per parcel. The proposed 2011-2012 annual assessment for commercial parcels has increased from \$130.66 to \$136.05 per acre.

## SECTION 3 FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

### Landscape Maintenance Assessment District #2

LMAD #2 Fund 0490	Estimated FY 2010-11 <sup>1</sup>	Proposed FY 2011-12 <sup>2</sup>
<b>Beginning Fund Balance</b>	\$ 19,197	\$ 18,848
<b>Revenue (Type 31s)</b>		
Special Assessments	\$ 18,857	\$ 18,255
Interest	\$ 3	\$ -
<b>Total Revenue</b>	<b>\$ 18,860</b>	<b>\$ 18,255</b>
<b>Expenses (Type 22s)</b>		
Operating Budget		
Postage		\$ (200)
Utilities (Object 0210)	\$ (1,398)	\$ (3,000)
Photocopies		\$ (50)
Landscape Maintenance (Object 0231)	\$ (5,012)	\$ (15,000)
Services Professional and Other (Object 0235)	\$ (5,046)	\$ (2,500)
Services City Forces (Object 0255)	\$ (4,212)	\$ (7,323)
<i>Estimated - Utilities</i>	\$ (466)	
<i>Estimated - Landscape Maintenance</i>	\$ (1,671)	
<i>Estimated - Services City Forces</i>	\$ (1,404)	
<b>Total Expenses</b>	<b>\$ (19,209)</b>	<b>\$ (28,073)</b>
<b>Ending Fund Balance</b>	<b>\$ 18,848</b>	<b>\$ 9,030</b>

**Footnotes:**

<sup>1</sup>The estimated amount shows what has been expended as of 03-31-2011. There will be more expenses for the final three months of the fiscal year (June); these are shown as *Estimated*.

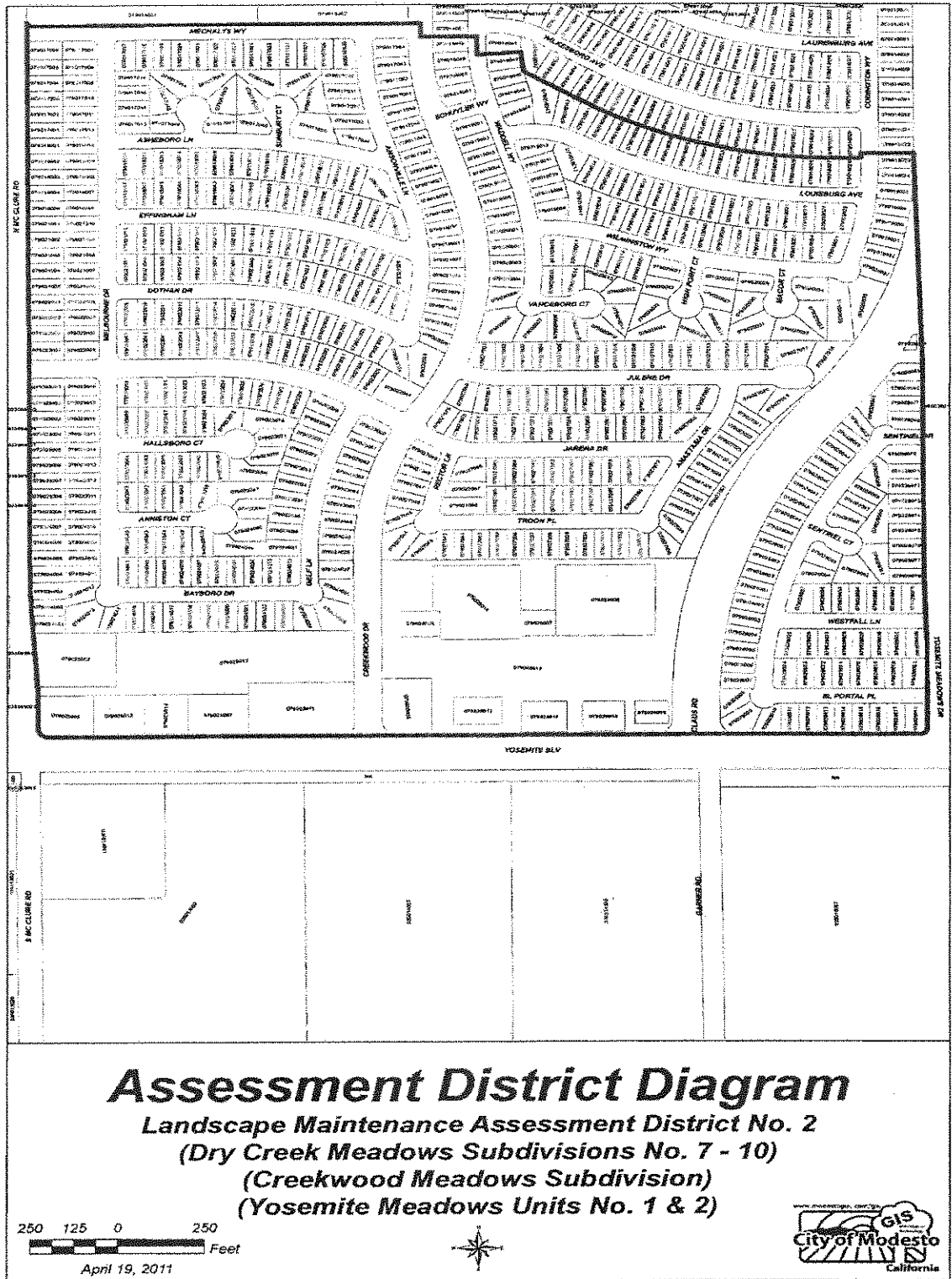
<sup>2</sup>The budgeted amount for FY 2010-11 has been taken from Brass.

## SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Parks, Recreation, and Neighborhoods Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Supervisor at (209) 524-2330.



# SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



# SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & PROPERTY OWNER

APN	Owner Name	Property Address	City	State	Zip	2011-2012 Assessment
079016023	MARTINEZ MARIA R LEON	432 CODINGTON WAY	MODESTO	CA	95354	\$ 26.82
079016024	GARCIA BERTHA	428 CODINGTON WAY	MODESTO	CA	95357	\$ 26.82
079016025	SWARTZ SHERYL R	424 CODINGTON WAY	MODESTO	CA	95354	\$ 26.82
079016026	SARHAD WILSON	3921 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079016027	TAN LIVIA O	3917 LOUISBURG AVE	MODESTO	CA	95357-1327	\$ 26.82
079016028	FREDDIE MICHAEL J & FREDDIE SCARLETT M	3913 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079016029	AGUIRRE EDWARD JR & AGUIRRE ANGELICA	3909 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079016030	LE BLANC HEIDI M	3905 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079016031	JACKSON TOMMIE JR & JACKSON CHARLOTTE B	3901 LOUISBURG AVE	MODESTO	CA	95357-1327	\$ 26.82
079016032	WATKINS ANTHONY ET AL	3825 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079016033	OBERLANDER MARK ET AL	3821 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079016034	FEDERAL HOME LOAN MORTGAGE CORP	3817 LOUISBURG AVE	MODESTO	CA	95357-1325	\$ 26.82
079016035	POOLE ROLAND J & POOLE CHERYL S	3813 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079016036	JIMENEZ GERARDO & CYNTHIA B	3809 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079016037	ARNOLD JASON DEAN	3805 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079016038	NEFF MICHAEL K	3801 LOUISBURG AVE	MODESTO	CA	95357-1325	\$ 26.82
079016039	CAMPIOTTI EDWARD L & CAMPIOTTI DIANA L	3721 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079016040	VAN DEELEN DARCY J	3717 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079016041	CHEN CHAO YING	3713 LOUISBURG AVE	MODESTO	CA	95357-1323	\$ 26.82
079016042	GONCHAR RONALD S	3709 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079016043	JOST DAVID L & LYNDA J	3705 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079016044	GRAY HELEN A TR	424 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079016045	SMITH OLIVER	428 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079016046	JOHNSON GHARETT W ET AL	432 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079016047	FEDERAL NATIONAL MORTGAGE ASSOCIATION	436 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079016048	HALL MICHAEL J & HALL ROBIN M	445 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079016049	MARTINEZ SHIRLEY F	441 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079016050	PULIDO OLGA A	437 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079016051	LOPEZ RAUL M	433 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079017001	MEN CHHADAVY	428 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079017002	SANCHEZ YOVANIA M OCHOA	432 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079017003	DALL-ANGELO DONALD C	436 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079017004	KHOSHABA TERESA I TR	440 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079017005	MONACO DONALD F & GLORIA TRS	444 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079017006	ANDRADE JOSE C & ANDRADE MARIA N	448 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079017007	RODENBURG ROBERT & RODENBURG PAIGE	441 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079017008	CRAWFORD EDWARD A & CRAWFORD SUSAN E	437 MELBOURNE DR	MODESTO	CA	95357-1472	\$ 26.82
079017009	YOUNG MICHAEL E & YOUNG DOROTHULA M	433 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079017010	DI GINO DOROTHY S	429 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079017011	AAZ PROPERTIES LLC	425 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079017012	HARDMAN SHAWN K	421 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079017013	CAMARENA JESUS JR & CAMARENA ESTHER	420 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079017014	FLAKE MYRALENE	424 MELBOURNE DR	MODESTO	CA	95354	\$ 26.82
079017015	CHAN CORINA	428 MELBOURNE DR	MODESTO	CA	95357-1471	\$ 26.82
079017016	BERLIN GARY R JR & CHRISTIE	432 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079017017	VALDEZ ARTHUR DAVID TRS & VALDEZ ANGELINE	3512 MECHALYS WAY	MODESTO	CA	95357	\$ 26.82
079017018	HOBBS MICHAEL I & BRODIGAN RACHELLE L	3516 MECHALYS WAY	MODESTO	CA	95357	\$ 26.82
079017019	SOLORZA JUAN M LOPEZ & LOPEZ BRENDA C TRS	3520 MECHALYS WAY	MODESTO	CA	95357	\$ 26.82
079017020	XAVIER BURT & XAVIER CATHY	3524 MECHALYS WAY	MODESTO	CA	95357	\$ 26.82
079017021	CAMARENA CLAUDIA DIAZ ET AL	3528 MECHALYS WAY	MODESTO	CA	95357	\$ 26.82
079017022	SHERGILL SUKHWIR S & GURBAX K	3532 MECHALYS WAY	MODESTO	CA	95357	\$ 26.82
079017023	HOLDER SHERRI L & CLARK R	3600 MECHALYS WAY	MODESTO	CA	95357	\$ 26.82
079017024	KEYS SANDY M	3604 MECHALYS WAY	MODESTO	CA	95357	\$ 26.82
079017025	YOUNAN GILBERT & YOUNAN IMAN	3608 MECHALYS WAY	MODESTO	CA	95357	\$ 26.82
079017026	NAMMACHANTHY KERK ET AL	3612 MECHALYS WAY	MODESTO	CA	95357	\$ 26.82
079017027	OROZCO LEONARDO & OROZCO YESSENIA	3616 MECHALYS WAY	MODESTO	CA	95350	\$ 26.82
079017028	ROXAS ROMAN G	3620 MECHALYS WAY	MODESTO	CA	95357	\$ 26.82
079017029	JACKSON DAVE P & JACKSON MARIA	3624 MECHALYS WAY	MODESTO	CA	95357	\$ 26.82
079017030	GRANTHAM LINDA	449 ANSONVILLE LN	MODESTO	CA	95354	\$ 26.82
079017031	MOJADDEDI SADIQA	445 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82
079017032	BLAIR JOHNNY B ET AL	441 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82
079017033	FRICK WADE L	437 ANSONVILLE LN	MODESTO	CA	95357-1403	\$ 26.82
079017034	ROMERO ROBERT R & MARITZA	3513 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82
079017035	WILLIAMS JEFF & LAURA L	420 SUNBURY CT	MODESTO	CA	95357	\$ 26.82
079017036	PALLAN LUCAS	424 SUNBURY CT	MODESTO	CA	95357	\$ 26.82
079017037	COOK ERIC A & JULIE A	428 SUNBURY CT	MODESTO	CA	95357	\$ 26.82
079017038	BROWN ELIZABETH	429 SUNBURY CT	MODESTO	CA	95357	\$ 26.82
079017039	GIRON MICHAEL ANTHONY	425 SUNBURY CT	MODESTO	CA	95357	\$ 26.82
079017040	HAMILTON JASON	3541 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82
079017041	HAMILTON STEVEN D & HAMILTON BRIGITTE	3533 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82
079017042	TOUMA EMMANUEL & TOUMA SHOSHAN	424 BEUFORT CT	MODESTO	CA	95357-1405	\$ 26.82

							2011-2012
APN	Owner Name	Property Address	City	State	Zip	Assessment	
079017043	SEMONE JEREMY D & KIMBERLY	428 BEUFORT CT	MODESTO	CA	95357	\$ 26.82	
079017044	ROCHA JUAN C & SAN JUANA	429 BEUFORT CT	MODESTO	CA	95357	\$ 26.82	
079017045	SMITH JOAN MADELINE TR	425 BEUFORT CT	MODESTO	CA	95357-1405	\$ 26.82	
079017046	THORNBRUGH NORMA J TR	3521 ASHEBORO LN	MODESTO	CA	95357-1302	\$ 26.82	
079017047	CARREIRO BRUCE R & CARREIRO EDYTHE	424 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82	
079017048	ROBLES PEDRO ET AL	428 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82	
079017049	ORAHA NUHA ET AL	432 ANSONVILLE LN	MODESTO	CA	95354	\$ 26.82	
079017050	NGUYEN KHANH NGOC	436 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82	
079017051	GUTIERREZ MIKE G	440 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82	
079017052	RUIZ OLIVIA ET AL	444 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82	
079017053	KLOMP ERICA E ET AL	448 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82	
079017054	PAL SALILA TR	452 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82	
079018001	PALMERIN LUCIO C & LIDIA	424 N MC CLURE RD	MODESTO	CA	95354	\$ 26.82	
079018002	PEREZ FERNANDO H & VILLARRUEL MARIA ALEJANDRA	420 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82	
079018003	WONG FAT SHING & WONG LINDA T	416 N MC CLURE RD	MODESTO	CA	95354	\$ 26.82	
079018004	AU-YEUNG WAI & AU-YEUNG AMELA	412 N MC CLURE RD	MODESTO	CA	95354	\$ 26.82	
079018005	AU-YEUNG PIK KWAN	408 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82	
079018006	KOKOLOGIANNAKIS NICK	401 MELBOURNE DR	MODESTO	CA	95357-1470	\$ 26.82	
079018007	BARDONNER STEVEN E	405 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82	
079018008	LOPEZ IVAN A	409 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82	
079018009	JACOB DIGOL B & ALGANTINA M	413 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82	
079018010	HOLMBERG KRISTEN	417 MELBOURNE DR	MODESTO	CA	95354	\$ 26.82	
079018011	DUFUR FRANK & DUFUR JANYCE D	3512 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82	
079018012	STEVENS JAKE L & STEVENS GAIL M	3516 ASHEBORO LN	MODESTO	CA	95357-1301	\$ 26.82	
079018013	HUTCHENS WILLIAM A ET AL	3520 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82	
079018014	MEY ANDREW S & KIMLORINA	3524 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82	
079018015	SMITH MILLER VELTRENA	3528 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82	
079018016	TAYLOR RICHARD N	3532 ASHEBORO LN	MODESTO	CA	95357-1301	\$ 26.82	
079018017	CUMMINGS ANNIE	3536 ASHEBORO LN	MODESTO	CA	95357-1301	\$ 26.82	
079018018	LA CROSS NANCY R	3540 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82	
079018019	ATTA DAVID Z	3544 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82	
079018020	GOMEZ ALICIA TR	3600 ASHEBORO LN	MODESTO	CA	95357-1304	\$ 26.82	
079018021	SHAVER JACQUELYN M	3604 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82	
079018022	MURCH PAUL WILLIAM & JENNIFER LYNN	3608 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82	
079018023	WENGER DEBORAH J & WENGER DAVID C	3612 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82	
079018024	MADAYAG CATANA TR	3616 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82	
079018025	PLAUGHER PRESTON SCOTT ET AL	3620 ASHEBORO LN	MODESTO	CA	95357	\$ 26.82	
079018026	CHILDRESS JANET	420 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82	
079018027	KEM SOKHOM & VANHA TRS	416 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82	
079018028	ROMASANTA CHRISTINE M ET AL	412 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82	
079018029	DALBURG HOWARD ET AL	408 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82	
079018030	PIERCE CHARLES L & PIERCE VALERIE A	404 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82	
079018031	PANG SUN KIM & LIEV MENG HU TRS	400 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82	
079018032	MC MILLAN J HELIA TR	409 ANSONVILLE LN	MODESTO	CA	95354	\$ 26.82	
079018033	GOODWIN BEVERLY	3629 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079018034	STECKMAN CHRIS D & STECKMAN SHARON A	3625 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079018035	NICHOLS KATHRYN M	3621 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079018036	WALZ CHRISTOPHER P	3617 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079018037	ROLICHECK BELINDA	3613 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079018038	BRITT SCOTT ALAN	3609 EFFINGHAM LN	MODESTO	CA	95357-1435	\$ 26.82	
079018039	MALIK MOHAMMAD ZAHOOR & NUSRAT NASIM TRS	3605 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079018040	KUMAR SALESH & SINGH SUSHMA DEVI	3601 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079018041	EDENS JOHN L & CARYN E	3537 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079018042	CAMPBELL KIMBERLY	3533 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079018043	TORRES GINGER LEE & JAVIER V	3529 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079018044	PEREZ ABEL CUEVAS & CAND KLEDY	3525 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079018045	PLACINTAR MARINELA	3521 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079018046	CASTILLO ISMAEL ET AL	3517 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079018047	MARTINEZ FRANCISCO	3513 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82	
079019001	ROMERO ALEJANDRO & ROMERO ALICIA B	425 WADDELL WAY	MODESTO	CA	95357	\$ 26.82	
079019002	SOUZA ROBERT D & SAMANTHA D	421 WADDELL WAY	MODESTO	CA	95357	\$ 26.82	
079019003	REISDORFF HELEN	417 WADDELL WAY	MODESTO	CA	95354-1340	\$ 26.82	
079019004	PEREZ WILLIAM MEZQUITA	413 WADDELL WAY	MODESTO	CA	95357	\$ 26.82	
079019005	COFFEY STEVE R & COFFEY ANNE LEE	409 WADDELL WAY	MODESTO	CA	95357-1340	\$ 26.82	
079019006	GALLO JOSE & GALLO ROSALIA	405 WADDELL WAY	MODESTO	CA	95357	\$ 26.82	
079019007	YAU KING PO & SU AI CENG	401 WADDELL WAY	MODESTO	CA	95357	\$ 26.82	
079019008	SINGH GURJAL	400 WADDELL WAY	MODESTO	CA	95357	\$ 26.82	
079019009	CARRASCO GONZALO C & CARRASCO TERESA V	404 WADDELL WAY	MODESTO	CA	95357	\$ 26.82	
079019010	GAYLOR MATTHEW	408 WADDELL WAY	MODESTO	CA	95357-1339	\$ 26.82	
079019011	KHAM KIMLYN ET AL	412 WADDELL WAY	MODESTO	CA	95367	\$ 26.82	
079019012	MORALES RODOLFO ET AL	416 WADDELL WAY	MODESTO	CA	95357	\$ 26.82	
079019013	CASTELLO RICHARD M	3712 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82	
079019014	JOTIKA PRIYA ET AL	3716 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82	
079019015	LAMBERT STEVEN T & RENATA W	3720 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82	
079019016	DAVIS JAY N JR & DAVIS KIM M	3800 LOUISBURG AVE	MODESTO	CA	95357-1324	\$ 26.82	

APN	Owner Name	Property Address	City	State	Zip	2011-2012 Assessment
079019017	CAZAREZ MAURICIO & MARIA T	3804 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079019018	GALVAN SALVADOR R	3808 LOUISBURG AVE	MODESTO	CA	95357-1324	\$ 26.82
079019019	ENGLEMAN ALEXANDER C ET AL TRS	3812 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079019020	ZARAGOSA ZACK MARTIN & ZARAGOSA ELIZABETH	3816 LOUISBURG AVE	MODESTO	CA	95357-1324	\$ 26.82
079019021	RAMIREZ CRISTINA	3820 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079019022	MICO RICARDO G & MARIA REGINA L	3824 LOUISBURG AVE	MODESTO	CA	95357-1324	\$ 26.82
079019023	RAMIREZ STANLEY D ET AL	3900 LOUISBURG AVE	MODESTO	CA	95354	\$ 26.82
079019024	LOUCKS DAVID GEORGE & JOSEFA M TRS	3904 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079019025	SENGSOURITH PENG & INTHAVONG CHANPHENG	3908 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079019026	DHIR SUNIL & ASHIKA	3912 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079019027	NAVARRO NAPOLEON & NAVARRO MARIA	3916 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079019028	WALKER KINDRA K & MC COY BRUCE	3920 LOUISBURG AVE	MODESTO	CA	95357	\$ 26.82
079019029	TRAWICK VERNON R & CLAUDETTE	420 CODINGTON WAY	MODESTO	CA	95357	\$ 26.82
079019030	LA PLACA SONDRA ET AL	416 CODINGTON WAY	MODESTO	CA	95357	\$ 26.82
079019031	GALVAN DIEGO	412 CODINGTON WAY	MODESTO	CA	95357	\$ 26.82
079019032	MCNEELY JOSEPH	408 CODINGTON WAY	MODESTO	CA	95354	\$ 26.82
079019033	NAVARRO FERNANDO	3909 WILMINGTON WAY	MODESTO	CA	95357-1350	\$ 26.82
079019034	OSHANA ASMAT	3905 WILMINGTON WAY	MODESTO	CA	95357-1350	\$ 26.82
079019035	ALVIZO LETICIA	3901 WILMINGTON WAY	MODESTO	CA	95355	\$ 26.82
079019036	PHANOLUONG ALEXANDER	3817 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079019037	GRIFFITH JACK E & GRIFFITH MELINDA D	3813 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079019038	BARAJAS GABRIEL	3809 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079019039	METTLER SAMUEL	3805 WILMINGTON WAY	MODESTO	CA	95354-1347	\$ 26.82
079019040	APPLEBY DOMINIC M & CANDI C	3801 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079019041	RODRIGUES SILVINO J ET AL	3729 WILMINGTON WAY	MODESTO	CA	95357-1345	\$ 26.82
079019042	WILLIAMS MICHAEL & SARIAH	3725 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079019043	LEFEVRE PETER A TR	3721 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079019044	RUTSCHOW PHILIP Z & JOAN A TRS	3727 WILMINGTON WAY	MODESTO	CA	95357-1345	\$ 26.82
079019045	KAUR DHAN	3713 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079019046	NAVARRO NOEL & NAVARRO VIVIAN	3709 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079019047	FICHTENHOLZ ZINOVY TR ET AL	3705 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079020001	GONZALES GABRIEL D & GONZALES SHARON	341 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079020002	PRASAD KAMLESH ET AL	337 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079020003	MORONES MICHAEL O & MORONES CONSUELO M	333 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079020004	OVERWEG DAVID A & OVERWEG CATHIE	329 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079020005	MCE VENTURES LLC	325 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079020006	RODRIGUEZ RUBEN G & RODRIGUEZ ROSEMARY	321 WADDELL WAY	MODESTO	CA	95357	\$ 26.82
079020007	MONSON STEPHEN	3700 VANCEBORO CT	MODESTO	CA	95357	\$ 26.82
079020008	LINDSTROM JAYNE MARIE	3704 VANCEBORO CT	MODESTO	CA	95357-1337	\$ 26.82
079020009	BETTENCORT JOHN C TRS ET AL	3708 VANCEBORO CT	MODESTO	CA	95354	\$ 26.82
079020010	LOPEZ ARCELIA	3712 VANCEBORO CT	MODESTO	CA	95357	\$ 26.82
079020011	RUIZ MEMORIO & LIDUVINA	3716 VANCEBORO CT	MODESTO	CA	95357	\$ 26.82
079020012	THORNTON LAWRENCE R & JUDITH A	3717 VANCEBORO CT	MODESTO	CA	95357	\$ 26.82
079020013	SATHER MICHAEL & DARLENE	3713 VANCEBORO CT	MODESTO	CA	95357	\$ 26.82
079020014	FLICE KAREN T	3709 VANCEBORO CT	MODESTO	CA	95357	\$ 26.82
079020015	MORI HOWARD & MORI KELLI B	3705 VANCEBORO CT	MODESTO	CA	95357-1337	\$ 26.82
079020016	BRAVO GONZALO & MARIA	3700 WILMINGTON WAY	MODESTO	CA	95357-1344	\$ 26.82
079020017	ORTIZ LUCILA MORALES	3704 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079020018	HORSTMAN DAVID	3708 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079020019	EGBIKUADJE JOHN N & EGBIKUADJE LUCKY E	3712 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079020020	CHAND PREM & CHAND BINDRA MATI	3716 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079020021	GONZALEZ JAVIER & JOSEFINA	329 HIGH POINT CT	MODESTO	CA	95357-1317	\$ 26.82
079020022	GARCIA JOSE H & MARTHA J	325 HIGH POINT CT	MODESTO	CA	95357	\$ 26.82
079020023	VAN TREASE ROBERT & VAN TREASE PATRICIA K	321 HIGH POINT CT	MODESTO	CA	95357	\$ 26.82
079020024	FLORES ALBERTO N	317 HIGH POINT CT	MODESTO	CA	95357	\$ 26.82
079020025	MARKS STEVEN R	316 HIGH POINT CT	MODESTO	CA	95357	\$ 26.82
079020026	WATSON GAYLE	320 HIGH POINT CT	MODESTO	CA	95357	\$ 26.82
079020027	JOHNSON ERMA	324 HIGH POINT CT	MODESTO	CA	95357	\$ 26.82
079020028	GANJEN JANET TR	328 HIGH POINT CT	MODESTO	CA	95357	\$ 26.82
079020029	BYRD JAMES BYRON	329 MACON CT	MODESTO	CA	95357	\$ 26.82
079020030	MATHMANY BOUNETEU	325 MACON CT	MODESTO	CA	95357	\$ 26.82
079020031	HSBC BANK USA NATIONAL ASSOCIATION	321 MACON CT	MODESTO	CA	95355	\$ 26.82
079020032	GIRARD THOMAS F & GIRARD CATRINA	320 MACON CT	MODESTO	CA	95357	\$ 26.82
079020033	ESCAMILLA AUGUSTIN JR & ESCAMILLA LISA A	324 MACON CT	MODESTO	CA	95357-1328	\$ 26.82
079020034	MALLULIN TERESITA M	328 MACON CT	MODESTO	CA	95357	\$ 26.82
079020035	IBARRA LOUIE JR & IBARRA KRISTY	3908 WILMINGTON WAY	MODESTO	CA	95357	\$ 26.82
079020036	CORTEZ JOSE DE JESUS & HIDALGO ESMERALDA	400 CODINGTON WAY	MODESTO	CA	95357	\$ 26.82
079020037	SAUNDERS EDWARD B	404 CODINGTON WAY	MODESTO	CA	95357	\$ 26.82
079021001	CABRAL MIGUEL & CARMEN M	404 N MC CLURE RD	MODESTO	CA	95354	\$ 26.82
079021002	SINGH KRISHAN	400 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079021003	LOGAN MERCY ET AL	328 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079021004	GREEN JIM	324 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079021005	KEM SOKHOM	320 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079021006	RODERICK GARY A & LOREAN L	317 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079021007	TACKETT MICHAEL DEON & GWENDOLYN SUE TRS	321 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82

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079021009	GARCIA GUILLERMO & GARCIA MARIA	325 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079021009	AMANT DARCY & KYLE C	329 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079021010	US BANK NATL ASSOC TRUSTEE	333 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079021011	LASITER UNDOSEY & PAMELA	3512 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021012	GONZALES JOHN V & JEANNETTE D	3516 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021013	ROYSDON JASON J & ANGELA D	3520 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021014	MCGILL RICKEY	352A EFFINGHAM LN	MODESTO	CA	95355	\$ 26.82
079021015	FANNIE MAE	3528 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021016	BECERRA JACINTO & BECERRA MARIA	3532 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021017	TOVAR JESSE A & TOVAR TERESA M	3536 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021018	BOUATHONG KHAMKEO & BOUNPHENG BOUATHONG	3600 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021019	CASTRO JESUS R & CASTRO ESTHER M	3604 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021020	HERNANDEZ ROBERTO & CARMEN C	3608 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021021	TELO SAJMIR & KRISTINA CREEL	3612 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021022	FOUNTAIN DEBORAH A TR	3616 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021023	MARQUEZ ERIC	3620 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021024	LOPEZ JOSE & SYLVIA	3624 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021025	LARSON SIMON A & JEANNIE L	3628 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021026	WILLIAMS RENEE E	3632 EFFINGHAM LN	MODESTO	CA	95357	\$ 26.82
079021027	GOMEZ ALICIA TR	336 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82
079021028	GARCIA LUIZ JOE SR & LUPE ANN TRS	332 ANSONVILLE LN	MODESTO	CA	95357-1400	\$ 26.82
079021029	HARRIS SHAUN N	328 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82
079021030	TOWNLEY PERRY & BRENDA	324 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82
079021031	MILLER JOSEPH R ET AL	320 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82
079021032	ZOKARI MOHAMMED & TINA	3633 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079021033	COX BERNICE U TR	3629 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079021034	MASON ROBERT P & MASON STEPHANIE J	3625 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079021035	MORRELL ERNEST DAVIS & MORRELL KATHERINE	3621 DOTHAN DR	MODESTO	CA	95358-1431	\$ 26.82
079021036	LYTEL-STARKS THOMAS	3617 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079021037	VALLES RAMON & CARMEN	3613 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079021038	BEE TAO-CHING & BEE SUE CHEN	3609 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079021039	MANGAL SHIU PRASAD ET AL	3605 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079021040	HARLESS KEVIN	3601 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079021041	WILLIAMS ROGER K & LOUISE G TRS	3537 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079021042	OLIVAREZ ARNOLD & OLIVAREZ DARLENE	3533 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079021043	MUSE MARTIN D & OWENS OLIVIA	3529 DOTHAN DR	MODESTO	CA	95350	\$ 26.82
079021044	CASTILLO LUIS ALBERTO ET AL	3525 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079021045	RUIZ CARLA P	3521 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079021046	BANK OF AMERICA NA	3517 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079021047	AHLSTRAND GARY J SR & PAMELA M TRS	3513 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022001	DOTSON TAHNJAH POE TR	316 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079022002	MEDIROS DOROTHY JEANNINE TR	312 N MC CLURE RD	MODESTO	CA	95355	\$ 26.82
079022003	RODRIGUEZ ELENA	308 N MC CLURE RD	MODESTO	CA	95354	\$ 26.82
079022004	ARTEAGA RAUL A ET AL	304 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079022005	MARTIN RONALD L & MARTIN FAITH A	301 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079022006	ARROYO MARGARITA	305 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079022007	RADLOFF HAROLD TRS & RADLOFF M KATHLEEN	309 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079022008	CRANE CHARLIE	313 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079022009	LOBAUGH DUANE	3512 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022010	TORRES ALFREDO & TORRES RAQUEL	3516 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022011	PAL PARBIN & ROSHNI	3520 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022012	JAUREGUI PEDRO A & GUADALUPE V TRS	3524 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022013	CASTRO DAVID & ANGELA	3528 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022014	BRITTON KONYNENBURG PARTNERS	3532 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022015	LOURENCO ASHLI	3536 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022016	GILL SUKNDDEV SINGH & DAVINDERJEET K	3600 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022017	HORNE RICHARD R & KATHY J	3604 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022018	FEDERAL HOME LOAN MORTGAGE CORP	3608 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022019	CARLSON JOHN HENRY & GAYLEN TRS	3612 DOTHAN DR	MODESTO	CA	95357-1428	\$ 26.82
079022020	MANZO TERESA & ENRIQUE	3616 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022021	CANELA FRANCISCO J	3620 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022022	JAUREGUI GRISELDA	3624 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022023	DEVAPRIYA PRIYANTHA	3628 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022024	HERNANDEZ ARMANDO & ANA LIA	3632 DOTHAN DR	MODESTO	CA	95357	\$ 26.82
079022025	NOLL KARL P & NOLL GYDA J	312 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82
079022026	LOPEZ DAVID & LOPEZ IRMA	316 ANSONVILLE LN	MODESTO	CA	95357	\$ 26.82
079022029	CABELLO FRANCISCO A & CABELLO KAREN MICHELLE	3629 JARENA DR	MODESTO	CA	95354	\$ 26.82
079022030	QUACH THUY LINH	3625 JARENA DR	MODESTO	CA	95354	\$ 26.82
079022031	ESPINOZA HECTOR	3621 JARENA DR	MODESTO	CA	95357	\$ 26.82
079022032	SUN HAILI	3617 JARENA DR	MODESTO	CA	95357	\$ 26.82
079022033	SANDOVAL IRMA	3613 JARENA DR	MODESTO	CA	95357	\$ 26.82
079022034	VILLARREAL JOE & VIRGIE	3609 JARENA DR	MODESTO	CA	95357	\$ 26.82
079022035	FORD WINSTON L & FORD SHEILA	3605 JARENA DR	MODESTO	CA	95357	\$ 26.82
079022036	GONZALEZ GUADALUPE & GONZALEZ ESPERANZA	3601 JARENA DR	MODESTO	CA	95357	\$ 26.82
079022037	BOUNPHENG KHAMPHANH ET AL	3537 JARENA DR	MODESTO	CA	95357	\$ 26.82

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079022038	YU JOSEPHINE	3533 JARENA DR	MODESTO	CA	95357	\$ 26.82
079022039	FLORES DANIEL C & DONNA N	3529 JARENA DR	MODESTO	CA	95357	\$ 26.82
079022040	BERTOLOTI GUSTAVO	3525 JARENA DR	MODESTO	CA	95357	\$ 26.82
079022041	WANG CHAO SHENG & WANG CHIEN LAN	3521 JARENA DR	MODESTO	CA	95357	\$ 26.82
079022042	GRAY SHERRIE W	3517 JARENA DR	MODESTO	CA	95357	\$ 26.82
079022043	SANCHEZ ZENAIDA	3513 JARENA DR	MODESTO	CA	95357	\$ 26.82
079022044	PRASAD SUDESH & RESHMI	3633 JARENA DR	MODESTO	CA	95357	\$ 26.82
079023001	KIRK LYNDISAY	248 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079023002	KHAN AQIB	244 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079023003	SANTOS FLORENTINO C & MARIA A	240 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079023004	CAMARENA JOSE R & CAMARENA ISABEL C	236 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079023005	SIGHTS KURT H	232 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079023006	LOPEZ DORA	228 N MC CLURE RD	MODESTO	CA	95354	\$ 26.82
079023007	WATSON ALFRIEDA & CORNELL	224 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079023008	YATES MICHAEL R & YATES MARGIE M	220 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079023009	CUTLER DAVID J & CUTLER JUDITH A	216 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079023010	CRISP JEFF C & CRISP DORTHY	221 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079023011	GRANT RYAN M	225 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079023012	SON DARA	229 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079023013	ALJABADI REBKA SHARLOU	233 MELBOURNE DR	MODESTO	CA	95357-1336	\$ 26.82
079023014	HERNANDEZ JORGE MURIELLO & MURILLO ANA	237 MELBOURNE DR	MODESTO	CA	95357-1336	\$ 26.82
079023015	CABAGNOT DOLORES & FLYNN G	241 MELBOURNE DR	MODESTO	CA	95357-1336	\$ 26.82
079023016	ALVARADO J JESUS E & GUTIERREZ MARIA ELVIA GUZMAN	245 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079023017	LEW KERN YUEN	249 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079023018	YU LENA XIAO ET AL	253 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079023019	ESPINOZA MIGUEL	3512 JARENA DR	MODESTO	CA	95357	\$ 26.82
079023020	GRANT CURTIS R TRS & GRANT NANCY E	3516 JARENA DR	MODESTO	CA	95357-1318	\$ 26.82
079023021	WEDEL JERRY L & LINDA L	3520 JARENA DR	MODESTO	CA	95357	\$ 26.82
079023022	US BANK NATL ASSOC TRUSTEE	3524 JARENA DR	MODESTO	CA	95357	\$ 26.82
079023023	INDELICATO MICHAEL D & INDELICATO DENISE	3528 JARENA DR	MODESTO	CA	95357	\$ 26.82
079023024	ENOS JEREMY	3532 JARENA DR	MODESTO	CA	95357	\$ 26.82
079023025	VICTORIA ROBERTO	3600 JARENA DR	MODESTO	CA	95357	\$ 26.82
079023026	ALONSO MIGUEL	3604 JARENA DR	MODESTO	CA	95357	\$ 26.82
079023027	GALLO SANTOS & GALLO FELIPA	3608 JARENA DR	MODESTO	CA	95357-1320	\$ 26.82
079023028	HALL SHARON	3612 JARENA DR	MODESTO	CA	95357	\$ 26.82
079023029	DE GUZMAN PEPITO V & RAQUEZA S TRS	245 GELF LN	MODESTO	CA	95357-1313	\$ 26.82
079023030	PRASAD NILESH	241 GELF LN	MODESTO	CA	95357	\$ 26.82
079023031	BANUELOS MARTHA A	237 GELF LN	MODESTO	CA	95357	\$ 26.82
079023032	SILVA RICK A	233 GELF LN	MODESTO	CA	95357-1313	\$ 26.82
079023033	NEWMAN SUSAN ET AL	229 GELF LN	MODESTO	CA	95357	\$ 26.82
079023034	WARDA JENNIFER & BEN	225 GELF LN	MODESTO	CA	95357	\$ 26.82
079023035	ACOSTA GARY SIMON TRS & ACOSTA SYLVIA	221 GELF LN	MODESTO	CA	95354	\$ 26.82
079023036	ESTRADA RICHARD THOMAS & SBRAANTI-ESTRADA JOANNE	217 GELF LN	MODESTO	CA	95357-1311	\$ 26.82
079023039	AGUIAYO ROBERTO U & GRACIELA L	3529 ANNISTON CT	MODESTO	CA	95350	\$ 26.82
079023040	MARTINEZ DAVID & MORENO MARISSA	3525 ANNISTON CT	MODESTO	CA	95357	\$ 26.82
079023041	PONTE JOSEPH JOAQUIN JR & PONTE VIRGINIA	3521 ANNISTON CT	MODESTO	CA	95357-1300	\$ 26.82
079023042	TOWNSEND DONALD K & JOYCE A TRS	3517 ANNISTON CT	MODESTO	CA	95354	\$ 26.82
079023043	SANCHEZ CYDNEY TR	3513 ANNISTON CT	MODESTO	CA	95357	\$ 26.82
079023044	TOWNSEND DONALD K & JOYCE A TRS	3512 HALLSBORO CT	MODESTO	CA	95357	\$ 26.82
079023045	FEDERAL HOME LOAN MORTGAGE CORP	3516 HALLSBORO CT	MODESTO	CA	95357	\$ 26.82
079023046	LOBATO JOSE B ET AL	3520 HALLSBORO CT	MODESTO	CA	95357	\$ 26.82
079023047	MARIN JOSE	3524 HALLSBORO CT	MODESTO	CA	95357	\$ 26.82
079023048	PINEDA MARIBEL	3528 HALLSBORO CT	MODESTO	CA	95357	\$ 26.82
079023049	COCHRAN PAT	3532 HALLSBORO CT	MODESTO	CA	95357	\$ 26.82
079023055	BUCK NICOLE R	3529 HALLSBORO CT	MODESTO	CA	95357	\$ 26.82
079023056	BORK VIRGINIA L & BORK RICHARD D	3525 HALLSBORO CT	MODESTO	CA	95357	\$ 26.82
079023057	JOHNSON JEFFREY T & JOHNSON SUZANNE T	3521 HALLSBORO CT	MODESTO	CA	95354	\$ 26.82
079023058	GONZALES DANIEL J	3517 HALLSBORO CT	MODESTO	CA	95357-1315	\$ 26.82
079023059	CAGUIAT RICALYN T	3513 HALLSBORO CT	MODESTO	CA	95357-1315	\$ 26.82
079023060	SELLERS SHERRY L	240 GELF LN	MODESTO	CA	95357-1312	\$ 26.82
079023061	FLORES CRISTIAN A	236 GELF LN	MODESTO	CA	95357	\$ 26.82
079023062	MORA DELMA & MIGUEL	232 GELF LN	MODESTO	CA	95357	\$ 26.82
079023063	VYBORNEY VERNON E & VYBORNEY VIRGINIA C	228 GELF LN	MODESTO	CA	95357	\$ 26.82
079023064	SAALWAECHTER JENNIFER PATRICIA ET AL	224 GELF LN	MODESTO	CA	95357	\$ 26.82
079023065	LAL NEALE K	220 GELF LN	MODESTO	CA	95357	\$ 26.82
079023066	VANDER HEIDE RALPH P JR & VANDER HEIDE KATHRYN	216 GELF LN	MODESTO	CA	95357	\$ 26.82
079023067	RODRIGUEZ MELCHOR M ET AL	3533 ANNISTON CT	MODESTO	CA	95357	\$ 26.82
079023068	KNOEPLF RACHEL RENEE	3537 ANNISTON CT	MODESTO	CA	95357	\$ 26.82
079023069	HENRY JILL	3536 HALLSBORO CT	MODESTO	CA	95357	\$ 26.82
079023070	SIMMALY NICK & KEOSOUKANANH AM	3540 HALLSBORO CT	MODESTO	CA	95357	\$ 26.82
079023071	BRYANT TODD A	3541 HALLSBORO CT	MODESTO	CA	95357	\$ 26.82
079023073	BOTELLO ALMA C	3533 HALLSBORO CT	MODESTO	CA	95357	\$ 26.82
079023075	ENOS EDWARD L & JUDY A	3537 HALLSBORO CT	MODESTO	CA	95350	\$ 26.82
079024001	LYEK LYSIRI & MIN DAISY	128 N MC CLURE RD	MODESTO	CA	95354	\$ 26.82
079024002	PEREIRA JENNIFER A	132 N MC CLURE RD	MODESTO	CA	95354	\$ 26.82

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079024003	GARCIA DWAYNE & KRISTI	136 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079024004	FAULKNER JAMES & SHARON D	200 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079024005	ARMSTRONG CHESTER A TR	204 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079024006	SIDHU BALDEV S & MANMOHAN K TRS	208 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079024007	SOUKHAMTHATH ALAN	212 N MC CLURE RD	MODESTO	CA	95357	\$ 26.82
079024008	FULLER JAMES L JR & FULLER TRACI J	217 MELBOURNE DR	MODESTO	CA	95357-1335	\$ 26.82
079024009	PEREZ CARMEN	213 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079024010	GIKAS CHRISTOPHER RAY	209 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079024011	GRANT ERIC A & GRANT KAMERA L	205 MELBOURNE DR	MODESTO	CA	95357	\$ 26.82
079024012	GALAS VINCE N	201 MELBOURNE DR	MODESTO	CA	95357-1335	\$ 26.82
079024013	MCE VENTURES LLC	3508 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024014	ZAMORA VICTOR & ZAMORA VERONICA	3512 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024015	GONZALEZ ANORES & ESPERANZA	3516 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024016	JORGENSEN FRANK E & MIRIAM M	3520 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024017	GRANT JEFF	3524 BAYBORO DR	MODESTO	CA	95357-1305	\$ 26.82
079024018	ESTRADA FRANCISCO & ESTRADA JULIA	3528 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024019	CREE DEBORAH J	3600 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024020	COLWELL DONALD SR & COLWELL JO ANN	3604 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024021	DAOUD OLGA P	3608 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024022	WEISS JULIE GRANT	3612 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024023	MCE VENTURES LLC	3616 BAYBORO DR	MODESTO	CA	95357-1307	\$ 26.82
079024024	BROOKS TODD	3620 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024025	BORRELLI MICHAEL J	3624 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024026	KEENE EDWARD L & KEENE SUSAN G	200 GELF LN	MODESTO	CA	95354	\$ 26.82
079024027	GONSALVES MATTHEW M	204 GELF LN	MODESTO	CA	95357-1310	\$ 26.82
079024028	FELT STACY L & MAILE V	208 GELF LN	MODESTO	CA	95357-1310	\$ 26.82
079024029	KARELIN ZENA M	212 GELF LN	MODESTO	CA	95357	\$ 26.82
079024030	FLORES CESAR J & MAYRA	213 GELF LN	MODESTO	CA	95357	\$ 26.82
079024031	NGEN STEVEN KORB & MELONEY SALEM LEN	209 GELF LN	MODESTO	CA	95357	\$ 26.82
079024032	MOU CHRISTINA	3617 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024033	WEAVER BETTY J TRS ET AL	3613 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024034	CASTILLO TARA L ET AL	3609 BAYBORO DR	MODESTO	CA	95357-1308	\$ 26.82
079024035	WEAVER KRISTEN ELIZABETH TR	3605 BAYBORO DR	MODESTO	CA	95357-1308	\$ 26.82
079024036	BRINTLEY KAJUANA & ROBERT C	3601 BAYBORO DR	MODESTO	CA	95357-1308	\$ 26.82
079024037	PAL REENA D	3529 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024038	VALDEZ ARTHUR DAVID TRS & VALDEZ ANGELINE	3525 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024039	MCE VENTURES LLC	3521 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024040	GALLARDO LYDIA	3517 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024041	KIST DAVID L & PADILLA YVETTE M	3513 BAYBORO DR	MODESTO	CA	95357	\$ 26.82
079024042	FEDERAL NATIONAL MORTGAGE ASSOC	3512 ANNISTON CT	MODESTO	CA	95357	\$ 26.82
079024043	HAMILTON EILEEN M TR	3516 ANNISTON CT	MODESTO	CA	95357-1300	\$ 26.82
079024044	VELASCO GONZALO R	3520 ANNISTON CT	MODESTO	CA	95351	\$ 26.82
079024045	JK VALLEY PROPERTIES LLC	3524 ANNISTON CT	MODESTO	CA	95357	\$ 26.82
079024046	SOUZA JASON S & TABITHA I	3528 ANNISTON CT	MODESTO	CA	95357	\$ 26.82
079024049	FEDERAL NATIONAL MORTGAGE ASSN	3532 ANNISTON CT	MODESTO	CA	95357-1300	\$ 26.82
079024050	KNOEPLF RONALD L & KNOEPLF LORRAINE M	3536 ANNISTON CT	MODESTO	CA	95357	\$ 26.82
079025003	EMPIRE UNION SCHOOL DISTRICT	116 N MC CLURE RD	MODESTO	CA	95357	\$ -
079025005	WHITE ALAN WAYNE SR & EVELYN KAY TRS	3501 YOSEMITE BLVD	MODESTO	CA	95357	\$ 67.34
079025007	BEARDEN FAMILY LTD PRTNSHP	YOSEMITE BLVD	MODESTO	CA	95357-0523	\$ 74.82
079025011	YOSEMITE AND CREEKWOOD INC	3621 YOSEMITE BLVD	MODESTO	CA	95357-0523	\$ 186.40
079025012	CYPRESS EQUITIES GROUP III LP	117 CREEKWOOD DR	MODESTO	CA	95354	\$ 410.88
079025013	BEARDEN FAMILY LIMITED PARTNERSHIP	3513 YOSEMITE BLVD	MODESTO	CA	95357	\$ 62.58
079025014	BEARDEN FAMILY LIMITED PARTNERSHIP	YOSEMITE BLVD	MODESTO	CA	95357	\$54.42
079026005	MC DONALDS CORP	3801 YOSEMITE BLVD	MODESTO	CA	95357	\$ 80.94
079026006	LEONG JICK C TRS & LEONG ALICE NG	YOSEMITE BLVD	MODESTO	CA	09535-4000	\$ 27.22
079026007	LEONG JICK C TRS & LEONG ALICE NG	YOSEMITE BLVD	MODESTO	CA	09535-4000	\$ 27.22
079026008	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	MODESTO	CA	95357-0523	\$ 209.52
079026009	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	MODESTO	CA	95357-0523	\$ 34.00
079026010	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	MODESTO	CA	95357-0523	\$ 37.40
079026011	CREEKWOOD PLAZA LLC	3801 YOSEMITE BLVD	MODESTO	CA	95357-0523	\$ 40.82
079026012	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	MODESTO	CA	95357-0523	\$ 38.10
079026013	CREEKWOOD PLAZA LLC	3801 YOSEMITE BLVD	MODESTO	CA	95357-0523	\$ 853.02
079026014	PALLIOS ENTERPRISES	3801 YOSEMITE BLVD	MODESTO	CA	95357	\$ 183.68
079027001	ESPINOSA EVERADO & MARIA LUZ	3701 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027002	BERGSTROM ROBERT E & LINDA R TRS	3705 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027003	GILBERT LYNETTE & LANCE	3709 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027004	OUR LEGACY LLC	3713 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027005	VILLALPANDO HERIBERTO & ROSA	3717 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027006	HSBC BANK USA	3721 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027007	FLORES VANESSA	3725 JULENE DR	MODESTO	CA	95353	\$ 26.82
079027008	ORTIZ ALEJANDRA	3801 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027009	ADAIR KENNETH L	3805 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027010	MAKASYUK GUADALUPE	3809 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027011	HIATT RALPH W & FRANCES TRS	3813 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027012	ARROYO DAVID A & ARROYO RHONDA L	3817 JULENE DR	MODESTO	CA	95357	\$ 26.82

APN	Owner Name	Property Address	City	State	Zip	2011-2012 Assessment
079027013	BA BAIRD WILL A & BAIRD BARBARA A	3821 JULENE DR	MODESTO	CA	95358	\$ 26.82
079027014	CASTILLO ANGELICA ET AL	3825 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027015	DARPINIAN JANE LEE	3901 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027016	AWARD PROPERTIES	3905 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027017	GUPTILL CAROLYN S	3909 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027018	YOUNAN ALBERT M ET AL	3913 JULENE DR	MODESTO	CA	95354	\$ 26.82
079027019	AMADOR GREG	3908 JULENE DR	MODESTO	CA	95355	\$ 26.82
079027020	KANNO JANET	3900 JULENE DR	MODESTO	CA	95357-1355	\$ 26.82
079027021	BELTRAN RAMON F	232 ANASTASIA DR	MODESTO	CA	95357	\$ 26.82
079027022	URY TRACY L	228 ANASTASIA DR	MODESTO	CA	95357	\$ 26.82
079027023	NIELSEN MARK C	224 ANASTASIA DR	MODESTO	CA	95357	\$ 26.82
079027024	TINOCO REBECCA K	220 ANASTASIA DR	MODESTO	CA	95357	\$ 26.82
079027025	STRAIT AARON D	216 ANASTASIA DR	MODESTO	CA	95357	\$ 26.82
079027026	AQUINO NESTOR JOSE P & AQUINO LUCILLE J	212 ANASTASIA DR	MODESTO	CA	95357	\$ 26.82
079027027	SZCZYGIEL ROGER JOSEPH & SZCZYGIEL MONICA	208 ANASTASIA DR	MODESTO	CA	95354	\$ 26.82
079027028	ANDREINI CHRIS PAUL & VICKY ANN	204 ANASTASIA DR	MODESTO	CA	95357	\$ 26.82
079027029	LINDSAY STANLEY & MICHELE	200 ANASTASIA DR	MODESTO	CA	95357	\$ 26.82
079027030	M & M PROPERTIES INC	3824 TROON PL	MODESTO	CA	95357	\$ 26.82
079027031	HENRY JILL	3820 TROON PL	MODESTO	CA	95357	\$ 26.82
079027032	NAIDU LATCHMI & NAIDU KRISHNA	3816 TROON PL	MODESTO	CA	95357	\$ 26.82
079027033	LOPEZ MARIA J & PEDRO M	3812 TROON PL	MODESTO	CA	95357	\$ 26.82
079027034	MENDES DONALD L SR & JOSEPHINE T TRS	3808 TROON PL	MODESTO	CA	95357	\$ 26.82
079027035	AGUINIGA LINDA L ET AL	3804 TROON PL	MODESTO	CA	95357	\$ 26.82
079027036	HENRY JILL A	3800 TROON PL	MODESTO	CA	95357	\$ 26.82
079027037	VALDEZ ARTHUR DAVID TRS & VALDEZ ANGELINE	3724 TROON PL	MODESTO	CA	95357	\$ 26.82
079027038	SIDHU BALDEV S & MANMOHAN K TRS	3720 TROON PL	MODESTO	CA	95357	\$ 26.82
079027039	VEGA JUAN MANUEL & MARIA A	3716 TROON PL	MODESTO	CA	95357-1363	\$ 26.82
079027040	CAVAZOS HENRY JR	3712 TROON PL	MODESTO	CA	95357	\$ 26.82
079027041	SANCHEZ NOEMI	3708 TROON PL	MODESTO	CA	95357	\$ 26.82
079027042	BARRIGA ADELA ET AL	3704 TROON PL	MODESTO	CA	95357	\$ 26.82
079027043	GARRISON JAMES R & STACY L	3700 TROON PL	MODESTO	CA	95357	\$ 26.82
079027044	NAIR RAJESH & UMA	201 RECTOR LN	MODESTO	CA	95357	\$ 26.82
079027045	SCHEID MICHAEL D & SCHEID MARILYN J	205 RECTOR LN	MODESTO	CA	95357	\$ 26.82
079027046	JAMES CATHERINE M	209 RECTOR LN	MODESTO	CA	95351	\$ 26.82
079027047	HOLLAND DARRELL	213 RECTOR LN	MODESTO	CA	95357	\$ 26.82
079027048	MUIR LARRY R & LESLIE A	217 RECTOR LN	MODESTO	CA	95357	\$ 26.82
079027049	GARRETT CURTIS & GARRETT DEBBIE	221 RECTOR LN	MODESTO	CA	95357	\$ 26.82
079027050	SABINIANO MARION N	3700 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027051	VIGIL CELSO & NATIVIDAD	3704 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027052	FLORES EMMANUEL E & NOEMI	3708 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027053	WALDMAN MIKE & MARTHA	3712 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027054	MIRANDA CARMEN ET AL	3716 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027055	JAMKE	3720 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027056	DOUGLAS MARY G	3724 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027057	FEDERAL NATL MORTGAGE ASSOC	3800 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027058	GALLO SANTOS & GALLO FELIPA A	3804 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027059	O BRIEN JON L	3808 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027060	BLANAS FRANK G	3812 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027061	HEISER BRENDA M ET AL	3816 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027062	PRINO MARIA JESUS	3820 JULENE DR	MODESTO	CA	95357	\$ 26.82
079027063	MALDONADO JUAN G & VERONICA A	3825 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027064	RAYGOZA JOSE JR	3821 JARENA DR	MODESTO	CA	95357-1360	\$ 26.82
079027065	BECERRA DANIEL MARTIN ET AL	3817 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027066	HAMMONDS THEDFORD J	3813 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027067	FRIEDE SUKANTLA	3809 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027068	GUERRERO ANTHONY & GUERRERO DEBORAH	3805 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027069	CUEVAS TOMAS & BRACAMONTES MARIA CUEVAS	3801 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027070	CHAND ATISH & CHAND REENA	3725 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027071	HAMILTON DAWN J	3721 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027072	CHETTY JAI N & PADMANI	3717 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027073	NAVA MARGARITA ET AL	3713 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027074	CHAND RAJ RATTAN	3709 JARENA DR	MODESTO	CA	95354	\$ 26.82
079027075	HENSLEY FRANCES	3705 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027076	KOMMAVONG BOUNKONG & PHILAVONG ALING	3701 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027077	BRUHN JULEE	213 ANASTASIA DR	MODESTO	CA	95354	\$ 26.82
079027078	BUER TYLER A	3812 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027079	SIERRA JOSE M & RIOS LUSILA	3808 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027080	BAC HOME LOANS SERVICING LP	3804 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027081	PINTO JOSE L JR & PINTO LEIA D	3800 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027082	CARDOZA RICHARD ALAN	3724 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027083	BURKE JOHN D & BURKE AMY E	3720 JARENA DR	MODESTO	CA	95354	\$ 26.82
079027084	AVERY RANDY & AVERY WENDY	3716 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027085	KISARA SRINIVAS	3712 JARENA DR	MODESTO	CA	95357	\$ 26.82
079027086	DOYLE CATHY M	220 RECTOR LN	MODESTO	CA	95357	\$ 26.82
079027087	BAILEY GUY E & BAILEY DONNA M	212 RECTOR LN	MODESTO	CA	95357	\$ 26.82



APN	Owner Name	Property Address	City	State	Zip	2011-2012 Assessment
079027088	WHEELER AMANDA ET AL	208 RECTOR LN	MODESTO	CA	95319	\$ 26.82
079027089	MESSER KEVIN & KAREN	3717 TROON PL	MODESTO	CA	95357	\$ 26.82
079027090	DE JESUS MARIO C & DE JESUS ARLENE M	3721 TROON PL	MODESTO	CA	95357	\$ 26.82
079027091	LEONARD MICHAEL & PATRICIA	3725 TROON PL	MODESTO	CA	95357	\$ 26.82
079027092	GARCIA JUAN & CARMEN A	3801 TROON PL	MODESTO	CA	95357	\$ 26.82
079027093	JONES JANE K	3805 TROON PL	MODESTO	CA	95354	\$ 26.82
079027094	HENRY JILL A	3809 TROON PL	MODESTO	CA	95357	\$ 26.82
079027095	MEES SEAN	3813 TROON PL	MODESTO	CA	95357	\$ 26.82
079027096	BAKUS LAUREN N	3817 TROON PL	MODESTO	CA	95357	\$ 26.82
079027097	CREEKWOOD MEADOWS INVESTORS	CREEKWOOD DR	MODESTO	CA	92658	\$ 67.74
079028001	PERVERE BRYAN & PERVERE GAIL M	205 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028002	TEIXEIRA TERRY J	201 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028003	BARRAGAN BENJAMIN M & BARRAGAN IMELDA R	121 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028004	AWARD PROPERTIES LLC	117 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028005	PERRY JAMES B & PERRY DIANA C	113 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028006	FARNON AARON D & FARNON LINDA M	109 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028007	NAVA BALTAZAR & NAVA YOLANDA GALLO	105 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028008	MACIEL LAVINIA	101 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028009	MORA MACLOVIA & DAVID MEDINA	3900 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028010	ROCHA JOSE	3904 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028011	PONS-LANGLOT ALFRED	3908 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028012	MISSION HOUSING DEVELOPMENT CORPORATION	3912 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028013	DEL VALLE MARIA R	3916 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028014	HUIHUI JOSEPH FREDERICK	3920 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028015	DURAN ROBERT JR & MELANIE JT	3924 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028016	YOUNAN LINARD & YOUNAN NEDHAL	3928 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028017	WONG LUI S ET AL	3932 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028018	SIKES JAMES R TR	3933 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028019	PRITCHARD INVESTMENTS LLC	3929 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028020	KELCH JOHN J & KELCH CYNTHIA D	3925 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028021	RODRIGUEZ JORGE	3921 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028022	BOULTON BILL G	3917 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028023	MARTIN JEFFREY	3913 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028024	REED NANCY R & JOHNNY E	3909 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028025	CICERO EDWARD FRANCIS JR TR	3900 WESTFALL LN	MODESTO	CA	95357	\$ 26.82
079028026	TANNER TOMMIE G & TANNER GARCIE L	3904 WESTFALL LN	MODESTO	CA	95357	\$ 26.82
079028027	CAMPOS MARTIN	3908 WESTFALL LN	MODESTO	CA	95357	\$ 26.82
079028028	SOUPHAVONG BOUATHONG	3912 WESTFALL LN	MODESTO	CA	95357	\$ 26.82
079028029	WU WAN BEN	3916 WESTFALL LN	MODESTO	CA	95357	\$ 26.82
079028030	YOUNAN LINARD & YOUNAN NEDHAL	3920 WESTFALL LN	MODESTO	CA	95350	\$ 26.82
079028031	CAPISTRAN JUAN & BARRAGAN ELISA	3924 WESTFALL LN	MODESTO	CA	95357	\$ 26.82
079028032	YOUNGER ROGER	3925 WESTFALL LN	MODESTO	CA	95357	\$ 26.82
079028033	HOUSE DENNIS L & BONITA E TRS	3921 WESTFALL LN	MODESTO	CA	95357	\$ 26.82
079028034	PRASAD RESHMI D	3917 WESTFALL LN	MODESTO	CA	95357-0420	\$ 26.82
079028035	HUEY JAMES W ET AL	3913 WESTFALL LN	MODESTO	CA	95357	\$ 26.82
079028036	BARRAGAN JESSE & BARRAGAN OLIVIA T	3909 WESTFALL LN	MODESTO	CA	95357	\$ 26.82
079028037	OCHOA PAULO & MENDOZA MARIA DE JESUS	3901 WESTFALL LN	MODESTO	CA	95357	\$ 26.82
079028040	MORA MARIA DEL CARMEN REYNA	3936 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82
079028041	US BANK NATIONAL ASSN TRUSTEE	257 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028042	BUSTAMANTE GONZALO & BUSTAMANTE LUZ	253 SENTINEL DR	MODESTO	CA	95355	\$ 26.82
079028043	VICTORINO CHRISTOPHER J & KRISTI M	249 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028044	TAYLOR JIMMY R & SHEILA W	245 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028045	SANDOVAL JUAN E & ANA LIDIA ACEVEDO DE	241 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028046	MCE VENTURES LLC	237 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028047	ALBERTO SILVIA	233 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028048	YOUNGER RONALO & YOUNGER LYDIA	229 SENTINEL DR	MODESTO	CA	95355-9768	\$ 26.82
079028049	PORRES MARIA	225 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028050	AMAYA JUAN CARLOS & SARMIENTO BERTHA	221 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028051	HINISH LONNIE O & PAMELA K TRS	217 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028052	HOOK JEFFREY ALLEN & HOOK KIMBERLY ANN	213 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028053	ZAMORA ANTONIO S & ZAMORA MARIA A	209 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028054	TANNER NICHELLE N	212 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028055	COSTA JOE & COSTA MARY	216 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028056	OSTRETSOV ANATOLY & ANZHELA	228 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028057	JIMENEZ NARCISO & JIMENEZ ROSA	236 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028058	DAVIS BARBARA A	240 SENTINEL DR	MODESTO	CA	95357	\$ 26.82
079028059	HANNINK DOUG & KATHY TRS	244 SENTINEL DR	MODESTO	CA	95350	\$ 26.82
079028060	WATTLE AARON K & JULIE R	3905 SENTINEL CT	MODESTO	CA	95357	\$ 26.82
079028061	NORTON STANLEY W & NORTON LAURIE K	3908 SENTINEL CT	MODESTO	CA	95357	\$ 26.82
079028062	CIBRIAN EFRAIN ET AL	3904 SENTINEL CT	MODESTO	CA	95357	\$ 26.82

APN	Owner name	Property Address	City	State	Zip	2010-2011 Assessment
079028065	BROWN TANYA M	313 YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ 26.82
079028066	BOSMA KRISTI K & BOSMA STEVEN R	309 YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ 26.82
079028067	RODRIGUEZ ALFRED J & JULIA L	305 YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ 26.82
079028068	CISNEROS HEBER & CISNEROS ROSALINA	301 YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ 26.82
079028069	MODESTO CITY OF	YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ -
079028070	TOMA TITANIA Y	241 YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ 26.82
079028071	HERNANDEZ SALVADOR & BELTRAN MARIA T	237 YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ 26.82
079028072	LAGAN JASON	233 YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ 26.82
079028073	HARDIN MIKE A	229 YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ 26.82
079028074	SANGHA DILBAG SINGH ET AL	225 YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ 26.82
079028075	PADILLA RODRIGO	221 YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ 26.82
079028076	WIKI GARY L & WIKI PEGGY A	217 YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ 26.82
079028077	SOTO GILBERTO & SOTO MARIA	213 YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ 26.82
079028078	PEREZ VALENTINE M ET AL	209 YOSEMITE MEADOWS DR	MODESTO	CA	95357	\$ 26.82
079028079	MENDOZA LIBERATO ET AL	3929 WESTFALL LN	MODESTO	CA	95357	\$ 26.82
079028080	SUMTER JASON ET AL	3928 WESTFALL LN	MODESTO	CA	95357	\$ 26.82
079028081	MELTON DENNIS & MELTON LISA	3937 EL PORTAL PL	MODESTO	CA	95357	\$ 26.82

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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-321**

**RESOLUTION APPROVING A NEW CAPITAL IMPROVEMENT PROGRAM  
PROJECT AND ACCEPTING CONGESTION MITIGATION AIR QUALITY  
(CMAQ) GRANT IN THE AMOUNT OF \$1,867,000, AND AUTHORIZING THE  
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY  
GRANT DOCUMENTS**

WHEREAS, in FFY 10/11 the City of Modesto received annual appropriations of CMAQ funding in the amount of \$1.4 million, and

WHEREAS, the City of Modesto also received additional CMAQ appropriations of \$1,607,000 for roadway projects from statewide funds that had not been obligated, and

WHEREAS, staff worked diligently with StanCOG staff to effectively move forward with the programming of additional CMAQ appropriations, and

WHEREAS, staff programmed a new Capital Improvement Project as noted on **Exhibit B** to use \$750,000 of additional appropriations in FFY 10/11 and FFY 11/12, and \$1,117,000 of annual appropriations in FFY 12/13,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a new Capital Improvement Program project and accepts Congestion Mitigation Air Quality funds in the amount of \$1,867,000.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Request for Budget Adjustment  
(Projects and Grants)**

Contact Person: Bill Sandhu  
 Telephone: \_\_\_\_\_  
 Submitting Department: CEDD

Council Action Date: 8/3/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Project Name: Right Turn Lane Southbound  
McHenry to Briggsmore  
 Project Fund: Streets CFF Fund

Fiscal Year being Adjusted: MY

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-			\$0	
TO								
-	3410	14999	42110	100632	\$0	\$305,000	\$305,000	Intergov-State-CA Department of Transportation

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

FROM							
-	-	-	-			\$0	
-	-	-	-			\$0	
TO							
-	100632	EDA	Eng/Design/Admin	\$0	\$125,000	\$125,000	CED. Land Development Engineering
-	100632	UE	Utility and EIR	\$0	\$90,000	\$90,000	CED. Land Development Engineering
-	100632	LA	Land Acquisition	\$0	\$90,000	\$90,000	CED. Land Development Engineering

**Justification for Budget Adjustment**

This project was moved forward from a future fiscal year to the 2011/2012 CIP fiscal year to take advantage of current 100& CMAQ funding available for projects.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**Request for Budget Adjustment  
(Projects and Grants)**

Contact Person: Bill Sandhu  
 Telephone: \_\_\_\_\_  
 Submitting Department: CEDD

Council Action Date: 8/3/20  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Project Name: Right Turn Lane at Prescott  
and Plaza Parkway  
 Project Fund: LTF - Gas tax

Fiscal Year being Adjusted: MY

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-			\$0	
TO								
-	3160	14999	42110	100633	\$0	\$175,000	\$175,000	Intergov-State-CA Department of Transportation
-	-	-	-	-				
-	-	-	-	-				

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

FROM							
-	-	-	-			\$0	
-	-	-	-			\$0	
TO							
-	100633	EDA	Eng/Design/Admin	\$0	\$60,000	\$60,000	CED. Land Development Engineering
-	100633	UE	Utility and EIR	\$0	\$115,000	\$115,000	CED. Land Development Engineering
-	-	-	-				
-	-	-	-				

**Justification for Budget Adjustment**

This project is being moved forward from the 2011/2012 Federal Fiscal Year to the 2010/2011 Federal Fiscal year to take advantage of 100% CMAQ funding that is currently available.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**Request for Budget Adjustment  
(Projects and Grants)**

Contact Person: Bill Sandhu  
 Telephone: \_\_\_\_\_  
 Submitting Department: CEDD

Council Action Date: 8/3/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Oakdale Road nad Syvlan  
 Project Name: Avenue Intersection  
 Project Fund: Streets CFF fund

Fiscal Year being Adjusted: MY

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

<b>FROM</b>											
-	-	-	-	-			\$0				
<b>TO</b>											
-	3410	-	14999	-	42110	-	100631	\$0	\$750,000	\$750,000	Intergov-State-CA Department of Transportation

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

<b>FROM</b>										
-	-	-	-			\$0				
<b>TO</b>										
	100631	-	EDA	-	Eng/Design/Admin	\$0	\$300,000	\$300,000	CED. Land Development Engineering	
	100631	-	UE	-	Utility and EIR	\$0	\$150,000	\$150,000	CED. Land Development Engineering	
	-	100632	-	LA	-	Land Acquisition	\$0	\$300,000	\$300,000	CED. Land Development Engineering

**Justification for Budget Adjustment**

This project is being moved forward in to the 2011/2012 fiscal year to capture 100% CMAQ funding that is currently available.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_



**Request for Budget Adjustment  
(Projects and Grants)**

Contact Person: Bill Sandhu  
 Telephone: \_\_\_\_\_  
 Submitting Department: CEDD

Council Action Date: 8/3/20  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Project Name: Traffic Model Maintenance  
 Project Fund: Streets CFF Fund

Fiscal Year being Adjusted: MY

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

<b>FROM</b>							\$0	
MY	3160	14999	42110	100635	\$0	\$300,000	\$300,000	Intergov-State-CA Department of Transportation
-	-	-	-	-	\$0		\$0	
-	-	-	-	-	\$0			
-	-	-	-	-	\$0			

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

<b>FROM</b>						\$0	
MY	100635	CON	Construction	\$0	\$300,000	\$300,000	CED. Traffic Engineering
-	-	-	-	\$0		\$0	
-	-	-	-	\$0		\$0	

**Justification for Budget Adjustment**

This project is being moved forward from the 2012/2013 Federal Fiscal year to the 2010/2011 Federal Fiscal year so that the City can take advantage of the 100% federal funding currently available for this project

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: _____	Completed By: _____
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**Request for Budget Adjustment  
(Projects and Grants)**

Contact Person: Bill Sandhu  
 Telephone: \_\_\_\_\_  
 Submitting Department: CEDD

Council Action Date: 8/3/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Project Name: Upgrade Traffic Signals  
 Project Fund: \_\_\_\_\_

Fiscal Year being Adjusted: MY

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
<b>Revenues</b>								
<b>FROM</b>								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
<b>TO</b>								
-	3160	14999	42110	100634	\$0	\$77,000	\$77,000	Intergov-State-CA Department of Transportation
-	-	-	-	-				
-	-	-	-	-				

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
<b>Expenses</b>							
<b>FROM</b>							
-	-	-	-			\$0	
-	-	-	-			\$0	
<b>TO</b>							
-	100634	EDA	Eng/Design/Admin	\$0	\$77,000	\$77,000	CED. Traffic Engineering
-	-	-	-				
-	-	-	-				

**Justification for Budget Adjustment**

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Trans for Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-322**

**RESOLUTION ADVANCING FOUR PROJECTS FROM FEDERAL FISCAL YEAR (FFY) 12/13 TO FFY 10/11 AND 11/12, AND ACCEPTING CONGESTION MITIGATION AIR QUALITY (CMAQ) FUNDS IN THE AMOUNT OF \$857,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT DOCUMENTS**

WHEREAS, in FFY 10/11 the City of Modesto received annual appropriations of \$1.4 million in CMAQ funding, and

WHEREAS, the City of Modesto also received additional CMAQ appropriations of \$1,607,000 in FFY 10/11 and FFY 11/12 for roadway projects, and

WHEREAS, staff worked diligently with StanCOG staff to effectively move forward with the programming of additional CMAQ appropriations, and

WHEREAS, staff expedited project schedules for four projects by using Expedited Project Schedule Procedure (EPSP) as noted on **Exhibit A**, and

WHEREAS, \$857,000 of additional CMAQ appropriations was used for FFY 10/11 and FFY 11/12 to fund expedited projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves advancing four projects from FFY 12/13 to FFY 10/11 and 11/12, and accepts Congestion Mitigation Air Quality funds in the amount of \$857,000.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 3<sup>rd</sup> day of August, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

### EXHIBIT A - EXPEDITED PROJECT SCHEDULES

PROJECT TITLE:		PROGRAMMING												NOTES:
		57910 - PE PHASE				57920 and 57930 - ROW PHASE				57940 - CON PHASE				
		Current Federal	Proposed Federal	CMAQ	Local	Current Federal	Proposed Federal	CMAQ	Local	Current Federal	Proposed Federal	CMAQ	Local	
1	S/B McHenry Ave to W/B Briggsmore Ave	12/13	10/11	\$125,000	\$0	12/13	11/12	\$180,000	\$0.00					\$14,337 in toll credits utilized for PE and \$21,220 in toll credits utilized for ROW, so no City match for PE and ROW
2	S/B Prescott Rd to W/B Plaza Parkway	12/13	10/11	\$60,000	\$0	12/13	11/12	\$115,000	\$0.00					\$6,682 in toll credits utilized for PE and \$13,181 in toll credits utilized for ROW, so no City match for PE and ROW
3	Upgrade Signal - 2013	12/13	10/11	\$77,000	\$0									\$9,096 in toll credits was utilized for PE, requiring no City match for PE
4	Traffic Model Maintenance									12/13	10/11	\$300,000	\$0	\$34,410 in toll credits was utilized, requiring no city match for this project.
<b>Totals:</b>				\$262,000	\$0			\$295,000	\$0			\$300,000	\$0	

		FFY 10/11			FFY 11/12			FFY 12/13			TOTAL FUNDING		NOTES:
Project Name		PHASE	CMAQ	LOCAL	PHASE	CMAQ	LOCAL	PHASE	CMAQ	LOCAL	CMAQ	LOCAL	
1	Oakdale Rd / Sylvan Ave Intersection	57910	\$300,000	\$0	57920 57930	\$450,000	\$0	57940	1,117,000	\$128,120	\$1,887,000	\$128,120	\$34,410 in toll credits utilized for 57910 and \$51,615 in toll credits utilized for 57920 and 57930, so no City match for these phases

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-323

**RESOLUTION AMENDING THE FISCAL YEAR 11/12 CAPITAL  
IMPROVEMENT PROGRAM (CIP) BUDGET TO MODIFY, AND ADD  
CAPITAL IMPROVEMENT PROGRAM FUNDING IN THE AMOUNT OF  
\$1,607,000**

WHEREAS, in FFY 10/11 the City of Modesto received annual appropriations of CMAQ funding in the amount of \$1.4 million, and

WHEREAS, the City of Modesto also received additional CMAQ appropriations of \$1,607,000 for roadway projects from statewide funds that had not been obligated, and

WHEREAS, the City Staff worked diligently with StanCOG staff to effectively move forward with the programming of additional CMAQ appropriations, and

WHEREAS, staff programmed a new Capital Improvement Project as noted on **Exhibit B** to use \$750,000 of additional appropriations in FFY 10/11 and FFY 11/12, and

WHEREAS, the staff expedited project schedules for four projects by using Expedited Project Schedule Procedure (EPSP) as noted on **Exhibit A**, and

WHEREAS, \$857,000 of additional CMAQ appropriations was used for FFY 10/11 and FFY 11/12 to fund expedited projects, and

WHEREAS, as a result, the Fiscal Year 11/12 Capital Improvement Program budget needs to be amended to reflect the changes noted in **Exhibit C**, and

WHEREAS, with the re-programming of CMAQ grants (see **Exhibits A and B**), the CIP budget needs to be amended to reflect these changes (see **Exhibit C**), and

WHEREAS, the revised appropriations will result in CIP amounts totaling \$1,607,000 for roadway projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2011-2012 Capital Improvement Program budget to modify and add Capital Improvement Program funding in the amount of \$1,607,000.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized 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 3<sup>rd</sup> day of August, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



### EXHIBIT A - EXPEDITED PROJECT SCHEDULES

PROJECT TITLE:		PROGRAMMING												NOTES:
		57910 - PE PHASE				57920 and 57930 - ROW PHASE				57940 - CON PHASE				
		Current Federal	Proposed Federal	CMAQ	Local	Current Federal	Proposed Federal	CMAQ	Local	Current Federal	Proposed Federal	CMAQ	Local	
1	S/B McHenry Ave to W/B Briggsmore Ave	12/13	10/11	\$125,000	\$0	12/13	11/12	\$180,000	\$0.00					\$14,337 in toll credits utilized for PE and \$21,220 in toll credits utilized for ROW, so no City match for PE and ROW
2	S/B Prescott Rd to W/B Plaza Parkway	12/13	10/11	\$60,000	\$0	12/13	11/12	\$115,000	\$0.00					\$6,882 in toll credits utilized for PE and \$13,191 in toll credits utilized for ROW, so no City match for PE and ROW
3	Upgrade Signal - 2013	12/13	10/11	\$77,000	\$0									\$9,096 in toll credits was utilized for PE, requiring no City match for PE.
4	Traffic Model Maintenance									12/13	10/11	\$300,000	\$0	\$34,410 in toll credits was utilized, requiring no city match for this project.
<b>Totals:</b>				\$262,000	\$0			\$285,000	\$0			\$300,000	\$0	

		FFY 10/11			FFY 11/12			FFY 12/13			TOTAL FUNDING		NOTES:
Project Name		PHASE	CMAQ	LOCAL	PHASE	CMAQ	LOCAL	PHASE	CMAQ	LOCAL	CMAQ	LOCAL	
1	Oakdale Rd / Sylvan Ave Intersection	57910	\$300,000	\$0	57920 57930	\$450,000	\$0	57940	1,117,000	\$128,120	\$1,867,000	\$128,120	\$34,410 in toll credits utilized for 57910 and \$51,615 in toll credits utilized for 57920 and 57930, so no City match for these phases

**Request for Budget Adjustment  
(Projects and Grants)**

Contact Person: Bill Sandhu  
 Telephone: \_\_\_\_\_  
 Submitting Department: CEDD

Council Action Date: 8/3/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Project Name: Right Turn Lane Southbound  
McHenry to Briggsmore  
 Project Fund: Streets CFF Fund

Fiscal Year being Adjusted: MY

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

<b>FROM</b>							\$0				
-	-	-	-	-							
<b>TO</b>											
-	3410	-	14999	-	42110	-	100632	\$0	\$305,000	\$305,000	Intergov-State-CA Department of Transportation

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

<b>FROM</b>						\$0			
-	-	-	-			\$0			
<b>TO</b>									
-	100632	-	EDA	-	Eng/Design/Admin	\$0	\$125,000	\$125,000	CED. Land Development Engineering
-	100632	-	UE	-	Utility and EIR	\$0	\$90,000	\$90,000	CED. Land Development Engineering
-	100632	-	LA	-	Land Acquisition	\$0	\$90,000	\$90,000	CED. Land Development Engineering

**Justification for Budget Adjustment**

This project was moved forward from a future fiscal year to the 2011/2012 CIP fiscal year to take advantage of current 100& CMAQ funding available for projects.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**Request for Budget Adjustment  
(Projects and Grants)**

Contact Person: Bill Sandhu  
 Telephone: \_\_\_\_\_  
 Submitting Department: CEDD

Council Action Date: 8/3/201  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Project Name: Right Turn Lane at Prescott  
and Plaza Parkway  
 Project Fund: LTF - Gas tax

Fiscal Year being Adjusted: MY

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
----	------	-------------	---------	---------	----------------	----------------------	----------------	------------------------

**Revenues**

<b>FROM</b>							\$0				
-	-	-	-	-							
<b>TO</b>											
-	3160	-	14999	-	42110	-	100633	\$0	\$175,000	\$175,000	Intergov-State-CA Department of Transportation
-	-	-	-	-	-	-	-				
-	-	-	-	-	-	-	-				

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

<b>FROM</b>							\$0		
-	-	-	-	-					
<b>TO</b>									
-	100633	-	EDA	-	Eng/Design/Admin	\$0	\$60,000	\$60,000	CED. Land Development Engineering
-	100633	-	UE	-	Utility and EIR	\$0	\$115,000	\$115,000	CED. Land Development Engineering
-	-	-	-	-	-	-	-		
-	-	-	-	-	-	-	-		

**Justification for Budget Adjustment**

This project is being moved forward from the 2011/2012 Federal Fiscal Year to the 2010/2011 Federal Fiscal year to take advantage of 100% CMAQ funding that is currently available.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_

Completed By: \_\_\_\_\_

**Request for Budget Adjustment  
(Projects and Grants)**

Contact Person: Bill Sandhu  
 Telephone: \_\_\_\_\_  
 Submitting Department: CEDD

Council Action Date: 8/3/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Oakdale Road nad Syvian  
 Project Name: Avenue Intersection  
 Project Fund: Streets CFF fund

Fiscal Year being Adjusted: MY

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

<b>FROM</b>							\$0	
<b>TO</b>	- 3410	- 14999	- 42110	- 100631	\$0	\$750,000	\$750,000	Intergov-State-CA Department of Transportation

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

<b>FROM</b>							\$0	
							\$0	
<b>TO</b>	100631	- EDA	- Eng/Design/Admin	\$0	\$300,000	\$300,000	CED. Land Development Engineering	
	100631	- UE	- Utility and EIR	\$0	\$150,000	\$150,000	CED. Land Development Engineering	
	- 100632	- LA	- Land Acquisition	\$0	\$300,000	\$300,000	CED. Land Development Engineering	

**Justification for Budget Adjustment**

This project is being moved forward in to the 2011/2012 fiscal year to capture 100% CMAQ funding that is currently available.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**Request for Budget Adjustment  
(Projects and Grants)**

Contact Person: Bill Sandhu  
 Telephone: \_\_\_\_\_  
 Submitting Department: CEDD

Council Action Date: 8/3/201  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Project Name: Traffic Model Maintenance  
 Project Fund: Streets CFF Fund

Fiscal Year being Adjusted: MY

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-			\$0	
TO								
MY	3160	14999	42110	100635	\$0	\$300,000	\$300,000	Intergov-State-CA Department of Transportation
-	-	-	-	-	\$0		\$0	
-	-	-	-	-	\$0			
-	-	-	-	-	\$0			

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

FROM							
-	-	-	-			\$0	
-	-	-	-			\$0	
TO							
MY	100635	CON	Construction	\$0	\$300,000	\$300,000	CED. Traffic Engineering
-	-	-	-	\$0		\$0	
-	-	-	-	\$0		\$0	

**Justification for Budget Adjustment**

This project is being moved forward from the 2012/2013 Federal Fiscal year to the 2010/2011 Federal Fiscal year so that the City can take advantage of the 100% federal funding currently available for this project

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_

Completed By: \_\_\_\_\_

**Request for Budget Adjustment  
(Projects and Grants)**

Contact Person: Bill Sandhu  
 Telephone: \_\_\_\_\_  
 Submitting Department: CEDD

Council Action Date: 8/3/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Project Name: Upgrade Traffic Signals  
 Project Fund: \_\_\_\_\_

Fiscal Year being Adjusted: MY

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

<b>FROM</b>							\$0				
-	-	-	-	-			\$0				
-	-	-	-	-			\$0				
<b>TO</b>											
-	3160	-	14999	-	42110	-	100634	\$0	\$77,000	\$77,000	Intergov-State-CA Department of Transportation
-	-	-	-	-							
-	-	-	-	-							

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

<b>FROM</b>						\$0			
-	-	-	-			\$0			
<b>TO</b>									
-	100634	-	EDA	-	Eng/Design/Admin	\$0	\$77,000	\$77,000	CED. Traffic Engineering
-	-	-	-						
-	-	-	-						

**Justification for Budget Adjustment**

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**EXHIBIT C - AMENDMENTS TO 11/12 CIP BUDGET**

	PROJECT NAME:	ACCOUNT NUMBER	PROJECT PHASE	PROPOSED FUNDING	
				CMAQ	Local Match
1	S/B McHenry Ave to W/B Briggsmore Ave	57910	PE	\$125,000	\$0
		57920	Utilities	\$90,000	\$0
		57930	Right-of-Way	\$90,000	\$0
2	S/B Prescott Rd to W/B Plaza Parkway	57910	PE	\$60,000	\$0
		57920	Utilities	\$115,000	\$0
3	Oakdale Rd / Sylvan Ave Intersection	57910	PE	\$300,000	\$0
		57920	Utilities	\$150,000	\$0
		57930	Right-of-Way	\$300,000	\$0
4	Upgrade Signal - 2013	57910	PE	\$77,000	\$0
5	Traffic Model Maintenance	57940	Construction	\$300,000	\$0
	<b>TOTALS:</b>			\$1,607,000	\$0



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-324**

**RESOLUTION APPOINTING ANNETTE RECLUSADO AND DUWAYNE  
STENGER TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION**

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

WHEREAS, the Economic Development Committee met on June 13, 2011, and recommended appointment of ANNETTE RECLUSADO and DUWAYNE STENGER to the Equal Opportunity/Disability Commission.

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

SECTION 1. ANNETTE RECLUSADO is hereby appointed to the Equal Opportunity/Disability Commission a with term expiration of January 1, 2012.

SECTION 2. DUWAYNE STENGER is hereby appointed to the Equal Opportunity/Disability Commission with a term expiration of January 1, 2013.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Commissions and the Secretary thereof.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-325**

**RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH AECOM TECHNICAL SERVICES, INC. (FORMERLY BOYLE ENGINEERING CORPORATION) FOR ADDITIONAL SCOPE OF WORK NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR CONSULTANT SERVICE FOR THE DESIGN OF THE SYLVAN AVENUE BETWEEN MILLBROOK AVENUE AND CLAUS ROAD AND LITT ROAD BETWEEN SYLVAN AVENUE AND THE NORTH END OF THE GROGAN PARK SITE IN AN AMOUNT NOT TO EXCEED \$30,685 FOR THE IDENTIFIED SCOPE OF SERVICES NOT INCLUDED IN THE ORIGINAL AGREEMENT, PLUS \$19,048 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$49,733, AND AUTHORIZING THE DISTRICT ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT**

WHEREAS, on February 27, 2007, by Resolution No. 2007-141, City Council approved an agreement for consultant services with Boyle Engineering Corp. for the design of Sylvan Avenue between Millbrook Avenue and Claus Road and Litt Road from Sylvan Avenue to the north end of the Mary E Grogan Community Park site (Sylvan/Litt Project), and

WHEREAS, in April, 2008, Boyle Engineering Corp. was purchased by AECOM Technical Services, Inc. and is the current party to the existing agreement, and

WHEREAS, the original agreement totaled \$452,207 which included a 15% contingency, and

WHEREAS, the Sylvan/Litt Project design began in 2007 at a time when construction of the Mary E. Grogan Community Park (Grogan Park) was anticipated to occur in the near future, and

WHEREAS, as the economy turned and development in Village One slowed, construction of Grogan Park was no longer deemed feasible and the need for the Sylvan/Litt Project decreased, and

WHEREAS, the Sylvan/Litt Project design work progressed slowly until January 11, 2011 when the City's CIP Task Force approved the development of the initial phases of Grogan Park project prompting the need to complete the Sylvan/Litt Project, and

WHEREAS, staff has identified several modifications that need to be made to the Sylvan/Litt Project plans to accommodate the development of Grogan Park, and

WHEREAS, in addition, changes to the plans are required due to the updates in state regulations regarding irrigation and storm water runoff from landscaped areas that have been implemented since the project design began, and

WHEREAS, City staff recommends approving an amendment to agreement with AECOM Technical Services, Inc. for \$30,685 plus an additional \$19,048 for contingencies bringing the revised maximum total agreement amount to \$495,246,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to agreement with AECOM Technical Services, Inc. (formerly Boyle Engineering Corporation) for additional services not included in the original agreement for Design Services for Sylvan Avenue between Millbrook Avenue and Claus Road and Litt Road from Sylvan Avenue to the north end of the Mary E Grogan Community Park site Project, in an amount not to exceed \$30,685 for the identified scope of services not included in the original agreement, plus \$19,048 for additional services (if needed), for a maximum total amount of \$49,733.

BE IT FURTHER RESOLVED that the District Administrator, or his designee, is hereby authorized to execute the Amendment to Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-326**

**A RESOLUTION ALLOCATING \$60,000 (\$20,000 FISCAL YEAR 2011/2012,  
\$20,000 FISCAL YEAR 2012/2013, AND \$20,000 FISCAL YEAR 2013/2014 FOR  
PROJECT DEVELOPMENT OF STATE ROUTE 132 WEST EXPRESSWAY  
PROJECT**

WHEREAS, on August 14, 2001, the City Council, by Resolution No. 2001-417, approved an agreement with Caltrans to provide a contribution of \$4 million in Capital Facilities Fees to Stage I of the SR 132 West Expressway project, and

WHEREAS, the project is currently in Project Approval and Environmental Documentation (PA&ED) Phase, and

WHEREAS, the consultant contract for the PA&ED Phase in an amount of \$5,190,467 is funded from federal earmark from Congressman Dennis Cardoza along with the local match from the region, and

WHEREAS, design and right-of-way phases are programmed to be funded from federal earmark from Congressman Dennis Cardoza along with the local match from the region, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves allocating \$20,000 for Fiscal Year 2011/2012, \$20,000 for Fiscal Year 2012/2013, and \$20,000 for Fiscal Year 2013/2014, for the project management of PA&ED, design and right-of-way phases of the SR 132 West Expressway Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside, Muratore

ATTEST:   
STEPHAINE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-327**

**A RESOLUTION AMENDING THE FISCAL YEAR 2011/2012 CAPITAL  
IMPROVEMENT PROGRAM BUDGET TO APPROPRIATE CAPITAL  
FACILITIES FUNDS IN THE AMOUNT OF \$20,000 FOR PROJECT  
DEVELOPMENT OF STATE ROUTE 132 WEST EXPRESSWAY**

WHEREAS, on August 14, 2001, the City Council, by Resolution No. 2001-417, approved an Agreement with Caltrans to provide a contribution of \$4 million in Capital Facilities Fees to Stage I of the SR 132 West Expressway project, and

WHEREAS, the project is in Project Approval and Environmental Documentation (PA&ED) phase, and

WHEREAS, the consultant contract for the PA&ED phase in the amount of \$5,190,467 is funded from federal earmark from Congressman Dennis Cardoza along with the local match from the region, and

WHEREAS, the Capital Facilities Fees in the amount of \$20,000 is required for reimbursement of City staff time for project development of PA&ED phase of the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2011/2012 Capital Improvement Program (CIP) budget to appropriate \$20,000 of funding to the following budget expense account:

EXPENSES: Project No. 100614 - \$20,000.00



BE IT FURTHER RESOLVED that the Finance Director, or her 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 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Mayor Ridenour  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Burnside, Muratore

ATTEST: Stephanie Lopez  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood  
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-328

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PURCHASE OF TEN (10) CROWN VICTORIA POLICE INTERCEPTOR VEHICLES FOR THE MODESTO POLICE DEPARTMENT, THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, BY “ACCESSING THE TERMS” OF A COMPETITIVELY BID CONTRACT WITH THE CITY OF SACRAMENTO, CA, THROUGH DOWNTOWN FORD, SACRAMENTO, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF \$266,357**

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB's) for new vehicles and heavy equipment, throughout FY 11/12 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The ten (10) Crown Victoria Police Interceptor vehicles for the Modesto Police Department were included in the FY 11/12 new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the Purchasing Division issued a Request for Quote to verify pricing on competitively bid contracts with various government agencies within the State of California. City staff also requested pricing from the local vendor, Heritage Ford. The local vendor responded that they could not competitively bid the patrol sedans, and

WHEREAS, City staff determined that by “accessing the terms” of a competitively bid contract with the City of Sacramento, CA, through Downtown Ford, Sacramento, CA, the City will select the bid that best suits the City's needs at the best value to the City, and

WHEREAS, Downtown Ford provides a five percent (5%) discount for payments made within twenty days. City staff will ensure that the discount terms are met, which

represents a savings of \$14,019 for a total purchase price including discount of \$266,357,  
and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2011-12 in  
appropriation units: 5410-53241-57003, and

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases,  
which meet or exceed \$50,000 for material and equipment or contractual services to be  
formally bid. Per Modesto Municipal Code Section 8-3.204(d) the Purchasing Manager  
may determine 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. By “accessing the terms” through the contract with the City of  
Sacramento, CA, the purchase of these vehicles will conform to Modesto Municipal Code  
Section 8-3.204(d),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby authorizes the award of contract for the purchase of ten (10) Crown  
Victoria Police Interceptor vehicles, for the Modesto Police Department, through the  
Public Works Department, Fleet Services Division, by “accessing the terms” of a  
competitively bid contract with the City of Sacramento, CA through Downtown Ford,  
Sacramento, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is  
hereby authorized to issue a purchase order for an estimated total cost of \$266,357.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-329**

**RESOLUTION APPROVING EXTENSION OF THE ABANDONED VEHICLE  
ABATEMENT PROGRAM FEE UNTIL APRIL 30, 2022; AND AUTHORIZING  
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY  
DOCUMENTS**

WHEREAS, the Stanislaus County Abandoned Vehicle Abatement (AVA) Service Authority was formed in 1991, and

WHEREAS, the AVA program is funded by a \$1 license fee, and

WHEREAS, the AVA program has contributed substantially to our local quality of life by removing thousands of junked or abandoned vehicles from the territory of the nine cities and the County, and

WHEREAS, the AVA program fee is set to expire on April 30, 2012, and

WHEREAS, per Assembly Bill 468, Chapter 389, Statutes of 2007, the AVA program fee may be extended in increments of up to 10 years each if the board of supervisors of the county, by a two-thirds votes, and a majority of the cities having a majority of the incorporated population within the county adopt resolutions providing for the extension of the fee, and

WHEREAS, it is desirable to the City of Modesto to have the AVA program fee continue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves extension of the Abandoned Vehicle Abatement Program Fee until April 30, 2022.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-330**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH GARY WAYNE LOVE, FOR A 732 SQ. FT. PARCEL IN FEE, AND A 900 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 901 EMPIRE AVENUE (APN 035-048-005), IN THE AMOUNT OF \$1,644, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Gary Wayne Love,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Gary Wayne Love for a 732 sq. ft. parcel in fee, and a 900 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 901 Empire Avenue, Modesto, California (APN 035-048-005), in the amount of \$1,644, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-331**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED  
FOR THE ACQUISITION OF PROPERTY LOCATED AT 901 EMPIRE  
AVENUE, OWNED BY GARY WAYNE LOVE TO BE PURCHASED BY THE  
CITY OF MODESTO FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Gary Wayne Love,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 901 Empire

Avenue owned by Gary Wayne Love (APN 035-048-005) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-332**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH JOSE LUIS VILLEGAS AND MARIA SOCORRO VILLEGAS, FOR A 733 SQ. FT. PARCEL IN FEE, AND A 900 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 903 EMPIRE AVENUE (APN 035-048-006), IN THE AMOUNT OF \$1,646, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Jose Luis Villegas and Maria Socorro Villegas,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Jose Luis Villegas and Maria Socorro Villegas for a 733 sq. ft. parcel in fee, and a 900 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 903 Empire Avenue, Modesto, California

(APN 035-048-006), in the amount of \$1,646, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-333**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED  
FOR THE ACQUISITION OF PROPERTY LOCATED AT 903 EMPIRE  
AVENUE, OWNED BY JOSE LUIS VILLEGAS AND MARIA SOCORRO  
VILLEGAS TO BE PURCHASED BY THE CITY OF MODESTO FOR THE  
EMPIRE AVENUE IMPROVEMENT PROJECT**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Jose Luis Villegas and Maria Socorro Villegas,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of

Acceptance for the Grant Deed for the acquisition of property located at 903 Empire Avenue owned by Jose Luis Villegas and Maria Socorro Villegas (APN 035-048-006) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-334**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH TERRY FRANK GULMON AND JOANN GULMON, FOR A 732 SQ. FT. PARCEL IN FEE, OF A PARCEL LOCATED AT 907 EMPIRE AVENUE (APN 035-048-007), IN THE AMOUNT OF \$1,647, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Terry Frank Gulmon and Joann Gulmon,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Terry Frank Gulmon and Joann Gulmon for a 732 sq. ft. parcel in fee, of a parcel located at 907 Empire Avenue, Modesto, California (APN 035-048-007), in the amount of \$1,647, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-335**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED  
FOR THE ACQUISITION OF PROPERTY LOCATED AT 907 EMPIRE  
AVENUE, OWNED BY TERRY FRANK GULMON AND JOANN GULMON TO  
BE PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE  
IMPROVEMENT PROJECT**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Terry Frank Gulmon and Joann Gulmon,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of

Acceptance for the Grant Deed for the acquisition of property located at 907 Empire Avenue owned by Terry Frank Gulmon and Joann Gulmon (APN 035-048-007) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

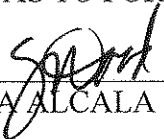
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-336**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH JUAN CASTRO AND CAROLINA CASTRO, FOR A 586 SQ. FT. PARCEL IN FEE, AND A 720 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 913 EMPIRE AVENUE (APN 035-048-008), IN THE AMOUNT OF \$1,481, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Juan Castro and Carolina Castro,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Juan Castro and Carolina Castro for a 586 sq. ft. parcel in fee, and a 720 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 913 Empire Avenue, Modesto, California (APN 035-048-008), in the amount of \$1,481, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-337**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED  
FOR THE ACQUISITION OF PROPERTY LOCATED AT 913 EMPIRE  
AVENUE, OWNED BY JUAN CASTRO AND CAROLINA CASTRO TO BE  
PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE  
IMPROVEMENT PROJECT**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Juan Castro and Carolina Castro,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 913 Empire

Avenue owned by Juan Castro and Carolina Castro (APN 035-048-008) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-338**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH SALVADOR CASTREJON AND LUZ MARIA CASTREJON, FOR A 571 SQ. FT. PARCEL IN FEE, AND A 702 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 917 EMPIRE AVENUE (APN 035-048-011), IN THE AMOUNT OF \$1,443, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Salvador Castrejon and Luz Maria Castrejon,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Salvador Castrejon and Luz Maria Castrejon for a 571 sq. ft. parcel in fee, and a 702 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 917 Empire Avenue, Modesto, California

(APN 035-048-011), in the amount of \$1,443, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-339**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED  
FOR THE ACQUISITION OF PROPERTY LOCATED AT 917 EMPIRE  
AVENUE, OWNED BY SALVADOR CASTREJON AND LUZ MARIA  
CASTREJON TO BE PURCHASED BY THE CITY OF MODESTO FOR THE  
EMPIRE AVENUE IMPROVEMENT PROJECT**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Salvador Castrejon and Luz Maria Castrejon,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of

Acceptance for the Grant Deed for the acquisition of property located at 917 Empire Avenue owned by Salvador Castrejon and Luz Maria Castrejon (APN 035-048-011) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-340**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH HUGO MONTES AND FRANCISCO MONTES, FOR A 732 SQ. FT. PARCEL IN FEE, AND A 900 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1009 EMPIRE AVENUE (APN 035-048-012), IN THE AMOUNT OF \$1,644, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Hugo Montes and Francisco Montes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Hugo Montes and Francisco Montes for a 732 sq. ft. parcel in fee, and a 900 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 1009 Empire Avenue, Modesto, California (APN 035-048-012), in the amount of \$1,644, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-341**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED  
FOR THE ACQUISITION OF PROPERTY LOCATED AT 1009 EMPIRE  
AVENUE, OWNED BY HUGO MONTES AND FRANCISCO MONTES TO BE  
PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE  
IMPROVEMENT PROJECT**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Hugo Montes and Francisco Montes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 1009 Empire

Avenue owned by Hugo Montes and Francisco Montes (APN 035-048-012) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-342**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH ANTHONY LOUIS GARCIA, FOR A 900 SQ. FT. PARCEL IN FEE, AND A 900 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1011 EMPIRE AVENUE (APN 035-048-013), IN THE AMOUNT OF \$1,644, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Anthony Louis Garcia,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Anthony Louis Garcia for a 900 sq. ft. parcel in fee, and a 900 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 1011 Empire Avenue, Modesto, California (APN 035-048-013), in the amount of \$1,644, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-343**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED  
FOR THE ACQUISITION OF PROPERTY LOCATED AT 1011 EMPIRE  
AVENUE, OWNED BY ANTHONY LOUIS GARCIA TO BE PURCHASED BY  
THE CITY OF MODESTO FOR THE EMPIRE AVENUE IMPROVEMENT  
PROJECT**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Anthony Louis Garcia,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 1011 Empire

Avenue owned by Anthony Louis Garcia (APN 035-048-013) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-344**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH CHANH MINH HUYNH AND SUONG TRAN, FOR A 735 SQ. FT. PARCEL IN FEE, AND A 904 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1013 EMPIRE AVENUE (APN 035-048-014), IN THE AMOUNT OF \$1,650, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Chanh Minh Huynh and Suong Tran,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Chanh Minh Huynh and Suong Tran for a 735 sq. ft. parcel in fee, and a 904 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 1011 Empire Avenue, Modesto, California (APN 035-048-014), in the amount of \$1,650, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

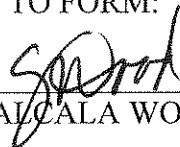
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-345**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED  
FOR THE ACQUISITION OF PROPERTY LOCATED AT 1013 EMPIRE  
AVENUE, OWNED BY CHANH MINH HUYNH AND SUONG TRAN TO BE  
PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE  
IMPROVEMENT PROJECT**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Chanh Minh Huynh and Suong Tran,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 1013 Empire

Avenue owned by Chanh Minh Huynh and Suong Tran (APN 035-048-014) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

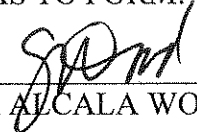
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-346**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH CHRIS L. BONNETT AND CHRIS T. MASCHAL, FOR A 839 SQ. FT. PARCEL IN FEE, AND A 1031 SQ. FT. PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 915 EMPIRE AVENUE (APN 035-048-017), IN THE AMOUNT OF \$1,884, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Chris L. Bonnett and Chris T. Maschal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Chris L. Bonnett and Chris T. Maschal for a 839 sq. ft. parcel in fee, and a 1031 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 915 Empire Avenue, Modesto, California

(APN 035-048-017), in the amount of \$1,884, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-347**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED  
FOR THE ACQUISITION OF PROPERTY LOCATED AT 915 EMPIRE  
AVENUE, OWNED BY CHRIS L. BONNET AND CHRIS T. MASCHAL TO BE  
PURCHASED BY THE CITY OF MODESTO FOR THE EMPIRE AVENUE  
IMPROVEMENT PROJECT**

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Chris L. Bonnet and Chris T. Maschal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 915 Empire

Avenue owned by Chris L. Bonnet and Chris T. Maschal (APN 035-048-017) to be purchased by the City of Modesto for the Empire Avenue Improvement project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

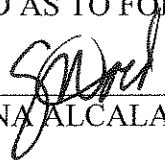
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-348**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH JAGJIT S. SANDHU, FOR A 601 SQ. FT. AND A 1,021 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT, OF PARCELS LOCATED AT 804 AND 802 EMPIRE AVENUE (APN 035-049-023 & 024), IN THE AMOUNT OF \$390, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Jagjit S. Sandhu,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Jagjit S. Sandhu for a 601 sq. ft. and a 1,021 sq. ft. Temporary Construction Easement, of parcels located at 804 and 802 Empire Avenue, Modesto, California (APN 035-049-023 & 024), in the amount of \$390, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-349**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH ISABEL PACHECO, FOR A 599 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1702 BONNIE BRAE AVENUE (APN 035-050-001), IN THE AMOUNT OF \$135, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Isabel Pacheco,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Isabel Pacheco for a 599 sq. ft. Temporary Construction Easement, of a parcel located at 1702 Bonnie Brae Avenue, Modesto, California (APN 035-050-001), in the amount of \$135, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-350**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH MARY G. PEREZ, FOR A 599 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1701 CONNIE WAY (APN 035-050-022), IN THE AMOUNT OF \$135, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Mary G. Perez,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Mary G. Perez for a 599 sq. ft. Temporary Construction Easement, of a parcel located at 1701 Connie Way, Modesto, California (APN 035-050-022), in the amount of \$135, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-351**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH CHARLIE HAYES, NAOMI HAYES, AND JAMES E. HAYES, FOR A 611 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1020 EMPIRE AVENUE (APN 035-051-021), IN THE AMOUNT OF \$125, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by Charlie Hayes, Naomi Hayes, and James E. Hayes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Charlie Hayes, Naomi Hayes, and James E. Hayes for a 611 sq. ft. Temporary Construction Easement, of a parcel located at 1020 Empire Avenue, Modesto, California (APN 035-051-021), in the amount of \$125, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-352**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH DAVID GARCIA, FOR A 586 SQ. FT. TEMPORARY CONSTRUCTION EASEMENT, OF A PARCEL LOCATED AT 1702 CONNIE WAY (APN 035-051-001), IN THE AMOUNT OF \$135, FOR THE EMPIRE AVENUE IMPROVEMENT PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-10 approved by the City Council on November 24, 2009 included the Empire Avenue Improvement Project, and

WHEREAS, this project will include the installation of curbs, gutters, sidewalks, and street lighting to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, as part of this project, fifteen parcels were identified for partial acquisition or temporary construction easements on Empire Avenue, and

WHEREAS, the City Council directed staff to proceed with acquiring property to facilitate the Empire Avenue Improvement project, and

WHEREAS, the property has been appraised and an offer to acquire the property interests at fair market value has been accepted by David Garcia,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with David Garcia for a 586 sq. ft. Temporary Construction Easement, of a parcel located at 1702 Connie Way, Modesto, California (APN 035-051-001), in the amount of \$135, for the Empire Avenue Improvement project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-353**

**RESOLUTION AUTHORIZING STAFF TO SUBMIT AN APPLICATION TO BECOME A HOST CITY FOR THE SEVENTH ANNUAL AMGEN TOUR OF CALIFORNIA; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE APPLICATION AND RELATED DOCUMENTS**

WHEREAS, for the past six years, the Amgen Tour of California has swept through California for eight to nine days generating over \$100 million of economic impact to the host cities and the State with over one billion marketing impressions created worldwide, and

WHEREAS, the City of Modesto was the Host City for the Stage 3 Start of the Third Annual Amgen Tour of California on February 20, 2008, the Host City for the Stage 3 Finish of the Fourth Annual Amgen Tour of California on February 17, 2009, the Host City for the Stage 4 Finish of the Fifth Annual Amgen Tour of California on May 19, 2010, and a Host City for Stage 3 of the Sixth Annual Amgen Tour of California, and

WHEREAS, the City of Modesto received lavish praise from local residents and from race officials and participants, and staff has been encouraged to submit a Request for Proposal (RFP) application to again become a Host City for the Seventh Annual Amgen Tour of California in May 2012, and

WHEREAS, the Amgen Tour of California has posted their RFP application for response from cities who wish to be considered as a "Host City" for the Seventh Annual Amgen Tour of California in May 2012, and

WHEREAS, the City of Modesto would like to become a "Host City" for the Seventh Annual Amgen Tour of California in May 2012, and

WHEREAS, the City of Modesto has read the requirements exhibited in Amgen's RFP and agrees to abide by the requirements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the filing of a Request for Proposal application for the City of Modesto to apply to become a "Host City" for the Seventh Annual Amgen Tour of California.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized as agent of the applicant to conduct all negotiations and execute and submit all documents, including, but not limited to, applications, contracts, amendments, payment requests, and compliance with all applicable current state and federal laws, which may be necessary for the completion of the aforementioned event.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

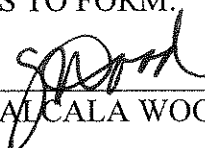
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-354**

**RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S LOCAL  
TRANSPORTATION FUND NON-TRANSIT CLAIM FOR FISCAL YEAR  
2010/2011, IN THE AMOUNT OF \$616,070, TO THE STANISLAUS COUNCIL  
OF GOVERNMENTS**

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 Non-Transit Claim is a formal request by the City to StanCOG to release its apportionment of LTF funds for streets and bicycle purposes during the coming fiscal year, and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of street projects, 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 2010-2011 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 StanCOG pursuant to Section 99261 of the California Public Utilities Code 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 submission of the City's Local Transportation Fund Non-Transit Claim for Fiscal Year 2010-2011, in the amount of \$616,070, to the Stanislaus Council of Governments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-355**

**RESOLUTION APPROVING THE REVISED BYLAWS OF THE MODESTO  
CITY-COUNTY AIRPORT ADVISORY COMMITTEE**

WHEREAS, on December 20, 1972, the City Council, during Executive Session, approved the creation of an Airport Advisory Committee (AAC), and

WHEREAS, the AAC provides public input and assistance to the City Manager on all policy matters affecting the use, growth and development of the City-County Airport, and AAC Bylaws, and

WHEREAS, staff was directed to revise the AAC Bylaws to incorporate changes to clarify the composition, function and authority of this all-volunteer committee, and

WHEREAS, the City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in and around the City of Modesto, Stanislaus County, and surrounding areas, and

WHEREAS, the Modesto City Council and Stanislaus County 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the revised Bylaws of the Modesto City-County Airport Advisory Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-356**

**RESOLUTION DIRECTING THAT ALL CURRENT AIRPORT ADVISORY  
COMMITTEE MEMBERS RESUBMIT THEIR APPLICATIONS TO BE  
CONSIDERED UNDER THE NEW CRITERIA STATED IN THE REVISED  
BYLAWS**

WHEREAS, on December 20, 1972, the City Council, during Executive Session, approved the creation of an Airport Advisory Committee (AAC), and

WHEREAS, revised Bylaws of the Modesto City-County Airport Advisory Committee were approved by the City Council on August 9, 2011, by Resolution No. 2011-355, and

WHEREAS, the revised Bylaws redefine the composition of the AAC and their appointing agencies, and

WHEREAS, as a result of the revised Bylaws Committee Members currently serving on the AAC need to resubmit their applications for consideration of appointment to the AAC; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby directs all current Airport Advisory Committee members to resubmit their applications to be considered under the new criteria stated in the revised Bylaws of the Modesto City-County Airport Advisory Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-357**

**A RESOLUTION APPROVING AN AGREEMENT WITH MOTOR COACH INDUSTRIES, INC. FOR THE PURCHASE OF ONE 45-FOOT, 55-PASSENGER COMMUTER BUS AT A COST OF \$582,143; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the City desires to purchase a 45-foot, 55-passenger commuter bus to provide service on the Modesto Area Express BART Commuter Express route, and

WHEREAS, the City is utilizing the Yolo County Transit District competitive bid process to purchase the bus from Motor Coach Industries, Inc. (MCI), and

WHEREAS, MCI provided the City with a quote based on the bid price MCI submitted to the Yolo County Transit District, and

WHEREAS, MCI has quoted the following total price F.O.B. Modesto, including state and local sales taxes: Five Hundred Eighty-Two Thousand, One Hundred Forty-Three and No One-hundredths Dollars (\$582,143.00),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Motor Coach Industries, Inc. for the purchase of one 45-foot, 55-passenger commuter bus a cost of \$582,143.

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 9<sup>th</sup> day of August, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-358**

**RESOLUTION APPROVING AMENDMENT NO. 1 TO LEASE AGREEMENT BETWEEN THE MODESTO PUBLIC FINANCING AUTHORITY AND THE CITY OF MODESTO; AN AMENDED AND RESTATED REIMBURSEMENT AGREEMENT BETWEEN BANK OF AMERICA, THE CITY OF MODESTO AND MODESTO PUBLIC FINANCING AUTHORITY; FEE LETTER; AND AUTHORIZING CERTAIN OTHER RELATED ACTIONS**

WHEREAS, the City of Modesto is a charter city and municipal corporation duly organized and existing under and by virtue of the Constitution and laws of the State of California (the “City”), and

WHEREAS, the Modesto Public Financing Authority (the “Authority”) is authorized under the Marks-Roos Local Bond Pooling Act of 1985, constituting Article 4, Chapter 5, Division 7, Title 1 (commencing with Section 6584) of the California Government Code, as amended (the “Act”), to lease and/or purchase real property and to issue bonds for the financing and refinancing of public capital improvements whenever there are significant public benefits, and

WHEREAS, the Authority previously issued its \$65,170,000 original aggregate principal amount of Modesto Public Financing Authority Lease Revenue Refunding Bonds Series 2008 (the “2008 Bonds”), and

WHEREAS, Bank of America, N.A., as Credit Facility Provider (the “Bank”), the City, and the Authority entered into a Reimbursement Agreement (the “Initial Credit Facility”) to provide credit support for the 2008 Bonds, and

WHEREAS, the City has determined to be in its best interest to extend the Stated Expiration Date of the Initial Credit Facility to September 30, 2012, and

WHEREAS, in connection with the extension of the Stated Expiration Date of the Initial Credit Facility, the City, the Authority and the Bank will enter into an Amended and Restated Reimbursement Agreement (the "Reimbursement Agreement") and related Fee Letter (the "Fee Letter), and

WHEREAS, the City and the Authority will amend certain provisions of the Lease Agreement, dated August 1, 2008, by and between the Authority and the City, pursuant to an Amendment to Lease Agreement, by and between the City and the Authority (the "Amendment to Lease Agreement"), and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided,

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

Section 1. Findings. The City Council hereby specifically finds and determines that the actions authorized hereby constitute and are with respect to the public affairs of the City and that the statements, findings and determinations of the City set forth above and in the preambles of the documents approved herein are true and correct and that the consummation of the transactions contemplated therein shall result in significant public benefits to the City.



Section 2. Approval of the Reimbursement Agreement and Fee Letter. The City Council hereby approves the extension of the Stated Expiration Date of the Initial Credit Facility. The Reimbursement Agreement and related Fee Letter proposed to be executed and entered into by the City, in the form 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.

Section 3. Approval of the Amendment to Lease Agreement. The Amendment to Lease Agreement proposed to be executed and entered into 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 Amendment to Lease Agreement in substantially said form, with such changes therein as such officer executing the Amendment to Lease Agreement may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. Attestations. The City Clerk is hereby authorized and directed to attest the signature of the City Manager and the Finance Director and to affix and attest the seal of the City, as may be required or appropriate in connection with the documents approved by this Resolution.

Section 5. Other Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or desirable in order to consummate the transactions authorized hereby and to carry out, give effect to and comply with the terms and intent of this Resolution, the Reimbursement Agreement, Fee Letter and Amendment to Lease Agreement; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 6. Effective Date. This Resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-359**

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CITIES OF MODESTO, CERES, HUGHSON, AND TURLOCK RELATED TO DEVELOPMENT OF THE EAST STANISLAUS INTEGRATED REGIONAL WATER MANAGEMENT PARTNERSHIP, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU**

WHEREAS, in order to be eligible to receive Proposition 84 Grant Fund Planning and Implementation monies and Proposition 1E (flood control) monies for a variety of potential water resources projects, the agencies seeking funds must be part of an Integrated Water Management Region (Region) accepted by the Department of Water Resources (DWR), and

WHEREAS, the Region must also have developed an Integrated Regional Water Management Plan (IRWMP), and

WHEREAS, on June 22, 2010, the City Council, by Resolution No. 2010-276, approved a Cost Sharing Agreement with the Cities of Modesto, Ceres, Hughson, and Turlock (Partnership) for the development of an IRWMP that includes, among other things, the formation of a recognized region for state grant eligibility, development of a governance structure, conducting an outreach program with public workshops, and submittal of a Regional Acceptance Process (RAP) Application to DWR, and

WHEREAS, at the same meeting, the City Council, by Resolution No. 2010-277, approved an agreement with RMC Water and Environment to assist the Partnership in these efforts, and

WHEREAS, in April 2011, the City of Modesto, as the lead agency representing the Partnership, submitted a RAP Application to DWR, and in June 2011, staff from the

agencies representing the Partnership met with a DWR panel for a follow-up application interview, and

WHEREAS, on July 11, 2011, DWR announced its preliminary decision to formally recognize the East Stanislaus Region, and

WHEREAS, the proposed MOU establishes a collaborative partnership between the participating agencies, and

WHEREAS, the MOU also provides for coordinating interagency efforts through a governance structure of committees with agency and public representation that will provide direction in developing the IRWMP, applying for planning grants, and seeking implementation grant funding for various water resources projects, and

WHEREAS, the Cities of Ceres, Hughson, and Turlock are currently seeking approval of the MOU from their respective Councils to formalize the Partnership as the governing body to oversee the East Stanislaus Region, and

WHEREAS, as part of the East Stanislaus Regional Water Management Partnership, each city will appoint two Councilmembers as members of the Management Group, and

WHEREAS, staff recommends the Mayor appoint two Councilmembers to the East Stanislaus Regional Water Management Partnership Management Group (one as the primary member and one as an alternate),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding (MOU) with the Cities of Modesto, Ceres, Hughson, and Turlock related to development of the East Stanislaus Integrated Regional Water Management Partnership.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of August, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-360**

**RESOLUTION APPROVING THE APPOINTMENT OF STEVE CARTER AS  
THE FY 11/12 – FY 12/13 PLANNING COMMISSION REPRESENTATIVE TO  
THE CIP TASKFORCE**

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 August 1, 2011, and recommended appointment of Steve Carter as its representative to the CIP Taskforce,

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

SECTION 1. Steve Carter is hereby appointed as the FY11/12 – FY12/13 Planning Commission representative to the CIP Taskforce, with a term expiration of August 1, 2013.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the CIP Taskforce, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-361**

**RESOLUTION APPROVING A JOB SHARING AGREEMENT WITH THE CITY OF OAKDALE FOR THE SERVICES OF AN ASSOCIATE PLANNER ON A PART-TIME BASIS THROUGH FISCAL YEAR 2011-12; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, on August 10, 2010, the City Council, by Resolution No. 2010-352, approved a job sharing agreement with the City of Oakdale for Associate Planner services on a part-time basis through Fiscal Year 2010-11, and

WHEREAS, the City of Oakdale has submitted a letter expressing interest to extend job sharing services through Fiscal Year 2011-12, and

WHEREAS, the City of Oakdale seeks the services of a qualified Associate Planner from the City of Modesto on a part-time basis, and

WHEREAS, the City of Modesto represents that it has qualified Associate Planners able to provide planning services required by the City of Oakdale including, but not limited to, current planning, advanced (long-range) planning, environmental analysis, design review, growth management, redevelopment, and a variety of other duties as by the City of Oakdale Planning Director, and

WHEREAS, the number of hours of service by an Associate Planner is anticipated to be 16 hours per week, or 832 hours through Fiscal Year 2011/12, and

WHEREAS, the agreement continues in effect through June 30, 2012, unless terminated in accordance with the provisions of the termination clause of the Agreement, and



WHEREAS, the Agreement enables planning services to be shared between two cities, serves as a revenue source to the city of Modesto, and serves to retain experienced and well trained planning staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a job sharing Agreement with the City of Oakdale for the services of an Associate Planner on a part-time basis through Fiscal Year 2011-12.

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 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-362**

**RESOLUTION APPROVING A JOB SHARING AGREEMENT WITH THE  
CITY OF HUGHSON FOR THE SERVICES OF A SENIOR PLANNER ON AN  
ON-CALL BASIS THROUGH FISCAL YEAR 2011-12; AND AUTHORIZING  
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, on August 10, 2010, the City Council, by Resolution No. 2010-351, approved a job sharing agreement with the City of Hughson for the services of a Senior Planner on a part-time basis through Fiscal Year 2010-11, and

WHEREAS, the City of Hughson has submitted a letter expressing interest to extend job sharing services through Fiscal Year 2011-12, and

WHEREAS, the City of Hughson seeks the services of a qualified Senior Planner from the City of Modesto on a on-call basis, and

WHEREAS, the City of Modesto represents that it has qualified Senior Planners able to provide planning services required by the City of Hughson including, but not limited to, current planning, advanced (long-range) planning, environmental analysis, design review, growth management, redevelopment, and a variety of other duties as assigned by the City of Hughson Planning Director, and

WHEREAS, the number of hours of service by a Senior Planner is anticipated to be 16 hours per week, or 832 hours through Fiscal Year 2011/12, and

WHEREAS, the agreement continues in effect through June 30, 2012, unless terminated in accordance with the provisions of the termination clause of Agreement, and

WHEREAS, the Agreement enables planning services to be shared between two cities, serves as a revenue source to the city of Modesto, and serves to retain experienced and well trained planning staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a job sharing Agreement with the City of Oakdale for the services of an Associate Planner on a part-time basis through Fiscal Year 2011-12.

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 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-363**

**RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE AND INSTALLATION OF AN EVIDENCE STORAGE SYSTEM FOR THE CITY OF MODESTO, STANISLAUS DRUG ENFORCEMENT AGENCY, TO SYSTEM CONCEPTS, INC., SOUTH SAN FRANCISCO, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED COST OF \$58,107**

WHEREAS, the Stanislaus Drug Enforcement Agency (SDEA) building requires new evidence lockers, evidence shelving and records shelving, and

WHEREAS, the SDEA operates under a Joint Powers Agreement requiring their Governing Board to authorize expenditures, and

WHEREAS, the Governing Board approved the expenditures at a public meeting held on February 16, 2011, and

WHEREAS, the funding source for the purchase and installation is from the Asset Forfeiture Adjudicated Funds and requires approval from the United States Department of Justice (DOJ), and

WHEREAS, the DOJ approved the use of Asset Forfeiture Funds for the purchase and installation of this evidence storage system, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase and installation of an evidence storage system, and

WHEREAS, the Purchasing Division issued RFB No. 1011-26 Purchase and Installation of an Evidence Storage System to nine (9) prospective bidders, three (3) of which were local vendors, posted the bid on the City's website and formally advertised as required by law, and

WHEREAS, bids were formally opened in the City Clerk's office, two (2) companies chose to respond, none of which were local vendors. Both companies provided responsive and responsible bid, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid for the purchase and installation of an evidence storage system to System Concepts, Inc., South San Francisco, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase and installation of an evidence storage system to System Concepts, Inc., South San Francisco, CA, conforms to the Modesto Municipal Code, and

WHEREAS, funds are budgeted in Fiscal Year 2011-12 in Appropriation Unit: 6600-80210-57002-000000-00000-00000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase and installation of an evidence storage system for the Stanislaus Drug Enforcement Agency to System Concepts, Inc., South San Francisco, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated cost of \$58,107.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-364**

**RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 AND 2011-2012  
ANNUAL OPERATING BUDGETS**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Years 2010-2011 and 2011-2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2010-2011 and 2011-2012 annual operating budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

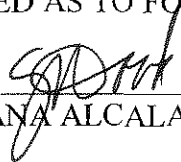
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**EXHIBIT A**

***The following budget adjustments relate to FY 2010/11:***

**COMMUNITY AND ECONOMIC DELVELOPMENT**

An adjustment is necessary to appropriate \$16 from the Downtown Improvement District Fund (1200) reserves to increase the Downtown Improvement District equipment rental expense budget for previously unbudgeted expense.

**FINANCE**

An adjustment is necessary to appropriate \$112,427 from General Fund (0100) reserves for increased expense from Stanislaus County for property tax administration in Fiscal Year 2010-11.

An adjustment is necessary to “true up” revenue and expenses by \$63,552 for citation processing in the General Fund (0100) and recognize \$63,552 in previously unbudgeted parking fine revenue. The Citation Processing unit of the Finance Department is completely service credited to the Modesto Police Department and increased collection efforts by the unit created increased expenses. This action will increase the service credit revenue and criminal justice construction expense in Finance-Citation Processing and increase parking fine revenue and service credit expense in the Modesto Police Department.

An adjustment is necessary to correct the accounting for the EBF Management Fund (5510) loan to the General Fund (0100) for the General Fund’s contribution for the COSMO project. The original adjustment had the transfer going from the EBF Management Fund (5510) directly to the Information Technology Fund (5230). This action will create the transfer from the EBF Management Fund to the General Fund (0100) and create a transfer from the General Fund to the Information Technology Fund. The amount of the transfer remains unchanged at \$2,431,738.

**FIRE**

An adjustment is necessary to appropriate \$300,000 from General Fund Reserves for unbudgeted salary and benefit expense in Fiscal Year 2010-11 for the Modesto Fire Department.

**PARKS, RECREATION & NEIGHBORHOODS**

An adjustment is necessary to recognize previously unbudgeted revenue carryover in the amount of \$3,849 in the Grants – Emergency Shelter Programs Fund and appropriate these funds for expenses associated with the Emergency Solutions Grant.

An adjustment is necessary to recognize previously unbudgeted revenue in the amount of \$8,500 in the General Fund (0100) and appropriate these funds to Donation & Contribution expenses in the Parks, Recreation and Neighborhoods Guest Services fund.

An adjustment is necessary to recognize previously unbudgeted revenue in the amount of \$35,179 in the General Fund (0100) and appropriate these funds to salary expenses for staff time at three additional after school activities programs.

An adjustment is necessary to recognize previously unbudgeted revenue in the amount of \$50,000 in the General Fund (0100) for service credit revenue and appropriate the same amount to repair and maintenance expenses in PR&N Operations Services Administration fund.

### **POLICE**

An adjustment is necessary to establish a transfer in the amount of \$60,000 from the General Fund (0100) to the Traffic Offender Fund (1610) due to a revenue shortfall in vehicle release revenues. Funding for the transfer is available from Fiscal Year 2010-11 Police Department departmental savings.

An adjustment is necessary to recognize \$6,887 in the General Fund (0100) for seized asset forfeiture revenue. Expenses for the Junior Cadet and G.R.E.A.T programs have already been paid from the existing Police department General Fund expense budget and this action will reimburse MPD for those expenses.

### **PUBLIC WORKS**

An adjustment is necessary to appropriate \$34,000 from Parking Fund (4000) reserves to increase the Parking Fund operating budget for additional police services in the 11<sup>th</sup> Street Parking Garage.

An adjustment is necessary to budget a transfer in the amount of \$2,500 from the Gas Tax Fund (1730) to the Surface Transportation Fund (1700), and appropriate these funds for professional services expenses associated with the Fiscal Year 2010-11 State Controller's audit of the Street and Road program.

An adjustment is necessary to appropriate \$3,000,000 from Water Fund (4100) reserves to establish a new fund entitled Water Rate Stabilization (4170). The monies were previously included in the Water Fund but according to the related bond documents, they need to be accounted for in a separate fund.

An adjustment is necessary to transfer \$3,714,285 from the Water Development Fee Fund (4101) and the Water 2006 COP Fund (4130) to the Water Capital Improvement Project Fund (4180) for expenses incurred on various capital improvement projects in Fiscal Year 2010-11.

An adjustment is necessary to transfer \$650,000 from the Wastewater Development Fees Fund (4211) to the Wastewater Phase 1A Tertiary Capital Improvement Project 100546 in the Sewer Operations fund (4210) for Fiscal Year 2010-11 expenses. These funds were collected from capacity charges and are eligible to be used to pay for growth related wastewater projects.

### ***The following budget adjustments relate to FY 2011/12:***

#### **COMMUNITY AND ECONOMIC DEVELOPMENT**

The Kiernan Business Park East (CFD No. 2009-1) bond sale did not occur as anticipated. Therefore, there will not be any bond proceeds or annual special tax revenue in FY2011-12 in the Kiernan Business Park East CFD fund (3212). An adjustment is necessary to reduce bond proceed revenue by \$50,000 and the associated expense by \$48,664.

An adjustment is necessary to budget a transfer in the amount of \$2,500 from the Gas Tax Fund (1730) to the Surface Transportation Fund (1700) and appropriate these funds for professional

services expense associated with the Fiscal Year 2011-12 State Controller's audit of the Street and Road program.

An adjustment is necessary to decrease service credit revenue in the General Fund (0100) by \$37,801 in the Neighborhood Preservation Unit and decrease service credit expenses correspondingly in the Direct Services-Non Housing budget in the CDBG Direct Program Fund (1130). The scope of the original service credit agreement for neighborhood preservation management was updated and reduced to reflect the change in the adopted budget. However, it did not to move a Code Enforcement Officer position into C&ED in the General Fund.

#### **FINANCE**

An adjustment is necessary to decrease service credit revenue in the General Fund (0100) by \$10,000 in the Finance-Budget department and increase the miscellaneous revenue budget in Finance-Administration. The original service credit agreement for the Wastewater Treatment Phase 2 Tertiary has been updated to reflect the amount identified for administration of the State Revolving Loan reimbursements.

An adjustment is necessary to increase service credit revenue in the General Fund (0100) by \$160 in the Purchasing Division of the Finance department and increase service credit expense correspondingly in Internal Service Stores in the Central Stores Fund (5110). The original amount of the service credit agreement was estimated and budgeted at \$18,000 and the actual amount is slightly higher.

An adjustment is necessary to increase service credit revenue in the General Fund (0100) by \$49 in the Finance-Accounting department and increase service credit expenses correspondingly in NSP in the ARRA-CDBG NSP 2 Program Fund (1131). The original amount of the service credit agreement was estimated and budgeted at \$13,317 and the actual amount is slightly higher.

#### **INFORMATION TECHNOLOGY**

An adjustment is necessary to reduce the salary and benefit expense budget for a Software Analyst I position in the amount of \$80,694 in the Wastewater Fund (4210) and appropriate the same amount from reserves in the Information Technology Fund (5230) for FY2011-12. This position is included in the operating budget and Information Technology Internal Service Fund charges that were adopted in the FY2011-12 budget.

#### **POLICE**

An adjustment is necessary to appropriate from General Fund reserves and increase the salary and benefit expense budget in the Police department in the General Fund (0100) by \$74,844. This action is needed to budget for contractual post pay increases not included in the adopted FY 2011/12 budget.

#### **PUBLIC WORKS**

An adjustment is necessary to appropriate \$15,870 from General Fund (0100) reserves to Graffiti Abatement for unbudgeted expenses for the month of July. This function will be managed going forward by volunteers with oversight from the Parks, Recreation and Neighborhoods Department as part of the FY2011-12 adopted budget.

An adjustment is necessary to appropriate \$708,595 from Water Fund reserves (4100) to increase the expense budget in the 2006 Water COP Fund (4130) and appropriate these funds to professional services and letter of credit fees expenses incurred in efforts to obtain a new Letter of Credit with JPMorgan Chase.

An adjustment is necessary to create a transfer in the amount of \$100,000 from the Gas Tax Fund (1730) to the Surface Transportation Fund-Streets (1700) and appropriate the same amount in the STF-Streets fund for temporary labor expenses for weed abatement.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-365**

**A RESOLUTION APPROVING AN ANNUAL RETAIL ADVERTISING  
CONTRACT WITH THE MODESTO BEE (MCCLATCHY NEWSPAPER  
GROUP); AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO EXECUTE THE CONTRACT**

WHEREAS, the City of Modesto is currently using the Modesto Bee (McClatchy Newspaper Group) as its primary advertising source for its advertising requirements, and

WHEREAS, the advertising services are required for classified and legal advertisements as required by law, and for retail advertisements for public information purposes, and

WHEREAS, the City's Purchasing Manager annually meets with the Modesto Bee and based on advertising volume commitments over the prior year identifies retail contract options which would best meet the City's retail advertising needs, and

WHEREAS, the current retail contract has expired, and

WHEREAS, the City's Purchasing Manager once again met with the Modesto Bee to discuss what contract renewal options would be available to the City, and

WHEREAS, the Modesto Bee has agreed to renew the retail advertising contract for another year, and

WHEREAS, the "non-profit no-commitment" will be at a contract rate of \$51.68 per column inch, and

WHEREAS, the Purchasing Manager has determined that a process other than the formal bid procedure will result in a procurement of advertising for the City at the lowest cost commensurate with the desired quality, as provided for in Modesto Municipal Code Section 8-3.204(d), and

WHEREAS, once signed, the advertising contract shall be implemented and tracked by the City's Purchasing Manager, and with the City's Public Information Technician assisting departments with their advertising needs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group).

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-366**

**RESOLUTION AUTHORIZING SOLE BRAND PROCUREMENT FOR THE  
PURCHASE AND INSTALLATION OF AN ARMOR CRACK REPAIR SYSTEM  
AT THREE (3) TENNIS COURT SITES TO RECREATIONAL SURFACE  
REPAIR, FRESNO, CA, AND AUTHORIZING THE PURCHASING MANAGER,  
OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT IN THE  
AMOUNT OF \$116,796**

WHEREAS, the tennis court surfacing at Downey, Johansen and Modesto High Schools has been determined to need repairs due to major cracks and separation of the surfacing, and

WHEREAS, the City of Modesto maintains the tennis court facilities at these three sites, and

WHEREAS, the Armor Crack Repair System has been deemed by City staff to be the best repair system for the tennis courts and is a sole brand, requiring installation by a factory-certified installer, and

WHEREAS, Recreational Surface Repair of Fresno is the only certified installer in Northern California, and

WHEREAS, the City Manager authorized the Purchasing Manager to accept a quotation from the authorized Armor Crack Repair System certified-installer, for the purchase and installation of an Armor Crack Repair System at three (3) tennis court sites: Modesto High School, Johansen High School and Downey Park, for the Parks, Recreation and Neighborhoods Department, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, a quote has been received from Recreational Surface Repair of Fresno for purchase and installation of the Armor Crack Repair System at three (3) tennis court sites in the amount of \$116,796, and

WHEREAS, the Director of Parks, Recreation and Neighborhoods concurs with staff's recommendation that the quote of \$116,796 received from Recreational Surface Repair be accepted as the sole bid and the contract be awarded to Recreational Surface Repair,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole brand procurement, accepts the quote of Recreational Surface Repair in the amount of \$116,796, and awards Recreational Surface Repair the contract for the Purchase and Installation of an Armor Crack Repair System at three (3) tennis court sites in Modesto.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a Purchase Agreement in the amount of \$116,796.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-367**

**A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE PURCHASE AGREEMENTS FOR SOLE SOURCE PROCUREMENT OF VARIOUS HARDWARE AND SOFTWARE MAINTENANCE/SUPPORT AGREEMENTS FROM HARDWARE AND SOFTWARE MANUFACTURES FOR THE INFORMATION TECHNOLOGY DEPARTMENT THROUGHOUT FISCAL YEAR 2011-2012 FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED \$883,236**

WHEREAS, the City has an ongoing need to issue purchase maintenance contracts/support agreements for hardware and software assets utilized by the City of Modesto and managed by the Information Technology Department, and

WHEREAS, the expenditures for maintenance contracts/support agreements have been approved by Council through the budget process, and

WHEREAS, staff requests the Purchasing Manager be authorized to solicit bids through “sole-source” purchases and informal bid processes for Fiscal Year 2011–2012 for an estimated amount of \$883,236.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to solicit bids through “sole-source” purchases and informal bid processes for the purchase of maintenance contracts/support agreements throughout the Fiscal Year 2011–2012.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

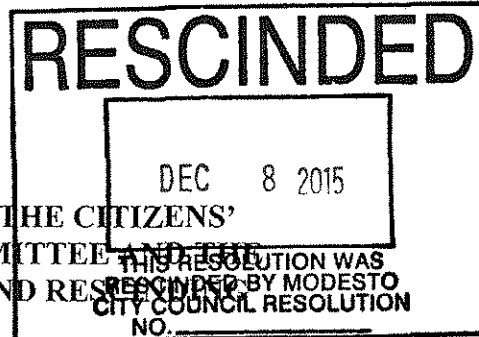
ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-368



RESOLUTION APPROVING UPDATED BYLAWS FOR THE CITIZENS' HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE AND THE HOUSING REHABILITATION LOAN COMMITTEE; AND RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NOS. 91-690 AND 97-515

WHEREAS, the City Council has established the Citizens' Housing and Community Development and Housing Rehabilitation Loan Committees to advise the City Council on housing related matters, and

WHEREAS, the Citizens' Housing and Community Development Committee is responsible for making policy and funding recommendations regarding the City's housing programs to the City Council, and

WHEREAS, the Housing Rehabilitation Loan Committee is responsible for reviewing and approving housing rehabilitation loans and homebuyers' assistance loans and for reviewing policy and procedures for both programs, and

WHEREAS, Resolution Nos. 91-690 and No. 97-515 have previously been adopted to outline the Terms of Office and Procedures for these Committees, and

WHEREAS, these Terms and Procedures are **attached** hereto and incorporated herein as **Exhibits A and B**,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto that it hereby approves updated Bylaws for the Citizens' Housing and Community Development Committee and the Housing Rehabilitation Loan Committee.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution Nos. 91-690 and No. 97-515 are hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th of September, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## **CITIZENS' HOUSING & COMMUNITY DEVELOPMENT COMMITTEE**

### BYLAWS

#### **Article I**

##### Definitions

- Section 1        There is a Committee created to be known and designated as the Citizens' Housing and Community Development Committee.
- Section 2        As used in these Bylaws, unless a different meaning clearly appears from the context:
- A.     "Member" shall mean a member of the Citizens' Housing & Community Development Committee.
- B.     "Citizens' Housing & Community Development Committee" and "Committee" shall mean the Citizens' Housing & Community Development Committee.

#### **Article II**

##### Objectives

- Section 1        The Committee shall be responsible for providing overall review of the City's housing programs and making policy and funding recommendations regarding the City's housing programs to the City Council.

#### **Article III**

##### Membership

- Section 1        The Citizens' Housing & Community Development Committee shall consist of 13 qualified persons comprised of the following:
- 2 Councilmembers appointed by the Mayor
  - 2 Representatives of the Citizens Redevelopment Advisory Commission
  - 1 Representative of the Housing Rehabilitation Loan Committee
  - 1 Representative of the Human Relations Committee or Citizen-at-Large
  - ~~1 Representative of the County Board of Supervisors~~
  - 1 Representative of the City's Planning Commission
  - 5 6 Citizens-at-Large

- Section 2 The members of the Committee shall reside within the city limits of the City of Modesto at the time of appointment and must maintain residence within the City at all times during their service on the Committee.
- Section 3 No member of the Committee shall be an employee of the City, nor any bargaining unit for employees of the City, nor a person who receives compensation from the City.
- Section 4 All appointments shall be approved by a majority vote of the City Council.
- Section 5 No member of the Committee shall be a relative by blood or marriage within the third degree of the Mayor, Councilmember, Charter Officer, or any department director or deputy department director.
- Section 6 One member of the Committee shall be appointed as an alternate to the Housing Rehabilitation Loan Committee by the Committee Chair.
- Section 7 All members must complete Statement of Economic Interest (Form 700) by April 1<sup>st</sup> of each year and when assuming or leaving Committee membership.

## **Article IV**

### Terms of Office

- Section 1 Members may serve no more than two terms.
- Section 2 Full terms are four years in duration.
- Section 3 A partial term of two or more years shall be considered a full term.
- Section 4 Full term appointments begin on January 1<sup>st</sup> and expire on December 31<sup>st</sup> four years subsequent.
- Section 5 Members may be re-appointed after their initial term. Members serving two consecutive terms may be reappointed after a break in service of 12 months.
- Section 6 Members not eligible for re-appointment may continue to serve until their successors are appointed. No member shall serve more than eight consecutive years, with the exception of those who are serving until their successors are appointed.
- Section 7 The members of the Committee shall receive no compensation for the performance of their official duties
- Section 8 Appointments to fill vacancies on the Committee shall be handled in the same manner as original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term.
- Section 9 Members of the Committee may be removed by a majority vote of the City

Council after a recommendation by the Committee chairperson for the following reasons:

- A. Misconduct, inefficiency, or willful neglect in the performance of their duties providing the member is first provided in writing the reasons for such removal and gives the member the opportunity to be heard before the Council in their own defense.
- B. Refusal to resign from the Committee when no longer a resident of the City of Modesto or when a conflict of interest exists.

## **Article V**

### Attendance at Meetings

- Section 1      It shall be the responsibility of each member to know the dates and times of all meetings of the Committee. If a member knows he or she will not be able to attend a regularly scheduled meeting, it shall be his or her responsibility to notify the Committee Secretary at least forty-eight hours before the meeting, in order for the absence to be recorded as an excused absence.
- Section 2      The minutes of each meeting will list those members in attendance, those who are excused and those who are unexcused.
- Section 3      Timely attendance at meetings is expected and necessary to carry out the mission of the Committee. Three or more consecutive unexcused absences are grounds for removal from the Committee by the City Council.

## **Article VI**

### Officers and Their Duties

- Section 1      Officers shall consist of Chair, as appointed by the Mayor, and Vice-chair, elected by a majority vote of the members of the Committee. Officers shall serve a four-year term.
- Section 2      All officers shall exercise all privileges of membership, including the making of motions, seconding and debate.
- Section 3      The Chair shall preside at all meetings, shall appoint all ad-hoc committees, and shall ensure that the bylaws, rules and regulations as adopted by the Committee are properly enforced.
- Section 4      The Vice-chair shall assist the Chair in his/her duties and in the absence of the Chair shall perform all duties usually performed by the Chair.
- Section 5      The Parks, Recreation, & Neighborhoods Department shall provide a staff member to serve as secretary. He/she shall keep a record of the minutes of all



meetings and such other duties as are usually performed by a secretary.

## **Article VII**

### Meetings

- Section 1 Special meetings shall be called by the Chair as necessary.
- Section 2 Notices of all meetings, including an agenda, shall be given to all members of the Committee, to the City Clerk, to the City Manager, and to all others as provided by law. All such notices shall be furnished to the Committee in writing at least seventy-two hours prior to the time of such meeting.
- Section 3 All meeting agendas will be posted at Tenth Street Place.
- Section 4 All meetings shall comply with the requirements of the Ralph M. Brown Act.
- Section 5 A quorum is necessary for the Committee to transact any business. A quorum shall be defined as a simple majority of active Committee members which is one-half of the active members plus one.
- Section 6 All meetings of the Committee shall be open to the public and shall be held at a public facility, which is accessible in accordance with the regulations of the Americans with Disabilities Act.

## **Article VIII**

### Order of Proceedings

- Section 1 Sturgis' Standard Code of Parliamentary Procedure shall be the guide for parliamentary procedures in the conduct of Committee meetings.
- Section 2 The order of proceedings of all meetings shall be as follows, subject to majority vote of the Members present:
1. Roll Call
  2. Declaration of Conflict of Interest
  3. Public Comment Period
  4. Consent Items
  5. Old Business
  6. New Business
  7. Committee Comments & Reports
  8. Matters Too Late for the Agenda
  9. Adjournment
- Section 3 Members of the public shall not speak unless recognized by the Chair and shall state their names before making any statement, which shall become a part of the public record. The Chair may remove any person who refuses to follow

these rules or the decision of the Chair.

## **Article IX**

### Amendments

Section 1      The Bylaws and any future amendments shall be subject to the final approval of the City Council and shall not and are not intended to go beyond any of the powers and duties given to the Committee by the City Council.

## **HOUSING REHABILITATION LOAN COMMITTEE**

### BYLAWS

#### **Article I**

##### Definitions

- Section 1 There is a Committee created to be known and designated as the Housing Rehabilitation Loan Committee.
- Section 2 As used in these Bylaws, unless a different meaning clearly appears from the context:
- A. "Member" shall mean a member of the Housing Rehabilitation Loan Committee.
  - B. "Housing Rehabilitation Loan Committee" and "Committee" shall mean the Housing Rehabilitation Loan Committee.

#### **Article II**

##### Objectives

- Section 1 The Committee shall be responsible for reviewing and approving housing rehabilitation loans and homebuyers' assistance loans and for reviewing policy and procedures for both programs.

#### **Article III**

##### Membership

- Section 1 The Housing Rehabilitation Loan Committee shall consist of 7 qualified persons and one alternate comprised of the following:
- 1 Councilmember appointed by the Mayor
  - 2 Representatives of financial institutions
  - 2 Representatives of service providers
  - 1 Representative of the Housing Authority of Stanislaus County
  - 1 Citizens-at-Large
  - 1 Member of the Citizens' Housing & Community Development Committee, serving as an Alternate
- Section 2 The members of the Committee shall reside within the city limits of the City of Modesto at the time of appointment and must maintain residence within the City at all times during their service on the Committee with the exception of

the appointed representative of the Housing Authority of Stanislaus County.

- Section 3 No member of the Committee shall be an employee of the City, nor any bargaining unit for employees of the City, nor a person who receives compensation from the City.
- Section 4 All appointments shall be approved by a majority vote of the City Council.
- Section 5 No member of the Committee shall be a relative by blood or marriage within the third degree of the Mayor, Councilmember, Charter Officer, or any department director or deputy department director.
- Section 6 All members must complete Statement of Economic Interest (Form 700) by April 1<sup>st</sup> of each year and when assuming or leaving Committee membership.

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### Terms of Office

- Section 1 Members may serve no more than two terms.
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- Section 5 Members may be re-appointed after their initial term. Members serving two consecutive terms may be reappointed after a break in service of 12 months.
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- Section 7 The members of the Committee shall receive no compensation for the performance of their official duties
- Section 8 Appointments to fill vacancies on the Committee shall be handled in the same manner as original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term.
- Section 9 Members of the Committee may be removed by a majority vote of the City Council after a recommendation by the Committee chairperson for the following reasons:
- A. Misconduct, inefficiency, or willful neglect in the performance of their duties providing the member is first provided in writing the reasons for such

removal and gives the member the opportunity to be heard before the Council in their own defense.

- B. Refusal to resign from the Committee when no longer a resident of the City of Modesto or when a conflict of interest exists.

## **Article V**

### Attendance at Meetings

- Section 1      It shall be the responsibility of each member to know the dates and times of all meetings of the Committee. If a member knows he or she will not be able to attend a regularly scheduled meeting, it shall be his or her responsibility to notify the Committee Secretary at least forty-eight hours before the meeting, in order for the absence to be recorded as an excused absence.
- Section 2      The minutes of each meeting will list those members in attendance, those who are excused and those who are unexcused.
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## **Article VI**

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- Section 1      Officers shall consist of Chair and Vice-chair elected by a majority vote of the members of the Committee. Officers shall serve a four-year term.
- Section 2      All officers shall exercise all privileges of membership, including the making of motions, seconding and debate.
- Section 3      The Chair shall preside at all meetings, shall appoint all ad-hoc committees, and shall ensure that the bylaws, rules and regulations as adopted by the Committee are properly enforced.
- Section 4      The Vice-chair shall assist the Chair in his/her duties and in the absence of the Chair shall perform all duties usually performed by the Chair.
- Section 5      The Parks, Recreation, & Neighborhoods Department shall provide a staff member to serve as secretary. He/she shall keep a record of the minutes of all meetings and such other duties as are usually performed by a secretary.

## **Article VII**

### Meetings

- Section 1 Special meetings shall be called by the Chair as necessary.
- Section 2 Notices of all meetings, including an agenda, shall be given to all members of the Committee, to the City Clerk, to the City Manager, and to all others as provided by law. All such notices shall be furnished to the Committee in writing at least seventy-two hours prior to the time of such meeting.
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- Section 4 All meetings shall comply with the requirements of the Ralph M. Brown Act.
- Section 5 A quorum is necessary for the Committee to transact any business. A quorum shall be defined as a simple majority of active Committee members which is one-half of the active members plus one.
- Section 6 All meetings of the Committee shall be open to the public and shall be held at a public facility, which is accessible in accordance with the regulations of the Americans with Disabilities Act.

## **Article VIII**

### Order of Proceedings

- Section 1 Sturgis' Standard Code of Parliamentary Procedure shall be the guide for parliamentary procedures in the conduct of Committee meetings.
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  3. Public Comment Period
  4. Consent Items
  5. Old Business
  6. New Business
  7. Committee Comments & Reports
  8. Matters Too Late for the Agenda
  9. Adjournment
- Section 3 Members of the public shall not speak unless recognized by the Chair and shall state their names before making any statement, which shall become a part of the public record. The Chair may remove any person who refuses to follow these rules or the decision of the Chair.

## **Article IX**

### Amendments

Section 1        The Bylaws and any future amendments shall be subject to the final approval of the City Council and shall not and are not intended to go beyond any of the powers and duties given to the Committee by the City Council.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-369**

**RESOLUTION APPROVING THE PUBLIC ART COMMITTEE'S PROPOSED  
SCULPTURE PLACEMENT ON THE VIRGINIA CORRIDOR NEAR  
ROSEBURG SQUARE**

WHEREAS, the Public Art Committee was formed to advise the City Council on matters pertaining to public art, and

WHEREAS, the Public Art Committee seeks to enhance the aesthetic environment of the community by facilitating the selection of appropriate works of art for the public to enjoy, and

WHEREAS, the Public Art Committee has focused on project opportunities along the Virginia Corridor since it is highly trafficked and provides many locations for public art projects, and

WHEREAS, a plasma-cut steel sculpture by artist Steve Mudge representing railroad workers operating a handcart is proposed to be placed along the Virginia Corridor near the Roseburg Square area, and

WHEREAS, on August 1, 2011, the Safety and Communities Committee met and supported the Public Art Committee's proposed sculpture placement on the Virginia Corridor near Roseburg Square,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the Public Art Committee's proposed sculpture placement on the Virginia Corridor near Roseburg Square.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-370**

**RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND MODESTO IRRIGATION DISTRICT, IN THE AMOUNT OF  
\$8,825.13, FOR THE RELOCATION OF MODESTO IRRIGATION DISTRICT  
FACILITIES ALONG EMPIRE AVENUE, FROM HILLSIDE DRIVE TO  
MONTEREY AVENUE; AND AUTHORIZING THE CITY MANAGER, OR HIS  
DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto's Department of Housing & Urban Development (HUD) Annual Action Plan, for Fiscal Year 2009-10 approved by the City Council on November 24, 2009, included the B-10-MC-06-0002 Empire Avenue Street Improvement Project, and

WHEREAS, the street improvement project funded through the Community Development Block Grant (CDBG) will include the installation of curb, gutters, sidewalks, street lighting, and drainage facilities to improve pedestrian and roadway safety along Empire Avenue between Hillside Drive and Monterey Avenue, and

WHEREAS, the City of Modesto desires Modesto Irrigation District to relocate its facilities prior to the construction of the street improvements, and

WHEREAS, this project is exempt from California Environmental Quality Act (CEQA), pursuant to Section 15301(c) of CEQA guidelines, this project falls under a categorical exemption for existing facilities, and

WHEREAS, the project is consistent and is in conformance to the General Plan Master E.I.R. and no additional California Environmental Quality Act clearance is needed, and

WHEREAS, pursuant to 24 CFR, Part 58.35 (a)(1)(2) of the National Environmental Protection Act (NEPA) this project is categorically exempt, and

WHEREAS, the City of Modesto requires an Agreement with Modesto Irrigation District for the relocation of Modesto Irrigation District facilities along Empire Avenue, from Hillside Drive to Monterey Avenue,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement between the City of Modesto and Modesto Irrigation District for the relocation of Modesto Irrigation District Facilities, in the amount of \$8,825.13.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-371**

**RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH AECOM TECHNICAL SERVICES, INC. (AECOM) FOR ADDITIONAL SCOPE OF WORK NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR FINAL DESIGN SERVICES FOR WELLHEAD TREATMENT WELL #3 - PCE IN AN AMOUNT NOT TO EXCEED \$17,980 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$10,502 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$28,482, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT**

WHEREAS, the City owns and operates domestic Well #3, located at the intersection of 8th and K Streets near downtown Modesto, and

WHEREAS, this well has been impacted by tetrachloroethylene (PCE) contamination, and

WHEREAS, PCE levels in the well water have reached the California Department of Public Health (CDPH) maximum contaminant level, and

WHEREAS, the City believes that these levels will rise when pumping resumes due to a nearby groundwater PCE plume, and

WHEREAS, since the well contributes an important part to the water distribution system, City staff sought professional services to recommend the most efficient and cost effective method of removing PCE from the water, and

WHEREAS, following the procedures outlined in Administrative Directive 3.1, Selection Procedures for Professional Consultants who Provide Architectural & Engineering Services for Capital Projects, AECOM USA, Inc. was selected to perform preliminary design services for a treatment system to remove PCE from water produced by Well 3, and

WHEREAS, on May 26, 2009, by Resolution No. 2009-221, the City Council approved an agreement with AECOM USA, Inc. to prepare a 35% Preliminary Design Report (PDR) for the Wellhead Treatment Well #3-PCE project, and

WHEREAS, following staff's review and approval, the PDR was submitted to City Council for acceptance, and

WHEREAS, on May 4, 2010, by Resolution No. 2010-169, the City Council accepted the PDR and at the same meeting, by Resolution No. 2010-170, approved an agreement with AECOM Technical Services, Inc. (formerly AECOM USA, Inc.) for final design services for the Wellhead Treatment Well #3 – PCE project, and

WHEREAS, the 35% PDR provided a guiding set of criteria and requirements, including selection of a proposed treatment method, estimated costs, and a proposed preliminary layout, and

WHEREAS, however, upon further review of the more detailed final design documents, City staff requested revisions to the project design to better suit operational needs, and

WHEREAS, these requested revisions include: 1) Increased wall height; 2) Installation of new tablet chlorinator; 3) Replacement of existing Remote Terminal Unit (RTU); 4) Removal of existing sand separator; and 5) Revisions to horizontal layout and plumbing design to incorporate these changes, and

WHEREAS, these requested revisions require additional work by AECOM to revise the project design, and staff is recommending an amendment to its current agreement to include this additional work so that the final design documents may be completed for Wellhead Treatment Well #3 – PCE, and

WHEREAS, City staff recommends approving an amendment to agreement with AECOM as the City does not have the staffing level or subject matter expertise to provide preliminary design services for the Final Design Services for Wellhead Treatment Well #3 - PCE project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to agreement with AECOM Technical Services, Inc. for Final Design Services for Wellhead Treatment Well #3 - PCE project in an amount not to exceed \$17,980 for the identified scope of services not included in the original agreement, plus \$10,502 for additional services (if needed), for a maximum total amount of \$28,482.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-372**

**A RESOLUTION APPROVING THE PREQUALIFIED CONSULTANT LIST, CONSISTING OF BLACKBURN CONSULTING, GEOLOGICAL TECHNICS INC., KLEINFELDER WEST, INC., STANTEC CONSULTING CORPORATION, A.T.C ASSOCIATES INC., AND PROVOST & PRITCHARD CONSULTING GROUP, FOR AS-NEEDED PREPARATION OF ENVIRONMENTAL SITE ASSESSMENTS FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS FOR A PERIOD NOT TO EXCEED THREE YEARS**

WHEREAS, over the next several years, based on the Utility Planning & Projects (UP&P) Department's workload and staffing experience, there are a number of technically complex CIP projects that may require outside consultant services for environmental site assessments, and

WHEREAS, retaining a prequalified as-needed list of consultants allows the department to have quicker access to specific environmental site assessment services when needed, and

WHEREAS, this eliminates the need to send out repetitive Requests for Qualifications for projects of similar scope and/or type, saving man-hours and project costs, and

WHEREAS, City staff solicited and formally advertised a Request for Qualifications (RFQ) to nine environmental and engineering consulting firms for preparation of Phase I, II and III Environmental Site Assessments, and

WHEREAS, UP&P staff reviewed the nine Statements of Qualifications (SOQs) that were received, and

WHEREAS, following that review, City staff recommends approving these prequalified consultants: Blackburn Consulting, Inc., Geological Technics, Inc.,



Kleinfelder, Inc., Stantec Consulting, Inc., ATC Group Services, Inc., and Provost & Pritchard Consulting Group,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified consultant list, consisting of Blackburn Consulting, Geological Technics Inc., Kleinfelder West, Inc., Stantec Consulting Corporation, ATC Associates Inc., and Provost & Pritchard Consulting Group, for as-needed preparation of Phase I, II and III Environmental Site Assessments for various Capital Improvement Program (CIP) projects for a period not to exceed three years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-373**

**RESOLUTION ACCEPTING THE WORK BY GEORGE REED., INC., FOR THE  
“RSA ENHANCEMENT AND APRON REHABILITATION” PROJECT AS  
COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF  
COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON  
RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING  
PAYMENT OF AMOUNTS TOTALING \$756,273.01**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the RSA Enhancement and Apron Rehabilitation project has been completed by George Reed, Inc., in accordance with the contract agreement dated September 1, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the RSA Enhancement and Apron Rehabilitation project is hereby accepted as complete from said contractor George Reed, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling \$756,273.01 is authorized as provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-374**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE NORTHWEST TERMINAL APRON RECONSTRUCTION PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT TO GRANITE CONSTRUCTION COMPANY, OF WATSONVILLE, CALIFORNIA, IN THE AMOUNT OF \$635,498.50, CONTINGENT ON THE FUNDING FROM THE FAA GRANT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the Northwest Terminal Apron Reconstruction project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Northwest Terminal Apron Reconstruction project were opened at 11:00 a.m. on August 9, 2011, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of \$635,498.50 received from Granite Construction Company be accepted as the lowest responsible bid and the contract be awarded to Granite 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 Northwest Terminal Apron Reconstruction project, accepts the bid of Granite Construction Company, of Watsonville, California, in the amount of \$635,498.50, and approves the contract, contingent on the funding from the FAA grant.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-375**

**RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,  
TO EXECUTE ALL GRANT-RELATED DOCUMENTS UNDER THE FEDERAL  
AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM FOR  
THE NORTHWEST TERMINAL APRON RECONSTRUCTION PROJECT**

WHEREAS, a majority of the project is funded by a Federal Aviation Administration (FAA) Airport Improvement Program grant, and

WHEREAS, through the middle of September 2011, Congress is essentially only providing the FAA 30 days worth of funding and authorization at a time, and

WHEREAS, staff recommends the grant be executed within the same 30-day period that Congress has authorized the funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to execute all grant-related documents under the Federal Aviation Administration Airport Improvement Program for the Northwest Terminal Apron Reconstruction project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-376**

**RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 CAPITAL  
IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF \$158,859 IN  
ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, AND  
CONSTRUCTION ADMINISTRATION FOR THE NORTHWEST TERMINAL  
APRON RECONSTRUCTION PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of \$158,859 in order to fully fund construction, contingency, and construction administration for the Northwest Terminal Apron Reconstruction project, and

WHEREAS, the Fiscal Year 2011-2012 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 2011-2012 Capital Improvement Program budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## **Exhibit A**

Due to the increase of estimated cost of project #100430 (6320-440-A018), the total project cost needs to be increased by \$158,859. This would be done by adjusting Engineering/Design by <\$84,215>, Construction by \$151,699, Construction Administration by \$27,825 and Contingency by \$63,550.

This project is funded 95% by a FAA grant therefore an adjustment will be to increase the grant funding by \$150,916. The match of 5% will be paid by Passenger Facility Charges which will be increased by \$7,943.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-377**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) MODESTO CENTRE PLAZA LIGHTING IMPROVEMENTS, ACCEPTING THE BID, AND APPROVING AN AGREEMENT WITH COLLINS ELECTRICAL COMPANY, INC. OF MODESTO IN THE AMOUNT OF \$665,237.00 FOR THE ARRA MODESTO CENTRE PLAZA LIGHTING IMPROVEMENTS PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the American Recovery and Reinvestment Act (ARRA) Modesto Centre Plaza Lighting Improvements Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the ARRA Modesto Centre Plaza Lighting Improvements Project were opened at 11:00 a.m. on July 19, 2011, and later tabulated by the Director of Parks, Recreation and Neighborhoods for the consideration of the Council, and

WHEREAS, the Director of Parks, Recreation and Neighborhoods has recommended that the bid of \$665,237.00 received from Collins Electrical Company, Inc. for the project be accepted as the lowest responsible bid and the contract be awarded to Collins Electrical 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 American Recovery and Reinvestment Act Modesto Centre Plaza Lighting Improvements Project, accepts the bid of Collins Electrical Company, Inc. in the amount of \$665,237.00 for the project and awards Collins Electrical Company, Inc. the contract for the ARRA Modesto Centre Plaza Lighting Improvements Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-378**

**RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 CAPITAL  
IMPROVEMENT PROGRAM BUDGET IN ORDER TO FULLY FUND THE  
AMERICAN RECOVERY AND REINVESTMENT ACT MODESTO CENTRE  
PLAZA LIGHTING IMPROVEMENTS PROJECT**

WHEREAS, a budget adjustment is necessary in order to adjust the expense and revenue budgets in the Parks CIP Account 100588.PRN.Parks Planning and Development (Modesto Centre Plaza Lighting), and

WHEREAS, additional funding of \$240,213 from unused ARRA-EECBG funds and a transfer of Solid Waste Funds is necessary to award this bid, and

WHEREAS, the Fiscal Year 2011-2012 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 2011-2012 Capital Improvement Program budget as shown in **Exhibit A**, which is **attached** hereto.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Request for Budget Adjustment  
(Projects and Grants)**

Contact Person: Susana Diaz  
 Telephone: 577-5345  
 Submitting Department: Parks, Recreation & Neigh

Council Action Date: 9/6/2011  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: 8/10/2011

Project Name: ARRA MCP Lighting

Fiscal Year being Adjusted: FY 11-12

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

<b>FROM</b>								
MY	- 3100	- 39999	- 42020	- 100202	\$226,017	(\$7,000)	\$219,017	Intergov-Federal American Rec Reimb Act
MY	- 3100	- 39999	- 42020	- 100203	\$333,423	(\$154,346)	\$179,077	Intergov-Federal American Rec Reimb Act
MY	- 3100	- 39999	- 42020	- 100205	\$460,000	(\$17,172)	\$442,828	Intergov-Federal American Rec Reimb Act
-	-	-	-	-	-	-	-	-
<b>TO</b>								
MY	- 3100	- 39999	- 42020	- 100204	\$337,630	\$4,305	\$341,935	Intergov-Federal American Rec Reimb Act
MY	- 3100	- 39999	- 42020	- 100588	\$570,830	\$174,213	\$745,043	Intergov-Federal American Rec Reimb Act
-	-	-	-	-	-	-	-	-

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

<b>FROM</b>							
MY	- 100202	- CCF	- City Construction Forces	\$5,000	(\$5,000)	\$0	PRN.Parks Planning and Development
MY	- 100202	- EDA	- Eng/Design/Admin	\$40,000	(\$2,000)	\$38,000	PRN.Parks Planning and Development
MY	- 100203	- CA	- Construction Admin	\$29,578	(\$15,939)	\$13,639	PRN.Parks Planning and Development
MY	- 100203	- CON	- Construction	\$295,777	(\$171,782)	\$123,995	PRN.Parks Planning and Development
MY	- 100203	- CTGY	- Contingency - CIP	\$23,662	(\$13,742)	\$9,920	PRN.Parks Planning and Development
MY	- 100204	- CON	- Construction	\$263,774	(\$2,484)	\$261,290	PRN.Parks Planning and Development
MY	- 100204	- CTGY	- Contingency - CIP	\$21,102	(\$199)	\$20,903	PRN.Parks Planning and Development
MY	- 100205	- CTGY	- Contingency - CIP	\$38,519	(\$18,000)	\$20,519	PRN.Parks Planning and Development
-	-	-	-	-	-	-	-
<b>TO</b>							
MY	- 100203	- EDA	- Eng/Design/Admin	\$30,406	\$1,117	\$31,523	PRN.Parks Planning and Development
MY	- 100204	- CA	- Construction Admin	\$26,377	\$2,365	\$28,742	PRN.Parks Planning and Development
MY	- 100204	- EDA	- Eng/Design/Admin	\$26,377	\$4,623	\$31,000	PRN.Parks Planning and Development
MY	- 100205	- EDA	- Eng/Design/Admin	\$10,125	\$828	\$10,953	PRN.Parks Planning and Development
MY	- 100588	- CA	- Construction Admin	\$39,368	\$13,851	\$53,219	PRN.Parks Planning and Development
MY	- 100588	- CON	- Construction	\$455,643	\$209,594	\$665,237	PRN.Parks Planning and Development
MY	- 100588	- CTGY	- Contingency - CIP	\$36,451	\$16,768	\$53,219	PRN.Parks Planning and Development
-	-	-	-	-	-	-	-

**Justification for Budget Adjustment**

Adjustment reflects the budget needed to award the Modesto Centre Plaza Lighting Project and the Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility project. The numbers are based on the lowest responsible bids received to complete these projects.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Depnty Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Director Of Finance		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_

Completed By: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-379**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE  
PRIMARY OUTFALL REHABILITATION PROJECT – PHASE II, ACCEPTING  
THE BID, AND APPROVING A CONTRACT WITH K.J. WOODS  
CONSTRUCTION, INC., OF SAN FRANCISCO, CALIFORNIA, IN THE  
AMOUNT OF \$6,528,000, AND AUTHORIZING THE CITY MANAGER, OR HIS  
DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the Primary Outfall Rehabilitation Project -- Phase II, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Primary Outfall Rehabilitation Project – Phase II were opened at 11:00 a.m. on August 9, 2011, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of \$6,528,000 received from K.J. Woods Construction, Inc. be accepted as the lowest responsible bid and the contract be awarded to K.J. Woods 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 Primary Outfall Rehabilitation Project – Phase II, accepts the bid of K.J. Woods Construction, Inc., of San Francisco, California in the amount of \$6,528,000, and approves the contract.

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



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-380**

**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): AMENDING SECTION 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM MEDIUM-HIGH DENSITY RESIDENTIAL, (R-3), to PROFESSIONAL OFFICE, (P-O), PROPERTY LOCATED ON THE SOUTH SIDE OF EAST GRANGER AVENUE, EAST OF MCHENRY AVENUE AT 200 EAST GRANGER AVENUE. (GV LAND DEVELOPMENT SOLUTIONS)**

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, GV Land Development Solutions has proposed amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential, (R-3), to Professional Office, (P-O), property located on the south side of East Granger Avenue, east of McHenry Avenue at 200 East Granger 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 2011-16 (“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 August 17, 2011, 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 September 6, 2011, 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 rezoning from Medium High Density Residential (R-3) to Professional Office (P-O), 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 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2011-16

**City of Modesto**

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

**Initial Study Environmental Checklist  
C&ED No. 2011-16**

**For the proposed:**

**Rezone to Professional Office, (P-O) and Granger Avenue  
Professional Office Development**

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

**6-22-2011**

# **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 Fire Station No. 2 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: Rezone to Professional Office (P-O) and Granger Avenue Office Development
- B. Address or Location: 200 E. Granger Avenue (APN 031-001-011)
- C. Applicant: Troy Wright
- D. City Contact Person: David Wage  
  
Project Manager: David Wage  
Department: Community and Economic Development  
Phone Number: (209) 577-5302  
E-mail address: D-wage@modestogov.com
- E. Current General Plan Designation(s): Mixed Use (MU)
- F. Current Zoning Classification(s): High-Density Residential (R-3)
- G. Surrounding Land Uses:  
North: Neighborhood Commercial (C-1) and General Commercial (C-2)  
South: Planned Development (R-3 use)

East: High-Density Residential (R-3)  
West: High-Density Residential (R-3)

- 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 development includes a rezone from High-Density Residential (R-3) to Professional Office (P-O) to facilitate development of a medical office complex. The subject 0.91 acre property is currently vacant. The development would include three medical office buildings totaling 9,496 square feet in area. All of the proposed buildings are one-story in height or approximately 22 feet tall.

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

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

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 checked="" type="checkbox"/>	<input 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"/>

#### **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 project does not require mitigation measures 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
<b>TRAFFIC AND CIRCULATION</b>				
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.	[ ]	[ ]	[ ]	[X]
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
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).	[ ]	[ ]	[ ]	[X]
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	[ ]	[ ]	[ ]	[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, and so on.	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7) The proposed project would result in an increase in energy consumption associated with the operation on highway project, rail improvements, and aviation facilities (on a per capita basis) in excess of that considered in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1 & 3) The proposed project is consistent with the General Designation and the traffic volumes assumed in the MIER. The project will not result in an increase 100 additional trips than what was assumed in the MIER or degradation below LOS D and therefore no new mitigation measures are necessary.
- (2) The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). The City Engineering and Traffic Department has evaluated the project and has determined that the existing design layout of the project is in accordance to City standards.
- (4) Police and Fire Staff have reviewed this proposal and have indicated that there is no emergency access problem.
- (5) City staff has reviewed the project and determined the project has provided sufficient parking for the proposed medical office buildings.
- (6) The proposed project has been reviewed by Traffic, Planning and Transit staff and would not conflict with any adopted plans for alternative transportation.
- (7) The proposed project is would not result in an increase in energy consumption 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<sub>x</sub>) (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 (PM<sub>10</sub>) and 2.5 microns or less in diameter (PM<sub>2.5</sub>) (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<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.

**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-40 and AQ-42 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
<b>DEGRADATION OF AIR QUALITY</b>				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> 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.	[ ]	[ ]	[ ]	[X]
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> .	[ ]	[ ]	[ ]	[X]
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	[ ]	[ ]	[ ]	[X]
5) The proposed project would create objectionable odors affecting a substantial number of people.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project was referred to the San Joaquin Valley Unified Air Pollution Control District who determined that the project would not have a significant effect on the ambient air quality with the incorporation of the mitigation measures listed above.
- (2) This project incorporates the best management practices for PM10 reduction established by the SJVUAPD (see mitigation measures above).
- (3) Applicable General Plan Policies will be applied to the project; therefore, project-specific effects will be less than significant for this impact (see mitigation measures above).
- (4) The land uses proposed are not in themselves significant contributors to air pollution levels and therefore the primary source of air pollution associated with the development would be traffic related. Since the traffic impacts are within the scope of the MEIR, so are the traffic-related air quality impacts. The PM10 emissions created through construction activities will be mitigated as called for by the MEIR with the mitigation measure listed above.
- (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:

There mitigation to be applied to this project includes N-3 and N-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 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
<b>GENERATION OF NOISE</b>				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	[ ]	[ ]	[ ]	[X]
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
levels in the project vicinity above levels disclosed in the Master EIR. implementation of the Urban Area General Plan.				

Discussion:

- (1,2,3) The project is consistent with the noise policies of the General Plan. General Plan MEIR Mitigation Measure N-7 requires non-residential development to demonstrate that the project will incorporate measures to reduce noise impacts to a less than significant level. Consideration must be given to both the Commercial threshold of significance and the Multi-family residential threshold of significance, since the property to the east, west and south is occupied with High-Density Residential (R-3) uses. The MEIR maintains the “normally acceptable” level of noise for Commercial uses is 70dBA, while the “conditionally acceptable” is up to 75dBA. The “conditionally acceptable” level may be used when noise mitigations have been included in the project design. The “normally acceptable” Multi-family residential threshold is 65dBA, while the “conditionally acceptable” level is up to 70dBA. The exterior noise level is measured at the common outdoor recreation areas for Multi-Family developments (MEIR Mitigation Measure N-4). The proposed Medical Office buildings are not anticipated to generate noise levels that exceed the noise thresholds described above. Business activities will be conducted indoors with the exception of traffic coming and going from the site.
- (4) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. There will be some construction related noise, but the noise mitigation measure N-3 called for by the General Plan for projects within the baseline developed area, has been incorporated.

**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 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
<b>EFFECTS ON AGRICULTURAL LANDS</b>				
1) The proposed project is inconsistent with the Urban Area General Plan’s policies relating to agricultural land.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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-	[ ]	[ ]	[ ]	[X]

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

Discussion:

- (1) The project is consistent with the General Plan land use policies. It is an infill project proposed within the urbanized area of the City. The site is currently vacant and no agricultural land will be converted for the development of the proposed projects.
- (2) The project is within the Baseline-Developed area of the City and therefore will not result in the development of land outside the 2008 planning area boundaries.
- (3) The project site is not zoned for agriculture nor is it under Williamson Act contract.
- (4) The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The General Plan designates the property as Mixed Use. The adjacent property is also designated Mixed Use and is already developed with urban 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 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
<b>INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</b>				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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 determined the water proposed development will not exceed estimates or water supplies for needed to serve other entitlements and resources.
- (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; 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**

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
<b>Increased Demand for Sanitary Sewer Services</b>				

	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.	[ ]	[ ]	[ ]	[X]
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.
- (2) The project is consistent with the Commercial and Mixed Use designation and will generate sewer flows within what was anticipated for the project site.
- (3) The project was referred to Land Development Engineering Staff who determined there is adequate capacity to accommodate the proposed development in addition to existing commitments.

**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 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**

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
<b>LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</b>				
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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
5) Conflict with local policies or ordinances protecting biological resources, such as a tree	[ ]	[ ]	[ ]	[X]



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	[ ]	[ ]	[ ]	[X]

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-7-1a through V 7-1e 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-7-1a through V 7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly 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 the measures listed in MEIR 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
<b>DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</b>				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	[ ]	[ ]	[ ]	[X]
3) The proposed project would modify or demolish a structure more than 50 years in age.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the archeological and historical resource policies in the General Plan.
- (2 & 3) There are no existing structures on the project 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 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:

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-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
<b>INCREASED DEMAND FOR STORM DRAINAGE</b>				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the storm drain policies in the Urban Area General Plan.
- (2) 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."

**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:

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-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
<b>LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</b>				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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 offsite.	[ ]	[ ]	[ ]	[X]
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	[ ]	[ ]	[ ]	[X]
6) The proposed project would violate water quality standards or waste discharge requirements.	[ ]	[ ]	[ ]	[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 Urban Area General Plan.	[ ]	[ ]	[ ]	[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 Urban Area General Plan implementation.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the flooding and water quality policies in the General Plan.
- (2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.
- (3) The project is not located within a 100-year flood plain and is limited to commercial uses.
- (4) The project is not located within a 100-year flood plain.
- (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 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.

**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
<b>INCREASED DEMAND FOR PARKS AND OPEN SPACE</b>				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project would eliminate parks or open space.	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the parks and open space policies in the General Plan.
- (2) The project would not eliminate an existing park or designated open space.
- (3) The project would include a commercial development and would not cause a significant increase in the use of existing neighborhood and regional 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
<b>INCREASED DEMAND FOR SCHOOLS</b>				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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 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
<b>INCREASED DEMAND FOR POLICE SERVICES</b>				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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
<b>INCREASED DEMAND FOR FIRE SERVICES</b>				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	[ ]	[ ]	[ ]	[X]

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.
- (3) The project would not significantly impact adjacent fire districts or result in the elimination of fire projection 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
<b>GENERATION OF SOLID WASTE</b>				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the solid waste policies in the General Plan.
- (2) This project was referred to the County and Solid Waste Division for review, and no indication was given that there would be a problem serving this 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 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
<b>GENERATION OF HAZARDOUS MATERIALS</b>				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the hazardous materials policies in the General Plan.
- (2) The project does 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 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.
- (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
<b>GEOLOGY, SOILS, AND MINERAL RESOURCES</b>				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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 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
<b>ENERGY</b>				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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
<b>GENERATION OF HAZARDOUS MATERIALS</b>				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the policies relating the visual resources in the General Plan.
- (2) The project would not impact views from riverside areas and parks.
- (3) 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 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
<b>LAND USE AND PLANNING</b>				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the Mixed Use land use designation in the General Plan, which allows Professional Office Zoning and uses such as a medical office development.
- (2) The project would not divide an established community. The surrounding properties along Granger Avenue are designated Mixed Use in the General Plan. Within the Mixed use area there is a mixture of high density residential and commercial zoning. The proposed rezoning to Professional Office would not divide an established community and is consistent with the horizontal mixture of uses found in the area.
- (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:

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
<b>CLIMATE CHANGE</b>				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	[ ]	[ ]	[X]	[ ]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2) The proposed project would result in average automobile trip lengths or CO <sub>2</sub> emissions higher than those assumed in the Master EIR.	[ ]	[ ]	[X]	[ ]
3) The proposed project would conflict with the Sustainable Communities Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	[ ]	[ ]	[X]	[ ]

Discussion:

- (1) The City of Modesto General Plan Master EIR addressed potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The Urban Area General Plan Master EIR (MEIR) 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 by virtue of the production of greenhouse gases. The MEIR 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 UAGP 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.

The MEIR identifies policies CL-3 through CL-26 as policies in effect that have been determined to reduce, avoid or mitigate air quality environmental impacts within the existing City limits and within the Planned Urbanizing Areas as they annex and develop. These policies include but are not limited to, the use of shade trees to reduce the heat island effect, current energy efficient building standards to reduce energy consumption, and the inclusion of facilities for alternative transportation. The proposed project will develop in accordance with climate change policies included in the UAGP and the MEIR.

The General Plan designation for the site is Mixed Use. The proposed development is consistent with these designations in terms of land-use and intensity.

- (2) Climate change is an inherently cumulative impact because no single project can produce enough greenhouse gases to substantially alter the global climate. No thresholds have been set for individual or cumulative greenhouse gases. Nonetheless, the proposed project would result in greenhouse gas emissions due primarily to automobile travel and energy use for lighting, heating, cooling and other activities. The primary source of CO<sub>2</sub> emissions generated from the project would be related to automobile trips. As identified under the traffic and circulation discussion, traffic engineering staff has determined that the project will be in substantial conformance with the GP MEIR assumptions for traffic generation, the CO<sub>2</sub> emissions generated from the project would also be in substantial conformance with that which was assumed under the GP MEIR analysis.

- (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:**

None.

#### **Degradation of Air Quality:**

AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are 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 the use.

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-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

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 wind speed, 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: 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:**

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:**

MEIR 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:**

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.

**Climate Change:**

None.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-381**

**RESOLUTION APPROVING THE SUBMISSION OF THE CITY OF MODESTO CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR FISCAL YEAR 2010-2011 TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS RELATED TO THE SUBMISSION OF THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT**

WHEREAS, the City of Modesto receives several Federal grants from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) reflects the activities of the City and its sub-recipients for the period of July 1, 2010, through June 30, 2011, and

WHEREAS, each year the City must review and report on the performance of activities funded under the Community Development Block Grant (CDBG), HOME Investment Partnership Grant, and Emergency Shelter Grant (ESG) funds, and

WHEREAS, reporting for American Recovery and Reinvestment Act (ARRA) and Neighborhood Stabilization Program (NSP) funds are a separate process and are not included in the CAPER, and

WHEREAS, the CAPER must be made available for public review and comment for a minimum 30-day period, and

WHEREAS, the CAPER was made available for public review and comment in the Modesto Bee from August 3, 2011, through September 6, 2011, and

WHEREAS, all public comments, and staff responses to these comments, must be presented to the City Council for review and approval, and

WHEREAS, the Citizens' Housing and Community Development Committee met on August 24, 2011, and reviewed and recommended the CAPER, and

WHEREAS, a duly noticed public hearing was held by the Council on September 6, 2011, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, to consider approval of the CAPER,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 2010-2011, a copy of said report is on file in the office of the City Clerk.

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

BE IT FURTHER RESOLVED that staff is hereby authorized to submit the report to the U.S. Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Hawn, who moved its adoption, with motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-382**

**RESOLUTION AUTHORIZING THE CREATION OF AN ALTERNATIVE  
PARKING OPTION AT THE MODESTO CITY/COUNTY AIRPORT AND  
ESTABLISH A \$5.00 PER DAY PARKING FEE FOR THOSE USING THE  
ALTERNATIVE PARKING LOT**

WHEREAS, Modesto City-County Airport is an enterprise fund, deriving its revenues from airport-related fees and charges, property tax revenues, and federal grants, and

WHEREAS, revenues from federal grants and passenger facility fees are restricted and fully obligated for critical airport projects, and

WHEREAS, the remaining revenues are unrestricted and are used primarily to fund airport operations, and

WHEREAS, patrons after 30 days are charged \$25.00 per month for long-term parking, and

WHEREAS, there has been an interest from airport patrons to park short-term in a more secure facility and a willingness to pay for that option due to the significant increase in theft and vandalism of vehicles at the airport, and

WHEREAS, staff is proposing to secure one of three lots at the airport, installing a permanent fenced perimeter, video surveillance, and other security measures, and

WHEREAS, patrons using this secured lot would pay a \$5.00 per day fee for increased security, and

WHEREAS, revenues generated from the paid parking option will be used to reimburse Airport Reserves for the initial costs of the security improvements and to fund ongoing security costs (approximately \$40,000 annually).



NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the creation of an alternative parking option at the Modesto City/County Airport and establish a \$5.00 per day parking fee for those using the alternative parking lot.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-383**

**A RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO ISSUE A FORMAL REQUEST FOR PROPOSAL (RFP) FOR A MANAGED COMPETITION PROCESS FOR THE MANAGEMENT, MAINTENANCE, AND OPERATIONS OF THE MODESTO CENTRE PLAZA**

WHEREAS, the City of Modesto currently manages, maintains, and operates the Modesto Centre Plaza, a multipurpose convention center, and

WHEREAS, the Centre Plaza was created to serve the community, and

WHEREAS, the City's internal auditing firm, Moss Adams LLP, was tasked with conducting a management review of the Centre Plaza, and

WHEREAS, one of the objectives of the management review was to evaluate the ongoing financial stability of the operation and subsidy levels and determine whether the business was a candidate for outsourcing or privatization, and

WHEREAS, Moss Adams concluded that options did exist for outsourcing the operations, and

WHEREAS, given that conclusion and the tough economic conditions the City seeks to explore the option of outsourcing the management, maintenance and operations of the Centre Plaza in order to reduce the City's overall cost of operations, and

WHEREAS, the outsourcing option will be conducted through a managed competition formal RFP process, and

WHEREAS, by authority of Council Resolution No. 96-676 titled "Competitive Delivery of City Services" representatives of both the Modesto City Employees Association (MCEA) and the Modesto Confidential and Management Association

(MCMA) have been noticed of the proposed RFP and will be given the opportunity to submit a proposal, and

WHEREAS, the resolution also gives the City Manager the authority to consider retaining consultant assistance to help the City team prepare its proposal and historically the City Manager has granted this assistance at a departmental cost of \$12,000- \$15,000 for the services, and

WHEREAS, the outsourcing RFP process will be administered in coordination with Moss Adams, and

WHEREAS, the issuance of a formal bid will conform to Modesto Municipal Code Section 8-3.203,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Purchasing Manager to issue a formal Request for Proposal (RFP) for a managed competition process for the management, maintenance, and operations of the Modesto Centre Plaza.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of September, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: Lopez

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

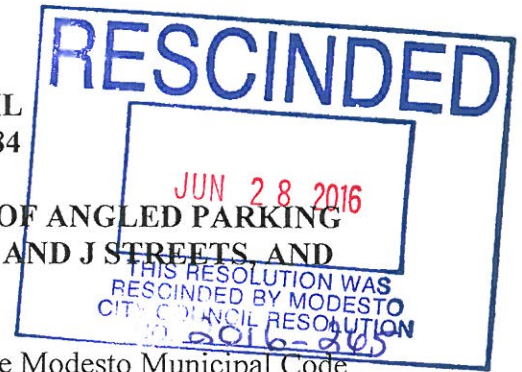
(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-384

RESOLUTION APPROVING THE INSTALLATION OF ANGLED PARKING  
ON THE EAST SIDE OF 10<sup>TH</sup> STREET, BETWEEN I AND J STREETS, AND  
RESCINDING RESOLUTION NO. 2011-050



WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angled parking in the City of Modesto, and

WHEREAS, city staff re-evaluated the parking layout on 10<sup>th</sup> Street, between I and J Streets, and

WHEREAS, on August 8, 2011, the Economic Development Committee recommended installing angled parking on the east side of 10<sup>th</sup> Street, with no centerline, per **Attachment C**, and

WHEREAS, staff evaluated the traffic volumes and the speeds for this section of roadway and concluded that the prevailing speeds are slightly lower than other similar downtown streets, and

WHEREAS, on August 17, 2011, Community and Economic Development staff visited and surveyed 13 of the 17 downtown businesses on 10<sup>th</sup> Street, and all expressed support of the proposed angled parking on the east side of 10<sup>th</sup> Street, between I and J Streets,

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

SECTION 1. ANGLED PARKING. Angled parking in the City of Modesto is hereby established at the following locations:

- Portions of 10<sup>th</sup> Street, between I & K Streets (west side) (diagonal)

- 18<sup>th</sup> Street, between G and H Streets (west side) (diagonal)
- F Street, between 10<sup>th</sup> and 11<sup>th</sup> Streets (south side) (diagonal)
- I Street, between 9<sup>th</sup> and 12<sup>th</sup> Streets (both sides) (diagonal)
- P Street, between 9<sup>th</sup> and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4<sup>th</sup> Street, between E Street and G Street (west side)
- 16<sup>th</sup> Street, between I Street and J Street (east side)
- Elm Street, between Jefferson and Washington Streets (diagonal)
- Jefferson Street, between 8<sup>th</sup> and Laurel Streets (diagonal)
- 13<sup>th</sup> Street, between H and L Streets (east side)
- J Street, between 7<sup>th</sup> Street and 8<sup>th</sup> Street (north side)
- 10<sup>th</sup> Street, between G Street and F Street (east side) (diagonal)
- F Street, between 10<sup>th</sup> Street and 11<sup>th</sup> Street (north side) (diagonal)
- 15<sup>th</sup> Street, between K Street and H Street (east side) (diagonal)
- F Street, between 9<sup>th</sup> Street and 10<sup>th</sup> Street (north side) (diagonal)
- 8<sup>th</sup> Street, between J Street and K Street (east side) (diagonal)
- 8<sup>th</sup> Street, between K Street and L Street (east side) (diagonal)
- Sierra Drive between F Street and 4<sup>th</sup> Street (north side)
- 8<sup>th</sup> Street between L Street and Jefferson Street (east side) (diagonal)
- M Street between 7<sup>th</sup> Street and 8<sup>th</sup> Street (south side) (diagonal)
- 10<sup>th</sup> Street between G Street and I Street (east side) (diagonal)
- Sierra Drive between 6<sup>th</sup> Street and the alley at the west property edge of New Bethany Missionary Baptist Church (diagonal)

- Sierra Drive between 5<sup>th</sup> Street and 6<sup>th</sup> Street (north side) (diagonal)
- 6<sup>th</sup> Street, Sierra Drive to north property line of New Bethany Missionary Baptist Church (west side) (diagonal)
- 13<sup>th</sup> Street between F and G Streets (east side) (diagonal)
- K Street between 415 K Street and 6<sup>th</sup> Street (north side) (diagonal)
- 10<sup>th</sup> Street between I Street and J Street (east side/west side) (diagonal)

SECTION 2. The Director of Community and Economic Development is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 2011-050 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:

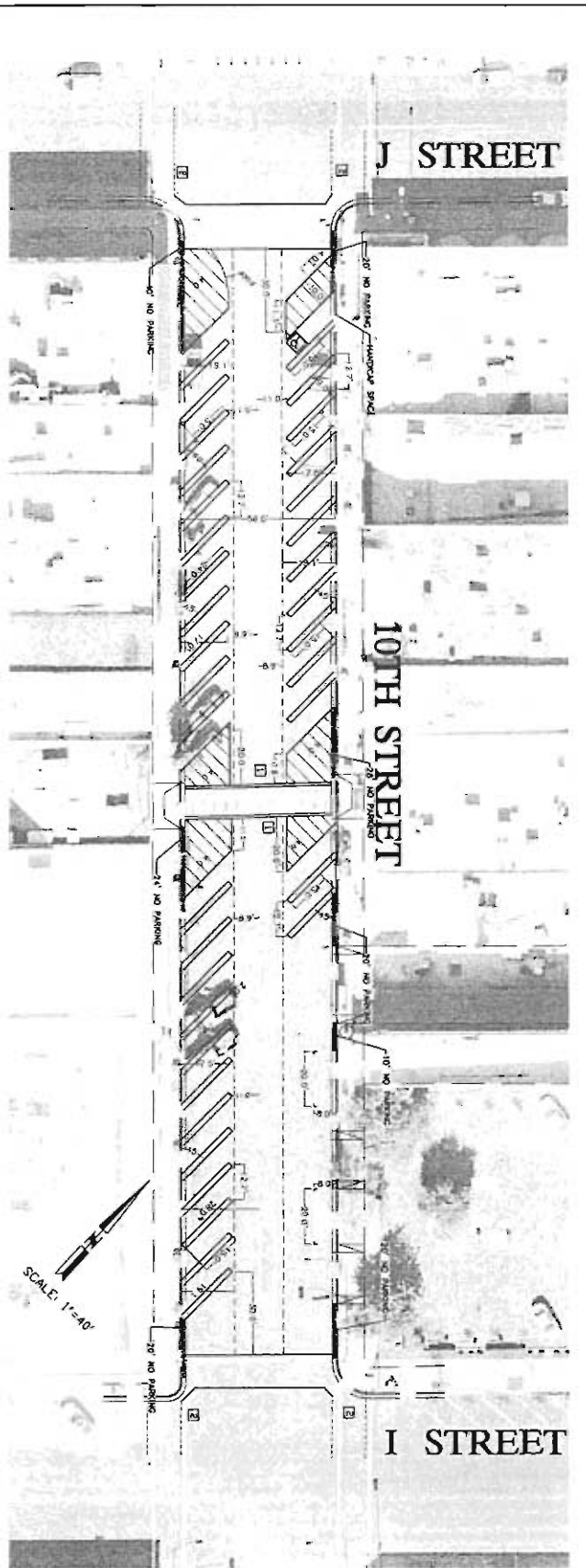
  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
SUSANA ALCALA WOOD, City Attorney



**NOTES**

1. FOR PARKING STALLS ALONG THE LEFT SIDE CURB ON ONE-WAY STREETS, MARKINGS MAY BE PLACED ON THE CURB DELINEATING THE ENDS OF THE INDIVIDUAL STALLS.
2. ALL STALLS MARKINGS ARE MADE WITH 4 INCH WIDE WHITE LINES.
3. THE PARKING STALL CROSS LINES, 8 FEET FROM THE CURB.

CALIFORNIA AUTO 2008  
CHAPTER 38 - PAVEMENT AND CURB MARKINGS  
FIGURE 38-18(C) DIMENSIONS OF PARKING SPACE  
MARKINGS

**NOTES**

- ☐ CROSSWALK SHALL BE 10' WIDE, 12" WHITE THERMOPLASTIC WITH 24" PERPENDICULAR LINES, 24" APART.
- ☐ CONNECT/IE-IN PROPOSED STRIPING TO EXISTING




**LEGEND**

**MARKERS**

- TYPE A White Non-reflective
- TYPE A' Yellow Non-reflective
- ☐ TYPE C Red-clear Retroreflective
- ☐ TYPE D Two-way Yellow Retroreflective
- ☐ TYPE G One-way Clear Retroreflective
- ☐ TYPE H One-way Yellow Retroreflective

**LINES**

- 4" White
- 4" Yellow

<p><b>STRIPING PLAN</b></p> <p><b>10TH STREET BETWEEN J ST AND I ST PROPOSED PARKING</b></p>	 <p><b>CITY of MODESTO</b> COMMUNITY &amp; ECONOMIC DEVELOPMENT DEPARTMENT</p>	<p>1010 10th STREET P.O. BOX 642 MODESTO, CA 95363 PHONE: (209) 377-3462</p>	<p>APPROVED BY: _____</p> <p>DATE: _____</p>	<p>DATE: _____</p> <p>SCALE: 1"=40'</p>	<p>PROJECT NO. _____</p> <p>DATE: _____</p> <p>DESIGNER: _____</p> <p>CHECKED BY: _____</p> <p>DATE: _____</p> <p>APPROVED BY: _____</p> <p>DATE: _____</p>
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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-385**

**RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL FOR THE FURNISHING OF FORMS PRINTING AND MAILING SERVICES FOR THE FINANCE DEPARTMENT, CUSTOMER SERVICE DIVISION, TO ABS DIRECT, INC., MODESTO, CA, FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED ANNUAL COST OF \$146,270**

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Proposals (RFP) for the furnishing of forms printing and mailing services, and

WHEREAS, the Purchasing Division issued RFP No. 1011-08 Forms Printing and Mailing Services to twenty-five (25) prospective proposers, fifteen (15) of which were local companies, posted the RFP on the City's website and formally advertised as required by law, and

WHEREAS, proposals were formally opened in the City Clerk's office, six (6) companies chose to respond, one of which was a local company, and

WHEREAS, all six (6) companies provided responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of City staff members evaluated and graded the proposals and then made a recommendation for award, and

WHEREAS, Intent to Award letters were sent to all proposers, and

WHEREAS, one proposer took exception to the City's announced decision and filed a formal protest, per established Protest and Appeal Procedures, and

WHEREAS, during the protest process, pricing inconsistencies were discovered,  
and

WHEREAS, the City determined that a Best and Final Offer (BAFO) was in  
order, based on the relevant information that came to light during this process, and

WHEREAS, the BAFO was issued and received, and shared with the evaluation  
committee, and

WHEREAS, the evaluation committee reviewed the BAFO responses and  
adjusted scoring accordingly, based on all relevant information, and made a final  
determination for recommendation of award, and

WHEREAS, based on being ranked highest in total evaluation criteria the  
evaluation committee recommends the award of proposal for the furnishing of forms  
printing and mailing services to ABS Direct, Inc., 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 be formally bid. The award of proposal for the furnishing of forms printing and  
mailing services to ABS Direct, Inc., Modesto, CA, conforms to the Modesto Municipal  
Code, and

WHEREAS, funds are budgeted for the furnishing for forms printing and mailing  
services in Primary Appropriation Units: 0100-12430-53300, 0100-12440-53300, 0100-  
12450-53300, 4100-41420-53300, 4210-41320-53300 and 4480-41220-53300.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby authorizes the award of proposal for the furnishing of forms printing and

mailing services for the Finance Department, Customer Service Division, to ABS Direct, Inc., Modesto, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for an estimated annual cost of \$146,270.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of September 13, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-386**

**RESOLUTION APPROVING ADJUSTMENTS TO THE MAXIMUM RATE  
SCHEDULE FOR CITY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL  
SOLID WASTE COLLECTION SERVICES, TO BECOME EFFECTIVE  
OCTOBER 1, 2011, INCLUDING FUEL COST, AND RESCINDING  
RESOLUTION NO. 2011-255**

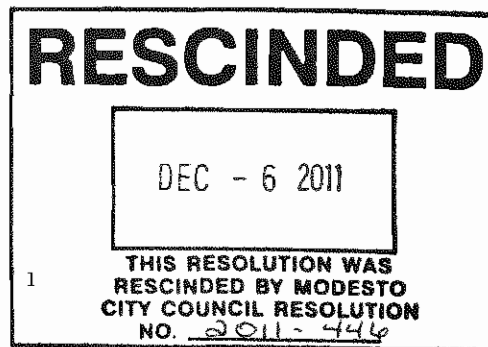
WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets a 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 requested by the City's garbage collection companies, and

WHEREAS, the City conducted an analysis using the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and



WHEREAS, new maximum rates were calculated, and a recommendation for a new maximum rate schedule was developed, which included a recommendation that quarterly adjustments to the fuel component of the maximum rates be made, and

WHEREAS, a report dated August 23, 2011, from the Parks, Recreation and Neighborhoods Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, 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 that quarterly adjustments to the fuel component of the maximum rates should be made, and

WHEREAS, staff has adjusted the fuel component of the maximum rates and has incorporated the fuel component adjustment into the schedule of Maximum Charges for Garbage Service **attached** hereto, marked **Exhibit "1"** and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adjustments to the Maximum Charges for Garbage Service as **attached** hereto, marked **Exhibit "1"** and incorporated herein by reference. Said Maximum Charges for Garbage Service includes twice-a-year bulky item pickup for residential customers and all other residential services as stipulated in the Service Agreements and shall become effective October 1, 2011, and shall remain in effect until revised by Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 2011-255 is hereby rescinded, effective October 1, 2011.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## MAXIMUM CHARGES FOR GARBAGE SERVICE

### STANDARD CONTAINERS

Maximum Monthly Rates  
(Once a Week Pickup Service)

Standard container service shall include the following:

- One, 96-gallon container for garbage
- One, 96-gallon container for green waste, food, paper, and other organics
- Countertop container for kitchen scraps
- Drop-off of old TV and computer tubes
- Two bulky item collections per year by appointment
- Pruned Refuse Collection

Standard container service customers may opt for smaller containers; however, maximum rates apply. Containers must be placed in a location set forth in Section 5-5.111 of the Municipal Code.

#### **1. Standard container service –**

- a. The maximum rate for new sign ups for service or changes in service that occur after July 1, 1996, shall be **\$24.87 per month** regardless of size of container. A fuel component of \$1.38 per month is included in the maximum rate for the quarter beginning October 1, 2011 and ending December 31, 2011. The fuel component may be adjusted quarterly.
- b. The maximum rate for each additional garbage container shall be **\$18.52 per month, and \$9.93 per month** for each additional green waste container.

#### **2. 60-gallon container service (grandfathered customers) –**

- a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be **\$20.88 per month.** A fuel component of \$1.38 per month is included in the maximum rate for the quarter beginning October 1, 2011 and ending December 31, 2011. The fuel component may be adjusted quarterly.
- b. The maximum rate for each additional 60-gallon garbage container shall be **\$18.06 per month.**

- #### **3. Fuel Component adjustments** - The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. 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.

**DETACHABLE CONTAINERS  
Maximum Monthly Rates**

Container Size	Regular Container Maximum Rates					
	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	\$ 29.54	\$ 59.08	\$ 88.62	\$ 118.16	\$ 147.70	\$ 177.24
2 CY	\$ 59.08	\$ 118.16	\$ 177.24	\$ 236.32	\$ 295.40	\$ 354.48
3 CY	\$ 88.62	\$ 177.24	\$ 265.86	\$ 354.48	\$ 443.10	\$ 531.72
4 CY	\$118.16	\$ 236.32	\$ 354.48	\$ 472.64	\$ 590.80	\$ 708.96
5 CY	\$147.70	\$ 295.40	\$ 443.10	\$ 590.80	\$ 738.50	\$ 886.20
6 CY	\$177.24	\$ 354.48	\$ 531.72	\$ 708.96	\$ 886.20	\$1,063.44

FORK Participants Container Maximum Rates						
Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
2 CY	\$ 44.31	\$ 88.62	\$ 132.93	\$ 177.24	\$ 221.55	\$ 265.86
3 CY	\$ 66.47	\$ 132.93	\$ 199.40	\$ 265.86	\$ 332.33	\$ 398.79
4 CY	\$ 88.62	\$ 177.24	\$ 265.86	\$ 354.48	\$ 443.10	\$ 531.72
5 CY	\$110.78	\$ 221.55	\$ 332.33	\$ 443.10	\$ 553.88	\$ 664.65
6 CY	\$132.93	\$ 265.86	\$ 398.79	\$ 531.72	\$ 664.65	\$ 797.58
90-gallon	\$ 18.65	\$ 37.30	\$ 55.95	\$ 74.60	\$ 93.25	\$ 111.90

- Weekly rental/Detachable Containers** - Shall not exceed the rate for 1 pickup per week for each size container.
- Fuel Component** - A fuel component of \$1.20 per cubic yard per month (\$0.28 per cubic yard) for a 1 cubic yard container collected once a week is included in the maximum rate for the quarter beginning October 1, 2011 and ending December 31, 2011. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/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.

**DROP BOX CONTAINERS**

- Pick up charge** - \$231.10 per pick up
- Rental**
  - \$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
- Disposal charge** - Actual charge to be paid by customer. Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of \$8.56 per ton will be added to the disposal charges.



**COMPACTORS**

**Front Loader Type:**

<b>Compactor Rates</b>						
<b>Container Size</b>	<b>NUMBER OF COLLECTIONS PER WEEK</b>					
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>3 CY</b>	<b>\$265.86</b>	<b>\$ 531.72</b>	<b>\$ 797.58</b>	<b>\$1,063.44</b>	<b>\$1,329.30</b>	<b>\$1,595.16</b>
<b>4 CY</b>	<b>\$354.48</b>	<b>\$ 708.96</b>	<b>\$1,063.44</b>	<b>\$1,417.92</b>	<b>\$1,772.40</b>	<b>\$2,126.88</b>
<b>6 CY</b>	<b>\$531.72</b>	<b>\$1,063.44</b>	<b>\$1,595.16</b>	<b>\$2,126.88</b>	<b>\$2,658.60</b>	<b>\$3,190.32</b>

**Roll-Off Type:**

- |  |                                      |
|--|--------------------------------------|
| <b>1. 6 CY to 40 CY</b>                    | \$231.10 per pickup                  |
| <b>2. Medical waste compactors</b>         | \$265.00 per pickup                  |
| <b>3. Washing compactor</b>                | \$30.00                              |
| <b>4. Disposal Charge:</b>                 | Actual charge to be paid by customer |
| <b>5. AB 939 Green Waste Diversion Fee</b> | \$8.56 per ton                       |

**EXTRA PICKUPS**

- |   |                                |
|---|--------------------------------|
| <b>1. Standard containers or equivalent</b> | \$3.50 plus \$1.38/container   |
| <b>2. Detachable containers</b>             | \$12.00 plus \$2.75/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**

<b>1 CY</b>	<b>1½ CY</b>	<b>2 CY</b>	<b>3 CY</b>	<b>4 CY</b>	<b>5 CY</b>	<b>6 CY</b>
\$10.12	\$11.00	\$12.10	\$15.40	\$20.24	\$25.08	\$29.92

**NOTATIONS**

- The above maximum rates include a \$0.25 per month residential recycling fee; a \$0.05 per cubic yard (\$0.22/cubic yard/month) commercial recycling fee; and a \$5.00 per pull (\$0.25 per ton) industrial recycling fee, a \$0.15 per month residential litter abatement fee, and a \$0.05 per cubic yard (\$0.22/cubic yard/month) commercial litter abatement fee.
- The above residential maximum rates include a \$1.63 per month per household AB 939 Green Waste Diversion Fee.
- The above commercial bin and front-loader compactor maximum rates include an AB 939 Green Waste Diversion Fee of \$2.92 per yard/month.
- The above maximum rates include Carpenter Road Landfill Mitigation Fees of \$0.25 per month on residential wastes, \$0.21 per cubic yard (\$0.90/cubic yard/month) on commercial wastes; and \$5.00 per pull on industrial wastes.
- 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. 2011-387**

**RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED  
DEVELOPMENT ZONE, P-D(593) (L STREET ARCHITECTS)**

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by L Street Architects on July 5, 2011, to reclassify from the Low Density Residential Zone, R-1, to Planned Development Zone, P-D(593), to allow for a professional medical office building, property located on the west side of Oakdale Road opposite Morningside Drive, described as follows:

R-1 to P-D(593)

All that certain real property being a portion of the east half of Section 22, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more particularly described as follows:

Beginning at the northwest corner of the property described as Adjusting Parcel 1 in the document recorded January 30, 2004 as Document No. 2004-0012949, Stanislaus County Records, said corner also being the northwest corner of Parcel "A" as shown on that certain map filed for record November 7, 1987 in Book 40 of Parcel Maps, at Page 16, Stanislaus County Records; thence coincident with the north line of said document and said Parcel "A", North 89° 56' 30" East, 500.05 feet to a point on the west right-of-way line of Oakdale Road; thence coincident with said right-of-way line, South 00° 45' 00" East, 251.59 feet; thence leaving said right-of-way line, South 89° 15' 00" West, 289.26 feet; thence North 00° 45' 00" West, 34.00 feet; thence South 89° 15' 00" West 210.75 feet to a point of the west line of said document and said Parcel "A"; thence coincident with said west line North 00° 45' 00" West, 223.62 feet to the Point of Beginning.

Also including the western 50.00 feet of Oakdale Road immediately adjacent to the above-described property.

WHEREAS, after a public hearing held on August 15, 2011, 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. 2011-14, that rezoning of

the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed zone change to P-D is consistent with the Modesto Urban Area General Plan. The General Plan designates this area as "MU" (Mixed-Use), which allows for medical office uses.
2. The conditions of approval will ensure that the proposed project is compatible with the adjacent residential and commercial uses.
3. The proposed medical offices will provide health services to City residents.

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 13, 2011, 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 L Street Architects to rezone property located on the west side of Oakdale Road opposite Morningside Drive from R-1 to Planned Development P-D(593) be granted as consistent with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2011-14 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3553-C.S. on the 13<sup>th</sup> day of September, reclassifying the above-described property from the Low-Density Residential Zone (R-1), to Planned Development Zone, P-D(593),

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(593), is hereby approved subject to the following conditions:

## PLANNING

1. 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 Director of Community and Economic Development or designee.
2. Construction drawings shall demonstrate that all building drainage gutters, down spouts, vents, etc. located on exterior walls, are 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.
3. 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 or designee.
4. All signs shall comply with the sign requirements of the P-O Zone.
5. 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 walls.
6. Prior to issuance of a building permit, a photometric lighting plan shall be submitted for review and approval by the Community and Economic Development Director. Fixtures should be of a type or adequately shielded so as to prevent glare from normal viewing angles. 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 to the west of the project site. The height of the lighting fixtures in the area between the western property line and the building should not exceed 15 feet above grade.

## PARKS

7. Prior to issuance of a building permit, the applicant must submit landscape and irrigation plans that are compliant with current State of California Model Water Use Ordinance for review and approval when they submit building plan sets to the Building Safety Division.
8. Prior to occupancy, the applicant shall provide parking lot shade trees, placed within seven (7) feet of a parking stall, at the ratio of one (1) tree per eight (8) parking stalls, and additional trees on the rear parking row, as shown on the approved site plan. Trees shall provide 50% parking area shading within ten (10) years of planting.

9. Prior to occupancy, the applicant shall install concrete mow strip/border at the back of planters in all planter areas that do not receive a CMU block wall along north and south property lines.
10. Prior to occupancy, the applicant shall plant climbing vines, spaced at no more than ten (10) feet on center along the CMU block to deter the application of graffiti.

#### LAND DEVELOPMENT ENGINEERING

11. Prior to the issuance of a building permit, improvement plans for any required improvements shall be prepared by a Registered Civil Engineer and approved by the City Engineer or designee. Improvements shall be constructed in accordance with the approved plans.
12. All public improvements shall be designed and constructed according to City of Modesto Standard Specifications or as required for the public health and safety by the City Engineer or designee.
13. Prior to issuance of a building permit, the developer shall dedicate public utility easements as required by the utility companies and the City Engineer or designee.
14. 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. The existing irrigation line located on the west side of the property is not required to be replaced.
15. The property has an existing 12-inch connection to the 30-inch storm drain main in Oakdale Road. The proposed site may utilize the existing connection to discharge a 5 year 24 hour flows for a residential development, the difference between residential and commercial flows will be designed to percolate or be detained and metered to be discharged to the existing storm drain main in Oakdale Road within 48 hours, and as approved by the City Engineer.

#### TRAFFIC

16. Prior to issuance of building permit, the applicant shall provide an irrevocable offer of street dedication of 12 feet on Oakdale Road to the satisfaction of the City Engineer or designee to alleviate a health, safety, or traffic problem in the area. The irrevocable offer of dedication shall include a provision requiring the removal of all business signage located in the right-of-way, at the request of the City Engineer or designee. The costs of removing the signage in the dedication area shall be borne by the owner.

17. The existing southerly driveway on project site shall be closed to the satisfaction of the City Traffic Engineer or designee.

#### STORMWATER

18. Prior to the issuance of a Grading or Building Permit, Developer shall obtain coverage for the construction project under the current General Construction Activity Permit (General Permit) issued by the State Water Resources Control Board (SWRCB). To obtain coverage under the General Permit, a Notice of Intent (NOI) must be filed with the SWRCB.

Upon receipt of NOI, the SWRCB will issue a Waste Discharge Identification Number (WDID Number) to the construction project. Submit one copy of the WDID Number to Land Development Engineering, Stormwater.

The General Construction Permit requires the Developer to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) for the construction project. Submit one copy of the SWPPP to Land Development Engineering, Stormwater for review.

19. Prior to the issuance of a Grading or Building Permit, Developer shall provide plans for trash enclosure(s) to be sufficiently elevated to prevent stormwater run-on from parking lot. Floor of enclosure shall be graded to drain to adjacent landscape area(s).
20. Prior to the issuance of a Grading or Building Permit, Developer shall submit a plan to retain and infiltrate stormwater runoff on site, incorporating pervious landscape features into the project design wherever possible.
21. Prior to the issuance of a Grading or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, vegetative strip, or other approved proprietary device) to remove pollutants from the first ½" of stormwater run-off from site.
22. Stormwater treatment device(s) shall be designed to standards contained in the current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures.
23. Prior to the issuance of a Grading 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.

#### GENERAL CONDITIONS

24. Prior to the issuance of a building permit, all development shall conform to the development plan and building elevations titled "Shell Medical Building" stamped approved by the City Council.

25. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.
26. All department Conditions of Approval for the project shall be included on the sheet following the title sheet, which shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
27. 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.
28. 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 Division.
29. 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 attorney's 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.
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. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris, and all exposed wall surfaces shall be kept free of graffiti.

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

32. AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are 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 the use.

33. 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.
34. 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.
35. 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.
36. AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
37. 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.
38. 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.)
39. 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.
40. 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.
41. AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.
42. AQ-51: Limit traffic speeds on unpaved roads to 15 mph.
43. 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%).
44. AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
45. AQ-54: Install wind breaks at windward side(s) of construction areas.
46. AQ-55: 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 (20%) opacity limitation.



47. AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.
48. N-3: 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. 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."

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), pile-driving 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.
- h. 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.

50. MEIR Table V-8-1 (b-f)

- a. 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.
- b. 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.
- c. 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.
- d. 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.

- e. 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(593):

The entire construction program be accomplished in one phase, construction to begin on or before September 13, 2013, and completion to be not later than September 13, 2015.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(593), 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 September 13, 2011, 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.

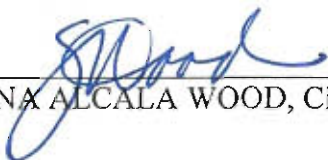
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSAN ALCALA WOOD, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By:   
Community & Economic Development Department  
Planning Division



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-388**

**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 OF SECTION 22-3-9 OF THE ZONING MAP TO REZONE FROM LOW-DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(593), PROPERTY LOCATED ON THE WEST SIDE OF OAKDALE ROAD OPPOSITE MORNINGSIDE DRIVE (L STREET ARCHITECTS)**

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, L Street Architects has proposed that the zoning designation for property located on the west side of Oakdale Road opposite Morningside Drive be amended to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(593), in the City of Modesto (“Project”) to allow for a 25,000 square foot professional medical office building, 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 2011-21 (“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 August 24, 2011, 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 September 13, 2011, 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 to Planned Development Zone, P-D(593), 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 13<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:


  
SUSANA ALCALA WOOD, City Attorney



EXHIBIT A  
Initial Study  
EA/C&ED 2011-21

# **City of Modesto**

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

### **Initial Study Environmental Checklist C&ED No. 2011-21**

**For the proposed:**

**Oakdale Road Shell Medical Building: Rezone to Planned  
Development, (P-D)**

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

**7-22-2011**

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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 (P-D) 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: Oakdale Road Shell Medical Building: Rezone to Planned Development (P-D)
- B. Address or Location: 1225 Oakdale Road (APN 032-015-044)
- C. Applicant: L Street Architects
- D. City Contact Person: David Wage  
  
Project Manager: David Wage  
Department: Community and Economic Development  
Phone Number: (209) 577-5302  
E-mail address: dwage@modestogov.com
- E. Current General Plan Designation(s): Mixed Use (MU)
- F. Current Zoning Classification(s): Low-Density Residential (R-1)

- G. Surrounding Land Uses:
  - North: Planned Development, P-D(422) (Restaurant and RV storage)
  - South: Planned Development, P-D(394) (C-2 Uses)
  - East: Low-Density Residential (R-1)
  - 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):

The proposed development includes a rezone a 2.75 acre portion of a 6.50 acre parcel (APN 032-015-044) from Low-Density Residential (R-1) to Planned Development, P-D to facilitate development of a single-story, 25,000 medical office building. The project will include 140 onsite parking spaces. The project site is currently vacant.

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

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

\_\_\_\_\_  
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 checked="" type="checkbox"/>	<input 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"/>

#### **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 project does not require mitigation measures 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
<b>TRAFFIC AND CIRCULATION</b>				
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.	[ ]	[ ]	[ ]	[X]
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
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).	[ ]	[ ]	[ ]	[X]
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	[ ]	[ ]	[ ]	[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, and so on.	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7) The proposed project would result in an increase in energy consumption associated with the operation on highway project, rail improvements, and aviation facilities (on a per capita basis) in excess of that considered in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1 & 3) The proposed project is consistent with the General Designation and the traffic volumes assumed in the MIER. The project will not result in an increase 100 additional trips than what was assumed in the MIER or degradation below LOS D and therefore no new mitigation measures are necessary.
- (2) The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). The City Engineering and Traffic Department has evaluated the project and has determined that the existing design layout of the project is in accordance to City standards.
- (4) Police and Fire Staff have reviewed this proposal and have indicated that there is no emergency access problem.
- (5) City staff has reviewed the project and determined the project has provided sufficient parking for the proposed medical office buildings.
- (6) The proposed project has been reviewed by Traffic, Planning and Transit staff and would not conflict with any adopted plans for alternative transportation.
- (7) The proposed project is would not result in an increase in energy consumption 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<sub>x</sub>) (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 (PM<sub>10</sub>) and 2.5 microns or less in diameter (PM<sub>2.5</sub>) (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<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.

**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-40 and AQ-42 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
<b>DEGRADATION OF AIR QUALITY</b>				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> 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.	[ ]	[ ]	[ ]	[X]
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> .	[ ]	[ ]	[ ]	[X]
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	[ ]	[ ]	[ ]	[X]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	[ ]	[ ]	[ ]	[X]
5) The proposed project would create objectionable odors affecting a substantial number of people.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project was referred to the San Joaquin Valley Unified Air Pollution Control District who determined that the project would not have a significant effect on the ambient air quality with the incorporation of the mitigation measures listed above.
- (2) This project incorporates the best management practices for PM10 reduction established by the SJVUAPD (see mitigation measures above).
- (3) Applicable General Plan Policies will be applied to the project; therefore, project-specific effects will be less than significant for this impact (see mitigation measures above).
- (4) The land uses proposed are not in themselves significant contributors to air pollution levels and therefore the primary source of air pollution associated with the development would be traffic related. Since the traffic impacts are within the scope of the MEIR, so are the traffic-related air quality impacts. The PM10 emissions created through construction activities will be mitigated as called for by the MEIR with the mitigation measure listed above.
- (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:

There mitigation to be applied to this project includes N-3 and N-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 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
<b>GENERATION OF NOISE</b>				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	[ ]	[ ]	[ ]	[X]
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1,2,3) The project is consistent with the noise policies of the General Plan. General Plan MEIR Mitigation Measure N-7 requires non-residential development to demonstrate that the project will incorporate measures to reduce noise impacts to a less than significant level. The proposed Medical Office buildings are not anticipated to generate noise levels that exceed the noise thresholds described above. Business activities will be conducted indoors with the exception of traffic coming and going from the site.
- (4) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. There will be some construction related noise, but the noise mitigation measure N-3 called for by the General Plan for projects within the baseline developed area, has been incorporated.

#### **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 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
<b>EFFECTS ON AGRICULTURAL LANDS</b>				
1) The proposed project is inconsistent with the Urban Area General Plan’s policies relating to agricultural land.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the General Plan land use policies. It is an infill project proposed within the urbanized area of the City. The site is currently vacant and no agricultural land will be converted for the development of the proposed projects.
- (2) The project is within the Baseline-Developed area of the City and therefore will not result in the development of land outside the 2008 planning area boundaries.
- (3) The project site is not zoned for agriculture nor is it under Williamson Act contract.
- (4) The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The General Plan designates the property as Mixed Use. The adjacent property is also designated Mixed Use and is already developed with urban 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 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
<b>INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</b>				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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 determined the water proposed development will not exceed estimates or water supplies for needed to serve other entitlements and resources.
- (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; 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**

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
<b>Increased Demand for Sanitary Sewer Services</b>				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.
- (2) The project is consistent with the Mixed Use designation and will generate sewer flows within what was anticipated for the project site.
- (3) The project was referred to Land Development Engineering Staff who determined there is adequate capacity to accommodate the proposed development in addition to existing commitments.

## **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**

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
<b>LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</b>				
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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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-7-1a through V 7-1e 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-7-1a through V 7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly 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 the measures listed in MEIR 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
<b>DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</b>				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	[ ]	[ ]	[ ]	[X]
3) The proposed project would modify or demolish a structure more than 50 years in age.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the archeological and historical resource policies in the General Plan.
- (2 & 3) There are no existing structures on the project 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 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:

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-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
<b>INCREASED DEMAND FOR STORM DRAINAGE</b>				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the storm drain policies in the Urban Area General Plan.
- (2) 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."

**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:

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-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
<b>LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</b>				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	[ ]	[ ]	[ ]	[X]
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
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 offsite.	[ ]	[ ]	[ ]	[X]
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	[ ]	[ ]	[ ]	[X]
6) The proposed project would violate water quality standards or waste discharge requirements.	[ ]	[ ]	[ ]	[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 Urban Area General Plan.	[ ]	[ ]	[ ]	[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 Urban Area General Plan implementation.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the flooding and water quality policies in the General Plan.
- (2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.
- (3) The project is not located within a 100-year flood plain and is limited to commercial uses.
- (4) The project is not located within a 100-year flood plain.
- (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 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.

## **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
<b>INCREASED DEMAND FOR PARKS AND OPEN SPACE</b>				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[X]
2) The proposed project would eliminate parks or open space.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the parks and open space policies in the General Plan.
- (2) The project would not eliminate an existing park or designated open space.
- (3) The project would include a commercial development and would not cause a significant increase in the use of existing neighborhood and regional 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
<b>INCREASED DEMAND FOR SCHOOLS</b>				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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 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
<b>INCREASED DEMAND FOR POLICE SERVICES</b>				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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
<b>INCREASED DEMAND FOR FIRE SERVICES</b>				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	[ ]	[ ]	[ ]	[X]

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.
- (3) The project would not significantly impact adjacent fire districts or result in the elimination of fire projection 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
<b>GENERATION OF SOLID WASTE</b>				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the solid waste policies in the General Plan.
- (2) This project was referred to the County and Solid Waste Division for review, and no indication was given that there would be a problem serving this 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 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
<b>GENERATION OF HAZARDOUS MATERIALS</b>				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
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.	[ ]	[ ]	[ ]	[X]
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the hazardous materials policies in the General Plan.
- (2) The project does 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 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.
- (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
<b>GEOLOGY, SOILS, AND MINERAL RESOURCES</b>				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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 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
<b>ENERGY</b>				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

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
<b>GENERATION OF HAZARDOUS MATERIALS</b>				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]

	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.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the policies relating the visual resources in the General Plan.
- (2) The project would not impact views from riverside areas and parks.
- (3) 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 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
<b>LAND USE AND PLANNING</b>				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[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.	[ ]	[ ]	[ ]	[X]
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	[ ]	[ ]	[ ]	[X]

Discussion:

- (1) The project is consistent with the Mixed Use land use designation in the General Plan, which allows commercial zoning and uses such as a medical office development.
- (2) The project would not divide an established community. The surrounding properties along Oakdale Road are designated Mixed Use in the General Plan. Within the Mixed use area there is a mixture of residential and commercial zoning. The proposed rezoning to Planned Development to allow commercial uses would not divide an established community and is consistent with the horizontal mixture of uses found in the area and the commercial uses along Oakdale Road.
- (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:

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
<b>CLIMATE CHANGE</b>				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	[ ]	[ ]	[X]	[ ]
2) The proposed project would result in average automobile trip lengths or CO <sub>2</sub> emissions higher than those assumed in the Master EIR.	[ ]	[ ]	[X]	[ ]

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) The proposed project would conflict with the Sustainable Communities Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	[ ]	[ ]	[X]	[ ]

Discussion:

- (1) The City of Modesto General Plan Master EIR addressed potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The Urban Area General Plan Master EIR (MEIR) 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 by virtue of the production of greenhouse gases. The MEIR 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 UAGP 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.

The MEIR identifies policies CL-3 through CL-26 as policies in effect that have been determined to reduce, avoid or mitigate air quality environmental impacts within the existing City limits and within the Planned Urbanizing Areas as they annex and develop. These policies include but are not limited to, the use of shade trees to reduce the heat island effect, current energy efficient building standards to reduce energy consumption, and the inclusion of facilities for alternative transportation. The proposed project will develop in accordance with climate change policies included in the UAGP and the MEIR.

The General Plan designation for the site is Mixed Use. The proposed development is consistent with these designations in terms of land-use and intensity.

- (2) Climate change is an inherently cumulative impact because no single project can produce enough greenhouse gases to substantially alter the global climate. No thresholds have been set for individual or cumulative greenhouse gases. Nonetheless, the proposed project would result in greenhouse gas emissions due primarily to automobile travel and energy use for lighting, heating, cooling and other activities. The primary source of CO<sub>2</sub> emissions generated from the project would be related to automobile trips. As identified under the traffic and circulation discussion, traffic engineering staff has determined that the project will be in substantial conformance with the GP MEIR assumptions for traffic generation, the CO<sub>2</sub> emissions generated from the project would also be in substantial conformance with that which was assumed under the GP MEIR analysis.
- (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:**

None.

#### **Degradation of Air Quality:**

AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are 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 the use.

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-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

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 wind speed, 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: 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:**

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:**

MEIR 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:**

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.

**Climate Change:**

None.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-389**

**A RESOLUTION APPOINTING DONALD PHILLIPS TO THE DOWNTOWN  
IMPROVEMENT DISTRICT ADVISORY BOARD**

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

WHEREAS, the Downtown Improvement District Board of Directors are recommending the appointment of DONALD PHILLIPS to a term ending January 1, 2014, to the Downtown Improvement District Advisory Board to fill one existing vacancy created by a resignation.

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

SECTION 1. DONALD PHILLIPS is hereby appointed to the Downtown Improvement District Advisory Board.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood  
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-390**

**RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF MODESTO  
OR HIS DESIGNEE TO SIGN AN AGREEMENT WITH THE CITY OF LAVAL,  
FRANCE TO ESTABLISH A SISTER CITY RELATIONSHIP**

WHEREAS, the City of Modesto and the City of Laval, France are interested in establishing a sister city relationship, and

WHEREAS, Modesto Sister Cities International has recommended the relationship, and

WHEREAS, such a relationship will promote cooperation, mutual understanding and friendship between the communities,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a sister city relationship between the City of Modesto and the City of Laval France,

BE IT FURTHER RESOLVED that the Mayor of the City of Modesto, or designee, is hereby authorized to execute a sister city agreement with Laval, France.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-391**

**RESOLUTION ACCEPTING THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT, FOR A JOINT AWARD WITH THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO IN THE AMOUNT OF \$186,199; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS**

WHEREAS, on July 5, 2011, the City Council, by Resolution No. 2011-264, approved a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Formula Program in the amount of \$186,199, and

WHEREAS, the City of Modesto will use its allocation of \$127,568 to purchase wearable recording devices and related hardware and software upgrades, and

WHEREAS, the County of Stanislaus will use its allocation of \$54,686 for the Probation Department and the Sheriff's Operations Division, and

WHEREAS, the Memorandum of Agreement states that the City agrees to provide the County with a quarterly financial and programmatic report not later than fifteen calendar days after the end of each quarter, and

WHEREAS, the project start period is October 1, 2010, and there is a statutory four-year period within which to spend the funds, and

WHEREAS, the Memorandum of Agreement was approved at the Board of Supervisors meeting on July 19, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of \$186,199.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-392**

**RESOLUTION AMENDING THE MULTI-YEAR 2011/12 OPERATING BUDGET, ESTIMATING REVENUE OF \$127,568 FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, AND APPROPRIATING FUNDS**

WHEREAS, on July 5, 2011, the City Council, by Resolution No. 2011-264, approved a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Formula Program in the amount of \$186,199, and

WHEREAS, recommended distribution of the 2011 grant is as follows:

Stanislaus County Probation	\$ 13,261
Stanislaus County Sheriff	\$ 39,784
Stanislaus County (Admin Fee)	\$ 3,945
Modesto Police Department	\$127,568

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Multi-Year 2011/2012 Operating Budget as indicated in **Attachment A**, which is **attached** hereto.

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 27<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Request for Budget Adjustment  
(Projects and Grants)**

Form SOC-PG13

Contact Person: Julie Hendee  
 Telephone: 572-9518  
 Submitting Department: Police

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Project Name: 2011 - Edward Byrne JAG  
 Project Fund: 1340- Block Grants

Fiscal Year being Adjusted: 2011-2012

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

FROM								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
TO								
12	- 1340	- 19999	- 42090	- 100650	\$0	\$127,568	\$127,568	Intergov-Federal-Misc
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

FROM							
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
-	-	-	-			\$0	
TO							
12	- 100650	- APPR C	- Tools, Equip, Supplies < \$5K	\$0	\$87,308	\$87,308	
12	- 100650	- APPR C	- Info Tech Equipment > \$5K	\$0	\$40,260	\$40,260	
-	-	-	-			\$0	
-	-	-	-			\$0	

**Justification for Budget Adjustment**

This budget amendment is being made to: 1) Establish a new multi-year operating budget organization for 2011 Edward Byrne Justice Assistance Grant (JAG), Project Account MY-1340-19999-100650-0000-0000 and; 2) Program revenue and offsetting expenses in the amount of \$127,568. Funds will be used for the purchase of Wearable Recording Devices and related hardware and software upgrades on which to store video data.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_ Completed By: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-393**

**RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH RMC WATER AND ENVIRONMENT (RMC) FOR ON-CALL GRANT RESEARCHING AND WRITING SERVICES FOR VARIOUS CITY UTILITY-RELATED PROJECTS IN AN AMOUNT NOT TO EXCEED \$40,000 PER YEAR, WITH TWO (2) ONE (1) YEAR EXTENSIONS, AT THE SOLE DISCRETION OF THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT**

WHEREAS, the City is working with Turlock Irrigation District (TID) and other participating cities on a joint project known as the Regional Surface Water Supply Project (RSWSP) to supply each agency with treated TID-supplied surface water, and

WHEREAS, this water supply would be used for the parts of Modesto that are in the TID service area south of the Tuolumne River, and

WHEREAS, the City is also working with Del Puerto Water District and other participating cities on a proposed regional project known as the North Valley Regional Recycled Water Program (NVERRWP) to supply tertiary-treated recycled water to the Westside for irrigation purposes, and

WHEREAS, additionally, the City is working with the cities of Turlock, Ceres, and Hughson to develop an Integrated Water Resource Management Plan (IRWMP) for our region, which is required for our projects to compete effectively for state funding related to water, wastewater, and stormwater programs, and

WHEREAS, the costs associated with the RSWSP, NVERRWP, and projects identified through the IRWMP process make it prudent to seek grant funding and other alternative funding to help reduce costs to the ratepayers, and



WHEREAS, City staff determined it was advisable to seek professional grant researching and writing assistance for obtaining grants to provide funding for these proposed projects and programs, and

WHEREAS, on October 12, 2010, by Resolution 2010-443, the City Council approved an on-call agreement for grant researching and writing services with RMC, and

WHEREAS, RMC has done a very good job in performing these services (i.e., identifying, coordinating, and submitting applications to various funding agencies for potential grants), and

WHEREAS, as a result of RMC's efforts, the City is moving closer to possible funding for some of these various water resource-related projects, and

WHEREAS, the Agreement will expire on October 12, 2011, and staff has determined it necessary to amend the Agreement to increase the Agreement amount to \$40,000 per year, and increase the term to include two (2) one (1) year extensions at the sole discretion of the City, and

WHEREAS, continuation of the grant writing services provided by RMC will allow the City to apply for a wide variety of grants to help fund these proposed projects and programs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to agreement with RMC Water and Environment for on-call grant researching and writing services for various City utility-related projects in an amount not to exceed \$40,000 per year, with two (2) one (1) year extensions, at the sole discretion of the City.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-394**

**RESOLUTION APPROVING AN AGREEMENT WITH BROWN AND CALDWELL FOR DESIGN SUPPORT DURING CONSTRUCTION OF THE PRIMARY OUTFALL REHABILITATION PROJECT – PHASE 2 IN AN AMOUNT NOT TO EXCEED \$140,358 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$14,036 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$154,394, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto’s 6.5 mile 60-inch diameter pipeline transports primary effluent from the Sutter Avenue Primary Water Quality Control Plant (Primary Plant) to the Jennings Road Secondary Plant (Secondary Plant), and

WHEREAS, due to severe internal corrosion and insufficient capacity, this pipeline is being rehabilitated, and

WHEREAS, the rehabilitation of the Primary Outfall was divided into three phases due to the length of the pipeline, limited construction period, and the large number of property acquisitions necessary to perform the work, and

WHEREAS, Phase 1 construction was successfully completed and was accepted by City Council on October 12, 2010, by Resolution No. 2010-444, and

WHEREAS, on March 9, 2010, by Resolution No. 2010-085, the City Council approved an amendment to agreement with Brown and Caldwell for final design services for the Primary Outfall Rehabilitation Project – Phase 2, and

WHEREAS, the final design for Phase 2 was satisfactorily completed and the construction contract was awarded on September 6, 2011, and

WHEREAS, due to the magnitude, and specialized construction materials and methods for this project, engineering support is required during construction to provide technical support to the Construction Manager, and

WHEREAS, Brown and Caldwell is the engineer of record for the project and successfully provided valuable engineering support during Phase 1 construction, and

WHEREAS, therefore, City staff recommends approving an agreement with Brown and Caldwell for design support during construction for Phase 2 of the Primary Outfall Rehabilitation Project, and

WHEREAS, using outside professional services will enable this project to be completed in a timely manner,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Brown and Caldwell for design support during construction for Primary Outfall Rehabilitation – Phase 2 for an amount not to exceed \$140,358 for the identified scope of services, plus \$14,036 for additional services (if needed), for a maximum total amount of \$154,394.

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 27<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

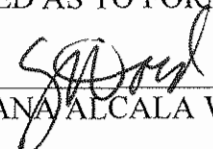
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-395**

**RESOLUTION APPROVING A JOINT POWERS AUTHORITY AGREEMENT BETWEEN THE CITIES OF CERES, MODESTO, AND TURLOCK TO FORM THE STANISLAUS REGIONAL WATER AUTHORITY (SRWA) FOR THE PURPOSE OF DIRECTING THE FUTURE OF THE PROPOSED REGIONAL SURFACE WATER SUPPLY PROJECT (RSWSP), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, for many years the Cities of Ceres, Hughson, Modesto, and Turlock have been working with the Turlock Irrigation District (TID) to develop a Regional Surface Water Supply Project (RSWSP) that would pump water from the Tuolumne River, treat it to drinking water standards, and then distribute the treated water to the four cities, and

WHEREAS, TID originally planned to finance, construct, own, and operate the proposed RSWSP, subject to each participating city repaying TID for the construction, operation, and maintenance costs, and

WHEREAS, on March 7, 2006, the City Council, by Resolution No. 2006-128, entered into a First Drinking Water Agreement with TID, which authorized TID to move forward with work related to the design, engineering, preparatory, and development of bid specifications for award of bid for the RSWSP construction, and

WHEREAS, to date, TID has completed various elements of the project, including an Environmental Impact Report, Preliminary Design Report, and construction of the infiltration gallery, and

WHEREAS, on July 12, 2011, the City Council, by Resolution 2011-281, approved reimbursing TID for the City's share of the work, and

WHEREAS, in 2008, TID informed the participating cities that it would no longer be able to finance the project, and as a result the four cities formed a technical advisory committee to determine how best to proceed in evaluating and potentially developing the RSWSP, and

WHEREAS, in 2010, the participating cities, with each Council's approval, created a RSWSP Steering Committee (Committee) in order to provide policy direction and recommendations on the future of the RSWSP, and

WHEREAS, the Committee held its first meeting on January 26, 2011, and has been meeting monthly, and

WHEREAS, based on the Committee's review of the project alternatives and the information provided by staff regarding JPA agreements, the Committee voted unanimously at its July 19, 2011 meeting to recommend the formation of a JPA for the purpose of making responsible decisions related to the future RSWSP, and

WHEREAS, the formation of the JPA will allow the participating cities to begin the negotiation of a raw water purchase agreement with TID, and also complete preliminary work needed to more fully determine financing alternatives, and

WHEREAS, the City of Hughson desires to continue participation in the project; however, it cannot become a member of the JPA at this time due to financial constraints, and

WHEREAS, the City of Hughson may elect to explore options for participation with the JPA should the JPA be formed, and

WHEREAS, the City of Ceres presented formation of the Stanislaus Regional Water Authority (SRWA) JPA to its Council for approval on September 26, 2011, and

the City of Turlock is presenting the formation of the SRWA JPA to its Council for approval on September 27, 2011, the same date as Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Joint Powers Authority Agreement between the Cities of Ceres, Modesto, and Turlock to form the Stanislaus Regional Water Authority for the purpose of directing the future of the proposed Regional Surface Water Supply Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

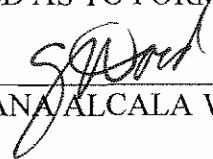
ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-396**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 2010 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH J.W. EBERT CORP OF SAN JOSE, CALIFORNIA, IN THE AMOUNT OF \$1,142,002, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the 2010 Sanitary Sewer Collection System Replacement project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the 2010 Sanitary Sewer Collection System Replacement project were opened at 11:00 a.m. on August 23, 2011, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of \$1,142,002 received from J.W. Ebert Corp be accepted as the lowest responsible bid and the contract be awarded to J.W. Ebert Corp,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the 2010 Sanitary Sewer Collection System Replacement project, accepts the bid of J.W. Ebert Corp, Inc., of San Jose, California in the amount of \$1,142,002, and approves the contract.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27<sup>th</sup> day of September, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-397**

**RESOLUTION AUTHORIZING THE AWARD OF BIDS FOR THE PURCHASE OF FOUR (4) DUMP TRUCKS FOR THE DEPARTMENT OF PUBLIC WORKS, FLEET SERVICES DIVISION, TO THE FOLLOWING COMPANIES: RAZZARI FORD, MERCED, CA, FOR ONE 3-4 YARD DUMP TRUCK FOR AN ESTIMATED COST OF \$52,787, AND DELTA TRUCK CENTER, FRENCH CAMP, CA, FOR THREE (3), FOURTEEN YARD DUMP TRUCKS FOR A TOTAL ESTIMATED COST OF \$376,861, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE PURCHASE ORDERS FOR A TOTAL ESTIMATED COST OF \$429,648**

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 11/12 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The three (3) dump trucks were included in the FY 11/12 new vehicles and heavy equipment list authorized by the City Manager. The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of new vehicles for the Water Division and to come back to Council for award authorization. One new dump truck was included in the authorization, and

WHEREAS, three (3) of the four (4) dump trucks have been subjected to a thorough evaluation and have met or exceeded the replacement criteria before being placed on the replacement list. The three (3) dump trucks fall under the City's compliance program, approved by the California Air Resources Board, requiring a progressive program to remove older diesel trucks from service, and

WHEREAS, the 3-4 yard dump truck is a replacement for the Wastewater Quality Control Division Secondary Plant. Two (2) of the fourteen yard dump trucks are replacements for the Water Division, and one fourteen yard dump truck is a new vehicle for the Water Division meter program, and

WHEREAS, the Purchasing Division issued RFB No. 1112-01, for the purchase of four (4) dump trucks to twenty-two (22) prospective bidders, posted the bid on the City's website and formally advertised as required by law. Two (2) of the twenty-two (22) prospective bidders are located within Stanislaus County, none of which is a local vendor, and

WHEREAS, RFB's were formally opened in the City Clerk's office. Of the twenty-two (22) prospective bidders, five (5) companies chose to respond to the fourteen yard dump truck specifications; two prospective bidders are located in Stanislaus County. All five (5) companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bids, City staff recommends the award of bids for the purchase of one 3-4 yard dump truck to Razzari Ford, Merced, CA, for a total estimated cost of \$52,787, and three (3), fourteen yard dump trucks to Delta Truck Center, French Camp, CA, for the total estimated cost of \$376,861, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2011-12 in the following appropriation units: 5410-53241-57003 for \$304,028 and 4180-100574-CC Equipment Acquisition CCF for \$125,620, 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 and contract for the purchase of one 3-4 yard dump truck to Razzari Ford, Merced, CA, and three (3), fourteen yard dump trucks to Delta Truck Center, French Camp, CA, for the Public Works Department, Fleet Services Division, conforms to the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bids for the purchase of four (4) Dump Trucks for the Department of Public Works, Fleet Services Division, to the following companies: Razzari Ford, Merced, CA, for one 3-4 yard dump truck for an estimated total cost of \$52,797, and Delta Truck Center, French Camp, CA, for three (3), fourteen yard dump trucks for a total estimated cost of \$376,861.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue purchase orders for a total estimated cost of \$429,648.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of October, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Lopez

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-398**

**A RESOLUTION ACCEPTING THE 2012 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT IN THE AMOUNT OF \$285,000 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 \$285,000 from OTS, and

WHEREAS, acceptance of said \$285,000 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 100% of the salary for an existing full-time Traffic Unit Community Service Officer, overtime for officers, 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, 2011, through September 30, 2012,

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 \$285,000 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 at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of October, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Lopez

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2011-399**

**A RESOLUTION AMENDING THE FISCAL YEAR 2011/2012 OPERATING  
AND MULTI-YEAR GRANT BUDGET TO REFLECT REVENUE AND  
EXPENSES IN THE AMOUNT OF \$285,000 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 \$285,000 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 100% of the salary for an existing full-time Traffic Unit Community Service Officer, and overtime for officers for DUI/Driver's License checkpoints, 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, the term of this grant will be from October 1, 2011, through September 30, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2011/2012 Operating and Multi-Year Budget is hereby adjusted as indicated on budget adjustment **attached**.

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 4<sup>th</sup> day of September, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Lopez

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## Request for Budget Adjustment (Projects and Grants)

Contact Person: Julie Hendee  
 Telephone: 572-8517  
 Submitting Department: Police

Council Action Date: \_\_\_\_\_  
 Resolution Number: \_\_\_\_\_  
 Date Submitted by Dept: \_\_\_\_\_

Project Name: 2012 OTS STEP Grant  
 Project Fund: 1341 ps. Reimbursed Grants

Fiscal Year being Adjusted: MY 11-12

FY	Fund	Cost Center	Account	Project	Current Budget	Increase/ (Decrease)	Revised Budget	Description of Account
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**Revenues**

<b>FROM</b>								
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	
<b>TO</b>								
MY	- 1341	- 19363	- 42199	- 100657		\$285,000	\$285,000	Intergov - State - Misc. Grants
-	-	-	-	-			\$0	
-	-	-	-	-			\$0	

FY	Project	Task	Expenditure Type	Current Budget	Increase/ (Decrease)	Revised Budget	Project Organization
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**Expenses**

<b>FROM</b>							
-	-	-	-			\$0	
-	-	-	-			\$0	
<b>TO</b>							
MY	- 100657	- Approp A	- 51400 - Bdgt - Salary Adj. Inc.		\$51,000	\$51,000	MPD Admin.
MY	- 100657	- Approp A	- 51900 - Bdgt-Benefit Adj. Inc.		\$19,500	\$19,500	MPD Admin.
MY	- 100657	- Approp A	- 51200 - Overtime		\$202,000	\$202,000	MPD Admin.
MY	- 100657	- Approp C	- 52015 - Printing and Binding		\$2,000	\$2,000	MPD Admin.
MY	- 100657	- Approp C	- 53020 - Conference Exp.		\$3,000	\$3,000	MPD Admin.
MY	- 100657	- Approp C	- 52300 - Tools & Field Sup <\$5,000		\$3,500	\$3,500	MPD Admin.
MY	- 100657	- Approp C	- 53176 - Promotion Expenses		\$4,000	\$4,000	MPD Admin.

**Justification for Budget Adjustment**

This budget amendment is being made to: 1) Recognize the award of Office of Traffic Safety Grant (State) revenue in the amount of \$285,000 to the Modesto Police Department and; 2) To program offsetting expenses as outlined in the grant program document. These actions will establish a new multi-year operating budget beginning in FY 2011-12.

Authorization	Signature	Date
Administrative Services Officer (if needed)		
Deputy Director (if needed)		
Department Director or Authorized Designee		
Financial Analyst		
Finance Director		
City Manager		

To be Completed by Finance Staff

Transfer Number: \_\_\_\_\_

Completed By: \_\_\_\_\_

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-400**

**RESOLUTION APPROVING AN AGREEMENT WITH BLACKBURN CONSULTING FOR CONSTRUCTION MANAGEMENT SERVICES OF THE PRIMARY OUTFALL REHABILITATION PROJECT PHASE II IN AN AMOUNT NOT TO EXCEED \$493,555.18 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$49,355.52 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$542,910.70, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto's 6.5 mile 60-inch diameter pipeline transports primary effluent from the Sutter Avenue Primary Water Quality Control Plant (Primary Plant) to the Jennings Road Secondary Plant (Secondary Plant), and

WHEREAS, due to severe internal corrosion and insufficient capacity, this pipeline is required to be rehabilitated, and

WHEREAS, the rehabilitation of the Primary Outfall was divided into three phases due to the length of the pipeline, limited construction period, and the large number of property acquisitions necessary to perform the work, and

WHEREAS, Phase 1 construction was successfully completed and was accepted by City Council on October 12, 2010, by Resolution No. 2010-444, and

WHEREAS, due to the complexity and amount of staff hours to support construction of the Primary Outfall Rehabilitation Project Phase II, a construction management firm is required for management and inspection of this project, and

WHEREAS, City staff utilized Administrative Directive 3.1, Selection Procedures for Professional Consultants, and

WHEREAS, City staff recommends an agreement with Blackburn Consulting, a local Modesto firm, as the City does not have the staffing level or subject matter expertise to perform construction management and inspection services for the following:

constructability review, valued engineering, bid evaluation, construction administration, processing and tracking of submittals and requests for information, coordination associated with inspections, coordination with City staff, documentation of daily and weekly field activities, and project closeout for the Primary Outfall Rehabilitation Project Phase II, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Blackburn Consulting for construction management services of the Primary Outfall Rehabilitation Project Phase II in an amount not to exceed \$493,555.18 for the identified scope of services, plus \$49,355.52 for additional services (if needed), for a maximum total amount of \$542,910.70.

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 4<sup>th</sup> day of October, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Lopez

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-401**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE JENNINGS WASTEWATER TREATMENT PLANT POTABLE WATER SUPPLY PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH CONCO-WEST, INC. OF MANTECA, CALIFORNIA, IN THE AMOUNT OF \$322,105 FOR THE JENNINGS WASTEWATER TREATMENT PLANT POTABLE WATER SUPPLY PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the Jennings Wastewater Treatment Plant Potable Water Supply Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Jennings Wastewater Treatment Plant Potable Water Supply Project were opened at 11:00 a.m. on September 13, 2011, and later tabulated by the Director of Utility Planning & Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning & Projects has recommended that the bid of \$322,105 received from Conco-West, Inc. of Manteca, California, be accepted as the lowest responsible 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 Jennings Wastewater Treatment Plant Potable Water Supply Project, accepts the bid of Conco-West, Inc. of Manteca, California, in the amount of \$322,105, and awards Conco-West, Inc. the contract for the Jennings Wastewater Treatment Plant Potable Water Supply Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4<sup>th</sup> day of October, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Lopez

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-402**

**RESOLUTION APPROVING APPOINTMENTS TO FILL FOUR (4) POSITIONS  
ON THE AIRPORT ADVISORY COMMITTEE FOR THE MODESTO CITY-  
COUNTY AIRPORT**

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 the surrounding areas, and

WHEREAS, the Modesto City Council and the Stanislaus County 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 Economic Development Committee met on September 12, 2011, and recommended forwarding this item to the City Council for consideration,

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

SECTION 1. Jeffrey R. Darnell, representing the Public-at-Large, is hereby appointed to the Airport Advisory Committee with a term expiration of June 30, 2012.

SECTION 2. John D. Ruley, representing a commercial carrier/service provider, is hereby appointed to the Airport Advisory Committee with a term expiration of June 30, 2013.



SECTION 3. Ralph Andrew Saucedo, representing a business owner/service provider, is hereby appointed to the Airport Advisory Committee with a term expiration of June 30, 2014.

SECTION 4. Allan Ramsay, representing a small aircraft owner, is hereby appointed to the Airport Advisory Committee with a term expiration of June 30, 2015.

SECTION 6. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Airport Advisory Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Hawn, Lopez, Marsh, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-403**

**RESOLUTION APPROVING AN AGREEMENT WITH YOSEMITE AND  
CREEKWOOD, INC., CYPRESS EQUITIES GROUP III, L.P., AND BEARDEN  
FAMILY LIMITED TO ABANDON A PORTION OF ACCESS WAYS RELATING  
TO PROPERTY LOCATED ON THE NORTH SIDE OF YOSEMITE  
BOULEVARD EAST OF MCCLURE ROAD; AND AUTHORIZING THE CITY  
MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, on March 16, 1988, the City of Modesto Planning Commission, by Resolution No. 98-22, approved a vesting tentative parcel map for property located at the northwest corner of Yosemite Boulevard and Creekwood Drive, and

WHEREAS, Condition No. 6 of Resolution No. 98-22 required the subdivder to execute a reciprocal access agreement for vehicular and pedestrian access for the parcels being created by the parcel map, and

WHEREAS, a Reciprocal Parking and Access Agreement (“Reciprocal Agreement”), executed by J-Mar Development Co., was recorded by the City on June 24, 1988, as Document No. 98-0056394-00, in the official records of the office of the Stanislaus County Recorder establishing the access ways as shown in **Exhibit “B”** of the Reciprocal Agreement, and

WHEREAS, the current owners of the properties covered by the Reciprocal Agreement, Yosemite and Creekwood, Inc., Cypress Equities Group III, L.P., and Bearden Family Limited (“Owners”), desire to abandon a portion of the access ways, and

WHEREAS, Section 10 of the Reciprocal Agreement requires a written agreement between the City and the Owners to abandon access ways, and

WHEREAS, the Owners have submitted an Agreement to abandon a portion of the access ways in a form satisfactory to the City Attorney, and

WHEREAS, City staff recommends an Agreement between the City of Modesto and the Owners be executed to abandon a portion of the access ways,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement between the City of Modesto and the Owners to abandon a portion of the access ways relating to property located on the north side of Yosemite Boulevard east of McClure Road.

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 11<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

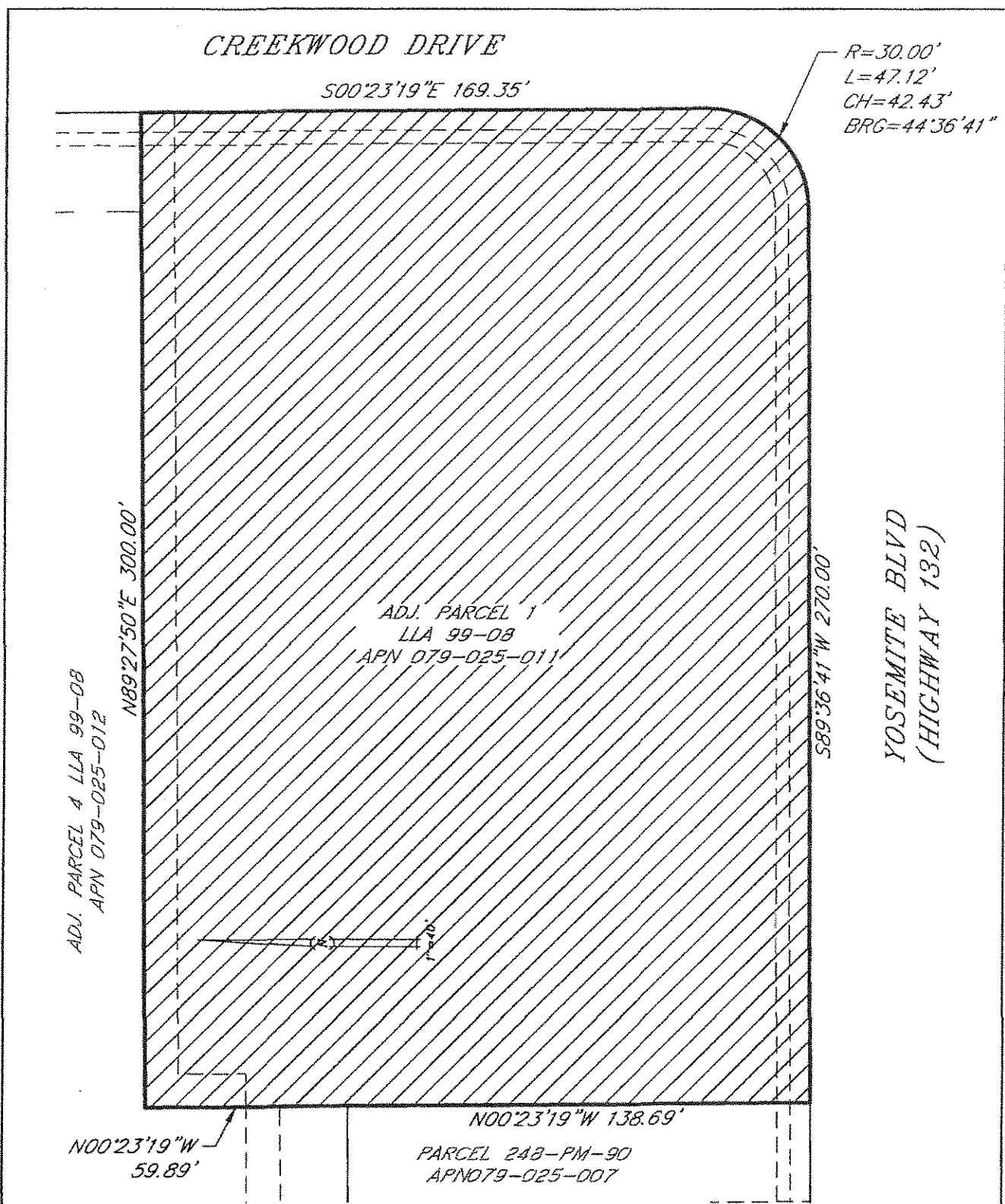
AYES:	Councilmembers:	Burnside, Geer, Hawn, Lopez, Marsh, Muratore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**HAWKINS & ASSOCIATES  
ENGINEERING, INC.**  
436 MITCHELL RD.  
MODESTO, CA. 95354  
PH: (209) 575 - 4295  
FX: (209) 578 - 4295

**EXHIBIT B**  
**APN 079-025-011**  
**YOSEMITE AVENUE**  
MODESTO, CALIFORNIA

BY: KJG  
CHK: KJG  
DATE: 8/11  
SCALE: 1"=40'  
JOB #: 3003  
FILE: BAAEXB

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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-404**

**RESOLUTION APPROVING THE DEED OF RECONVEYANCE TO REVERT  
THE FORMER SOCIAL SECURITY ADMINISTRATION BUILDING  
LOCATED AT 1230 12<sup>TH</sup> STREET BACK TO THE UNITED STATES GENERAL  
SERVICES ADMINISTRATION; AND AUTHORIZING THE CITY MANAGER,  
OR HIS DESIGNEE, TO EXECUTE ANY AND ALL RELATED DOCUMENTS**

WHEREAS, on January 6, 2004, the City Council, by Resolution No. 2004-019, approved submission of an application to the Department of Health and Human Services (DHHS) for the surplus property located at 1230 12th Street, Modesto, and

WHEREAS, on September 13, 2004, the City received a letter and Quitclaim Deed from the DHHS, Division of Property Management, approving the application, and

WHEREAS, the Quitclaim Deed was signed by the City acknowledging acceptance of the property for the provision of homeless services, and

WHEREAS, since that time the City has worked with local homeless service providers to occupy and provide services out of this building, and

WHEREAS, efforts to provide homeless services from this location have been unsuccessful, and the City has advised the United States General Services Agency (GSA) of the City's intent to return the property back to the federal government, and

WHEREAS, the GSA has announced their intent to sell the property located at 1230 12th Street through an online auction which will commence on October 3, 2011, and

WHEREAS, if an acceptable bid is received by the GSA, a three-way escrow will be opened transferring the property from the City of Modesto to the GSA and from the GSA to the new buyer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Deed of Reconveyance to revert the former Social Security Administration Building located at 1230 12<sup>th</sup> Street back to the United States General Services Administration.


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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of October, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh


NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-405**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE STRENGTHEN AND REPLACE WATER SYSTEM –SOUTH MODESTO PHASE 1 PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH ROLFE CONSTRUCTION OF ATWATER, CALIFORNIA IN THE AMOUNT OF \$1,365,626, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the Strengthen and Replace Water System –South Modesto Phase 1 project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Strengthen and Replace Water System – South Modesto Phase 1 project were opened at 11:00 a.m. on September 13, 2011, and later tabulated by the Director of Utility Planning & Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning & Projects has recommended that the bid of \$1,365,626 received from Rolfe Construction of Atwater, California be accepted as the lowest responsible bid and the contract be awarded to Rolfe Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Strengthen and Replace Water System –South Modesto Phase 1 project, accepts the bid of Rolfe Construction of Atwater, California in the amount of \$ 1,365,626, and approves the contract.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-406**

**RESOLUTION GRANTING A ONE-TIME EXCEPTION TO THE VILLAGE ONE SPECIFIC PLAN TO CONSTRUCT A 5,496+/- SQUARE FOOT ADDITION TO AN EXISTING RETAIL NURSERY BUILDING LOCATED AT 1612 CLAUS ROAD, MODESTO, CA AND NOT REQUIRE THE PARCEL TO FORM OR ANNEX TO A COMMUNITY FACILITIES DISTRICT**

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

WHEREAS, on October 16, 1990, the City Council, by Resolution No. 90-828A, adopted the Village One Specific Plan, to guide the development of 1,780 acres located in northeast Modesto, and

WHEREAS, Westurf Nursery (“Applicant”) contacted the City to construct a 5,496+/- square foot retail building expansion located at 1612 Claus Road, Modesto, CA (“Parcel”), and

WHEREAS, said Parcel resides within the Village One Specific Plan Area, Precise Plan Area 35 (commonly known as the “Industrial Triangle”), and

WHEREAS, the Village One Specific Plan states that no precise plan, final map, final development plan, building permit or other development entitlement for currently unvested property shall be consistent with this Specific Plan until and unless the affected parcel is required to form or annex to the Village One CFD, and

WHEREAS, the Village One Specific Plan does allow City to defer the requirement to form or annex to the Village One CFD if it meets the following criteria:

- 1) Residential properties of less than ten acres, until there is a land division, addition of any dwelling unit or change of use, or
- 2) The existing commercial properties in Precise Plan Area No. 2....unless there is a change of use, physical expansion of the existing buildings, construction of new buildings, or division of property, and

WHEREAS, since Applicant does not meet above-referenced deferral criteria, staff recommends Council approve an exception to the Village One Specific Plan for the following reasons:

- 1) Applicant does not trigger the need for preparation of a Precise Plan,
- 2) The existing business was operating on the site before the Parcel was annexed into the City limits,
- 3) Circumstances have changed since the Village One CFD #2 was formed in 2004. Reprioritization of the projects occurred last year. The infrastructure in CFD #2 that will avail the subject parcel is intended to be part of a separate and distinct financing mechanism to be developed and implemented in the future, and

WHEREAS, upon future development, the Parcel will be required to adhere to the Village One Specific Plan as amended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby approves a one-time exception to the Village One Specific Plan to construct a 5,496+/- square foot addition to an existing retail nursery building located at 1612 Claus Road, Modesto, CA and not require the Parcel to form or annex to a Community

Facilities District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-407**

**RESOLUTION AUTHORIZING THE REJECTION OF ALL BIDS FOR THE PURCHASE OF ONE TRANSFER TRUCK WITH TRAILER, FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, AND AUTHORIZING THE PURCHASING MANAGER TO RE—ISSUE FORMAL REQUEST FOR BIDS FOR A TOTAL ESTIMATED COST OF \$195,000**

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment throughout FY 11/12 through various competitive processes, with the Purchasing Division coming back to Council for award authorization. The transfer truck with trailer was included in the FY 11/12 new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the transfer truck with trailer has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list. The transfer truck with trailer falls under the City's compliance program, approved by the California Air Resources Board, requiring a progressive program to remove older diesel trucks from service, and

WHEREAS, RFB's were formally opened for the transfer truck and trailer, and based on providing the lowest responsive and responsible bid for RFB 1112-01, staff recommended the award of bid for the purchase of one transfer truck with trailer to Pape Trucks, French Camp, CA, for a total estimated cost of \$166,423, and

WHEREAS, Bonander Truck, Turlock, CA issued a letter suggesting the motor being proposed by Pape Trucks, French Camp, CA, would not provide the performance and warranty required for the application, and

WHEREAS, due to the gray area of the protest question, Pape Trucks, French Camp, CA, retracted their proposed bid for the medium size engine and requested to price a heavy duty engine, and

WHEREAS, in the best interest of the City, and to provide all vendors a fair and competitive process, staff recommends rejection of all bids and re-issue a formal Request for Bid with revised specifications,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the rejection of all bids for the purchase of one transfer truck with trailer, for the Public Works Department, Fleet Services Division.

BE IT FURTHER RESOLVED that the Purchasing Manager is authorized to re-issue formal Request for Bids for a total estimated cost of \$195,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-408**

**RESOLUTION APPROVING THE REVISED CITY OF MODESTO  
HOMEBUYER'S ASSISTANCE PROGRAM GUIDELINES, AND RESCINDING  
RESOLUTION NO 2005-291**

WHEREAS, since 1994 , the City of Modesto, through the Parks, Recreation and Neighborhoods Department, has been offering a Down Payment Assistance Program to assist low and moderate-income households purchase a home in Modesto, and

WHEREAS, based on the current housing market, staff revised the current guidelines which include a program name change to Homebuyer's Assistance Program, and

WHEREAS, these guidelines were approved by the Citizens' Housing & Community Development Committee at its August 24, 2011, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the revised City of Modesto Homebuyer's Assistance Program guidelines as described in **Attachment 1**, which is attached to this resolution and a copy of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2005-291 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

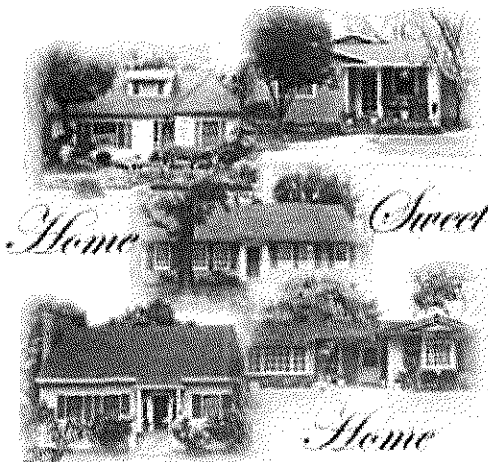
By:   
SUSANA ALCALA WOOD, City Attorney



**City of Modesto**

Parks, Recreation & Neighborhoods Department

**HOMEBUYER’S ASSISTANCE PROGRAM  
(HAP)**



**For More Information Please Call:  
(209) 577-5311**

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**INTRODUCTION**

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The City of Modesto Parks, Recreation & Neighborhoods Department offers a Homebuyer Assistance Program (HAP) to assist low-income families purchase a home. Through funding from the Community Development Block Grant (CDBG) Program and partnerships with local lenders we can make homeownership dreams a reality for low and moderate-income families.

The HAP is designed to assist families that have adequate incomes to afford monthly mortgage payments, but have not been able to save enough money for the down payment and closing costs associated with buying a home. Eligible homes must be located within Modesto city limits and can be either new or existing homes. The program helps homebuyers by providing financial assistance in way of a low interest loan toward down payment and closing costs.

The City of Modesto believes that affordable homeownership opportunities can provide the foundation whereby individual families, and entire neighborhoods, can achieve a sense of stability and community pride.

**For more information please contact:**

**City of Modesto, Parks, Recreation and Neighborhoods  
Department  
1010 10<sup>th</sup> Street, Suite # 4300  
Modesto, CA 95354  
Phone Number (209) 577-5311,  
Fax Number (209) 544-3982.  
housing@modestogov.com**

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**TERMS AND CONDITIONS**

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**Purchase Price**

The purchase price of the home shall not exceed 115% of the Median Sales Price for Stanislaus County as determined by HUD. This amount is adjusted annually.

The current sales price limit under the program is \$177,100.

**Terms**

1. The maximum loan amount is \$10,000.
2. The loan shall accrue interest at the rate of 3% simple interest.
3. No monthly payments are required during the 30-year term.
4. The total amount of the loan, plus accrued interest, becomes due and payable at the time of sale or transfer of ownership; refinancing of the property (subordinations are not allowed), upon death of owner(s), or upon change of use of the property (if applicant moves out and rents the property).
5. No prepayment penalty. There is no charge or penalty for making full or partial payments on the loan.
6. The HAP loan is generally not assumable. However, if the subsequent purchaser of the home is otherwise eligible for the Homebuyer’s Assistance Program, the applicant may apply to the City for a waiver of the non-assumption of the loan.

**PARTICIPANT ELIGIBILITY REQUIREMENTS**

**Household Income Limits**

HOUSEHOLD SIZE	INCOME LIMIT	HOUSEHOLD SIZE	INCOME LIMIT
1 Person	\$33,350	5 Person	\$51,450
2 Person	\$38,100	6 Person	\$55,250
3 Person	\$42,850	7 Person	\$59,050
4 Person	\$47,600	8 Person	\$62,850

(Effective March 2010 and updated annually)

- Participant(s) must qualify as a low or moderate-income household. To qualify under these criteria, participant(s) must be household(s) whereby total annual income does not exceed 80 percent (80%) of the Median Area Income (MAI). This is adjusted for family size for Modesto at the time the household initially occupies the property, or at the time the City funds are invested, whichever is later. CDBG funds can only be used to assist households at or below 80% of MAI.

Section 8 income guidelines are used to determine annual income, which is defined as the gross amount of income of all adult household members that is anticipated to be received during the coming twelve-month period. Income re-certification will be required if more than 180 days have elapsed from the date of the original certification and the date of loan closing or occupancy of the property.

- Participant must have:
  - Resided in the City of Modesto, including unincorporated areas, with a Modesto address, for the past six (6) consecutive months, or

- been employed in The City of Modesto for the past six (6) consecutive months.
- The applicant must obtain the maximum loan amount from the first mortgage loan. Participant(s) must have sufficient income and credit to qualify for a mortgage loan through a reputable lender.
  - Participant(s) must complete an eight hour homebuyer-counseling workshop from a HUD certified agency, prior to participating in the program.
  - Participant(s) or any household member cannot have owned a home during the three-year period prior to the purchase of a home with CDBG assistance. (Exceptions are: death of spouse, recorded dissolution of marriage and relocation due to employment)
  - Eligible participant(s) must contribute 1.75% of the sales price to the transaction.
  - Applicant’s middle credit score must be 610 or higher, based on the following credit agencies: Equifax, Experian, and TransUnion.
  - There are some credits issues that applicants must allow for certain time to pass before they can qualify for a HAP loan. These exceptions are as follows:
    - Two years from the date of discharge for a Bankruptcy, Chapter 7 or Chapter 13. (Applicant should have good credit since to qualify for the program)
    - Three years from the date of foreclosure. (Applicant should have good credit since to qualify for the program).
  - Participant(s) must occupy the property as a principal residence. This means that the participant(s) household must use the property as its primary place of residence.

**Note:** Use of the property for rental purposes, including temporary leases, is not allowed and, if at any time during the loan term, the property is no longer the principal residence of the participant(s), the loan will become immediately due and payable in full. The loan documents (loan agreement, deed of trust, promissory note) executed by the City and the participant(s) will incorporate this requirement. The property must be occupied within 60 days of loan closing.

*When making eligibility decisions, only the household composition, employment data, or other relevant information as presented in the original HAP application will be considered. Applicants will not be allowed to make any material changes in the HAP application in an attempt to reverse a City loan denial.*

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**PROPERTY ELIGIBILITY REQUIREMENT**

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1. The property must be located in a residentially zoned area within Modesto City limits.
2. The unit must be a single-family residence, condominium unit, cooperative unit, or manufactured housing on its own lot and affixed to a permanent foundation.
3. Properties with built-in pools are not eligible for the program.
4. Bank owned homes and bank approved short sales are eligible for the program.
5. The home to be purchased must be owner-occupied, vacant or occupied by the tenant making the purchase.
6. If the property was a rental (non-owner occupied), the following rules apply:

- Owner sales, including short sales-the current tenant may be the purchaser or the rental unit must have been vacant for six months. Acquisition of a house must not result in the displacement of any tenants residing in the unit. The seller must provide proof the unit has been vacant for six months.
  - Foreclosed properties-the financial institution that foreclosed on and owns the property will be required to sign a certification that the financial institution has complied with the Protecting Tenants at Foreclosure Act of 2009. (Public Law 111-22)
7. The following inspection reports are required. These reports will be at the buyer’s risk and expense, unless negotiated with the seller.
- Termite inspection.
  - Home inspection by a qualified property inspector.
  - If the home was built prior to 1978, a Lead Based Paint inspection by a state certified Risk Assessor/Inspector is required. Properties with chipping or peeling paint in the interior or exterior will not pass.
  - These three reports are reviewed by City staff. The City will identify any items that are potential health and safety risks to the buyers and, if the loan is approved, the City will require those repairs prior to the buyer being allowed to sign City loan documents.
  - If the participant pays for any required inspection reports or appraisal outside of escrow, the cost may be considered as part of the 1.75% required contribution. Proof of payment must be provided to the City.

*The City can refuse to participate in the purchase of homes that are clearly not in good repair, determined to contain illegal additions or conversions, or if lead-based paint is found on the property (common in homes built before 1978) and the hazard is not properly abated.*

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**COMBINING THE HAP LOAN WITH OTHER PROGRAMS AND SUBSIDIES**

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The HAP loan may also be combined with other homebuyer programs and subsidies, such as approved sweat-equity programs, FHA 203K loans, HUD homes, Stanislaus County Public Facilities Fees (PFF) waivers/deferrals, City of Modesto Capital Facilities Fee waivers/ deferrals, and California Housing Financing Agency (CalHFA) down payment loans. The City of Modesto loan may be in third position.

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**ASSET LIMITS**

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A household’s assets (i.e., cash or non-cash items that can be converted to cash) are recognized when determining program eligibility and need for assistance. Households can have no more than \$15,000 in liquid assets to be eligible for the program. Should the household’s assets be greater than \$15,000, the household is not eligible to participate. Also, ownership of any real estate asset will disqualify an applicant from participating in the program. Examples of assets to be considered include:

1. Savings account and the average 6-month balance of checking account(s).
2. Stocks, bonds, certificates of deposit, money market funds, and other investment funds.
3. Mortgages or deeds of trust held by the applicant.

4. Inheritance, lump-sum insurance payments, capital gains already received.
5. Settlements for personal or property damage already received.
6. Cash value of trusts that are available to the household.
7. Marketable securities, stocks, bonds and other forms of capital investment, including tax-exempt securities other than an Individual Retirement or Keogh plans.
8. Individual Retirement Account, 401(K), and Keough accounts that can be withdrawn without retiring or terminating employment.
9. Assets that, although owned by more than one person, allow unrestricted access by the applicant.
10. Personal property held as investment such as gems, jewelry, coin collections, etc.
11. Cash value of life insurance policies.

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**CLOSING COST AND FIRST MORTGAGE LOAN TYPE LIMITATIONS**

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HAP loans may be used to cover all reasonable closing costs the buyer is responsible for paying. Examples (list not inclusive) include:

1. Loan origination fee
2. Loan discount fee
3. Appraisal fee

- 4. Title report/insurance, escrow
- 5. Credit report
- 6. Pre-pays (upfront reserves for taxes, insurance, and homeowners association dues)
- 7. Other normal settlement charges.

**Reimbursement for loan origination fee should not exceed 1 percent (of base loan) and reimbursement for loan discount fee is limited to actual cost. Overages can be allowed but at the discretion of the Housing Rehabilitation Loan Committee.** HAP loans cannot be used to pay off previous debts incurred by the buyer.

**HAP loans cannot be used with variable rate loans** (first mortgage) or used to pay discount points on 3-2-1 interest-rate buy-downs. The only buy-downs allowed under the HAP program are (1) one-year to (3) three-year interest rate buy-downs under the CalHFA program, and (2) interest-rate buy-downs that offer a permanent rate reduction for the life of the first mortgage loan. Lenders must submit a copy of the buy-down agreement and calculation showing the actual cost of the interest rate buy-down.

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**CO-SIGNER RESTRICTIONS**

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The City loan shall not be used to assist in the purchase of any home in which ownership in the property is granted to any party other than the borrower(s) (participant) approved by the City loan. In some instances, the first mortgage lender may require a co-signer as a condition of the participant’s loan approval. When co-signers are required, such co-signers cannot hold title to the property being purchased with HAP assistance. Co-signers must sign the City’s Promissory Note, as they, along with the borrower(s), will be held equally responsible for repayment of the City loan. Co-signers, as used in this section, are non-household members. As such,

co-signers’ income and other criteria (e.g., real estate ownership) are not considered in determining the household’s eligibility. The City reserves the right to request co-signer information supplied to the first mortgage lender as part of the loan application.

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**HOMEBUYER COUNSELING WORKSHOP**

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Program participants will be required to complete an eight hour homebuyer-counseling workshop from a HUD certified agency.

The purpose of the workshop is to provide the homebuyer with step-by-step guidance to successfully purchase and maintain ownership of a home. The workshop also helps homebuyers by educating them on how to obtain mortgage financing they can afford. Subjects covered include shopping for a mortgage loan, finding a realtor, shopping for a home, home maintenance, budgeting, and on-going financial costs.

Upon the participant’s completion of the class, the workshop provider will issue a certificate of completion. Participant must submit the certificate to the first mortgage lender for inclusion in the City’s HAP loan application. The workshop provider may charge participants a nominal fee. This fee is non-refundable and is not reimbursable as an eligible closing cost.

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**PROFESSIONAL HOME INSPECTION**

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To give homebuyers a better understanding of the quality and condition of their future home, the City requires that all existing homes considered for purchase have a professional home inspection.

Real estate purchase agreements must contain a right of rescission to review the results of the home inspection.

Professional home inspections generally cover the inspection of items such as the home’s foundation, drainage, attic, crawl space, electrical systems, walls, heating, floors, roof, tiling, painting, siding, plumbing, insulation, porches, patios, decks, hot water heaters, fireplaces, kitchens, appliances, garages, baths, overview of the site, landscaping, retaining walls, and fences.

Participants will be required to select and pay for the home inspection up front.

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**APPLICATION PROCESS**

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1. Participant may contact the City of Modesto, Parks, Recreation and Neighborhoods, at (209) 577-5311 to see if they meet basic program qualifications.
2. Participant completes homebuyer-counseling and receives a certificate of completion from the workshop provider.
3. Participant may wish to pre-qualify for a first mortgage loan. Any reputable lender can participate in the program. For the benefit of the participant, the lender should be located in Stanislaus County.
4. Participant shops for a home. A real estate agent can assist participant in selecting a home, and will execute a purchase contract. The purchase offer must allow for a review of the home inspection report.
5. Participant works with first mortgage lender for completion of the City HAP loan application package. The City provides the lender with a checklist of the documents that must be submitted to the City. Those documents include the credit package, the first mortgage loan approval, and the accepted sales contract for the property. Other documents, such as inspections, can be submitted later, but must be

- submitted prior to the loan being prepared for submission to the Housing Rehabilitation Loan Committee.
6. Staff will review initial loan application package for eligibility and notify the lender of additional documents that are required.
7. Upon receipt of appraisal and inspections reports, City staff will review the reports and submit a written list of any repairs that will be required.
8. A report is submitted to the Housing Rehabilitation Loan Committee for loan approval.
9. After the loan is approved, any City required repairs will be inspected by City staff.
10. Staff will prepare the necessary loan documents for the HAP loan and will schedule an appointment and will meet with buyer(s) to sign loan documents.
11. The funds will be provided to escrow or Title Company for the home purchase.
12. Escrow agent shall record the City’s Deed of Trust, the Declaration of Conditions, Covenants and Restrictions and send original documents to the City of Modesto within seven (7) working days from the date of closure.
13. If there are any cancellations or disqualifications of the first mortgage loan the lender shall immediately notify the City in writing and shall include the reason for this action.
14. Any material change in income, assets, household composition, or other eligibility determination occurring after application, but prior to closing, shall be immediately reported to the lender and the City for review.

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**CONDITIONS FOR DISBURSING FUNDS**

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Before disbursing any funds the homebuyer must:

1. Meet all the Homebuyer Assistance Program eligibility requirements.
2. Execute City loan documents (loan agreement, promissory note, subordinate trust deed) assuring compliance with the applicable requirements of the program.
3. Meet all the conditions outlined in the City conditional loan approval letter
4. Submit all the documents required by the City of Modesto.
5. Secure permanent financing (first mortgage).

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**RECERTIFICATION**

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Periodically or annually, the City will request proof from the borrower that they continue to occupy the property as their principal residence.

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**VIOLATIONS AND PENALTIES**

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The acceleration clause shall be invoked if the borrower willfully and knowingly makes a false statement or representation, or knowingly fails to disclose a material fact for the purpose of qualifying for the program, or, in completing certifications, affidavits, or recertification documents. The City shall demand full repayment of principal and interest due on the loan.

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**DEBT RATIO GUIDELINES**

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Following are the two types of debt ratios the City of Modesto will use:

1. Front-End Ratio (housing expense): The standard guideline is 31%. The front-end ratio is the new principal, interest, taxes and insurance (PITI), mortgage insurance, and Homeowners Association dues divided by the gross income.

The typical debts used to determine the qualifying front-end ratio is the future housing expense.

2. Back-end Ratio: The standard guideline is 43%. This is the new housing expense and the minimum monthly payments from the applicant’s liabilities divided by the gross income.

The typical debts used to determine the qualifying back-end ratio are the minimum required monthly payments on all of the following:

- Auto loans
- Student loans
- Personal loans
- Charge cards
- Child Support
- Alimony
- Federal Tax Lien Repayment Schedules

Ratios in excess of 43% will be considered on an exception basis depending upon the overall strength of the application.

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**DETERMINING ANNUAL INCOME**

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Section 8 income guidelines are used to calculate annual income to determine program eligibility. Annual income is defined as the “gross” amount of income of *all* adult household members, which are anticipated to be received during the coming 12-month period. The following definitions are key to understanding the requirements for calculating Annual Income:

1. **Gross amount.** For those types of income counted, gross amounts (before any deductions have been taken) are used.
2. **Income of all adult household members.** The definition of Annual Income contains income “inclusions” –types of income to be counted—and income “exclusions”—types of income that are not considered (e.g., income of minors); and
3. **Anticipated to be received.** Annual income is used to determine eligibility and a household’s expected ability to pay, rather than past earnings, are used to estimate housing assistance needs.

Annual gross income shall be determined in accordance with the Code of Federal Regulations (CFR), Title 24, Part 5, Section 5.609(b).

The following items shall be **included** in determining Annual Income:

1. All wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services (before any payroll deduction);
2. Net income from the operation of a business or profession;

3. Interest, dividends, and other net income of any kind from personal property. Income shall include the greater of the actual income derived from all assets or a percentage of such assets based on the current passbook saving rate, as determined by HUD.
4. Lottery winnings paid in periodic payments.
5. All gross periodic payments received from Social Security, annuities, insurance policies, retirement funds, pension, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment (except Social Security).
6. Payments in lieu of earnings such as unemployment, worker’s compensation and severance pay;
7. Welfare assistance;
8. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;
9. All regular pay, special pay, and allowances of a member of the Armed Forces.

The following items shall be **excluded** in determining Annual Income:

1. Income from employment of children (including foster children) under the age of 18 years.
2. Payment received for the care of foster children.
3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and workers compensation), capital gains and settlement for personal or property losses.



4. Amounts received by the family that are specifically for, or in reimbursement of the cost of medical expenses for any family member.
5. Income of a live-in aide.
6. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran, for use in meeting the costs of tuition, fees, books, equipment, material, supplies, transportation, and miscellaneous personal expenses of the student.
7. The special pay to a family member serving in the armed forces who is exposed to hostile fire.
8. Amounts received under training programs funded by HUD.
9. Temporary, nonrecurring, or sporadic income (including gifts).
10. Lump sum payment of SSI and Social Security benefits.
11. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act.

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**EQUAL CREDIT OPPORTUNITY ACT**

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This Homebuyer Assistance Program will be implemented in ways consistent with the City of Modesto’s commitment to Fair Housing. No person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination under the program on the basis of race, color, ancestry, religion, sex, marital status, physical or mental disability (including AIDS and HIV diagnosis), national origin, familial status (children), age, sexual orientation, source of income or other arbitrary reason.

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**CONFLICT OF INTEREST**

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In accordance to title 24, Section 570.611 of the Code of the Federal Regulations, no member of the governing body and no official, employee or agent of the local government, nor any other person who exercises policy or decision-making responsibilities (including members of the loan committee and officers, employees and agents of the loan committee, the administrative agent, contractors and similar agencies) in connection with the planning and implementation of the program shall directly or indirectly be eligible for this program.



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-409**

**RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO IRRIGATION DISTRICT FOR THE USE AND IMPROVEMENT OF THE “BRIGGS DITCH” EASEMENT FOR THE DEVELOPMENT OF THE HELEN WHITE WALKING TRAIL; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Stanislaus Multi-Cultural Community Health Coalition and the West Modesto/King Kennedy Neighborhood Collaborative (WMKCC) have been working to create a safe walking trail between Maze Boulevard and California Avenue, also known as “Briggs Ditch”, and

WHEREAS, this pathway will be used by all residents but will be particularly beneficial to area school children, and

WHEREAS, the Modesto Irrigation District holds an easement along the ditch, and

WHEREAS, entering into a license agreement with the Modesto Irrigation District will allow access to this easement and facilitate the envisioned trail improvements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a License Agreement between the City of Modesto and Modesto Irrigation District for the use and improvement of the “Briggs Ditch” easement for the Development of the Helen White Walking Trail.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-410**

**RESOLUTION ACCEPTING AN AWARD IN THE AMOUNT OF \$1,826.84  
FROM THE U.S. DEPARTMENT OF JUSTICE, BULLETPROOF VEST  
PARTNERSHIP PROGRAM, FOR ARMOR VESTS**

WHEREAS, on June 23, 2011, City staff submitted an application to the U.S. Department of Justice (DOJ) for award funding as part of the Bulletproof Vest Partnership (BVP) Program, and

WHEREAS, on September 21, 2011, City staff received notification of award funding approval in the amount of \$1,826.84, and

WHEREAS, through the BVP Program federal award funds were made available for the purchase of armor vests for law enforcement officers, and

WHEREAS, the BVP Program pays up to 50% of the cost of vests purchased and requires that each applicant jurisdiction be responsible for matching the cost of each qualifying vest purchased, and

WHEREAS, the reimbursable program term is April 1, 2011 through August 31, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts an award in the amount of \$1,826.84 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, for armor vests.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST: Stephanie Lopez  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NUMBER 2011-411**

**RESOLUTION AMENDING THE FISCAL YEAR 2011/12 MULTI-YEAR BUDGET TO ESTIMATE REVENUE OF \$1,826.84 FROM THE U.S. DEPARTMENT OF JUSTICE, BULLETPROOF VEST PARTNERSHIP PROGRAM, AND APPROPRIATE FUNDS FOR THE PURCHASE OF BULLETPROOF VESTS**

WHEREAS, the City of Modesto Police Department was awarded funding in the amount of \$1,826.84 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, and

WHEREAS, the funds were made available for the purchase of armor vests for law enforcement officers, and

WHEREAS, the program pays up to 50% of the cost of vests purchased, and requires that each applicant jurisdiction be responsible for matching the cost of each qualifying vest purchased, and

WHEREAS, the Council of the City of Modesto authorized the City Manager, or his designee, to accept the Bulletproof Vest Partnership program funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2011/12 Multi-Year Budget is hereby amended as shown in **Exhibit A attached**.

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 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Exhibit A

The Bulletproof Vest allocation for Fiscal Year 2011/2012 will be applied to:

<u>Revenues:</u>	<u>Increase/(Decrease)</u>	<u>Description</u>
To:		
MY-1341-19999-42090-100667	\$1,826.84	FY 2011 DOJ Armor Vests

<u>Expenses:</u>		
To:		
MY-100667- Tools & Equipment <\$5,000	3,653.68	FY 2011 DOJ Armor Vests

**Request for Transfer:**

Transfer between Fiscal Year Cost Centers (Expense) and Projects (Revenue)

From:		
MY-0100-70100-71341	\$1,827	Transfer from General Fund to 1341
To:		
MY – 1341-19999-60100-100667	\$1,827	Transfer from General Fund to 1341



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-412**

**RESOLUTION APPROVING AN INCREASE IN PAYMENTS TO MODESTO  
AREA EXPRESS (MAX) BUS PASS OUTLETS FOR MONTHLY BUS PASS  
SALES FROM \$0.50 PER PASS SOLD TO \$1.00 PER PASS SOLD**

WHEREAS, in October 1989, Council approved the plan to establish outlets to sell monthly bus passes, and

WHEREAS, there are currently five (5) outlets that have executed agreements with the City to sell these monthly passes, and

WHEREAS, these outlets are strategically located around Modesto, and

WHEREAS, the current amount paid per bus pass sold is \$0.50, which has not been increased since 2007, and

WHEREAS, it is necessary to increase the payment from the current \$0.50 to \$1.00 per pass sold to encourage businesses to continue participation in the program, and

WHEREAS, current executed agreements with the pass outlets allows the Council, by resolution, to change the rate paid per monthly bus pass sold from time to time, and

WHEREAS, this recommended increase will cost approximately \$1,800.00 annually and funds are budgeted in Account 4540-53472-53300 to cover this increase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase in payment to bus pass outlets for monthly bus pass sales from \$0.50 per pass sold to \$1.00 per pass sold.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-413**

**RESOLUTION APPROVING A SUPPORT SERVICES AGREEMENT WITH ENVIROGEN TECHNOLOGIES, INC. FOR WELL #100 IN THE SOUTH MODESTO AREA OF THE WATER SYSTEM AND WELL #274 AND WELL #295 WITHIN THE GRAYSON COMMUNITY WATER SYSTEM, IN AN AMOUNT NOT TO EXCEED \$349,000 FOR TWO (2) YEARS WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto provides water services utilizing Well #100 in South Modesto and Well #274 and Well #295 in the Grayson community, and

WHEREAS, Wells #100, #274 and #295 have high nitrate levels above the State Maximum Contaminant Level, and

WHEREAS, in August of 2002, the Department of Public Health issued a Compliance Order directing the City to have a reliable treatment system in place by April of 2003, and

WHEREAS, Basin Water, Inc. was awarded a contract to reduce nitrate levels by using an ion exchange treatment process, and

WHEREAS, Basin Water, Inc. was purchased by Envirogen Technologies, Inc. and the City has been on a month-to-month lease with Envirogen for the last two years, and

WHEREAS, staff seeks a more permanent contract to reduce and stabilize the lease and service costs over several years,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Support Services Agreement with Envirogen Technologies, Inc., for Well #100 in the South Modesto area of the water system and Well #724 and Well #295 within the Grayson community water system, in an amount not to exceed \$349,000

for two (2) years, with three (3) one-year extension options, at the sole discretion of the City.

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 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011 -414**

**RESOLUTION APPROVING AN EQUIPMENT LEASE AGREEMENT WITH ENVIROGEN TECHNOLOGIES, INC. FOR WELL #100 IN THE SOUTH MODESTO AREA OF THE WATER SYSTEM, IN AN AMOUNT NOT TO EXCEED \$66,000 FOR TWO (2) YEARS, WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto provides water services utilizing Well #100 in the South Modesto area and that well has high nitrate levels, and

WHEREAS, Basin Water, Inc. was awarded a contract to reduce nitrate levels by using an ion exchange treatment process, and

WHEREAS, Basin Water, Inc. was purchased by Envirogen Technologies, Inc. and the City has been on a month-to-month lease with Envirogen Technologies, Inc. for the last two years, and

WHEREAS, staff seeks a more permanent contract to reduce and stabilize the lease and service costs over several years,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Equipment Lease Agreement with Envirogen Technologies, Inc., for Well #100 in the South Modesto area of the water system, in an amount not to exceed \$66,000 for two (2) years with three (3) one-year extension options

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 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-415**

**RESOLUTION APPROVING AN EQUIPMENT LEASE AGREEMENT WITH ENVIROGEN TECHNOLOGIES, INC. FOR WELL #274 AND WELL #295 WITHIN THE GRAYSON COMMUNITY WATER SYSTEM, IN AN AMOUNT NOT TO EXCEED \$60,000 FOR TWO (2) YEARS, WITH THREE (3) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto provides water services utilizing Well #274 and Well #295 in the Grayson community that have high nitrate levels, and

WHEREAS, in August of 2002, the Department of Public Health issued a Compliance Order directing the City to have a reliable treatment system in place by April of 2003, and

WHEREAS, Basin Water, Inc. was awarded a contract to reduce nitrate levels by using an ion exchange treatment process, and

WHEREAS, Basin Water, Inc. was purchased by Envirogen Technologies, Inc., and the City has been on a month-to-month lease with Envirogen Technologies, Inc. for the last two years, and

WHEREAS, staff seeks a more permanent contract to reduce and stabilize the lease and service costs over several years,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Equipment Lease Agreement with Envirogen Technologies, Inc., for Well #274 and Well #295 within the Grayson community water system, in an amount not to exceed \$60,000 for two (2) years, with three (3) one-year extension options at the sole discretion of the City.

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 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-416**

**RESOLUTION APPROVING AN EXTENSION OF THE MODESTO AREA  
EXPRESS OPERATIONS AGREEMENT WITH MV TRANSPORTATION, INC.,  
FROM JUNE 29, 2012 TO SEPTEMBER 28, 2012**

WHEREAS, the City of Modesto entered into an agreement with MV Transportation, Inc. (MV) on June 5, 2007 to operate the Modesto Area Express (MAX) transit system through June 29, 2012, and

WHEREAS, the Agreement allows the City to require MV to continue to operate the service under the terms and conditions of the Agreement for an additional three months if directed to do so by the City, and

WHEREAS, the City believes it to be in the best interest of the MAX transit service to extend the Agreement through September 28, 2012, and

WHEREAS, a letter from the City's Transit Manager to MV requiring them to continue operating under the terms and conditions of the Agreement through September 28, 2012, is sufficient to extend the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an extension of the Modesto Area Express operations Agreement with MV Transportation, Inc., from June 29, 2012 to September 28, 2012.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-417**

**RESOLUTION ACCEPTING THE WORK BY CHAMPION INDUSTRIAL CONTRACTORS, INC., FOR THE "ARRA HVAC UPGRADES FOR VARIOUS CITY OWNED BUILDINGS" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER UPON RECEIPT OF APPROVED WARRANTY BOND, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING \$158,068.35**

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the ARRA HVAC Upgrades for Various City Owned Buildings project has been completed by Champion Industrial Contractors., Inc., in accordance with the contract agreement dated March 22, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the ARRA HVAC Upgrades for Various City Owned Buildings project is hereby accepted as complete from said contractor Champion Industrial Contractors., Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and that payment of amounts totaling \$158,068.35 is authorized as provided in the contract.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside, Hawn

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-418**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE JOHN THURMAN FIELD STORM DRAIN OUTFALL PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH ROLFE CONSTRUCTION OF ATWATER, CALIFORNIA, IN THE AMOUNT OF \$112,250, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the John Thurman Field Storm Drain Outfall project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the John Thurman Field Storm Drain Outfall project were opened at 11:00 a.m. on September 27, 2011, and later tabulated by the Director of Utility Planning and Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning and Projects has recommended that the bid of \$112,250 received from Rolfe Construction be accepted as the lowest responsible bid and the contract be awarded to Rolfe Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the John Thurman Field Storm Drain Outfall project, accepts the bid of Rolfe Construction, of Atwater, California in the amount of \$112,250, and approves the contract.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-419**

**RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 OPERATING BUDGET IN THE AMOUNT OF \$56,072 IN ORDER TO FULLY FUND THE WASTEWATER FUNDED COST SHARE PORTION OF THE CONSTRUCTION, CONTINGENCY, AND CONSTRUCTION ADMINISTRATION PLUS ENGINEERING CONSTRUCTION SUPPORT BY CITY STAFF FOR THE JOHN THURMAN FIELD STORM DRAIN OUTFALL PROJECT**

WHEREAS, certain budgetary transactions are necessary in the amount of \$56,072, in order to fully fund the wastewater funded cost share portion of the construction, contingency, and construction administration plus engineering construction support by City staff for the John Thurman Field Storm Drain Outfall project, and

WHEREAS, the Fiscal Year 2011-2012 Operating 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 2011-2012 Operating Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 25<sup>th</sup> day of October, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



## EXHIBIT A

Due to the required wastewater funded cost share portion of the estimated cost of project from #54212 (6210-480-5212) "PW-Sewer Collections" bid and awarded with the John Thurman Field Storm Drain Outfall project, the total project cost needs to be increased by \$56,072. This would be done by adjusting Primary CIP Account 100373 (6210-480-B574) "Collection System Rehab" by <\$56,072>, and the Operating Account #54212 (6210-480-5212) "PW-Sewer Collections" Repair and Maintenance Services by \$48,262, and Services City Forces-Interfund by \$7,810.

A check in the amount of \$21,239.75 was receipted on August 20, 2008 for Cannery Seg Line Repair Delay Reimbursement, and the budget will now be increased. Therefore, an adjustment will be made to increase budget in Primary CIP Account 100373 (6210-480-B574) "Collection System Rehab" by \$21,239.71.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-420**

**A RESOLUTION ACCEPTING THE STATE SUPPLEMENTAL LAW ENFORCEMENT GRANT, IN THE AMOUNT OF AT LEAST \$100,000, FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND FOR POLICE OVERTIME AND TECHNOLOGY UPGRADES; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS**

WHEREAS, in 1996, the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the purpose of the law is to provide additional resources for local law enforcement, and

WHEREAS, Supplemental Law Enforcement Services Fund (SLESF) monies cannot be transferred to, or intermingled with, the monies in any other fund except that monies may be transferred from the SLESF to the City's General Fund to the extent necessary to facilitate the appropriation and expenditure of funds, and

WHEREAS, SLESF monies cannot be used to supplant existing budgeted funds, and

WHEREAS, a SLESF has been established in each county, and

WHEREAS, the funding for each county and city is based upon proportionate population, and

WHEREAS, the allocation to the City of Modesto, for Fiscal Year (FY) 2011/2012, of at least \$100,000, to be made in four installments of \$25,000 each, and

WHEREAS, the City Council is required to hold a public hearing to consider and approve the SLESF Expenditure Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that after holding a public hearing, it hereby accepts the Chief of Police's Expenditure Plan for the FY 2011/2012 State Supplemental Law Enforcement Services Fund, allocation of at least \$100,000 for police overtime and technology upgrades.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25<sup>th</sup> day of October, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-421**

**RESOLUTION AMENDING THE FISCAL YEAR 2011/2012 MULTI-YEAR  
OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES  
OF AT LEAST \$100,000 FOR THE CITY OF MODESTO'S ALLOCATION  
FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES  
FUND; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER  
DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, in 1996, the State Legislature passed, and the Governor signed,  
Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the purpose of the law is to provide additional resources for local  
law enforcement, and

WHEREAS, Supplemental Law Enforcement Services Fund (SLESF) monies  
cannot be transferred to, or intermingled with, monies in any other fund except that  
monies may be transferred from the SLESF to the City's General Fund to the extent  
necessary to facilitate the appropriation and expenditure of funds, and

WHEREAS, SLESF monies cannot be used to supplant existing budgeted funds,  
and

WHEREAS, a SLESF has been established in each county, and

WHEREAS, the funding for each county and city is based upon proportionate  
population, and

WHEREAS, the allocation to the City of Modesto for Fiscal Year (FY)  
2011/2012 of at least \$100,000, to be made in four installments of \$25,000 each, and

WHEREAS, the City Council is required to hold a public hearing to consider and  
approve the SLESF Expenditure Plan, and

WHEREAS, the adopted FY 2011/2012 Police SLESF allocation in the amount of at least \$100,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the FY 2011/2012 Multi-Year Operating Budget to appropriate revenues and expenditures of at least \$100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund for police overtime and technology upgrades, as shown in **Exhibit A attached** hereto.

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 25<sup>th</sup> day of October, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Burnside

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

Exhibit A

The SLESF allocation for Fiscal Year 2011/2012 will be applied to:

<u>Revenues:</u>	<u>Increase/(Decrease)</u>	<u>Description</u>
To:		
MY-1340-19999-42140-100666	\$100,000	2011 SLESF Grant Revenue
<u>Expenses:</u>		
To:		
MY-100666-Appr. Unit A	\$ 50,000	Overtime
MY-100666-Appr. Unit C	<u>\$ 50,000</u>	Technology Upgrades
	\$100,000	

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-422

A RESOLUTION APPROVING THE 2012 CITY COUNCIL MEETING  
CALENDAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that 2012 City Council Meeting Calendar, **attached** hereto as **Exhibit "A"**, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1<sup>st</sup> day of November, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

# City Council Calendar 2012

## January 2012

3<sup>rd</sup> CANCELLED\*  
 10<sup>th</sup> Council Meeting (regular)  
 17<sup>th</sup> NO MEETING  
 24<sup>th</sup> Council Meeting (regular)  
 31<sup>st</sup> NO MEETING – 5<sup>th</sup> Tuesday

## July 2012

3<sup>rd</sup> Council Meeting (regular)  
 10<sup>th</sup> Council Meeting (regular)  
 17<sup>th</sup> NO MEETING  
 24<sup>th</sup> NO MEETING  
 31<sup>st</sup> NO MEETING – 5<sup>th</sup> Tuesday

## February 2012

7<sup>th</sup> Council Meeting (regular)  
 14<sup>th</sup> Council Meeting (regular)  
 21<sup>st</sup> NO MEETING  
 28<sup>th</sup> Council Meeting (regular)

## August 2012

8<sup>th</sup> Council Meeting (special)\*\*\*  
 14<sup>th</sup> Council Meeting (regular)  
 21<sup>st</sup> NO MEETING  
 28<sup>th</sup> NO MEETING

## March 2012

6<sup>th</sup> Council Meeting (regular)  
 13<sup>th</sup> Council Meeting (regular)  
 20<sup>th</sup> NO MEETING  
 27<sup>th</sup> Council Meeting (regular)

## September 2012

4<sup>th</sup> Council Meeting (regular)  
 11<sup>th</sup> Council Meeting (regular)  
 18<sup>th</sup> NO MEETING  
 25<sup>th</sup> Council Meeting (regular)

## April 2012

3<sup>rd</sup> Council Meeting (regular)  
 10<sup>th</sup> CANCELLED\*\*  
 17<sup>th</sup> NO MEETING  
 24<sup>th</sup> Council Meeting (regular)

## October 2012

2<sup>nd</sup> Council Meeting (regular)  
 9<sup>th</sup> Council Meeting (regular)  
 16<sup>th</sup> NO MEETING  
 23<sup>rd</sup> Council Meeting (regular)  
 30<sup>th</sup> NO MEETING – 5<sup>th</sup> Tuesday

## May 2012

1<sup>st</sup> Council Meeting (regular)  
 8<sup>th</sup> Council Meeting (regular)  
 15<sup>th</sup> NO MEETING  
 22<sup>nd</sup> Council Meeting (regular)  
 29<sup>th</sup> NO MEETING – 5<sup>th</sup> Tuesday

## November 2012

7<sup>th</sup> Council Meeting (special)\*\*\*\*  
 13<sup>th</sup> Council Meeting (regular)  
 20<sup>th</sup> NO MEETING  
 27<sup>th</sup> Council Meeting (regular)

## June 2012

5<sup>th</sup> Council Meeting (regular)  
 12<sup>th</sup> Council Meeting (regular)  
 19<sup>th</sup> NO MEETING  
 26<sup>th</sup> Council Meeting (regular)

## December 2012

4<sup>th</sup> Council Meeting (regular)  
 11<sup>th</sup> Council Meeting (regular)  
 18<sup>th</sup> CANCELLED per MMC 2-1.01  
 25<sup>th</sup> CANCELLED per MMC 2-1.01

\*January 3<sup>rd</sup> due to Winter Break

\*\*April 10<sup>th</sup> due to Spring Break

\*\*\*August 8<sup>th</sup> Wednesday Meeting due to National Night Out on August 7<sup>th</sup>

\*\*\*\*November 7<sup>th</sup> Wednesday Meeting due to Election Day on November 6<sup>th</sup>



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-423**

**RESOLUTION APPROVING THE SUBMITTAL TO THE FEDERAL AVIATION ADMINISTRATION (FAA) OF AN UPDATED PASSENGER FACILITY CHARGE APPLICATION, WHICH AUTHORIZES THE MODESTO CITY-COUNTY AIRPORT TO COLLECT AND USE PASSENGER FACILITY CHARGES FOR AIRPORT RELATED PROJECTS**

WHEREAS, the Passenger Facility Charges (PFC) Program, administered by the Federal Aviation Administration (FAA), allows the collection of PFC fees for every enplaned passenger at commercial airports controlled by public agencies, and

WHEREAS, Modesto Airport is currently collecting these fees at a rate of \$4.50 per person, and

WHEREAS, PFC funds are intended for use on FAA and Air Carrier approved projects that typically enhance airport safety, security or capacity, reduce noise, or increase air carrier competition, and

WHEREAS, authorization must be given by the FAA to actually use these collected fees to fund approved projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal to the Federal Aviation Administration of an updated Passenger Facility Charge Application authorizing the Modesto City-County Airport to collect and use Passenger Facility Charges for airport related projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1<sup>st</sup> day of November, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-424**

**RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE IRRIGATION WELLS FOR CITY PARKS PROJECT, ACCEPTING THE BID, AND APPROVING AN AGREEMENT WITH HOWK WELL & EQUIPMENT CO. INC., dba HOWK SYSTEMS OF MODESTO, CA. IN THE AMOUNT OF \$518,980.00 FOR THE IRRIGATION WELLS FOR CITY PARKS PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT**

WHEREAS, plans and specifications have been prepared for the Irrigation Wells for the City Parks Project and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Irrigation Wells for City Parks Project were opened at 11:00 a.m. on September 13, 2011, and later tabulated by the Director of Parks, Recreation and Neighborhoods for the consideration of the Council, and

WHEREAS, the Director of Parks, Recreation and Neighborhoods has recommended that the bid of \$518,980.00 received from Howk Well & Equipment Co. Inc., dba Howk Systems of Modesto for the project be accepted as the lowest responsible bid and the contract be awarded to Howk Well & Equipment Co. Inc., dba Howk Systems of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Irrigation Wells for City Parks Project, accepts the bid of Howk Well & Equipment Co. Inc., dba Howk Systems of Modesto in the amount of \$518,980.00 for the project and awards Howk Well & Equipment Co. Inc., dba Howk Systems of Modesto the contract for the Irrigation Wells for City Parks Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1<sup>st</sup> day of November, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Muratore

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**EXHIBIT A  
BUDGET ADJUSTMENT**

This budget action will appropriate \$290,000 from the Parks Fund reserves to CIP project 100295 Agricultural Wells – Community Parks for FY 2011-2012 to fully fund the project to install agricultural wells at seven park locations. These funds are in addition to the \$350,000 already budgeted for this project (inter-fund loan from the Water Fund).

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-425

RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 CAPITAL  
IMPROVEMENT PROGRAM BUDGET IN ORDER TO FULLY FUND THE  
IRRIGATION WELLS IN CITY PARKS PROJECT

WHEREAS, a budget adjustment is necessary in order to adjust the expense and revenue budgets in the Parks Capital Improvement Project (CIP) 100295 PRN. Park Planning and Development “Agricultural Wells – Community Parks,” and

WHEREAS, additional funding of \$290,000 from the Parks Fund reserves to the CIP Project 100295 PRN. Park Planning and Development “Agricultural Wells – Community Parks,” is necessary to award this bid, and

WHEREAS, the Fiscal Year 2011-2012 CIP 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 2011-2012 Capital Improvement Program budget as shown in **Exhibit A** which is **attached**.

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 1<sup>st</sup> day of November, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Muratore

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-426**

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING  
BETWEEN THE PARKS, RECREATION AND NEIGHBORHOODS  
DEPARTMENT AND THE PUBLIC WORKS DEPARTMENT TO  
MEMORIALIZE A \$350,000 INTER-FUND LOAN BETWEEN THE WATER  
FUND AND GENERAL, FUND INCLUDING FINANCING AND REPAYMENT  
TERMS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO  
EXECUTE THE MEMORANDUM OF UNDERSTANDING**

WHEREAS, one of the largest expenses in the parks maintenance budget is for irrigation water, and

WHEREAS, installation of shallow agricultural wells in parks to provide water for irrigation could reduce this on-going expense, and

WHEREAS, using water from these wells to irrigate park land will add approximately 159 acre feet of potable water annually to the City of Modesto's water capacity, and

WHEREAS, adding potable water capacity is a benefit to the Public Works Department and the City of Modesto, and

WHEREAS, using shallow well water to irrigate these parks could also result in better water system pressure during peak times for other water customers, and

WHEREAS, staff from Parks, Recreation and Neighborhoods (PR&N) and Public Works (PW) recognize and agree that this is a correct approach, and

WHEREAS, on October 27, 2009, the City Council, by Resolution No. 2009-518, established the Capital Improvement Program project 'Agricultural Wells – Community Parks' to be funded with a \$350,000 inter-fund loan from the Water Fund to the General Fund, and



WHEREAS, staff from PR&N and PW have created a Memorandum of Understanding between their departments that memorializes the \$350,000 inter-fund loan, including financing and repayment terms with an interest rate based on the City's annual combined yield earned on the City's investment pool at the end of the prior fiscal year, and

WHEREAS, savings in General Fund expenses realized by the PR&N due to the installation of agricultural irrigation wells in community parks will fund repayment of the inter-fund loan and interest,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the Parks, Recreation and Neighborhoods Department and the Public Works Department to memorialize a \$350,000 interfund loan between the Water Fund and General Fund, including financing and repayment terms with an interest rate based on the annual combined yield earned on the City's investment pool calculated at the end of the prior fiscal year.

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

BE IT FURTHER RESOLVED that the Director of Finance, or her 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 1<sup>st</sup> day of November, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Lopez, Marsh, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Muratore

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

RESOLUTION OF INTENTION      2011-427  
TO APPROVE AN AMENDMENT TO CONTRACT  
BETWEEN THE  
BOARD OF ADMINISTRATION  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
AND THE  
CITY COUNCIL  
CITY OF MODESTO

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and


WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract, and

Section 20475 (Different Level of Benefits). Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local fire members entering membership for the first time in the fire classification after the effective date of this amendment to contract.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By   
\_\_\_\_\_  
Presiding Officer

MAYOR  
\_\_\_\_\_  
Title

November 1, 2011  
\_\_\_\_\_  
Date adopted and approved

(Amendment)  
CON-302 (Rev. 4/96)

**This page is attached by City to the Resolution of Intention provided by CalPERS]**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1<sup>st</sup> day of November, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-428**

**RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S  
TRANSPORTATION DEVELOPMENT ACT TRANSIT CLAIM FOR FISCAL  
YEAR 2011 - 2012 TO THE STANISLAUS COUNCIL OF GOVERNMENTS IN  
THE AMOUNT OF \$8,581,520**

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 LTF funds have been apportioned by the State to StanCOG for allocation to public transit agencies pursuant to Articles 4 and 8 of Chapter 4 of the California Public Utilities Code (PUC), and

WHEREAS, the City has prepared its TDA claim for Fiscal Year 2011-2012 pursuant to these sections of the California PUC, and

WHEREAS, the City's Transit TDA Claim for Fiscal Year 2011-2012 is \$8,581,520, and

WHEREAS, the total Transit Operating Budget for Fiscal Year 2011-2012 is \$14,773,997, and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99261 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 2011-2012 to StanCOG in the amount of \$8,581,520.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1<sup>st</sup> day of November, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-429**

**RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH DOKKEN ENGINEERING, INC. FOR ADDITIONAL SCOPE OF WORK NOT INCLUDED IN THE ORIGINAL AGREEMENT FOR SUPPORT SERVICES DURING CONSTRUCTION OF THE CARPENTER ROAD BRIDGE SEISMIC RETROFIT PROJECT IN AN AMOUNT NOT TO EXCEED \$171,283.87 FOR THE IDENTIFIED SCOPE OF SERVICES NOT INCLUDED IN THE ORIGINAL AGREEMENT, PLUS \$31,250 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$202,533.87, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT**

WHEREAS, on July 7, 2009, by Resolution No. 2009-297, City Council approved an agreement for consultant services with Dokken Engineering, Inc. for design and environmental services for the Carpenter Road Bridge Seismic Retrofit Project, and

WHEREAS, the original agreement totaled \$275,520.56, and

WHEREAS, staff has identified several modifications that need to be made to the Sylvan/Litt Project plans to accommodate the development of Grogan Park, and

WHEREAS, in addition, changes to the plans are required due to the updates in state regulations regarding irrigation and storm water runoff from landscaped areas that have been implemented since the project design began, and

WHEREAS, City staff recommends approving an amendment to agreement with Dokken Engineering, Inc. for \$171,283.87 plus an additional \$31,250 for contingencies bringing the revised maximum total agreement amount to \$477,784.43.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to agreement with Dokken Engineering, Inc. for additional services not included in the original agreement for support services during construction for the Carpenter Road Seismic Retrofit Project, in an amount not to exceed

\$171,283.87 for the identified scope of services not included in the original agreement, plus \$31,250 for additional services (if needed), for a maximum total amount of \$202,533.87.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-430**

**RESOLUTION FINDING THAT THE SYLVAN AVENUE WIDENING FROM WEST OF LITT ROAD TO CLAUS ROAD AND LITT ROAD WIDENING FROM SYLVAN AVENUE TO 2000 FEET NORTH IS WITHIN THE SCOPE OF THE PREVIOUSLY CERTIFIED VILLAGE ONE SPECIFIC PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE VILLAGE ONE 1994 SUPPLEMENTAL EIR AND THE 2003 ADDENDA FOR THE VILLAGE ONE STORM DRAINAGE MASTER PLAN AND VILLAGE ONE FACILITIES MASTER PLAN UPDATE**

WHEREAS, Council has received and considered the Written Checklist, Environmental Assessment No. EA/CEDD No. 2011-30, that concludes that the project entitled "Sylvan Avenue Widening from west of Litt Road to Claus Road and Litt Road Widening from Sylvan Avenue to 2000 feet north," is within the scope of the previously certified Village One Specific Plan Program Environmental Impact Report (SCH No. 90020181), as amended by the Village One 1994 Supplemental EIR and the 2003 addenda for the Village One Storm Drainage Master Plan and Village One Facilities Master Plan Update, and that, pursuant to Sections 15168(c) and 15162 of the CEQA Guidelines, no new environmental review is required,

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

1. As per Sections 15168(c) and 15162 of the California Environmental Quality Act ("CEQA") Guidelines, this Project is within the scope of the projects covered by the Village One Program EIR, as amended by the 1994 Supplemental EIR and the 2003 Addenda to the EIR ("Program EIR") and no new environmental document or findings are required by CEQA.

2. There are no substantial changes proposed in the Project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Program EIR are required.
3. No substantial changes have occurred with respect to the circumstances under which the Project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and therefore, no major revisions to the Program EIR, are required.
4. There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Program EIR was adopted which shows any of the following:
  - a. one or more significant effects which is not discussed in the Program EIR; or,
  - b. significant effects which were previously examined will be substantially more severe than previously shown; or,
  - c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the Project proponents decline to adopt the mitigation measure or alternative; or,
  - d. mitigation measures or alternatives which are considerably different from those analyzed in the Program EIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

The City Council has received and considered the Written Checklist Environmental Assessment EA/CEDD No. 2011-30, which provides the substantial evidence to support findings 1-4 above.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-431**

**RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 AND 2011-2012  
ANNUAL OPERATING BUDGETS**

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual Budgets of the City of Modesto for Fiscal Years 2010-2011 and 2011-2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2010-2011 and 2011-2012 annual operating budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

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 special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## EXHIBIT A

### COMMUNITY AND ECONOMIC DEVELOPMENT

An adjustment is necessary to recognize \$14,416 of unbudgeted miscellaneous revenue in the Traffic Engineering Division of CEDD in the Surface Transportation Fund (1700) for rental of additional office space on the 4<sup>th</sup> floor of Tenth Street Place to the Parks, Recreation and Neighborhoods Solid Waste Management Division. The expense will be paid from existing budget in PR&N's Solid Waste division.

### FINANCE

On May 25, 2010, the City Council, by resolution no. 2010-219 authorized the award of proposal and contract for ERP system implementation services to Applications Software Technology (AST) Corporation for a Supply Chain Module with bar coding in the amount of \$122,000. During fiscal year 2011, \$24,037 was expended returning \$97,963 to the fund balance. An adjustment is necessary to re-appropriate \$97,963 from Inventory Purchase Fund (5110) fund balance to Services Professional and Other expense for the remaining expense for licensing and implementation of Oracle's Supply Chain Module and bar coding hardware.

An adjustment is necessary to appropriate \$23,000 from 2006 Wastewater Revenue Bond (4240) fund balance to the 2006 Wastewater Revenue Bond operating budget for unanticipated debt service interest expense. **This transaction is for fiscal year 2010/11.**

At the time the City Council of the City of Modesto adopted the Fiscal-Year 2011-12 Annual Operating Budget the Tenth Street Place (TSP) Joint Powers Agreement (JPA) board had not adopted their fiscal year 2011-12 budget. Therefore, the City used preliminary numbers to calculate the TSP JPA internal service fund allocation. The TSP JPA board has since adopted their fiscal-year 2011-12 budget. An adjustment is necessary to appropriate a total of \$614 from various fund balances to ISF – JPA City Allocation to recognize the difference between the preliminary and adopted budget.

An adjustment is necessary to appropriate \$18,810 from the Redevelopment Agency Debt Service reserves to the Redevelopment Agency Debt Service (2902) operating budget for unanticipated Property Tax Administration Fees. **This transaction is for fiscal year 2010/11.**

### FIRE

On June 28, 2011, the City Council, by resolution no.2011-257 approved a Letter of Understanding to implement the 3% wage increase forfeiture by Modesto City Fire Fighters' Association. An adjustment is necessary to reduce the General Fund (0100) FY 2011-12 operating budget by \$460,898.

### POLICE

An adjustment is necessary to increase a fiscal year 2010-11 transfer in the amount of \$6,136 from the General Fund (0100) to the ARRA Cops Hiring Recovery Program Grant (1345) for additional salary and benefit expense. **This transaction is for fiscal year 2010/11.**

In prior years, asset forfeiture revenue was not budgeted until funds had been expended. General Fund (0100) would front the cost and would later be reimbursed by asset forfeiture funds. Beginning in FY2011-12 the revenue and expense will be budgeted in new cost centers to track the revenue and expense separately from other Police Department General Fund cost

City Council, November 9, 2011  
Monthly Budget Adjustment Report – September & October 2011

centers. A budget adjustment is necessary to budget and appropriate the asset forfeiture funds in new cost centers as follows:

**Police Athletics League (PAL)**

FY 2011-12 Asset Forfeiture Revenue	Increase	\$	15,570
FY 2011-12 Expenditure	Increase	\$	15,570

**Junior Cadet Program**

FY 2011-12 Asset Forfeiture Revenue	Increase	\$	9,000
FY 2011-12 Expenditure	Increase	\$	9,000

**GREAT Camp Program**

FY 2011-12 Asset Forfeiture Revenue	Increase	\$	7,975
FY 2011-12 Expenditure	Increase	\$	7,975

**Modesto Police Department Asset Forfeiture Earmark Expenses**

FY 2011-12 Asset Forfeiture Revenue	Increase	\$	75,000
FY 2011-12 Expenditure	Increase	\$	75,000

**Stanislaus Drug Enforcement Agency (SDEA) Asset Forfeiture Earmark Expenses**

FY 2011-12 Asset Forfeiture Revenue	Increase	\$	646,916
FY 2011-12 Expenditure	Increase	\$	646,916

In 2007 the Beat Health Program, funded through liens on impacted homes, was established within the Modesto Police Department to secure abandoned properties from being inhabited. A budget adjustment is necessary to transfer the remaining fund balance of \$5,661 in Fund 0190, and close the fund, to Tools, Shop and Field Supplies in the Field Operations Division of the Police Departments' budget within the General Fund (0100) for accounting purposes.

**SDEA**

An adjustment is necessary to recognize \$148,323 in contribution revenue in the Stanislaus Drug Enforcement Agency Fund (6600) and appropriate the revenue for Intergovernmental Services expense.

An adjustment is necessary to recognize additional federal grant revenue awarded to the Stanislaus Drug Enforcement Agency (6600) in the amount of \$20,000 and appropriate it to Overtime, Fuel, Oil & Lubricants and Insurance expenses outlined in the grant program document.

**PUBLIC WORKS**

An adjustment is necessary to appropriate from reserves \$150,000 within the PCE Litigation Fund (4112) to reimburse Miller, Axline and Sawyer for professional services expense pertaining to the PCE Litigation-Mitigation Trust Accounts.

In 2004, the Legislature passed AB 2572, requiring all water suppliers to install water meters on all customer connections by January 1, 2025. In order to meet this deadline the Mayor and City Manager approved the addition on a new meter & flushing crew. The additional crew is scheduled to commence in January of 2012. An adjustment is necessary to appropriate \$442,600 from Water Fund (4100) reserves to the System Maintenance Division within the Water Fund.

An adjustment is necessary to move Allocated Indirect Administration Costs expense in the amount of \$287 from a revenue cost center within the Water Fund (4100) to an existing operating cost center.

An adjustment is necessary to reduce the primary Capital Improvement Project 100380, Annual Lift Station Rehabilitation in the amount of \$225,500 and reappropriate these funds to an operating budget in the Sewer Fund (4210) to fund Lift Station Pump Replacements and Lift Stations and Dry Well Coating Rehabilitation at various sites.

#### **UTILITY PLANNING & PROJECTS**

On September 19, 2011, the Capital Improvement Project Task Force approved a new Capital Improvement Project titled Carpenter Road Bridge Waterline, Project #100658 in the Water CIP Fund (4180). An adjustment is necessary for Council approval of the new project and to appropriate funds from Water reserves in the amount of \$270,607 to establish the project budget.

An adjustment is necessary to appropriate \$50,000 from Water Fund (4100) fund balance for Professional Services and Services City Forces expense for the Urban Water Management Plan cost center. This cost center is related to Project 100484 which was closed during a capital improvement project review. However, due to the Oracle conversion, an encumbrance remained open in the project after the closure. When the encumbrance is released, the remaining project budget will go back into fund balance offsetting this adjustment.

An adjustment is necessary to appropriate \$15,000 from the Sewer Operations Fund (4210) for Engineering/Design/Admin expense for Project 100521 – North Valley Regional Recycled Water Feasibility project. While the City of Modesto is fronting the initial costs, the cities of Turlock and Ceres will reimbursement Modesto for their portion of these costs as has been memorialized in an MOU and cost sharing agreement.

#### ***The following budget adjustments relate to Exhibit 5 of the Fiscal Year 2011-12 Proposed Operating Budget Addendum:***

The adjustments shown below were part of the FY 11/12 budget packet adopted on June 7, 2011 (Exhibit 5 – Fiscal Year 2011-12 Proposed Operating Budget Addendum). However, the exhibit was inadvertently not listed in the budget adoption ordinance. Inclusion of these items on the Monthly Budget Adjustment Report will confirm the Finance Committee and City Council's approval of these actions.

1. Amend the Capital Improvement Services operating budget in the **Wastewater Fund** to increase salary and benefits by \$4,706 for out of class pay for a Senior Administrative Assistant, Confidential position. The out of class pay for this position has been approved by the Director of Human Resources pursuant to Article 17 of the MOU with MCMA and Personnel Administrative Order No. 7.5-84-8 until a classification study can be completed.
2. Amend the Capital Improvement Services operating budget in the **Wastewater Fund** to increase salary and benefits by \$131,000 for a limited term Senior Civil Engineer position to provide project liaison on the Phase 2 Tertiary Treatment project. The City Council previously approved a budget action for the remainder of FY 2010/11 on



03/21/11 (Reso 2011-102) and funding for FY-2011/12 was discussed during the Finance Committee public workshops in May, 2011.

3. Amend the County Aircraft Revenue budget in the **Airport Fund** to decrease County Airport Capital Contribution revenue by \$205,000 and decrease the service credit expense and capitalized maintenance expense in Airport Special Fund Operations in the same fund by \$236,099. This adjustment is needed to reflect Stanislaus County's intent to not contribute their portion of tax revenue to the Airport Fund for FY 2011/12.
4. Amend the County Aircraft Revenue budget in the **Airport Fund** to decrease Change in Fair Value of Investments by \$4,796 which was budgeted in error.
5. Amend the Environmental Compliance Unit budget in the **Wastewater Fund** to decrease salary and benefits by \$66,416 to eliminate a vacant Environmental Compliance Technician position. In identifying operational efficiencies and in light of the addition of a new supervisor position for the unit, Public Works is advocating the elimination of this position.
6. Amend the Construction Administration budget in the **Capital Improvement Support Fund** to increase salary and benefits by \$13,000 to reallocate one Engineering Assistant \* 1 position to an Assistant Land Surveyor position. This action would allow for technical and functional supervision of field work.
7. Amend the Direct Services Non-Housing budget in the **CDBG Direct Program Fund** to increase the CDBG Entitlement revenue budget by \$60,227 and increase Direct Grant expense by the same amount.
8. Amend the Emergency Shelter Program budget in the **Emergency Shelter Program Fund** to increase Emergency Shelter Grant revenue by \$39,454 and increase Direct Grant expense by \$37,481.
9. Amend the HOME-Direct Services budget in the **HOME Program Fund** to decrease HOME Entitlement revenue by \$137,470 and increase Direct Loan Interest revenue by \$50,000 and decrease the expense budget for Direct Loans, CHDO Community Housing Development and CHDO Operating Expense by the corresponding \$87,470.
10. Amend the CDBG Housing Rehabilitation budget in the **CDBG Direct Program Fund** to decrease the CDBG Entitlement revenue by \$4,956 and increase the Property Enhancement expense budget by \$2,000.
11. Amend the CDBG Rehab Revolving Load budget in **RLF – Housing Loan Program Fund** to increase the CDBG Entitlement revenue by \$85,000 and increase the CDBG – EHRP and Direct Grant expense by \$50,000.

12. Amend the CDBG Administration budget in the **CDBG – Direct Program Fund** to decrease the CDBG Entitlement revenue by \$117,299.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-432**

**RESOLUTION APPROVING A PURCHASE AGREEMENT WITH HSQ TECHNOLOGY OF HAYWARD, CALIFORNIA FOR FURNISHING MAINTENANCE/SUPPORT FOR THE SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM FOR A THREE (3) YEAR AGREEMENT, WITH TWO (2) ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY; AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE THE PURCHASE AGREEMENT**

WHEREAS, HSQ Technology supplied the City of Modesto SCADA System in 1993, and

WHEREAS, on July 1, 2008, the City Council, by Resolution No. 2008-399, approved an update to the SCADA System, and a large expansion occurred in 2010 with the addition of the Tertiary system at the Jennings Wastewater Treatment Plant, and

WHEREAS, the Wastewater and Water Divisions use the SCADA System to transmit and receive operational data from over 200 remotely located facilities such as wells, storage tanks, and lift stations, and

WHEREAS, the SCADA System provides for the remote control of equipment as well as real-time monitoring to ensure a rapid response to any abnormal system condition and the SCADA System stores data and shares it with other City systems to allow for historical report creation to satisfy regulatory requirements, and

WHEREAS, HSQ Technology is the manufacturer and sole distributor for the City of Modesto SCADA Telemetry System and as such, they are uniquely qualified to provide maintenance and 24 hour a day/7 days a week software and hardware support for the system, and

WHEREAS, HSQ has developed all of the custom software and has provided nearly all of the hardware that together comprises the SCADA System, and

WHEREAS, HSQ has been under contract through purchase orders for the past 13 years to provide SCADA System maintenance, and

WHEREAS, this purchase agreement locks in the cost for maintenance over five years as shown below:

Fiscal Year	Water 50%	Wastewater 50%	Total Cost of Agreement
FY12	\$17,502	\$17,502	\$35,004
FY13	\$17,502	\$17,502	\$35,004
FY14	\$17,502	\$17,502	\$35,004
FY15	\$18,222	\$18,222	\$36,444
FY16	\$18,582	\$18,582	\$37,164

WHEREAS, the continuous operation of the SCADA System is critical to providing control and monitoring of the Wastewater and Water systems, and

WHEREAS, this HSQ purchase agreement will also allow staff to respond to SCADA System failures with minimal disruption of service,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a purchase agreement with HSQ Technology of Hayward, California for furnishing maintenance/support for the SCADA System for a three (3) year agreement, with two (2) one-year extension options, at the sole discretion of the City.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue the purchase agreement.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-433**

**RESOLUTION AUTHORIZING THE PUBLIC WORKS DEPARTMENT,  
PARKING SERVICES DIVISION, TO PROVIDE FREE PARKING IN CITY-  
OWNED LOTS AND GARAGES DURING THE FOLLOWING HOLIDAYS:  
THANKSGIVING DAY(NOVEMBER 24 AND FRIDAY, NOVEMBER 25),  
CHRISTMAS DAY(DECEMBER 25), AND NEW YEAR'S DAY (JANUARY 1,  
2012)**

WHEREAS, for a number of years, the City Council has authorized free parking on specified Holidays to encourage shopping in the downtown area, and

WHEREAS, this effort has been well received and has resulted in improved shopping traffic during these important shopping days,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Parking Services Division provide free parking in City-owned lots and garages during the following holidays: Thanksgiving Day, November 24, 2011, Friday, November 25, 2011, Christmas Day, December 25, 2011, and New Year's day, January 1, 2012.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011 by Councilmember Lopez, who moved its adoption, which motion be duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-434**

**RESOLUTION FINDING THAT THE PROPOSED ANNEXATION OF APPROXIMATELY 153 ACRES BOUNDED BY CROWS LANDING ROAD ON THE WEST, HATCH ROAD ON THE SOUTH, UNION PACIFIC RAILROAD ON THE EAST, AND STATE ROUTE 99 ON THE NORTH, GENERAL PLAN AMENDMENT AND PREZONE IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): SHACKELFORD ANNEXATION (CITY OF MODESTO)**

WHEREAS, on October 14, 2008, the City Council, by Resolution No. 2008-582, certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, City of Modesto (“Applicant”) has proposed annexation of the area bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north (“Property”) to the 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 2009-14 (“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 October 19, 2011, 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 9, 2011, 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 Shackelford 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 and Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

EXHIBIT A  
Initial Study  
EA/C&ED 2009-14

**City of Modesto**

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

**Initial Study Environmental Checklist  
C&ED No. 2009-14**

**For the proposed:**

**Shackelford Annexation  
(ANX-03-002)**

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

**August 26, 2011**

# 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 Shackelford 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)

This finding of conformance relies on the analysis contained in the Urban Area General Plan Master EIR (SCH #200707023), which anticipated the annexation of properties within the Sphere of Influence, including the proposed Shackelford Annexation area (ANX-03-002).

### II. PROJECT DESCRIPTION

- A. Title: Shackelford Annexation (ANX-03-002)
- B. Address or Location: East of Crows Landing Road and west of the Union Pacific Railroad right of way, between State Route 99 and Hatch Road
- C. Applicant: City of Modesto, 1010 10<sup>th</sup> Street, Modesto, CA 95354
- D. City Contact Information  

Project Manager:	Cindy van Empel
Department:	Community and Economic Development Department
Phone Number:	209.577.5267
E-mail address:	cvanempel@modestogov.com
- E. Current General Plan Designation(s): R, Residential (Urban Area General Plan)

- F. Current Zoning Classification(s): As shown on the attached exhibit, properties generally located along Crows Landing Road are zoned by Stanislaus County for C-2 (general commercial) uses, while the remainder of the area is zoned for R-3 (Multiple Family Residential) uses, and three lots on Broadway Avenue are zoned for C-1 (Neighborhood Commercial) uses.
- G. Location: The proposed annexation area is bounded by Crows Landing Road on the west, Hatch Road on the south, the Union Pacific Railroad right of way on the east, and State Route 99 on the north. The site is in the vicinity of the southern portion of Modesto and lies west of State Route 99 and south and east of the Tuolumne River.
- H. Surrounding Land Uses:  
North: State Route 99  
South: residential and small-scale commercial  
East: industrial  
West: commercial and residential
- I. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR:

The proposed annexation area comprises approximately 153 acres and is developed as both residential and commercial land. There are structures on most of the existing parcels. The City further proposes to redesignate properties generally along the Crows Landing Road frontage from R, Residential, to C, Commercial. Most of the commercial development lies along Crows Landing Road, although there is a small amount of commercial development on Broadway Avenue at the intersection with Boulder Avenue on property zoned by Stanislaus County as R-3. There are also two properties zoned by Stanislaus County as C-1 on Broadway Avenue between Alamo Avenue and Boulder Avenue. The City proposes to prezone the area C-2, General Commercial, generally along the Crows Landing Road frontage, and R-1, Low-Density Residential on the remainder of the site.

In order to effect the annexation, the entire area will be:

- detached from Stanislaus County and attached to the City of Modesto;
- attached to City of Modesto Sewer District No. 1;
- the Landscape and Lighting District will be detached from Stanislaus County and attached to the City of Modesto; and,
- a tax-share agreement will be established between the City of Modesto and County of Stanislaus

- H. 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. 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.

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

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

**Original signed copy on file with CEDD**

\_\_\_\_\_  
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 General Plan Master EIR.	X	<input type="checkbox"/>

Discussion:

- (1) If annexation is approved, all development applications or other land use approvals will fall under the jurisdiction of the City of Modesto.
- (2) Residential development as anticipated in the proposed Housing Element is consistent with residential development anticipated elsewhere in the Urban Area General Plan. Therefore, policies/mitigation measures contained in the Urban Area General Plan and its Master EIR would mitigate impacts resulting from the updated Housing Element to the levels disclosed in the Master EIR.
- (3) No changes in federal, state, regional, or county regulations are proposed as part of this project.
- (4) The Modesto Urban Area General Plan Master EIR does not identify any significant natural resources in the project area.
- (5) The Shackelford area is identified in the Urban Area General Plan as lying wholly within the Sphere of Influence.
- (6) The Shackelford annexation area was developed primarily during the 1940s and 1950s, although some properties were developed in the decades since then. A small number of lots are vacant today. Following annexation, all new development will be required to comply with the policies contained in the Urban Area General Plan and with City standards.



## 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.	X	<input 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:	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.	X	<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.	X	<input type="checkbox"/>

### Discussion:

- (1) The Master EIR was certified in October 2008.
- (2) The Urban Area General Plan states the City's intent to annex this area by its inclusion in the Modesto Sphere of Influence; the annexation of the site is, therefore, anticipated in the Master EIR. Furthermore, the site is almost fully developed and additional development will have only minor impacts relative to the site as a whole that have been anticipated in the Master EIR.
  - (a) The physical and regulatory environments creating the circumstances under which the Master EIR for the Urban Area General Plan was certified has not changed appreciably.
  - (b) No new information that would affect the adequacy of the Master EIR has become available.
  - (c) All of the policies in the Urban Area General Plan and mitigations in the Master EIR affecting new residential construction remain in effect at this time.

## 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:

No traffic mitigation measures will be applied to the proposed annexation. No new 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:

<b>TRAFFIC AND CIRCULATION</b>			
	No	Additional Mitigation needed	Significant Impact with Mitigation
(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.	X	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed project would substantially increase hazards due to a design feature, such as sharp curves, or the development of incompatible uses in close proximity to one another.	X	<input 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.	X	<input 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).	X	<input 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.	X	<input type="checkbox"/>	<input 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, and so on.	X	<input type="checkbox"/>	<input type="checkbox"/>
(7) The proposed project would result in an increase in energy consumption associated with the operation on highway project, rail improvements, and aviation facilities (on a per capita basis) in excess of that considered in the Urban Area General Plan.	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Discussion:</u>			
(1-7) Staff has reviewed the annexation and determined that the project is within the scope of the Master EIR and no further traffic study is required. There are approximately 19 vacant properties zoned for residential development in the annexation area that could be developed. However, development of these sites would be allowed without annexation and would be consistent with both the general plan designation and the proposed zoning and therefore is			

consistent with the type and scale of development expected to occur. All of the existing roads will continue to exist and be maintained in approximately their current condition. The 153-acre annexation area is almost fully developed; any new development that occurs following annexation will be required to comply with City codes and standards, therefore, no impacts on traffic different from those disclosed in the General Plan Master EIR are expected to occur.

## **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<sub>x</sub>) (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 (PM<sub>10</sub>) and 2.5 microns or less in diameter (PM<sub>2.5</sub>) (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<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>.

### **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:

No air quality mitigation measures will be applied to the proposed annexation. No new 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:

<b>DEGRADATION OF AIR QUALITY</b>		No	Additional Mitigation needed	Significant Impact with Mitigation
(1)	The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
(2)	The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO <sub>x</sub> , PM <sub>10</sub> , and PM <sub>2.5</sub> .	X	<input type="checkbox"/>	<input type="checkbox"/>
(3)	The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
(5)	The proposed project would create objectionable odors affecting a substantial number of people.	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Discussion:</u>				
(1-6) Annexation of the Shackelford area to the City of Modesto is expected to result in no impact greater than that disclosed in the Urban Area General Plan Master EIR because development on the site and future incremental development that may occur would be consistent with the type and level of development in the Urban Area General Plan. All future development that occurs after annexation will be required to comply with existing City codes and standards and with air quality policies. Future residential development would not be expected to create unusual 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:

No noise mitigation measures will be applied to the proposed annexation. No new 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 is based on the following thresholds. Project-specific effects will be less than significant unless:

<b>GENERATION OF NOISE</b>		No	Additional Mitigation needed	Significant Impact with Mitigation
(1)	The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	X	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(1-4) The proposed annexation is a developed area outside of Modesto's current city limits, but included in the City's Sphere of Influence, and is therefore included in the Urban Area General Plan Master EIR analysis. Because the site is almost fully developed and is located in an existing developed area, no mitigation will be applied to the existing development. Future development following annexation will be required to comply with City policies and standards.

#### **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 agricultural mitigation measures will be applied to the proposed annexation. No new 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:

<b>SIGNIFICANT EFFECTS IDENTIFIED IN THE MASTER EIR</b>				
		No	Additional Mitigation needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(1-4) The Shackelford annexation area began developing in the 1940s. The majority of the site was developed by the late 1950s, although small amounts of development continued to occur until about the 1980s, by which time, the site was considered to be urban and no longer of significant agricultural value. No impacts on agricultural resources are expected to occur as a result of annexation.

## 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 water mitigation measures will be applied to the proposed annexation. No new 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:

<b>INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</b>				
		No	Additional Mitigation needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Discussion:</u>				
(1-3) The Shackelford area is served by the Del Este water system, which is owned and operated by the City of Modesto and governed by the policies of the City of Modesto. No changes to this arrangement will occur following annexation. Water meters have been installed in the Shackelford area and are required for all new development, resulting in lower water use.				

## **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**

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 sewer mitigation measures will be applied to the proposed annexation. No new 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:

**INCREASED DEMAND FOR SANITARY SEWER SERVICES**

	No	Additional Mitigation needed	Significant Impact with Mitigation
(1) The proposed project is inconsistent with the policies in the Modesto Urban Area General Plan.	X	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	X	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(1-3) Eight-inch sewer collection lines and a small number of 10-inch collection lines have been installed in the Shackelford area in anticipation of annexation to the City of Modesto. Although extension of new sewer service to the annexation area has occurred, the annexation of the Shackelford area has been anticipated since 2003, when a vote was held to ask the public if it would support the extension of sewer service ("Measure M") to the area with the intention of annexing it to the City of Modesto. The proposed annexation was included in the Urban Area General Plan Master EIR and is consistent with general plan policies and expected sewer flows. The City has already determined that it can serve the area and is currently providing service to more than 320 properties.

**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 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**

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 for sensitive wildlife and plant habitat will be applied to the proposed annexation. No new 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:

<b>LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</b>				
		No	Additional Mitigation needed	Significant Impact with Mitigation
(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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
(5)	Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Discussion:</u>				
(1-6) The project site lies in an area that has been urbanized for decades. There is no expectation of impacts to sensitive wildlife or plants or to habitats at this location. Furthermore, annexing the property to the City of Modesto is an administrative function that is not expected to result in changes to the development pattern or density of development.				

## **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 archaeological or historical mitigation measures will be applied to the proposed annexation. No new 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:

**DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES**

	No	Additional Mitigation needed	Significant Impact with Mitigation
(1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed project would modify a historic resource, resulting in a substantial adverse change in its significance or would demolish a listed or eligible historic resource.	X	<input type="checkbox"/>	<input type="checkbox"/>
(3) The proposed project would modify or demolish a structure more than 50 years in age.	X	<input 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, or that is listed by the City of Modesto as a Designated Landmark Preservation site.	X	<input type="checkbox"/>	<input type="checkbox"/>
(5) The project site is in a riparian zone (see Figure V-7-1 in the MEIR), where archaeological resources are most likely to be discovered, or is otherwise located in an area of high archaeological sensitivity.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(1-5) The project site is not in a riparian zone and lies in an area that has been urbanized for decades. There is no expectation of impacts to historic or other cultural resources. Many buildings in the Shackelford area are older than 50 years, but it is not anticipated that annexation will induce the modification or demolition of any structures.

**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:

No storm water drainage mitigation measures will be applied to the proposed annexation. No new 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:

<b>INCREASED DEMAND FOR STORM DRAINAGE</b>			
	No	Additional Mitigation needed	Significant Impact with Mitigation
(1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(1-3) The annexation area is an existing developed area that contains a storm water drainage system and basin, and it appears that the system adequately handles storm water for the existing developed annexation area. No substantial changes to the existing system are planned.



**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:

No archaeological or historical mitigation measures will be applied to the proposed annexation. No new 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:

<b>FLOODING AND WATER QUALITY</b>		No	Additional Mitigation needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

(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 offsite.	X	<input type="checkbox"/>	<input type="checkbox"/>
(5)	The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	X	<input type="checkbox"/>	<input type="checkbox"/>
(6)	The proposed project would violate water quality standards or waste discharge requirements.	X	<input 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 Urban Area General Plan.	X	<input type="checkbox"/>	<input 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 Urban Area General Plan implementation.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(1-8) The proposed annexation is a boundary change for purposes of administering public services. No changes to floodplain boundaries or the pattern of development would occur and the existing and incremental future development of the annexation area is consistent with the Urban Area General Plan and the Master EIR. No portion of the annexation area lies within the 100-year floodplain boundary. Furthermore, prior to the "Measure M" vote in November 2003, every lot in the annexation area used a private septic system for waste disposal, which appears to have caused some groundwater contamination because septic systems are inadequate to treat the large amount of sewage created by number of people living in a relatively small area. Under current standards, the use of septic systems is constrained by lot size; in this area, the minimum lot size for a septic system is approximately one acre. As sewage treatment converts from septic to sanitary sewers, groundwater contamination is expected to be reduced. See also discussion of impacts on the storm drainage system 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 mitigation measures relating to parks and open space will be applied to the proposed annexation. No new 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:

<b>INCREASED DEMAND FOR PARKS AND OPEN SPACE</b>			
		Additional Mitigation needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	X <input type="checkbox"/>	<input type="checkbox"/>
(2)	The proposed project would eliminate parks or open space.	X <input type="checkbox"/>	<input 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.	X <input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(1-3) The annexation area lies within Park Planning Area 39, an area that does not have a public park. In accordance with measure POS-6 in the Urban Area General Plan Master EIR, this area is considered to be adequately served in its existing condition. The annexation area has access to Tuolumne River Regional Park to the north and west. Annexing the Shackelford area would not result in the elimination of parks or open space and would not increase the use of existing parks, since all parks in the City of Modesto are available to be used by the public, both those who reside within city limits and those who do not.

## **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 special mitigation measures relating to schools will be applied to the proposed annexation. No new 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:

<b>INCREASED DEMAND FOR SCHOOLS</b>		No	Additional Mitigation needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Discussion:</u>				
(1-2) The annexation would have no effect on schools policies. All new development must pay school impact fees prior to issuance of a building permit; no impacts on schools are expected to result from annexation.				

### 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 relating to police protection services will be applied to the proposed annexation. No new 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:

<b>INCREASED DEMAND FOR POLICE SERVICES</b>		No	Additional Mitigation needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(1-2) Annexation of the Shackelford area to the City of Modesto is consistent with general plan police protection policies and is expected as part of general plan implementation. No substantial additional police facilities would be required to serve the annexation area. The number of calls for service received by the Modesto Police Department would likely increase slightly as a result of annexation and the Modesto Police Department has indicated that they could respond to those calls using their existing resources.

**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 relating to fire protection services will be applied to the proposed annexation. No new 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:

<b>INCREASED DEMAND FOR FIRE SERVICES</b>		No	Additional Mitigation needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
(3)	The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(1) The proposed annexation makes no substantial changes in the development pattern or number of potential dwelling units served by the Modesto Regional Fire Authority and is consistent with the assumptions in the Urban Area General Plan. As such, it is consistent with fire protection policies in the Urban Area General Plan and Master EIR.

(2), (3) Because the proposed project makes no changes to the development pattern assumed in the Urban Area General Plan, and because the Modesto Regional Fire Authority already provides fire protection services to the Shackelford area, there will be no increase in the demand for fire protection facilities and no impact on response times or other performance standards.

**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 relating to solid waste will be applied to the proposed annexation. No new 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:

<b>GENERATION OF SOLID WASTE</b>		No	Additional Mitigation needed	Significant Impact with Mitigation
(1)	The project is inconsistent with the solid waster policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(1-2) The Shackelford area is almost fully developed and has been for many years. No new impacts on solid waste disposal capacity are expected to occur following annexation. The area will receive service from Bertolotti consistent with the residential service provided by that firm elsewhere within the City of Modesto.



**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 relating to hazardous materials will be applied to the proposed annexation. No new 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:

<b>GENERATION OF HAZARDOUS MATERIALS</b>			
		Additional Mitigation needed	Significant Impact with Mitigation
(1)	The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	X <input type="checkbox"/>	<input 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.	X <input type="checkbox"/>	<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.	X <input type="checkbox"/>	<input type="checkbox"/>

(4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008. X

Discussion:

(1-4) Annexing the subject properties to the City of Modesto creates no conflicts with the City's hazardous materials policies. The use, storage, and emission of hazardous materials on these existing developed sites are not expected to change following annexation, as compared to pre-annexation conditions and are expected to be completely consistent with the use, storage, and emission of hazardous materials that occurs on residential and commercial properties in the area. The State of California's contaminated sites list does not include any sites within the annexation area.

## 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 relating to geology, soils, or mineral resources will be applied to the proposed annexation. No new 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:

<b>GEOLOGY, SOILS, AND MINERAL RESOURCES</b>		No	Additional Mitigation needed	Significant Impact with Mitigation
(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"/>
(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"/>
<u>Discussion:</u>				
(1-2) This is a developed area. Annexation of the Shackelford area to the City of Modesto will not result in development patterns or densities different than those anticipated in the Urban Area General Plan or those disclosed and analyzed in the General Plan Master EIR. Any resources lying below or hazards that would affect the site are not new and would not be created or exacerbated by annexation to the City of Modesto.				

## 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 relating to energy use will be applied to the proposed annexation. No new 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:

<b>ENERGY</b>		No	Additional Mitigation needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>Discussion:</u>				
(1-2) Annexation of the Shackelford area to the City of Modesto will not result in development patterns or densities different than those anticipated in the Urban Area General Plan or those disclosed and analyzed in the General Plan Master EIR. Annexation would not result in changes to travel patterns or household energy use.				

**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 relating to visual resources will be applied to the proposed annexation. No new 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:

<b>EFFECTS ON VISUAL RESOURCES</b>			No	Additional Mitigation needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>	
<u>Discussion:</u>					
(1-3)	Annexation of the Shackelford area to the City of Modesto will not result in development patterns or densities different than those anticipated in the Urban Area General Plan or those disclosed and analyzed in the General Plan Master EIR. While the area is not developed to its existing zoned capacity, the site is not close enough to the Tuolumne River to affect views of or from the river, even if the site were developed to its maximum entitlement.				

**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 relating to land use will be applied to the proposed annexation. No new 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:

<b>LAND USE AND PLANNING</b>		No	Additional Mitigation needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	X	<input type="checkbox"/>	<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.	X	<input type="checkbox"/>	<input 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.	X	<input type="checkbox"/>	<input type="checkbox"/>

- (4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan. X

Discussion:

- (1-4) Annexation of the Shackelford area to the City of Modesto is consistent with land use and Sphere of Influence policies in the Urban Area General Plan. The area currently has a Residential (R) land use designation over the entire site; the City intends to amend the land use designation for properties generally along the Crows Landing Road frontage from Residential (R) to Commercial (C) to be consistent with the existing development. The area would be annexed in its current condition and there are no proposals for development that would divide or create barriers within the annexation area. There are neither habitat areas nor natural community conservation plans in the area.

## 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 relating to climate change will be applied to the proposed annexation. No new 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:

<b>CLIMATE CHANGE</b>		No	Additional Mitigation needed	Significant Impact with Mitigation
(1)	The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	X	<input type="checkbox"/>	<input type="checkbox"/>
(2)	The proposed project would result in average automobile trip lengths or CO <sub>2</sub> emissions higher than those assumed in the Master EIR.	X	<input type="checkbox"/>	<input type="checkbox"/>
(3)	The proposed project would conflict with the Sustainable Communities Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	X	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

(1-3) The Stanislaus Council of Governments has not yet developed a Sustainable Communities Strategy, and because the Shackelford area is a significantly developed area, annexation would not result in substantial new development. Furthermore, the area is consistent with land use policies in the Urban Area General Plan, which have been evaluated with respect to greenhouse gas emissions. Neither local nor regional travel patterns would change as a result of the proposed annexation. Because no substantial new development would occur as a result of the annexation and because new development would be consistent with the pattern and density of development disclosed in the Urban Area General Plan, the General Plan's climate change policies are not applicable to this project.



## **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:**

None

#### **Degradation of Air Quality:**

None

#### **Generation of Noise:**

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

**Climate Change:**

None

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-435**

**RESOLUTION AMENDING A PORTION OF THE MODESTO URBAN AREA  
GENERAL PLAN BOUNDED BY CROWS LANDING ROAD ON THE WEST,  
HATCH ROAD ON THE SOUTH, UNION PACIFIC RAILROAD ON THE EAST,  
AND STATE ROUTE 99 ON THE NORTH FROM RESIDENTIAL (R) TO  
COMMERCIAL (C) (CITY OF MODESTO)**

WHEREAS, on October 14, 2008, the City Council, by Resolution No. 2008-582, certified the Final Master Environmental Impact Report (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 approved by the City 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, 2007-066, 2008-142, and 2008-583, 2011-253, and 2011-254 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") has applied for an amendment to the General Plan to redesignate a portion of the Urban Area General Plan bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad on the east, and State

Route 99 on the north, from Residential (R) to Commercial (C) as shown on **Exhibit A**, **attached** hereto and incorporated herein by reference, and

WHEREAS, the Community and Economic Development Department has analyzed the proposed amendment and concluded it is consistent with the Urban Area General Plan, and

WHEREAS, a Final Master Environmental Impact Report (MEIR) (SCH No. 2007072023) was prepared for the Urban Area General Plan Update which analyzed the potential environmental effects of the proposed Project, and

WHEREAS, on September 19, 2011, 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. 2011-18, 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 November 9, 2011, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan and adoption of a Finding of Conformance (EA C&ED No. 2009-14) with the MEIR,

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 the proposed amendment to the Modesto Urban Area General Plan is consistent with the Final Master Environmental Impact Report for the Urban Area General Plan (SCH No. 2007072023) and has been adequately analyzed by the Master Environmental Impact Report.

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 special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney




EXHIBIT A

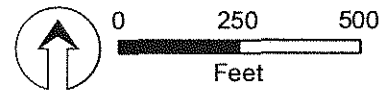
# EXHIBIT A



## Shackelford Infill Area

Proposed General Plan Amendment  
to Add Commercial (C)

-  Residential
-  Proposed Commercial (C) Designation
-  Parcels





**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-436**

**RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO ANNEX APPROXIMATELY 153 ACRES OF PROPERTY BOUNDED BY CROWS LANDING ROAD ON THE WEST, HATCH ROAD ON THE SOUTH, UNION PACIFIC RAILROAD ON THE EAST, AND STATE ROUTE 99 ON THE NORTH (COUNCIL DISTRICT 2); TO ATTACH IT TO MODESTO SEWER DISTRICT NO. 1; AND TO APPROVE A CITY-COUNTY TAX-SHARING AGREEMENT (CITY OF MODESTO – INHABITED)**

WHEREAS, the City of Modesto (“Applicant”) has initiated annexation of property bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north (“Property”), to the City of Modesto 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 California Government Code Sections 56654 and 56700, and

WHEREAS, the Property proposed for reorganization is inhabited, 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 to be annexed is within Stanislaus County, contiguous to the existing City limits and within the current Sphere of Influence of the City of Modesto, as adopted by Stanislaus Local Agency Formation Commission, Resolution No. 97-11, on December 19, 1994, and

WHEREAS, the Property is not subject to a Williamson Act contract, and

WHEREAS, a Measure M advisory vote was held in November 2003 and received an affirmative outcome, 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, Section 99 of the Revenue and Taxation Code requires the City of Modesto and County of Stanislaus to agree upon an exchange of property taxes that will be derived from the annexed area, and

WHEREAS, an Initial Study Environmental Checklist (Environmental Assessment No. EA/C&ED 2009-14) has been prepared by the City of Modesto that analyzed whether the proposed project may cause any significant effect on the environment that was not examined in the General Plan Master Environmental Impact Report and indicated the degree of impact on public services resulting from annexation, which information will be used to prepare a plan for providing services pursuant to Government Code Section 56653, and

WHEREAS, on September 19, 2011, 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. 2011-19, recommending to the City Council that they adopt the Resolution of Application for an annexation of the Property to the City of Modesto, attach the Property to Modesto Sewer District No. 1, and approve the City-County Tax-Share Agreement, and

WHEREAS, said matter was set for public hearing of the City Council to be held on November 9, 2011, in the Tenth Street Place Chambers, located at 1010 10<sup>th</sup> 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 reorganization,

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

The Property proposed to be annexed to the City of Modesto is inhabited, and a description of the boundaries of the Property is set forth in **Exhibits A and B, attached** hereto and incorporated by reference herein.

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.

The proposed annexation will result in planned, orderly, and efficient development, and the most efficient provision of services.

The Property is not subject to a Williamson Act Contract pursuant to Government Code Section 51200, et seq.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that it approves a Resolution of Application to detach the Property from Stanislaus County and attach the Property to the City of Modesto, and to attach it to City of Modesto Sewer District No. 1.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that, pursuant to Government Code Section 56653, the City Council shall submit a plan for providing services as set forth in **Exhibit C, attached** hereto and by this reference incorporated herein.

BE IT FURTHER RESOLVED by the City Council of the City of Modesto that it approves the tax-sharing agreement set forth as **Exhibit D, attached** hereto and by this reference incorporated herein.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ACALA WOOD, City Attorney

EXHIBIT A

1 A portion of Section 4 and 5, Township 4 South, Range 9 East, Mount Diablo Meridian, located  
2 in the County of Stanislaus, State of California, and more particularly described as follows:  
3

4 **BEGINNING** at the southeast corner of said Section 5; thence along the southerly line of said  
5 Section 5, North 88°35'45" West 100.00 feet; thence North 00°07'50" West 86.49 feet to the  
6 northerly right-of-way line of Hatch Road; thence along said northerly right-of-way line, North  
7 89°52'10" East 23.07 feet to the beginning of curve being on the general westerly right-of-way  
8 line of Crows Landing Road; thence along said general westerly right-of-way line the following  
9 13 courses: northeasterly along said curve concave to the northwest, having a radius of 25.00  
10 feet, through a central angle of 89°27'00", and an arc distance of 39.03 feet; thence North  
11 00°25'10" East 272.29 feet to the beginning of a curve; thence northerly along said curve  
12 concave to the west, having a radius of 1989.87 feet, through a central angle of 05°17'03", and  
13 an arc distance of 183.52 feet to the point of reverse curvature; thence northerly along said  
14 reverse curve concave to the east, having a radius of 2009.87 feet, through a central angle of  
15 2°23'58", and an arc distance of 84.17 feet to the point of reverse curvature; thence  
16 northwesterly along said reverse curve concave to the southwest, having a radius of 15.00 feet,  
17 through a central angle of 88°02'25", and an arc distance of 23.05 feet to the southerly right-of-  
18 way line of Crater Avenue; thence North 01°34'09" West 60.01 feet to a point on the northerly  
19 right-of-way line Crater Avenue; thence along a curve concave to the northwest, having a radial  
20 line through the beginning of curve which bears South 00°30'20" East, a radius of 15.00 feet,  
21 through a central angle of 89°04'30", and an arc distance of 23.32 feet; thence North 00°25'10"  
22 East 390.63 feet to the beginning of a curve; thence northwesterly along said curve concave to  
23 the southwest, a radius of 15.00 feet, through a central angle of 89°41'00", and an arc distance  
24 of 23.48 feet; thence North 00°44'10" East 8.00 feet; thence North 00°08'48" East 47.00 feet to  
25 the beginning of a curve; thence northeasterly along said curve concave to the northwest,  
26 having a radial line through said beginning of curve which bears South 00°44'10" West, having a

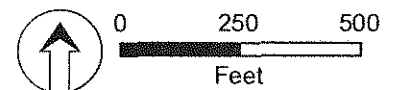
EXHIBIT A

1 radius of 15.00 feet, through a central angle of 90°19'00" an arc distance of 23.64 feet; thence  
2 North 00°25'10" East 430.69 feet to the general southerly line of the Crows Landing Industrial  
3 Addition Annexation recorded August 5, 1952 in Volume 110 of Official Record at Page 427,  
4 Stanislaus County; thence along the general southerly and easterly line of said Annex the  
5 following two courses: 1) South 89°34'50" East 70.00 feet to the easterly line of Section 5; 2)  
6 thence along said easterly line, North 00°25'10" East 1193.07 feet to the general southerly right-  
7 of-way line of U.S. State Route 99; thence along said generally southerly right-of-way line,  
8 easterly 2100 feet to the westerly right-of-way line of South 7<sup>th</sup> Street; thence along said  
9 westerly right-of-way line of south 7<sup>th</sup> Street, South 41°56'15" East 171.23 feet to the easterly  
10 right-of-way line of the Union Pacific Railroad; thence westerly and perpendicular to easterly  
11 right-of-way line of the Union Pacific Railroad, South 76°29'20" West 50.00 feet to the westerly  
12 right-of-way line of the Union Pacific Railroad; thence southerly along said westerly right-of-way  
13 line of the Union Pacific Railroad 2490 feet to the southerly right-of-way line of Hatch Road as  
14 shown on the map filed as South Modesto Acres – Tract No. 2 on January 9, 1940 in Volume 11  
15 of Maps at Page 69, Stanislaus County Records; said southerly right-of-way line of Hatch Road  
16 being the southerly section line of said section 4; thence along said southerly right-of-way line of  
17 Hatch Road, North 89°44'55" West 2611.28 feet to the **POINT OF BEGINNING**.

18  
19 **EXCEPTING** therefrom that portion of the Shackleford School Annexation as approved by City  
20 Council by Resolution No. 79-369 and recorded in Instrument No. 70629, Official Records of  
21 Stanislaus County.



# Shackelford Infill Area



## EXHIBIT C

### SHACKELFORD REORGANIZATION PLAN FOR SERVICES

#### Background

The services plan for the proposed annexation of approximately 153 developed acres south of the Tuolumne River from downtown Modesto evaluates the urban services currently provided to the area and services that Modesto would need to extend to the area following annexation.

The Shackelford area was included in the Stanislaus County Redevelopment Agency's (Agency) 2000 – 2004 Implementation Plan for Programs and Projects (Plan) as an area to which the Agency planned to extend sewer service. As indicated in the Plan, the area was under a building moratorium due to failing septic systems; the extension of sewer service to this area with the consent of the City of Modesto and the Local Agency Formation Commission was done in order to lift the moratorium and allow affordable housing in this area to be improved and protected.

The project site is part of the Baseline Developed Area, as described in the Modesto Urban Area General Plan, adopted August 15, 1995, as amended (updated most recently October 14, 2008). The Shackelford area was included in Modesto's 2003 Urban Growth Policy Review Update (2003 UGPR). The 2003 UGPR indicated that Stanislaus County had already begun building sewer lines, curb, gutter, sidewalk, and street paving and that the County intended to build the infrastructure to Modesto's standards, with the exception of the street paving and the storm water drainage basin. Staff recommended in the 2003 UGPR that the City Council schedule the Shackelford area for a "Measure M" vote if negotiations regarding infrastructure and other fiscal issues were complete prior to completion of the ballot measure. In order to facilitate annexation, the City Council used its discretion to submit a "Measure M" vote for the Shackelford area after an infrastructure agreement was reached with Stanislaus County on July 1, 2003, but before a tax sharing agreement was reached.

Pursuant to Government Code Section 56653, this Plan for Services to be extended to the affected territory has been prepared for the Shackelford Neighborhood Reorganization.

- A.** As part of the annexation project process, community facilities and services were analyzed in detail in Initial Study / Environmental Assessment C&ED No. 2009-14, included with the annexation application. These services include traffic and circulation, waste water collection, water delivery, storm water drainage, solid waste disposal, schools, parks, fire protection, and police protection. Modesto is a full service city that will provide the following services to the territory upon annexation to the city.



1. Traffic and Circulation: The roadway network in the vicinity of the annexation area is already constructed. Stanislaus County has already added curb, gutter, and sidewalk to those streets that lacked such infrastructure, in accordance with the infrastructure agreement between the City and County, dated July 1, 2003, and included with this Plan for Services. The sole exception to this is along the eastern portion of Pecos Avenue on the north side of the street, where there is inadequate space to construct a sidewalk unless one or two houses are demolished. For this reason, and because there is a continuous sidewalk on the south side of Pecos Avenue, the City and County have agreed that no additional sidewalk improvements will be constructed on the north side of the street at this time.
  
2. Wastewater Collection: Eight- and ten-inch sewer collection lines were installed in the Shackelford area pursuant to the infrastructure agreement between Stanislaus County and the City of Modesto, dated July 1, 2003, in anticipation of the November 2003 "Measure M" vote to extend sewer service and annexation to the City of Modesto. Sewer service is now available to every property in the annexation area. Due to safety concerns about unpermitted connections to the system, the territory is already served by Modesto's Sewer District No. 1, although the area has not been formally reorganized.

The sewer lines have capacity to serve approximately 650 dwellings, 25 percent more than exist today (pers. Comm. Jim Alves, City of Modesto Associate Civil Engineer, April 6, 2011) and about the total number of dwellings that would be expected over the life of the sewer lines. Additional commercial development could be accommodated, as well, since peak sewer flows from commercial and residential development occur during different times of day.

The Shackelford area will be formally included in Sewer District No. 1 when the reorganization is approved by the Local Agency Formation Commission. Extension of service has been funded by Stanislaus County, free of charge to the residents of the annexation area. Sewer connections for every occupied property will be required within five years of annexation, in accordance with City policy.

As of October 2011, 323 of the 496 properties have completed service agreements and have received permits and the paperwork for 14 additional service agreements has been initiated. Agreements have not been initiated for the remaining properties in the annexation area.

3. Water Delivery: Water delivery in the Shackelford neighborhood has been provided for many years from the Del Este system, which is owned and operated by the City of Modesto. The Shackelford area is served by four- and six-inch water transmission lines, which are adequate to serve the existing development and can also provide service to additional development. There will be no change or interruption in water service upon reorganization.

The City maintains its water system on an ongoing basis, decommissioning wells as needed and replacing that water with new well water or with surface water, adding tanks and pumps, and so on. Because the City operates the Del Este system, which serves the Shackelford area, system maintenance occurs now, and would continue after annexation. The City of Modesto 2010 Water System Engineer's Report did not identify any needed improvements in the Shackelford area.

4. Storm Water Drainage: Storm water drainage for this project will be contained in a basin located on the south side of Pecos Avenue. This basin does not meet all City standards, as it has been improved as a retrofit. In accordance with the July 1, 2003, infrastructure agreement between the City of Modesto and Stanislaus County, the City is responsible for ongoing operation and maintenance of the basin and for correcting any deficiencies.
5. Solid Waste Disposal: Weekly waste collection service by Bertolotti will be extended to the annexation area upon the effective date of annexation. Because this service, like the existing service, is provided through fees, the level of service will be adequate to support urban development.
6. Fire Protection: Upon reorganization, the annexation area will remain within the boundaries of the Industrial Fire Protection District. No change to this arrangement is proposed; Modesto's Fire Station #10 is and will remain the first responding station both before and after annexation, and there will be no change in staffing or response times. Fire Station #10 is located approximately 0.6 miles southwest of the Shackelford annexation area, on Imperial Avenue west of Crows Landing Road.
7. Police Protection: The City currently employs 231 sworn officers. With a population of 201,165, the staffing ratio is 1.15 officers per 1,000 citizens. Approximately 1,467 people are estimated to reside in the Shackelford area (504 dwelling units with 2.9 persons per occupied unit citywide). Annexing Shackelford will bring the total population of Modesto to approximately 202,600 for a staffing ratio of 1.14 officers per 1,000 citizens, compared to the General Plan staffing ratio goal of 1.85 per 1,000.

According to the Modesto Police Department (MPD), as a result of annexation, the number of calls for police service is expected to increase slightly. Adding approximately 1,500 people to the population of Modesto will increase the need for sworn officers by 1.5 officers to maintain current staffing ratios. The Modesto Police Department has indicated that it is able to provide adequate service to the Shackelford neighborhood upon annexation to the City.

8. Landscape and Lighting District: Street lights do not fully meet City standards with respect to the fixtures, however, the City of Modesto has verified by study that the lumens cast by the existing street lights do meet City standards. No further improvements are needed.

This area is served by a Landscape and Lighting District, for which the County administers only street lighting and collects an assessment for that service. The City is currently working with Stanislaus County to transfer authority for administering the Landscape and Lighting District from Stanislaus County to the City of Modesto. The transfer of authority will occur as soon after reorganization as possible.

**B. Level and range of services**

The City of Modesto is a full service provider of municipal services and will provide complete services to the Shackelford annexation area, as described above. Because the Shackelford annexation area lies in the unincorporated portion of Stanislaus County, many of the public services provided to the area are provided at a rural level of service, with the notable exception of water, which is currently provided by Modesto through the Del Este system. Services provided by the City of Modesto will be similar to urban service levels provided across incorporated City of Modesto.

**C. When can services be provided?**

Except where services are already being provided, the above-described services will be provided upon the effective date of annexation.

**D. Improvements required as a condition of reorganization**

No improvements are required as a condition of reorganization. All necessary improvements will have been completed prior to annexation.

**E. How will services be financed?**

Services will be financed through applicable utility and service fees, property tax revenues and general fund resources.

<b>Summary of Existing and Proposed Services and Provider Agencies</b>		
<b>Service</b>	<b>Existing</b>	<b>Proposed</b>
General government services	County of Stanislaus	City of Modesto
Wastewater collection/treatment	City of Modesto	City of Modesto
Water distribution	City of Modesto	City of Modesto
Storm water drainage	County of Stanislaus	City of Modesto
Roads and transit	Stanislaus County / City of Modesto	City of Modesto
Law enforcement	County of Stanislaus	City of Modesto
Fire protection	Modesto Regional Fire Authority	Modesto Regional Fire Authority
Solid waste	Waste Management	Bertolotti
Landscape and Lighting District	County of Stanislaus	City of Modesto
Schools	Modesto City Schools	Modesto City Schools

**SHACKELFORD ANNEXATION  
PROPERTY TAX REVENUE EXCHANGE AGREEMENT**

This Shackelford Property Tax Exchange Agreement ("Agreement") is made and executed on August     , 2011, by and between the County of Stanislaus, a political subdivision of the State of California ("County") and the City of Modesto, a municipal corporation of the State of California ("City").

RECITALS

A. The City has filed [proposes to file] an application with the Stanislaus County Local Agency Formation Commission requesting its approval of annexation of approximately XXXX acres of real property to the City, more particularly described in Exhibit A (the "Shackelford Annexation").

B. Section 99 of the Revenue and Taxation Code requires a city seeking to annex property to its incorporated territory and a county affected by such annexation to agree upon an exchange of property taxes which are derived from the annexed territory and available to the county and city following annexation of the property to the incorporated territory of the city.

C. The County and the City entered into an Agreement, also known and referred to as the Master Property Tax Sharing Agreement, effective April 9, 1996, for the purpose of adjusting the allocation of property tax revenue pursuant to Section 99 of the Revenue and Taxation Code upon a change of organization.

E. Section Seven of the Master Property Tax Sharing Agreement, as amended May 26, 2006 (Amendment No. 2), provides:

"For annexations affecting an entire unincorporated island, the annexing City shall receive 34% of the County's share of property tax including the base year amount or as otherwise separately negotiated. The City shall receive the base year tax and annual tax increments attributable to detached or dissolved special districts."

D. County and City desire to separately negotiate property tax revenue sharing for the Shackelford Annexation, and have negotiated and have reached an understanding as to a rate of exchange of property tax revenues to be made pursuant to Section 99 of the Revenue and Taxation Code in connection with the Shackelford Annexation to the City.

E. County and City agree to the transfer of property tax revenue upon completion of the Shackelford Annexation as set forth in this Agreement.

AGREEMENTSection 1. Definitions.

(a) "Annexation Area" means that portion of the unincorporated area of the County known as the Shackelford Annexation, as delineated in Stanislaus County Local Agency Formation Commission ("LAFCO") Application No. XXXXX, the annexation of which to the City is subsequently approved and completed by LAFCO as provided in the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (Government Code, §56000 et seq.).

(b) "Annexation Date" means the date specified by the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 as the effective date of the Shackelford Annexation.

Section 2. General Purpose of Agreement. The general purpose of this Agreement is to establish an equitable exchange of property tax revenue between the County and the City for the Shackelford Annexation as required by Revenue and Taxation Code section 99.

Section 3. Exchange of Property Tax Revenue. Notwithstanding any prior or contemporaneous agreement related to the transfer, sharing or exchange of real property taxes, on and after the Annexation Date, the County and City shall exchange property tax revenue from the Annexation Area as follows:

(a) The Stanislaus County Redevelopment Agency shall receive and retain property tax increment from the Annexation Area until the Agency, or successor agency, ceases to exist and all existing debt is paid.

(b) City shall receive 50 percent of the County share of property tax including the base year amount from the Annexation Area, and the City shall receive the base year tax and annual tax increments attributable to detached or dissolved special districts within the Annexation Area.

(c) County shall receive all of the County share of property tax including the base year amount from the Annexation Area remaining after the allocation of the City's share as set forth in subdivision (b) of this section.

Section 4. Exchange by County Auditor. County and City further agree that all of the exchanges of property tax revenue required by this Agreement shall be made by the County Auditor.

Section 5. Effect of Tax Exchange Agreement. This Agreement shall be applicable solely to the Shackelford Annexation and does not constitute either a master tax sharing agreement or an agreement on property tax exchanges which may be required for any other annexation to the City, nor does it alter or enlarge any revenue sharing obligations of the parties pursuant to other revenue sharing agreements.

Section 6. Entire Agreement. With respect to the subject matter hereof only, this Agreement supersedes any and all previous negotiations, proposals, commitments, writings, and understanding of any nature whatsoever between the County and the City related to the Shackelford Annexation.

Section 7. Notices. All notices, requests, certifications or other correspondence required to be provided by the parties to this Agreement shall be in writing and shall be personally delivered or delivered by first class mail to the respective parties at the following addresses:

County  
Chief Executive Officer  
County of Stanislaus  
1010 Tenth Street, Suite 6800  
Modesto, CA 95354

City  
City Manager  
City of Modesto  
P.O. Box 642  
Modesto, CA 95353

Notice by personal deliver shall be effective immediately upon delivery. Notice by mail shall be effective upon receipt or three days after mailing, whichever is earlier.

Section 8. Construction of Agreement. Headings or captions to the provisions of this Agreement are solely for the convenience of the parties, are not part of this Agreement, and shall not be used to interpret or determine the validity of this Agreement. Any ambiguity in this Agreement shall not be construed against the drafter, but rather the terms and provisions hereof shall be given a reasonable interpretation as if both parties had in fact drafted this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth above.

**COUNTY OF STANISLAUS**

**CITY OF MODESTO**

By: \_\_\_\_\_  
Richard Robinson  
Chief Executive Officer

By: \_\_\_\_\_  
Greg Nyhoff  
City Manager

"County"

"Contractor"

ATTEST:  
Christine Ferraro Tallman  
Clerk of the Board of Supervisors of the  
County of Stanislaus, State of California

ATTEST:  
Stephanie Lopez  
Modesto Clerk Clerk

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
John P. Doering  
County Counsel

By: \_\_\_\_\_  
Susana Alcala Wood  
Modesto City Attorney

Authorized by Resolution No.  
adopted August \_\_\_\_\_, 2011 by the  
Stanislaus County Board of Supervisors

Authorized by Resolution No.  
adopted August \_\_\_\_\_, 2011 by the  
Modesto City Council

V:\CO\jpd\Documents\CEO\Tax Sharing\Shackelford\11\_0810 Shackelford Annexation Prop Tax Sharing Agmt.wpd

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-437**

**RESOLUTION APPROVING THE CREATION OF A MULTI-YEAR  
ENTERPRISE FUND AND BUDGET TO BE USED FOR ABATEMENT OF  
PUBLIC NUISANCE AND DANGEROUS PROPERTY VIOLATIONS**

WHEREAS, over the last 10 years, funding for housing demolition in Building Safety's budget has been reduced from \$100,000 to \$2,000 to meet budget reduction requirements, and

WHEREAS, the Neighborhood Preservation Unit does not have a budget for property blight abatements, and

WHEREAS, the average expenditure for dangerous and unsafe building abatements since Fiscal Year 2000 is \$21,000, and

WHEREAS, currently these costs are recorded as expenditures in the Building Safety budget, and

WHEREAS, historically, the Neighborhood Preservation Unit did not use abatements as a means to bring properties into compliance, and

WHEREAS, no funding exists in the Neighborhood Preservation Unit's budget to abate public nuisances and blight issues such as weeds, trash and debris on private properties, and

WHEREAS, upon combining operations in 2009 with Building Safety, the Neighborhood Preservation Unit has adopted a new philosophy of enforcement and has become more aggressive in battling blight, and

WHEREAS, the Neighborhood Preservation Unit has tapped into Building Safety's housing demolition account to abate the most egregious property blight, and



WHEREAS, due to the record number of housing mortgage defaults, the Neighborhood Preservation Unit is tracking and registering thousands of vacant properties, many that are in the process of foreclosure, and

WHEREAS, the foreclosure process leaves a “gap” of responsibility for the maintenance of these properties which often become the targets of vagrants and the homeless who frequently cause damage and create dangerous conditions within a neighborhood, and

WHEREAS, there has been very little funding available for property and nuisance abatement, resulting in only the most dangerous situations receiving attention and leaving many properties in very poor condition,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the creation of a Multi-Year Enterprise Fund and budget to be used for abatement of public nuisance and dangerous property violations.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-438**

**RESOLUTION AMENDING THE FISCAL YEAR 2011-12 MULTI-YEAR  
BUDGET TO APPROPRIATE \$50,000 IN EXPENSE BUDGET FOR THE NEW  
MULTI-YEAR ENTERPRISE FUND FOR ABATEMENTS AND TO CREATE  
THE INITIAL TRANSFER OF \$50,000 FROM THE GENERAL FUND TO THE  
NEW ENTERPRISE FUND**

WHEREAS, over the last 10 years, funding for housing demolition in Building Safety's budget has been reduced from \$100,000 to \$2,000 to meet budget reduction requirements, and

WHEREAS, the Neighborhood Preservation Unit does not have a budget for property blight abatements, and

WHEREAS, the average expenditure for dangerous and unsafe building abatements since fiscal year 2000 is \$21,000, and

WHEREAS, currently these costs are recorded as expenditures in the Building Safety budget, and

WHEREAS, historically, the Neighborhood Preservation Unit did not use abatements as a means to bring properties into compliance, and

WHEREAS, no funding exists in the Neighborhood Preservation Unit's budget to abate public nuisances and blight issues such as weeds, trash and debris on private properties, and

WHEREAS, upon combining operations in 2009 with Building Safety, the Neighborhood Preservation Unit has adopted a new philosophy of enforcement and has become more aggressive in battling blight, and

WHEREAS, the Neighborhood Preservation Unit has tapped into Building Safety's housing demolition account to abate the most egregious property blight, and

WHEREAS, due to the record number of housing mortgage defaults, the Neighborhood Preservation Unit is tracking and registering thousands of vacant properties, many that are in the process of foreclosure, and

WHEREAS, the foreclosure process leaves a “gap” of responsibility for the maintenance of these properties which often become the targets of vagrants and the homeless who frequently cause damage and create dangerous conditions within a neighborhood, and

WHEREAS, there has been very little funding available for property and nuisance abatement, resulting in only the most dangerous situations receiving attention and leaving many properties in very poor condition,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the Fiscal Year 2011-12 multi-year budget to appropriate \$50,000 in expense budget for the new multi-year enterprise fund for abatements and to create the initial transfer of \$50,000 from the General Fund to the new enterprise fund.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO 2011-439**

**RESOLUTION APPROVING THE PREPARTION OF A REGIONAL NEXUS STUDY FOR THE 2011 REGIONAL TRANSPORTATION IMPACT FEE PROGRAM BY THE CITIES OF MODESTO CERES, HUGHSON, NEWMAN, OAKDALE, PATTERSON, RIVERBANK, TURLOCK AND WATERFORD, COUNTY OF STANISLAUS AND THE STANISLAUS COUNCIL OF GOVERNMENTS, TO BE ADMINISTERED BY THE STANISLAUS COUNCIL OF GOVERNMENTS; AND AUTHORIZING EXPENDITURES FROM THE CAPITAL FACILITIES FEES FUND FOR THE PREPARATION OF THE REGIONAL NEXUS STUDY**

WHEREAS, the Cities of Modesto, Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford, the County of Stanislaus, and the Stanislaus Council of Governments (Collectively “the Agencies”) within the Stanislaus Region have been collaborating on a regional transportation impact fee, and

WHEREAS, the preparation of a Nexus Study is required to further the process, and

WHEREAS, the Regional Transportation Impact Fee working group, composed of members for the Agencies, will seek to retain a consultant (Consultant) to prepare a Nexus Study for a Regional Transportation Impact Fee Program, in an amount not to exceed \$100,000, and

WHEREAS, the Stanislaus County Council of Governments (StanCOG) will provide \$50,000, and the remaining cost, not to exceed \$50,000, will be divided among the nine cities and the County based on population, as follows:

City of Ceres	\$	4,414.11
City of Hughson	\$	645.35
City of Modesto	\$	19,551.35
City of Newman	\$	993.68
City of Oakdale	\$	2,009.42
City of Patterson	\$	1,983.95
City of Riverbank	\$	2,204.09

City of Turlock	\$	6,662.32
City of Waterford	\$	821.84
Stanislaus County	\$	10,713.90, and

WHEREAS, once the contract has been executed, StanCOG will prepare a letter to the Agencies requesting their agreed upon share of the contract, and

WHEREAS, upon receipt of the letter, the Agencies will provide StanCOG with their full share of the contract amount. Should the actual contract be less than \$100,000, the Agencies' contribution will be the final amount minus the \$50,000 provided by StanCOG,

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the preparation of a Regional Nexus Study for the 2011 Regional Transportation Impact Fee Program; and authorizes expenditures from the Capital Facilities Fees Fund for the preparation of the Study in an amount not to exceed \$19,551.35.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-440**

**RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 OPERATING BUDGET FOR THE PREPARATION OF A REGIONAL NEXUS STUDY FOR THE 2011 REGIONAL TRANSPORTATION IMPACT FEE PROGRAM, AND APPROPRIATING \$19,551.35 FROM CAPITAL FACILITIES FEES FUND 3480-14130-53300**

WHEREAS, the Cities of Modesto, Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford, the County of Stanislaus, and the Stanislaus Council of Governments (collectively “the Agencies”) within the Stanislaus Region have been collaborating on a regional transportation impact fee, and

WHEREAS, the preparation of a Nexus Study is required to further the process, and

WHEREAS, the Regional Transportation Impact Fee working group, composed of members for all Agencies, will seek to retain a consultant (Consultant) to prepare a Nexus Study for a Regional Transportation Impact Fee Program, in an amount not to exceed \$100,000, and

WHEREAS, the Stanislaus County Council of Governments (StanCOG) will provide \$50,000, and the remaining cost, not to exceed \$50,000, will be divided among the nine cities and the County based on population, as follows:

City of Ceres	\$	4,414.11
City of Hughson	\$	645.35
City of Modesto	\$	19,551.35
City of Newman	\$	993.68
City of Oakdale	\$	2,009.42
City of Patterson	\$	1,983.95
City of Riverbank	\$	2,204.09
City of Turlock	\$	6,662.32
City of Waterford	\$	821.84
Stanislaus County	\$	10,713.90, and

WHEREAS, once the contract has been executed, StanCOG will a letter to the Agencies requesting their agreed upon share of the contract, and

WHEREAS, upon receipt of the letter, the Agencies will provide StanCOG with their full share of the contract amount. Should the actual contract amount be less than \$100,000, the Agencies' contribution will be the final amount minus the \$50,000 provided by StanCOG,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amendment of the Fiscal Year 2011-2012 operating budget for the preparation of a Nexus Study for the Regional Transportation Impact Fee Program, and appropriate \$19,551.35 from the Capital Facilities Fee Administration Fund 3480-14130-53300 for professional services.

BE IT FURTHER RESOLVED that the Finance Director, 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 special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-441**

**RESOLUTION AUTHORIZING THE CITY OF MODESTO TO CONTRIBUTE THE PRESENT BASELINE BUDGET TO THE MODESTO REGIONAL FIRE AUTHORITY ON AN ANNUAL BASIS, ASSUME ALL LIABILITIES INCURRED PRIOR TO THE ESTABLISHMENT OF THE JOINT POWERS AGREEMENT AND MEET THE LETTER AND INTENT OF THE JOINT POWERS AGREEMENT, SPECIFICALLY ADDRESSING MEMBER CONTRIBUTION IN SECTIONS 4.1 AND 4.3 OF THE AGREEMENT**

WHEREAS, on January 17, 2011, the City of Modesto signed a Joint Powers Agreement (JPA) with Stanislaus County and the Salida Fire Protection District, forming the Modesto Regional Fire Authority, and

WHEREAS, governance for this JPA is provided by a Board of Directors comprised of an elected official from each of the three parent governmental agencies, established and guided by the Joint Powers Agreement, and

WHEREAS, funding for the Modesto Regional Fire Authority is provided by financial contributions from the three parent agencies, and

WHEREAS, an Ad-Hoc Committee composed of elected officials from the three parent agencies foresaw the need to maintain a baseline budget contribution from each agency in order to allow the new organization to maintain the current level of service to our communities, while taking advantage of financial efficiencies for years to come, and

WHEREAS, presently available to the Modesto Regional Fire Authority is the \$1,838,454 SAFER grant from FEMA, and

WHEREAS, accepting this grant will allow the Modesto Regional Fire Authority to hire nine (9) firefighters for a two-year period, and

WHEREAS, as a result of being able to accept this grant, the organization would realize a savings of hundreds of thousands of dollars each year of the grant in employee and overtime costs, and

WHEREAS, one of the stipulations of accepting the SAFER grant is that no firefighter may be laid off during the term of the grant, and these savings may then be used to establish "Reserve" and "Capital Projects" funds, as well as begin funding our "Employee Benefits Fund," and

WHEREAS, if a firefighter is laid off, the Modesto Regional Fire Authority is required to pay the entire amount of the grant back to FEMA, and

WHEREAS, without assurance that the City of Modesto's budgetary contribution to the Modesto Regional Fire Authority will remain constant, the Board of Directors of the Modesto Regional Fire Authority will not be able to accept the grant, and

WHEREAS, the Joint Powers Agreement states that the City of Modesto will contribute funds based on the Fiscal Year 2010-2011 contribution for emergency operations, associated labor costs, and necessary reserve funds, and

WHEREAS, the realized contribution to the organization was reduced by \$1.9 million and did not include any reserve funding, and

WHEREAS, the JPA also states that those liabilities incurred prior to the formation of the Agency and employee transition date shall remain with the parent agency, and

WHEREAS, if a baseline contribution to the organization is not established and maintained, the future efficiencies cannot not be realized, and the future success of the JPA is jeopardized,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to contribute the present baseline budget amount of \$24,117,952 to the Modesto Regional Fire Authority on an annual basis, and assume all liabilities incurred prior to the establishment of the Joint Powers Agreement and employee transition to the Agency.

BE IT FURTHER RESOLVED that it hereby agrees to meet the intent of the Joint Powers Agreement, specifically addressing Member Contribution in Sections 4.1 and 4.3 of said document

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-442**

**RESOLUTION APPROVING A PROFESSIONAL SERVICES CONSULTING CONTRACT IN AN AMOUNT NOT TO EXCEED \$214,240 FOR THE RESTRUCTURING AND ENHANCEMENT OF THE NEIGHBORHOOD STABILIZATION, ECONOMIC DEVELOPMENT AND REDEVELOPMENT PROGRAMS OF THE CITY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY AND ALL RELATED DOCUMENTS**

WHEREAS, the City has faced significant challenges in the management of its community and business development activities, and

WHEREAS, the City's Neighborhood Stabilization Program has recently come under intense scrutiny from the public and audit from the Department of Housing & Urban Development, and

WHEREAS, several enterprise funds, such as the Golf Fund and Centre Plaza, continue to be subsidized through the General Fund, and

WHEREAS, the City continues to experience high unemployment and struggles with economic development of businesses within the City limits, and

WHEREAS, the State repeatedly has tried to eliminate the City's Redevelopment Agency, and

WHEREAS, the City wishes to respond to these challenges with a business minded focus, and

WHEREAS, the City issued a selective Request for Proposal seeking a business development professional to handle the oversight and review of several City business segments, and

WHEREAS, the City also is seeking assistance in fostering a vibrant, competitive and diverse economic environment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a professional services consulting contract in an amount not to exceed \$214,240 for the restructuring and enhancement of the Neighborhood Stabilization, Economic Development, and Redevelopment Programs of the City.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 9<sup>th</sup> day of November, 2011, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Mayor Ridenour  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Marsh, Muratore

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-443**

**A RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 GENERAL FUND OPERATING BUDGET TO PARTIALLY FUND A PROFESSIONAL SERVICES CONSULTING CONTRACT FOR THE RESTRUCTURING AND ENHANCEMENT OF THE NEIGHBORHOOD STABILIZATION, ECONOMIC DEVELOPMENT AND REDEVELOPMENT PROGRAMS FOR THE CITY**

WHEREAS, certain budgetary transactions are necessary in the amount of \$164,240, in order to fully fund a professional services consulting contract for the restructuring and enhancement of the Neighborhood Stabilization, Economic Development and Redevelopment programs for the City, and

WHEREAS, the Fiscal Year General Fund Operating Budget must be amended as shown in **Exhibit 3**, 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 and Multi Year 2012-2012 Operating Budget as shown in **Exhibit 1**.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized 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 9<sup>th</sup> day of November, 2011, by Councilmember Burnside, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Marsh, Muratore

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

## Exhibit A

**SHALLIT**  
**CITY & REGIONAL PLANNING SERVICES**  
**1520 11<sup>TH</sup> AVE**  
**SACRAMENTO, CA 95818**  
**(916) 533-3708**

October 25, 2011

Ms. Dee Williams-Ridley  
Deputy City Manager  
City of Modesto  
1010 10<sup>th</sup> Street  
Modesto, CA 95354

Dear Ms. Williams-Ridley,

In response to the City of Modesto's Request for Consultant Services, we propose that as a team we can produce the analysis and instigate the changes you need both to restructure your Neighborhood Stabilization Program as an efficient and revenue enhancing operation of your city and also rebuild and refocus your economic development and redevelopment efforts.

In economic development we have experience in creating and managing business organizations, conducting regional economic development marketing, and assisting businesses with a variety of public financing tools.

In housing, our experience ranges from large construction and financing of new multifamily projects and rehabilitation of existing multifamily complexes to rehabilitating and selling single-family homes. From our attached resumes, you can see that we have experience in obtaining and administering local, state, and federal funding. One of our strengths is creatively combining different sources of funding for projects and getting the best leverage of local funds.

We are responding to your Request for Consultant Services in two sections—1) Neighborhood Services and Organizational Structure, and 2) Redevelopment and Economic Development

The following estimates are the expected maximum costs for the various tasks. The tasks will be performed for the not to exceed amount of \$214,240. A more detailed budget is attached. Services delivered will be billed at the following hourly rates on a monthly basis.

\$160 per hour, Managing Principal

\$140 per hour, Senior Principal

Please call me if you have any additional questions at (916) 533-3708. We are looking forward to working with the City of Modesto.

Sincerely,

A handwritten signature in black ink that reads "Cynthia Shallit". The signature is written in a cursive style with a large initial "C".

Cynthia Shallit  
Managing Principal

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**Scope of Work – Outlined (*Neighborhood Services & Organizational Structure*)**

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Business Needs to be Addressed

***Neighborhood Services Department***

• Review of current NSP program to determine where efficiencies, gaps and opportunities for program capital exist	\$ 14,200
• Protocols/procedures for conflict of interest, compliance, and oversight of Neighborhood Stabilization Programs	\$ 13,040
• Readiness to move forward on disbursement of remaining NSP funds	\$ 17,040
• Management and oversight of NSP-1,2 & 3 program funding	\$ 24,040
• Organizational Structure, staffing levels and competencies	\$ 48,000
• Department Strategic Plan and Performance Measures	\$ 12,000
<b>TOTAL</b>	<b>\$128,320</b>

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**Scope of Work – Outlined (*RDA & Economic Development*)**

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Business Needs to be Addressed

***Redevelopment Agency and Economic Development Business Growth Strategies***

• Coordinate local annexation efforts	\$ 9,600
• Develop growth plans and use of Capacity Bank	\$24,000
• Develop and expansion assistance program for interested businesses	\$18,400
• Downtown renewal plans with businesses and supporting partners	\$24,000
• Champion City processes with developers for business and job growth opportunities	\$ 9,920
<b>TOTAL</b>	<b>\$85,920</b>

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**EXHIBIT 3**

Expenses:

0100-02010-53300	Professional Services Expense – CMO	\$64,240 increase
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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-444**

**RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
CONFIRMING THE CANVASS OF THE REGULAR MUNICIPAL ELECTION  
WHICH WAS HELD IN THE CITY OF MODESTO ON NOVEMBER 8, 2011,  
AND DECLARING THE RESULTS OF SAID ELECTION**

WHEREAS, on Tuesday, November 8, 2011, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto High School District (herein called "District") of Stanislaus County to elect the following:

1. One member to Mayor for a four year term;
2. One Councilmember to District 1 for a four year term;
3. One Councilmember to District 3 for a four year term;
4. One Councilmember to District 5 for a two year term;
5. One Councilmember to District 6 for a four year term;
6. Three Board of Education Members for four year terms; and

WHEREAS, as set forth in Section 4 hereof, Measure N was a proposed Charter Amendment; and Measures P, Q, R and S were Advisory Measures, and were submitted to the qualified electors in the November 8, 2011, City of Modesto election, and

WHEREAS, said election was held on Tuesday, November 8, 2011, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said regular municipal election in accordance with law, and certified the results of the election of the Council by a Certificate of Canvass and Statement of Votes dated November 18, 2011, a copy of which is attached hereto marked **Exhibit "A"** and made a part hereof,

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

SECTION 1. Said canvass by the City Clerk as shown on the Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as **Exhibit "A"** and made a part hereof, shows a complete tabulation of the following:

- (A) The whole number of votes cast for Mayor and in Districts 1, 3, 5 and 6, in the City.
- (B) The whole number of votes cast in the Modesto High School District.
- (C) The names of the persons voted for.
- (D) For what office each person was voted for.
- (E) The number of votes given in the City to each person.
- (F) The number of votes given in the City for each Measure.

SECTION 3. That, at said Regular Municipal Election, the following named persons having received a majority of the votes cast for the elective offices, as designated on **Exhibit "A"**, are hereby declared to be duly and regularly elected to such office, and the City Clerk is hereby directed to issue a Certificate of election to each such persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California and the Charter of the City, to wit:

John Lane Gunderson      Councilmember for a term of four years, District 1,  
Modesto City Council.



Dave Lopez	Councilmember for a term of four years, District 3, Modesto City Council.
Stephanie Burnside	Councilmember for a term of two years, District 5, Modesto City Council.
Dave Cogdill, Jr.	Councilmember for a term of four years, District 6, Modesto City Council.
Cathy Flores Hallinan	Member, Modesto Board of Education, for a term of four years.
Steven Grenbeaux	Member, Modesto Board of Education, for a term of four years.
Amy Elliott Neumann	Member, Modesto Board of Education, for a term of four years.

SECTION 4. The Charter provides that if no candidate for the office of Mayor of the City of Modesto receives a majority vote at a regular municipal election, a Second Regular Municipal Election shall be held by mail ballot at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election of the office, therefore, the two candidates receiving the highest number of votes for Mayor, Brad Hawn and Garrad Marsh, shall have their names on the ballot for a run-off election to be held on Tuesday, February 7, 2012.

SECTION 5. The following votes were cast for Measures N, P, Q, R and S:

Measure	Total Votes For	Total Votes Against
<p><b>Measure N:</b></p> <p>Utility Users' Tax Reduction and Fairness Measure: Shall the current Utility Users' Tax ordinance be amended to reduce the tax on telecommunications users from 6% to 5.8%; modernize the ordinance to reflect changes in federal and state law and to treat taxpayers the same regardless of technology; preserve funding for essential municipal services like law enforcement, gang and drug prevention programs, and fire protection; and all money staying local for services and facilities in Modesto?</p>	17,486	5,353
<p><b>Measure P:</b></p> <p>Shall the City Council provide sewer service to the following described area: "Rouse-Colorado Neighborhood." The unincorporated area designated "Rouse-Colorado Neighborhood" which is described generally as the area bounded by South Avenue on the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the south and Sutter Avenue on the west.</p>	13,605	9,201
<p><b>Measure Q:</b></p> <p>Should the City of Modesto: Seek to move employees from a defined benefit plan to a defined contribution (401k style) plan for retirement benefits?</p>	13,369	9,767
<p><b>Measure R:</b></p> <p>Should the City of Modesto: Seek to avoid "pension spiking" by city employees by moving to an average of the last three year salary as baseline rather than current last single highest year?</p>	17,482	5,797
<p><b>Measure S:</b></p> <p>Should the City of Modesto: Seek retirement formulas that increase employee retirement age to mirror the private sector retirement?</p>	14,822	8,581

Measures N, P, Q, R and S. More than a majority of all the votes cast at the election for Measures N, P, Q, R and S were in favor of said proposed Measures, and said Measures did carry and were approved and were ratified by a majority of the qualified voters voting on said Measures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 29<sup>th</sup> day of November, 2011 by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Geer, Hawn, Lopez, Marsh, Muratore,  
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



CERTIFICATE OF CANVASS  
AND  
STATEMENT OF VOTE

CITY OF MODESTO REGULAR MUNICIPAL ELECTION  
November 8, 2011

I, Stephanie Lopez, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on November 8, 2011, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 8, 2011, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
<b>Mayor, Modesto City Council</b>		
Brad Hawn	7,505	31.20%
Armando M. Arreola	1,072	4.46%
William "Bill" Zoslocki	4,699	19.54%
Garrad Marsh	10,688	44.44%
Total Votes Cast for Mayor	24,677	
<b>District 1, Modesto City Council</b>		
John Lane Gunderson	1,730	54.27%
Philip W. Moyer	1,447	45.39%
Total Votes Cast for District 1	3,775	
Non-Qualified Write-in Candidates	11	
<b>District 3, Modesto City Council</b>		
Paul D. Tunison	528	11.49%
Carmen Sabatino	682	14.84%
Todd Aaronson	1,592	34.64%
Dave Lopez	1,781	38.75%
Total Votes Cast for District 3	4,807	
Non-Qualified Write-in Candidates	13	
<b>District 5, Modesto City Council</b>		
Jenevieve Kenoyer	1,382	29.64%
Stephanie Burnside	2,793	59.91%
Joshua Esteves	475	10.19%
Total Votes Cast for District 5	5,320	
Non-Qualified Write-in Candidates	12	
<b>District 6, Modesto City Council</b>		
Dave Cogdill, Jr.	3,562	76.88%
Douglas Dyrssen	1,057	22.81%
Total Votes Cast for District 6	5,154	
Non-Qualified Write-in Candidates	14	

MEASURES	NUMBER OF VOTES	PERCENTAGE OF VOTE
<b>Measure N</b>		
Utility Users' Tax Reduction and Fairness Measure: Shall the current Utility Users' Tax ordinance be amended to reduce the tax on telecommunications users from 6% to 5.8%; modernize the ordinance to reflect changes in federal and state law and to treat taxpayers the same regardless of technology; preserve funding for essential municipal services like law enforcement, gang and drug prevention programs, and fire protection; and all money staying local for services and facilities in Modesto?		
	17,486	YES 76.56%
	5,353	No 23.44%
<b>Measure P</b>		
Shall the City Council provide sewer service to the following described area: "Rouse-Colorado Neighborhood." The unincorporated area designated "Rouse-Colorado Neighborhood" which is described generally as the area bounded by South Avenue on the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the south and Sutter Avenue on the west.		
	13,605	YES 59.66%
	9,201	No 40.34%
<b>Measure Q</b>		
Should the City of Modesto: Seek to move employees from a defined benefit plan to a defined contribution (401k style) plan for retirement benefits?		
	13,369	YES 57.78%
	9,767	No 42.22%
<b>Measure R</b>		
Should the City of Modesto: Seek to avoid "pension spiking" by city employees by moving to an average of the last three year salary as baseline rather than current last single highest year?		
	17,482	YES 75.10%
	5,797	No 24.90%
<b>Measure S</b>		
Should the City of Modesto: Seek retirement formulas that increase employee retirement age to mirror the private sector retirement?		
	14,822	YES 63.33%
	8,581	No 36.67%
CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
<b>Member, Modesto Board of Education – 4 year term</b>		
Cathy Flores Hallinan	11,205	16.09%
Steven Grenbeaux	10,128	14.55%
Solange G. Altman	8,789	12.62%
Josh Vander Veen	6,691	9.61%
Amy Elliott Neumann	8,812	12.66%
Rickey McGill	5,724	8.22%

Bill Mussman	6,565	9.43%
My linda Mason	7,903	11.35%
Brian DuBois	3,707	5.32%
Non-Qualified Write-in Candidates	94	.14%

---

**VOTER TURNOUT: 50,982 100%**

	<b>TOTAL REGISTERED VOTERS</b>	<b>TOTAL TURNOUT</b>	<b>TURNOUT PERCENTAGE</b>
City of Modesto, Mayor	97,252	24,677	25.37%
City of Modesto Council District 1	16,236	3,775	23.25%
City of Modesto Council District 3	17,326	4,807	27.74%
City of Modesto Council District 5	18,114	5,320	29.37%
City of Modesto Council District 6	19,043	5,154	27.07%
Measures N, P, Q, R and S	97,252	24,677	25.37%
Modesto High School District	123,835	29,412	23.75%

STEPHANIE LOPEZ  
City Clerk  
City of Modesto

November 29, 2011





MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-445

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez,  
Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-446**

**A RESOLUTION APPROVING ADJUSTMENTS TO THE MAXIMUM RATE SCHEDULE FOR CITY RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SOLID WASTE COLLECTION SERVICES, TO BECOME EFFECTIVE JANUARY 1, 2012, INCLUDING FUEL COST, AND RESCINDING RESOLUTION NO. 2011-386**

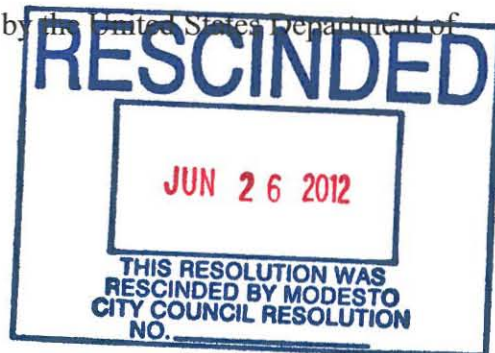
WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets a 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 requested by the City's garbage collection companies, and

WHEREAS, the City conducted an analysis using the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and



2012-267

2011-446

WHEREAS, new maximum rates were calculated, and a recommendation for a new maximum rate schedule was developed, which included a recommendation that quarterly adjustments to the fuel component of the maximum rates be made, and

WHEREAS, a report dated December 6, 2011, from the Parks, Recreation and Neighborhoods Department, a copy of which is on file in the office of the City Clerk, sets forth said recommendations, 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 that quarterly adjustments to the fuel component of the maximum rates should be made, and

WHEREAS, staff has adjusted the fuel component of the maximum rates and has incorporated the fuel component adjustment into the schedule of Maximum Charges for Garbage Service **attached** hereto, marked **Exhibit "1"** and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the adjustments to the Maximum Charges for Garbage Service as **attached** hereto, marked **Exhibit "1"** and incorporated herein by reference. Said Maximum Charges for Garbage Service includes twice-a-year bulky item pickup for residential customers and all other residential services as stipulated in the Service Agreements and shall become effective January 1, 2012, and shall remain in effect until revised by Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 2011-386 is hereby rescinded, effective January 1, 2012.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
SUSANA ALCALA WOOD, City Attorney

## MAXIMUM CHARGES FOR SOLID WASTE SERVICES

### STANDARD CONTAINERS

Maximum Monthly Rates  
(Once a Week Pickup Service)

Standard container service shall include the following:

- One, 96-gallon container for garbage
- One, 96-gallon container for green waste, food, paper, and other organics
- Countertop container for kitchen scraps
- Drop-off of old TV and computer tubes
- Two bulky item collections per year by appointment
- Pruned Refuse Collection

Standard container service customers may opt for smaller containers; however, maximum rates apply. Containers must be placed in a location set forth in Section 5-5.111 of the Municipal Code.

#### 1. Standard container service –

- a. The maximum rate for new sign ups for service or changes in service that occur after July 1, 1996, shall be **\$24.79 per month** regardless of size of container. A fuel component of \$1.30 per month is included in the maximum rate for the quarter beginning January 1, 2012 and ending March 31, 2012. The fuel component may be adjusted quarterly.
- b. The maximum rate for each additional garbage container shall be **\$18.44 per month, and \$9.93 per month** for each additional green waste container.

#### 2. 60-gallon container service (grandfathered customers) –

- a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be **\$20.80 per month**. A fuel component of \$1.30 per month is included in the maximum rate for the quarter beginning January 1, 2012 and ending March 31, 2012. The fuel component may be adjusted quarterly.
- b. The maximum rate for each additional 60-gallon garbage container shall be **\$17.98 per month**.

- #### 3. Fuel Component adjustments - The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. 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.

**DETACHABLE CONTAINERS  
Maximum Monthly Rates**

Container Size	Regular Container Maximum Rates					
	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	\$ 29.46	\$ 58.92	\$ 88.38	\$ 117.84	\$ 147.30	\$ 176.76
2 CY	\$ 58.92	\$ 117.84	\$ 176.76	\$ 235.68	\$ 294.60	\$ 353.52
3 CY	\$ 88.38	\$ 176.76	\$ 265.14	\$ 353.52	\$ 441.90	\$ 530.28
4 CY	\$117.84	\$ 235.68	\$ 353.52	\$ 471.36	\$ 589.20	\$ 707.04
5 CY	\$147.30	\$ 294.60	\$ 441.90	\$ 589.20	\$ 736.50	\$ 883.80
6 CY	\$176.76	\$ 353.52	\$ 530.28	\$ 707.04	\$ 883.80	\$1,060.56

Container Size	FORK Participants Container Maximum Rates					
	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
2 CY	\$ 44.19	\$ 88.38	\$ 132.57	\$ 176.76	\$ 220.95	\$ 265.14
3 CY	\$ 66.29	\$ 132.57	\$ 198.86	\$ 265.14	\$ 331.43	\$ 397.71
4 CY	\$ 88.38	\$ 176.76	\$ 265.14	\$ 353.52	\$ 441.90	\$ 530.28
5 CY	\$110.48	\$ 220.95	\$ 331.43	\$ 441.90	\$ 552.38	\$ 662.85
6 CY	\$132.57	\$ 265.14	\$ 397.71	\$ 530.28	\$ 662.85	\$ 795.42
90-gallon	\$ 18.59	\$ 37.19	\$ 55.78	\$ 74.37	\$ 92.96	\$ 111.56

- Weekly rental/Detachable Containers** - Shall not exceed the rate for 1 pickup per week for each size container.
- Fuel Component** - A fuel component of \$1.12 per cubic yard per month (\$0.26 per cubic yard) for a 1 cubic yard container collected once a week is included in the maximum rate for the quarter beginning January 1, 2012 and ending March 31, 2012. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/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.

**DROP BOX CONTAINERS**

- Pick up charge** - \$231.10 per pick up
- Rental**
  - \$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
- Disposal charge** - Actual charge to be paid by customer. Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of \$8.56 per ton will be added to the disposal charges.

**COMPACTORS**

**Front Loader Type:**

Compactor Rates						
Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
3 CY	\$265.14	\$ 530.28	\$ 795.42	\$1,060.56	\$1,325.70	\$1,590.84
4 CY	\$353.52	\$ 707.04	\$1,060.56	\$1,414.08	\$1,767.60	\$2,121.12
6 CY	\$530.28	\$1,060.56	\$1,590.84	\$2,121.12	\$2,651.40	\$3,181.68

**Roll-Off Type:**

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| 1. 6 CY to 40 CY                    | \$231.10 per pickup                  |
| 2. Medical waste compactors         | \$265.00 per pickup                  |
| 3. Washing compactor                | \$30.00                              |
| 4. Disposal Charge:                 | Actual charge to be paid by customer |
| 5. AB 939 Green Waste Diversion Fee | \$8.56 per ton                       |

**EXTRA PICKUPS**

- |                                      |                                |
|--------------------------------------|--------------------------------|
| 1. Standard containers or equivalent | \$3.50 plus \$1.38/container   |
| 2. Detachable containers             | \$12.00 plus \$2.75/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

**NOTATIONS**

- The above maximum rates include a \$0.25 per month residential recycling fee; a \$0.05 per cubic yard (\$0.22/cubic yard/month) commercial recycling fee; and a \$5.00 per pull (\$0.25 per ton) industrial recycling fee, a \$0.15 per month residential litter abatement fee, and a \$0.05 per cubic yard (\$0.22/cubic yard/month) commercial litter abatement fee.
- The above residential maximum rates include a \$1.63 per month per household AB 939 Green Waste Diversion Fee.
- The above commercial bin and front-loader compactor maximum rates include an AB 939 Green Waste Diversion Fee of \$2.92 per yard/month.
- The above maximum rates include Carpenter Road Landfill Mitigation Fees of \$0.25 per month on residential wastes, \$0.21 per cubic yard (\$0.90/cubic yard/month) on commercial wastes; and \$5.00 per pull on industrial wastes.
- 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. 2011-447**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND OFFICER PARSONS FOR THE PURCHASE OF RETIRED  
CITY OF MODESTO POLICE CANINE, MICK; AND AUTHORIZING THE  
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, from time to time, the Police Chief for the City of Modesto officially retires police canines from Departmental service, and

WHEREAS, City of Modesto Police canine handler, Officer Parsons, wishes to purchase and assume possession of his assigned canine, Mick, upon the dog's official retirement, and

WHEREAS, it is necessary to adopt a resolution authorizing the purchase of a City of Modesto Police canine by its assigned handler,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement between the City of Modesto and Officer Parsons for the purchase of retired police canine, Mick.

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 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-448**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF  
MODESTO AND OFFICER ROMAN FOR THE PURCHASE OF RETIRED  
CITY OF MODESTO POLICE CANINE, MAX; AND AUTHORIZING THE  
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, from time to time, the Police Chief for the City of Modesto,  
officially retires police canines from Departmental service, and

WHEREAS, City of Modesto Police canine handler, Officer Roman, wishes to  
purchase and assume possession of his assigned canine, Max, upon the dog's official  
retirement, and

WHEREAS, it is necessary to adopt a resolution authorizing the purchase of a  
City of Modesto Police canine by its assigned handler,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby approves an Agreement between the City of Modesto and Officer Roman  
for the purchase of retired police canine, Max.

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 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-449**

**A RESOLUTION ACCEPTING THE 2011 COPS SECURE OUR SCHOOLS GRANT, IN THE AMOUNT OF \$316,411, FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES; 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 COPS Secure Our Schools (SOS) grant from the U.S.

Department of Justice (USDOJ), Office of Community Oriented Policing Services, and

WHEREAS, the Police Department was awarded a grant in the sum of \$316,411 from USDOJ, and

WHEREAS, acceptance of the grant in the amount of \$316,411 will provide funding for law enforcement to create partnerships with public schools to improve school safety, help protect children and prevent school violence within the community, and

WHEREAS, the Modesto Police Department is partnering with Modesto City Schools (MCS) and Stanislaus County Office of Education (SCOE), and

WHEREAS, the Modesto Police Department (MPD) is the local law enforcement agency with jurisdiction throughout the Modesto City limits and will serve as the lead and fiscal agent, and

WHEREAS, MCS and SCOE will provide 3% of the grant award of \$316,411, or \$9,492, for administrative costs to the City of Modesto Finance Department, and

WHEREAS, MPD will provide reimbursement for fifty percent (50%) of all approved purchases as received through the COPS Secure Our Schools grant, and

WHEREAS, a 50% cash match is required and MCS and SCOE will fund the match required, and

WHEREAS, the term of this grant will be from September 1, 2011, through August 31, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2011 COPS Secure Our Schools Grant in the amount of \$316,411, from the U.S. Department of Justice, Office of Community Oriented Policing Services.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-450**

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE MODESTO POLICE DEPARTMENT, MODESTO CITY SCHOOLS AND STANISLAUS COUNTY OFFICE OF EDUCATION FOR A GRANT, IN THE AMOUNT OF \$316,411, FROM THE COPS SECURE OUR SCHOOLS GRANT**

WHEREAS, this Memorandum of Understanding (MOU) is entered into by and between the Modesto Police Department (MPD), Modesto City Schools (MCS) and the Stanislaus County Office of Education (SCOE), and

WHEREAS, the purpose of this MOU is to establish responsibilities for the Secure Our Schools Grant Program, and

WHEREAS, MPD, in partnership with MCS and SCOE, applied for and has been awarded an overall total of \$632,822 from the U.S. Department of Justice, Office of Community Oriented Policing Services a Secure Our Schools Grant, and

WHEREAS, there is a match share of \$316,411 that will be paid by MCS and SCOE, and

WHEREAS, the MPD is required to be the fiduciary, and

WHEREAS, the partnership will begin September 1, 2011, and terminate August 31, 2013, and

WHEREAS, **attached** is the MOU (**Exhibit A**) and Project Logic Model (**Exhibit B**) of activities and measure/deliverables defined, and

WHEREAS, MCS and SCOE will provide quarterly fiscal reports to the MPD by the 10<sup>th</sup> day of the month following each quarter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding between the Modesto Police Department, Modesto City Schools and Stanislaus County Office of Education for a grant, in the amount of \$316,411, from the COPS Secure Our Schools Grant.

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 at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE MODESTO POLICE DEPARTMENT,  
MODESTO CITY SCHOOLS AND STANISLAUS COUNTY OFFICE OF  
EDUCATION FOR A GRANT IN THE AMOUNT OF \$316,411, FROM THE COPS  
SECURE OUR SCHOOLS GRANT

WHEREAS, this Memorandum of Understanding (MOU) is entered into by and between the Modesto Police Department (MPD), Modesto City Schools (MCS) and the Stanislaus County Office of Education (SCOE). Within this document, the MPD, MCS and SCOE may also be referred to as "Project Partners." The purpose of this MOU is to establish responsibilities for the Secure Our Schools Grant Program (Program).

WHEREAS, the Project Partners recognize the need to ensure that students are safe on school campuses. With a long history of working together toward that end, each entity has agreed to formalize this partnership for the purpose of applying for and carrying out a COPS Secure Our Schools grant-funded project. The partnership will begin September 1, 2011, and terminate August 31, 2013, or when all final reports have been submitted; however, the Project Partners agree to track all equipment acquired with grant funds for a minimum of three years beyond the life of the grant and according to each agencies internal procurement, auditing and inventory control procedures. The Program will be implemented with funding from the Grant and a fifty percent (50%) match provided by SCOE and MCS for project costs.

NOW, THEREFORE, the Project Partners agree as follows:

RECITALS:

- I. The MPD, in partnership with MCS and SCOE, applied for and has been awarded a Secure Our Schools Grant in the amount of \$632,822 from the U.S. Department of Justice, Office of Community Oriented Policing Services. The local match share is \$316,411. The COPS Secure Our Schools Grant provides funding for



law enforcement to create partnerships with public schools to improve school safety.

- II. The Grant requires the law enforcement agency with primary authority of the targeted schools to be the primary applicant, and requires a partnership with the School District(s). The primary beneficiary of the Grant must be the School District(s).
- III. The Grant Application is attached to this MOU as Exhibit "A". Specific grant activities and measure/deliverables are defined in the Project Logic Model, attached to this MOU as Exhibit "B".

Now, therefore, in consideration of the mutual promises stated below and other valuable consideration, the parties agree as follows:

- A. The MPD shall use its best efforts to fulfill all conditions precedent to obtaining the Grant stated in the MOU. MCS and SCOE will cooperate and provide all documents necessary for the MPD to fulfill the conditions precedent. MCS and SCOE further assume all other MPD liabilities on this project, and bind themselves to the MPD for all the MPD's obligations to the Grant and contained in the MOU. MCS and SCOE will work with the MPD to implement the Program and contract for all necessary materials and services to accomplish the Program in accordance with MCS and SCOE purchasing policies and procedures, provide all necessary reporting data, and provide the required fifty percent (50%) local matching funds, estimated at \$316,411. The MPD will provide financial management of the Grant and serve as the liaison between Project Partners and the COPS grant office.

- B. MCS and the SCOE will supply the cash match based on a proportional share of the total match as shown in the attached budget. The full cost of project expenditures for SCOE and MCS will be incurred up front by each district with grant funding provided as a fifty percent (50%) reimbursement of total incurred costs.
- C. MCS and SCOE will coordinate with MPD regarding surveillance/security equipment systems and their installation. Furthermore, all activities related to the purchase and installation of security devices will be the responsibility of MCS and SCOE. Prior to installation, each piece of equipment purchased will be tagged by MCS and SCOE to enable the tracking of assets purchased with grant funds. The MPD does not assume any obligations to MCS and SCOE to install, operate, or maintain the improvements contemplated by the grant.
- D. MCS and SCOE will provide quarterly fiscal reports to the MPD by the 10<sup>th</sup> day of the month following each quarter, as shown in the table below. MPD will submit required quarterly financial reports to the COPS office. SCOE will prepare the Annual and Final Periodic Program Progress Reports and submit to MPD 20 days prior to the COPS Grant Office reporting deadline, which is yet to be established.

Reporting Quarter	Date Due to the City of Modesto
January 1 – March 31	April 10
April 1 – June 30	July 10
July 1 – September 30	October 10
October 1 – December 31	January 10

- E. Unless a claim by the U.S. Department of Justice, Office of Community Oriented Policing Services, arises out of the negligence or other wrongful act of the MPD, MCS and SCOE shall be responsible to the MPD for any claim

under the MOU, in the same manner and extent as the MPD may be responsible to U.S. Department of Justice, Office of Community Oriented Policing Services.

- F. MCS and SCOE shall operate and maintain the improvements contemplated by the MOU, in accordance with established MCS and SCOE policy for equipment and maintenance. Should any claim for personal injuries, property damage or wrongful death be asserted as a result of the construction, operation, maintenance, or use of the improvements contemplated by the MOU, the parties shall be responsible for such claim in the manner provided by the California Governmental Immunity Act and the California law concerning pro-rata liability. The parties shall not be jointly and severally liable for such claims.
- G. The MPD shall not be liable to any person, firm or corporation that contracts with MCS and SCOE to provide goods and services associated with funds for the Program; nor shall the MPD be liable to any person, firm, or corporation for claims against the Project Partners or debts incurred by the same.
- H. Project Partners agree to comply with and to conduct the Program in accordance with all conditions and requirements of the U.S. Department of Justice, Office of Community Oriented Policing Services and the United States Office of Management and Budget, as defined in Exhibit "C" SOS Grant Terms and Conditions.
- I. This document, and exhibits, shall constitute the entire agreement of the Parties. This MOU shall terminate simultaneously with the termination of all obligations under the Grant Application.

Financial Management:

1. The budget for the Program will be spent over the 24-month Program period. In the event the Program is funded with an amount that is greater or less than the amount requested, the budget will be adjusted accordingly.
2. Grant funds will be held by the City of Modesto Finance Department, on behalf of the MPD, and Program expenses will be processed by the Public Safety Business Services Analyst at the MPD. The MPD Fiscal Division will request funds from the COPS Office on a cash accounting basis. MCS and SCOE will submit requests for funds to MPD by providing supporting documentation of expenses incurred and paid in accordance with the parameters of the Program. The MPD will provide reimbursement as paid by the Grant for fifty percent (50%) of all approved purchases. Final purchases need to be submitted to the City of Modesto Finance Department 120 days before the grant end date of August 31, 2013.
3. Financial reports (SF 425's and others as may be required) will be submitted to the U.S. Department of Justice, Office of Community Oriented Policing Services, by the MPD.
4. Accurate records of expenditures of Grant funds will be kept and made available at all reasonable times for inspection, review or audit by the Clerk of the Circuit Court and representatives of the U.S. Department of Justice, Office of Community Oriented Policing Services. Records will be kept for a period of at least three (3) years following the end of the Grant period, and, in the case of a dispute, the records shall be kept until the recipient receives notice that it does not need to retain these records any longer.

5. Property records of any equipment funded through a COPS award must be maintained by each of the Project Partners and available for review by MPD as the grantee and the COPS office. The records should include a description of the property; a serial number or other identification number; the source of the property; the name of the person or entity that holds the title; the acquisition date and cost of the property; the percentage of federal participation in the cost of the property; the location, use, and condition of the property; and any ultimate disposition data, including the date of disposal and sale price of the property. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property.
  - a. Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.
  - b. Items of equipment with a current per-unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.
6. All partners will comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act, if applicable.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Memorandum of Understanding in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2011-\_\_\_\_\_, adopted by the Council of the City of Modesto on the \_\_\_\_\_ day of \_\_\_\_\_,

2011, and the Stanislaus County Office of Education and Modesto City Schools have caused this Memorandum of Understanding to be duly executed.

CITY OF Modesto  
a municipal corporation

PROJECT PARTNER  
Modesto City Schools

By \_\_\_\_\_  
GREG NYHOFF, City Manager

By \_\_\_\_\_

PROJECT PARTNER  
Stanislaus County Office of Education

By \_\_\_\_\_

ATTEST: \_\_\_\_\_  
STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:  
SUSANA ALCALA WOOD, City Attorney

By \_\_\_\_\_  
JAMES WILSON, Senior Deputy City Attorney

**EXHIBIT B**  
**Project Logic Model**

**Goal 1) Address the school security needs identified in campus safety assessments by installing video surveillance systems, lighting, door locking hardware, and communications equipment. (Primary CP Tenet: Problem Solving)**

Objective	CP	OT	PS	Activities	Measures/Deliverables
<p><b>A) Implement the routine use of video surveillance systems at each of the four project schools.</b></p>		S	P	<p>(a) Following district procurement policies, contract with vendors to install planned video surveillance systems with appropriate equipment and monitoring software. Lead: Each district project lead</p> <p>(b) Develop written policies and procedures for use of the video surveillance systems, including agreements for sharing of system access with law enforcement and other appropriate response agencies. Lead: Each district project lead, school police officer</p> <p>(c) Train security personnel and administrators on the use of the video surveillance systems, and all personnel on the capabilities and purpose of the system. Lead: Each district project lead, system contractors</p> <p>(d) Conduct quarterly tests of the surveillance system to evaluate effectiveness and assess further needs for expansion or modifications. Lead: Campus administrator/supervisor, school police officer</p> <p>(e) Provide laptop computers for remote video surveillance monitoring to the school police officer and school security personnel to ensure appropriate access to relevant data and to improve the agency's overall efficiency and effectiveness. Lead: SCOE project lead</p>	<p>(a) Video surveillance hardware and software installed at each campus by Aug 31, 2012, with project status reported with each COPS grant report</p> <p>(b) Video surveillance system manual published for each school site and shared with law enforcement by Sep 30, 2012</p> <p>(c) Training logs showing all school administrators, campus supervisors, on-call monitoring team members and school police officers trained to use the video surveillance system by Oct 31, 2012, with general training for all staff by Sep 30, 2012</p> <p>(d) Brief reporting forms will be completed for each surveillance system test and shared with the school district office and school police officer within 30 days following each assessment; test summaries to be provided with each COPS grant report after implementation</p> <p>(e) Purchase laptops for appropriate staff and provide training within 30 days of system launch.</p>



**Goal 1) Address the school security needs identified in campus safety assessments by installing video surveillance systems, lighting, door locking hardware, and communications equipment. (Primary CP Tenet: Problem Solving)**

Objective	CP	OT	PS	Activities	Measures/Deliverables
<p><b>B) Improve campus lockdown capabilities and day-to-day security of schools in mixed-use shared facilities.</b></p>		S	P	<p>(a) Following district procurement policies, contract with vendors to install planned door locking hardware and lighting improvements at Valley Charter High School. Lead: SCOE project lead</p> <p>(b) Develop and implement a key control system to track key distribution and establish varied levels of access for key recipients. Lead: SCOE project lead, campus supervisor</p> <p>(c) Replace outdated two-way radios for PACE and Valley Charter High School. Lead: SCOE project lead</p> <p>(d) Develop written policies and procedures for radio communications to include plans for equipment inventory and maintenance and interagency communication between school personnel and emergency responders. Lead: SCOE project lead</p> <p>(e) Train school personnel in the use of the new two-way communications equipment, to include instruction on procedures for communicating with outside response agencies during a coordinated response. Lead: SCOE project lead</p> <p>(f) Conduct annual campus safety assessments at each participating campus to evaluate the effectiveness of SOS project initiatives and identify any adjustments that should be made in school safety plans or procedures. Lead: SCOE project lead, Campus administrators</p>	<p>(a) Door locks and lighting improvements installed at Valley Charter by July 31, 2012, with project status reported with each COPS grant report</p> <p>(b) Key control system manual and sample tracking logs; with keys distributed to personnel by the start of the 2012-13 school year</p> <p>(c) Radios purchased and provided to personnel and/or positioned at school sites by Feb 28, 2012, with project status reported with each COPS grant report</p> <p>(d) Radio communications system manual and field operating guides published and distributed to appropriate personnel by Feb 28, 2012</p> <p>(e) All school personnel receiving a radio and all members of each campus emergency response team will participate in an annual training on the use and maintenance of new school radios. Training will be held by Feb 28, 2012.</p>

**Goal 2) Enhance community policing strategies through ongoing collaboration and coordination between schools, law enforcement and others for the development of effective school safety plans and delivery of safety training and exercises.**  
*(Primary CP Tenets: Community Partnerships and Organizational Transformation)*

Objective	CP	OT	PS	Activities	Measures/Deliverables
A) Organize a Secure Our Schools project leadership team to manage grant implementation and serve as a forum for collaboration among law enforcement and school officials from facilities and student welfare.	P	P	S	<p>(a) Convene quarterly meetings of the SOS Leadership Team to include participation from the project implementation lead person from each agency, school facilities managers, student welfare administrators, law enforcement and others when appropriate. Lead: SCOE project lead</p> <p>(b) Document best practices and lessons learned through this SOS project and share this information with other schools and law enforcement agencies through online publications and presentations conducted by members of the SOS Leadership Team to various groups such as labor unions, student organization, parent-teacher associations, public safety councils, etc. Lead: SCOE project lead with input from others</p> <p>(c) Establish and manage a secure online shared workspace (like a Wiki or Google Groups site) for SOS Leadership Team members to use in sharing and reviewing project materials including plans and procedures, training resources and assessment tools. Lead: SCOE project lead</p>	<p>(a) Quarterly meetings will be held and documented with agendas, minutes and sign-in sheets with the first meeting to be held by Oct 31, 2011.</p> <p>(b) 2-4 online publications will be published each year and at least three presentations will be conducted by members of the SOS Leadership Team each year, for a total of 4-8 online publications and at least six presentations.</p> <p>(c) Secure online shared workspace will be established by Oct 31, 2011 and training and technical assistance will be provided as needed; updates on the use of this resource will be shared in the COPS grant progress reports.</p>

**Goal 2) Enhance community policing strategies through ongoing collaboration and coordination between schools, law enforcement and others for the development of effective school safety plans and delivery of safety training and exercises.**  
*(Primary CP Tenets: Community Partnerships and Organizational Transformation)*

Objective	CP	OT	PS	Activities	Measures/Deliverables
<p><b>B)</b> Increase the amount of training and response exercises for schools and community partners to build skills for maintaining a safe school environment and effectively responding to school crises.</p>	<p><b>P</b></p>	<p><b>P</b></p>		<p>(a) Coordinate two emergency response exercises at schools within the project area to assess the coordinated response of law enforcement and school personnel to a campus crisis. Test video surveillance and communications systems installed as part of this project. (Simulated scenarios may include active shooter, terrorist activity, gang-related incident, etc.)  Lead: SCOE project lead, Prevention Programs Dept</p> <p>(b) Provide printed guides and technical assistance to campus administrators to enable them to conduct regular mini tabletop exercises during routine campus meetings to increase staff familiarity with response plans.  Lead: SCOE project lead</p> <p>(c) Increase participation of personnel from the project partner agencies in the annual Safe Schools Planning Workshop and School Crisis Response Training conducted annually by the SCOE Prevention Programs Department.  Lead: Each district project lead</p>	<p>(a) One functional exercise will be conducted each year at schools and public editions of the exercise plans and after action reports for each exercise will be provided with COPS grant progress reports.</p> <p>(b) Printed resources for mini tabletop exercises with discussion guides and 7-10 scenario scripts will be provided to school administrators by Dec 31, 2011 and documentation of technical assistance provided and school progress will be reported in the COPS grant progress reports.</p> <p>(c) At least 20 school personnel and partners will participate in each of the school safety trainings conducted by the SCOE Prevention Programs Department, training agendas and participant rosters will be included with COPS grant progress reports.</p>

## COPS FY2011: Secure Our Modesto Schools Project Logic Model

Applicant: City of Modesto Police Department

School District Partners: Stanislaus County Office of Education and Modesto City Schools

**Goal 2) Enhance community policing strategies through ongoing collaboration and coordination between schools, law enforcement and others for the development of effective school safety plans and delivery of safety training and exercises.**  
*(Primary CP Tenets: Community Partnerships and Organizational Transformation)*

Objective	CP	OT	PS	Activities	Measures/Deliverables
C) Strengthen collaboration among community partners through increased meeting participation and information sharing related to school security.	P		S	<p>(a) School police officers will attend at least four School Site Council or other appropriate advisory meetings for the schools included in this project each year. Lead: School police officer</p> <p>(b) Develop policies and procedures for the use of social media tools (such as Twitter and Facebook) by schools as a strategy to openly share safety information as needed day-to-day and for critical information related to crisis response. Incorporate these policies into the district risk communications plan and school safety plans at each site. Share samples of the developed policies by disseminating to all other district safety coordinators in Stanislaus County.</p> <p>(c) Identify and promote the use of effective communications tools to receive alerts from students and members of the community regarding safety concerns for schools and the surrounding community. Model the Modesto City Schools "Safety Hotline" currently in place and implement across all participating school sites.</p>	<p>(a) School police officer participation in School Site Council meetings will be summarized in COPS grant progress reports.</p> <p>(b) Policy manuals for the use of social media tools for risk communication by schools will be developed by Jun 30, 2012 and copies will be provided with COPS grant progress reports.</p> <p>(c) Project school sites will have implemented at least one system to effectively receive input from students and other members of the community regarding risks to school security by Jun 30, 2012</p>

Exhibit B - Page 5 of 5

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-451**

**A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT  
BETWEEN THE MODESTO POLICE DEPARTMENT, MODESTO CITY  
SCHOOLS AND STANISLAUS COUNTY OFFICE OF EDUCATION FOR  
ADMINISTRATIVE FEE SERVICES FOR THE SECURE OUR SCHOOLS  
GRANT**

WHEREAS, this Memorandum of Agreement (MOA) is entered into by and between the Modesto Police Department (MPD), Modesto City Schools (MCS) and the Stanislaus County Office of Education (SCOE), and

WHEREAS, the purpose of this MOU is to establish an administrative services fee for the Secure Our Schools Grant Program, and

WHEREAS, MPD, in partnership with MCS and SCOE, applied for and has been awarded an overall total of \$632,822 from the U.S. Department of Justice, Office of Community Oriented Policing Services a Secure Our Schools Grant, and

WHEREAS, there is a match share of \$316,411 that will be paid by MCS and SCOE, and

WHEREAS, the partnership will begin September 1, 2011, and terminate August 31, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Agreement between the Modesto Police Department, Modesto City Schools and Stanislaus County Office of Education for a grant, in the amount of \$316,411, from the COPS Secure Our Schools Grant.

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 at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-452**

**A RESOLUTION AMENDING THE FISCAL YEAR 2011/2012 OPERATING  
AND MULTI-YEAR GRANT BUDGET TO REFLECT REVENUE AND  
EXPENSES IN THE AMOUNT OF \$316,411, RELATED TO THE 2011 COPS  
SECURE OUR SCHOOLS GRANT**

WHEREAS, the City of Modesto Police Department (MPD) desires to undertake a certain project designated as the COPS Secure Our Schools (SOS) grant from the U.S. Department of Justice (USDOJ), Office of Community Oriented Policing Services, and

WHEREAS, the MPD was awarded a grant in the sum of \$316,411 from USDOJ, and

WHEREAS, acceptance of said \$316,411 grant will provide funding for law enforcement to create partnerships with public schools to improve school safety, help protect children and prevent school violence within the community, and

WHEREAS, the MPD is partnering with Modesto City Schools (MCS) and Stanislaus County Office of Education (SCOE), and

WHEREAS, the MPD is the local law enforcement agency with jurisdiction throughout the Modesto City limits and will serve as the lead and fiscal agent, and

WHEREAS, MCS and SCOE will provide 3% of the grant award of \$316,411, or \$9,492, for administrative costs to the City of Modesto Finance Department, and

WHEREAS, MPD will provide reimbursement for fifty percent (50%) of all approved purchases as received through the COPS Secure Our Schools grant, and

WHEREAS, a 50% cash match is required and MCS and SCOE will fund the match required, and

WHEREAS, final purchases needed to be submitted to the City of Modesto Finance Department 120 days before the grant end date of August 31, 2013, and

WHEREAS, the term of this grant will be from September 1, 2011, through August 31, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2011/2012 Operating and Multi-Year Budget is hereby adjusted as indicated on budget adjustment **attached (Exhibit A – Budget Adjustment)**.

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 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



Exhibit A

The Secure Our Schools allocation for Fiscal Year 2011/2012 will be applied to:

<u>Revenues:</u>	<u>Increase/(Decrease)</u>	<u>Description</u>
To:		
MY-1341-19999-42090-100671	\$316,411	DOJ SOS Grant
MY-1341-19999-42406-100671	<u>\$316,411</u>	In-Kind Contribution
<b>TOTAL</b>	<b>\$632,822</b>	

Expenses:

To:		
MY-100671- Salary Adjustment-Increase	\$143,696	Salary Adjustment - Increase
MY-100671- Salary Adjustment-Benefits	\$ 48,750	Salary Adjustment - Benefits
MY-100671- Police Equipment < \$5,000	\$ 41,050	Police Equipment < \$5,000
MY-100671- Professional Services	\$387,290	Professional Services
MY-100671- Miscellaneous Services	\$ 10,000	Miscellaneous Services
MY-100671- Office Supplies	<u>\$ 2,036</u>	Office Supplies
<b>TOTAL</b>	<b>\$632,822</b>	

---

Non-grant eligible administrative oversight to be funded by Stanislaus County Office of Education and Modesto City Schools:

<u>Revenues:</u>	<u>Increase/(Decrease)</u>	<u>Description</u>
To:		
MY-1341-19999-42090-100671	\$ 9,492	Due for Other Govt. Agency

<u>Expenses:</u>	<u>Increase/(Decrease)</u>	<u>Description</u>
To:		
MY-100671- Svcs City Forces-Interfund	\$ 9,492	Intergovernmental Svcs.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-453**

**RESOLUTION APPROVING THE SUBMITTAL OF THE AIRPORT CAPITAL  
IMPROVEMENT PLAN UPDATE TO THE FEDERAL AVIATION  
ADMINISTRATION AND CALTRANS AERONAUTICS**

WHEREAS, Modesto City-County Airport is a commercial service airport that is a part of the federal airport system and is eligible for federal funding, and

WHEREAS, as airport sponsor, the City is eligible for discretionary funding from the Federal Airport Improvement Program (AIP), and

WHEREAS, the Federal Aviation Administration (FAA) requires that the City submit a revised ACIP covering at least the next five years to maintain eligibility for future project funding, and

WHEREAS, in addition to updating cost estimates, the ACIP annual update is intended to reflect ongoing changes in City priorities, airport needs, and/or federal mandates, and

WHEREAS, keeping the ACIP current helps the FAA plan for the airport's long-term funding needs and better distribute the funds on a priority rating, and

WHEREAS, Caltrans uses the ACIP submission to develop the State Capital Improvement Plan (SCIP), and

WHEREAS, the Modesto City-County Airport ACIP update will be focusing on mandated safety and compliance issues (obstruction removal), current infrastructure needs, and planning for future airport needs, and

WHEREAS, the total package of capital improvements submitted to the FAA for the multi-year period ending in 2019 is estimated to cost \$12,466,000, and

WHEREAS, funding for projects that are approved will be borne by the FAA at 95% (\$11,842,700), with the Airport Fund providing the remaining 5% (\$623,300), and

WHEREAS, Passenger Facility Fees will generate most of the revenue for the 5% match, and

WHEREAS, the Airport Advisory Committee, at its October 20, 2011 meeting, recommended forwarding this item to Council for consideration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submittal of the Airport Capital Improvement Plan Update, **attached** hereto as **Exhibit A**, to the Federal Aviation Administration and Caltrans Aeronautics.

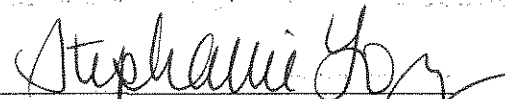
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmember: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: None


ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

  
SUSANA ALCALA WOOD, City Attorney

Airport Capital Improvement Program (ACIP) Summary, 2012-2019

	<i>Total</i>	<i>FAA (95%)</i>	<i>Sponsor (5%)</i>
2011			
Obstruction Removal - Environmental NEPA/CEQA (18 mos.)	\$380,000	\$361,000	\$19,000
2012			
Airfield Electrical Improvements (est.)	\$262,500	\$250,000	\$12,500
Airfield Drainage Improvements (est.)	\$787,500	\$750,000	\$37,500
Reconstruct 1,000' South Perimeter Security Fence	\$50,000	\$47,500	\$2,500
Design - Sterile Boarding Lounge Addition - existing terminal	\$200,000	\$190,000	\$10,000
	<u>\$1,300,000</u>	<u>\$1,237,500</u>	<u>\$62,500</u>
2013			
Obstruction Removal - Tree Trimming	\$500,000	\$475,000	\$25,000
Construct - Sterile Boarding Lounge Addition - existing terminal (est.)	\$1,000,000	\$950,000	\$50,000
	<u>\$1,500,000</u>	<u>\$1,425,000</u>	<u>\$75,000</u>
2014			
Airfield Slurry Seal - Rubber Removal - Marking Removal, Crack Repair and Repaint	\$700,000	\$665,000	\$35,000
2013-2018 (2002 dollars)			
<u>Runway 28R Extension, 500'-600'</u>			
2013			
Environmental NEPA/CEQA	\$300,000	\$270,000	\$30,000
2014			
Land Acquisition - Phase 1 (15)	\$1,875,000	\$1,687,500	\$187,500
2015			
Land Acquisition - Phase 2 (15)	\$1,875,000	\$1,687,500	\$187,500
2016			
Land Acquisition - Phase 3 (13)	\$1,625,000	\$1,462,500	\$162,500
2017			
Relocate Localizer	\$400,000	\$360,000	\$40,000
Relocate Perimeter Road	\$160,000	\$144,000	\$16,000
2018			
Extend Runway/Taxiway 500'	\$1,260,000	\$1,134,000	\$126,000
Pavement Removal	\$11,000	\$9,900	\$1,100
Replace VASI with PAPI, 10L/28R	\$80,000	\$72,000	\$8,000
	<u>\$7,586,000</u>	<u>\$6,827,400</u>	<u>\$758,600</u>
2019			
West Ramp Reconstruction	\$1,000,000	\$950,000	\$50,000
	<u>\$12,466,000</u>	<u>\$11,842,700</u>	<u>\$623,300</u>
TOTAL - all projects			
	\$12,466,000	\$11,842,700	\$623,300

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-454**

**RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS FOR THE DEVELOPMENT OF A FACILITIES LAYOUT PLAN FOR THE WASTEWATER DIVISION, SUTTER WASTEWATER TREATMENT PLANT; IN AN AMOUNT NOT TO EXCEED \$158,888; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Sutter Wastewater Treatment Plant has approximately 110 employees from different sections of the Wastewater Division in various buildings on site, and

WHEREAS, a number of large trucks, backhoes, and other equipment are kept on site; as are tools, replacement parts, raw materials, and other supplies stored where space is available throughout the site, and

WHEREAS, the Facilities Layout Plan (FLP) for the Sutter Plant will show the dimensions and locations of existing improvements and future facilities (prioritized and phased) that reflect the proposed Capital Improvement Program (CIP) identified in the City's Wastewater Treatment Master Plan (WWTMP); including the potential removal or relocation of certain existing infrastructure, and

WHEREAS, the FLP will also include the identification and evaluation of certain operational issues at the Plant that may not necessarily be described in the WWTMP, such as the adequacy and efficiency of the equipment storage and maintenance areas, employee and visitor parking, material storage locations, and other facilities that directly support the functions of the Sutter Plant, and

WHEREAS, on August 4, 2010, by Resolutions Nos. 2010-234 through 2010-238, Council approved On-Call Engineering Service agreements with five consulting

firms, who, through a selection process, have been qualified to provide On-Call Engineering Services for the Wastewater Division, and

WHEREAS, on July 8, 2011, staff issued a Request for Proposals (RFP) to the five consulting firms to develop a FLP for the City's Primary Wastewater Treatment Plant (Sutter Plant), and

WHEREAS, three of the five consulting firms responded to the RFP, and

WHEREAS, after review of the proposals by Wastewater and Engineering staff, Carollo Engineers was selected to develop the FLP at a total cost of \$158,888,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Carollo Engineers for the development of a Facilities Layout Plan for the Wastewater Division, Sutter Wastewater Treatment Plant, for a total cost of \$158,888.

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 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-455**

**RESOLUTION APPROVING THE TRANSFER OF \$79,444 FROM CIP 100372  
SUTTER PLANT PARKING LOT AND \$79,444 FROM CIP 100383 SECURITY  
UPGRADE SUTTER TO OPERATING ORG 4210-54020-53300 –  
WASTEWATER SERVICES ADMIN, SERVICES – PROFESSIONAL AND  
OTHER TO FUND THE FACILITY LAYOUT PLAN**

WHEREAS, a budget adjustment transferring funds in the amount of \$79,444 from CIP 100372 Sutter Plant Parking Lot and \$79,444 from CIP 100383 Security Upgrade Sutter to the Operating Org 4210-54020-53300 – Wastewater Services Admin, Services – Professional and Other is necessary to fund this Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the transfer of funds in the amount of \$79,444 from CIP 100372 Sutter Plant Parking Lot and \$79,444 from CIP 100383 Security Upgrade Sutter to Operating Org 4210-54020-53300 – Wastewater Services Admin, Services – Professional and Other to fund the Facility Layout Plan.




The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-456**

**RESOLUTION REJECTING ALL BIDS FOR THE JET-VAC DUMP SITE  
REHABILITATION PROJECT, AND AUTHORIZING STAFF TO RE-  
ADVERTISE THE PROJECT**

WHEREAS, the bids received for the Jet-Vac Dump Site Rehabilitation Project were opened at 11:00 a.m. on November 8, 2011, and

WHEREAS, immediately following the bid opening, Nolte Vertical Five (Nolte), the design consultant who prepared the plans and specifications, advised staff there were inconsistencies with some of the bid items that would have caused bid confusion, and

WHEREAS, City staff consulted the attorney's office, who recommended rejecting all bids in order to prevent potential bid protests, and

WHEREAS, staff have reviewed all information and has determined it is in the best interest of the City to recommend that all bids be rejected, and

WHEREAS, Nolte will modify the project specifications prior to City staff re-advertising the project, and

WHEREAS, City staff recommends re-advertising the Jet-Vac Dump Site Rehabilitation Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Jet-Vac Dump Site Rehabilitation Project, opened in the office of the City Clerk on November 8, 2011.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-457**

**RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR FINAL DESIGN SERVICES FOR PHASE 2 BIOLOGICAL NUTRIENT REMOVAL/TERTIARY TREATMENT FACILITY PROJECT IN AN AMOUNT NOT TO EXCEED \$253,426, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT**

WHEREAS, in April 2008, the Central Valley Regional Water Quality Control Board (RWQCB) adopted a new National Pollutant Discharge Elimination System (NPDES) permit for the City of Modesto with stricter limits to the City's treated wastewater discharge into the San Joaquin River, and

WHEREAS, these limits were not in the original draft permit, and were not accounted for in the Wastewater Master Plan (WWMP) that was adopted in March 2007, and

WHEREAS, this new permit required the City to meet these discharge requirements by April 25, 2013, and

WHEREAS, if the City did not comply with these new discharge requirements, it would be subject to Mandatory Minimum Penalties (MMPs) and third-party lawsuits, and

WHEREAS, on June 23, 2009, by Resolution No. 2009-271, the City Council approved an agreement with Carollo Engineers, P.C. (Carollo) to prepare the final project design of this project, and

WHEREAS, in order to meet the April 2013 compliance date, the design agreement is based on an expedited design and construction schedule, and final design was originally expected to be completed by March 2010, and

WHEREAS, on September 1, 2009, City staff requested a 33-month compliance extension to its NPDES permit to allow a longer implementation schedule for the Phase 2 Tertiary Project and to reduce the impact on rates, and

WHEREAS, on March 18, 2010, the RWQCB granted the City an extension of the compliance date to February 2016, and

WHEREAS, the compliance extension has allowed the City to reasonably revise its design and construction schedule, and

WHEREAS, the design of the Phase 2 Project has been completed, and

WHEREAS, however, unanticipated delays during the review by both state and federal agencies of the City's Clean Water State Revolving Fund (CWSRF) \$130 million loan application has impacted the construction schedule of the Phase 2 Project and has delayed the advertisement for the Phase 2 Project construction bids, and

WHEREAS, the State Water Resources Control Board has required the City to seek approval from the National Oceanic Atmospheric Agency-National Marine Fisheries Service (NOAA-NMFS) stating that the City's tertiary treated effluent, in particular water temperature, will not have a major environmental impact to the San Joaquin River, and

WHEREAS, these requirements are not in the City's current NPDES effluent discharge permit, and

WHEREAS, in order to finalize the CWSRF loan requirements for the construction of the Phase 2 Project, the City must address NOAA-NMFS concerns prior to the final Phase 2 Project funding approval, and

WHEREAS, the City has subsequently addressed these issues and has recently received NOAA-NMFS approval, and

WHEREAS, as a result, City started advertising bids for the project in early November 2011, and anticipates opening bids in January 2012, and due to state review requirements, awarding the project in May 2012, and

WHEREAS, staff is recommending approval of this amendment to cover the additional scope of work that is beyond the original final design agreement, and

WHEREAS, the following list summarizes the changes and additional work by Carollo that is necessary to complete the design beyond what has been approved and budgeted for the project: 1) Due to the highly specialized treatment equipment required for the project, additional design work was necessary to incorporate the specialized equipment packages, which included SCADA/HMI, fine screens, pumps and blowers, into the treatment plant design; 2) Additional time was needed for meetings, project management, and project bidding support, due to both the NPDES time extensions and unanticipated CWSRF funding delays. This amendment will cover costs up through the Phase 2 bid period; 3) Modifications to the bid documents were needed in order to comply with the CWSRF loan application requirements. Initially, the Phase 2 Project was intended to be financed through bond sales, however, the CWSRF loan was determined to have more favorable terms and significant cost savings for the City over the term of the loan; 4) Additional time was needed to extend the construction permit for the City's building permit for the project; 5) An optional task is included in the amendment to assist City staff, in case there is a bid protest from one of the pre-qualified contractors, and

WHEREAS, City staff does not have the staffing level or subject matter expertise to provide final design services for Phase 2 Project, and current workload levels do not provide for timely in-house solutions/responses, and

WHEREAS, City staff recommends approving an Amendment to Agreement with Carollo for final design services for Phase 2 project that is beyond the original final design Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to Agreement with Carollo Engineers, Inc. for final design services for Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility project, in an amount not to exceed \$253,426.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-458**

**RESOLUTION APPROVING A SECOND AMENDMENT TO AGREEMENT WITH WEST YOST ASSOCIATES, INC. FOR BID PERIOD CONSTRUCTION MANAGEMENT SERVICES FOR PHASE 2 BIOLOGICAL NUTRIENT REMOVAL/TERTIARY TREATMENT FACILITY PROJECT IN AN AMOUNT NOT TO EXCEED \$112,500, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT**

WHEREAS, on December 16, 2010, staff recommended to the City Manager that a portion of West Yost's proposed services be approved to complete time-critical segments of the constructability review, and

WHEREAS, on January 4, 2011, the City executed an agreement in the not to exceed amount of \$49,000 with West Yost for constructability review services, and

WHEREAS, on February 2, 2011, by Resolution 2011-056, the City Council approved an amendment to the agreement in the amount of \$104,965 to complete the remaining portions of the constructability review and provide bid period services, and

WHEREAS, there have been unanticipated delays during the review of the City's Clean Water State Revolving Fund loan application, which has impacted the bid schedule, and

WHEREAS, additional services beyond the original scope and amendment are recommended, and

WHEREAS, this second amendment is recommended to cover the following additional tasks: 1) Additional Bid Period Services; 2) Construction Management Work Plan; and 3) Preconstruction Preparation, and

WHEREAS, City staff recommends approving an amendment to agreement with West Yost as the City does not have the staffing level or expertise to provide the related services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to Agreement with West Yost Associates, Inc. for Bid Period services for Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility project, in an amount not to exceed \$112,500.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez,  
Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-459**

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING  
BETWEEN THE PUBLIC WORKS DEPARTMENT AND PARKS,  
RECREATION AND NEIGHBORHOODS DEPARTMENT FOR PROJECT  
LOAN REPAYMENT RELATED TO RELOCATION OF THE SOLID WASTE  
COMPOST FACILITY, FOR THE PHASE 2 BNR/TERTIARY WASTEWATER  
TREATMENT FACILITY**

WHEREAS, on April 25, 2008, the Regional Water Quality Control Board issued a new waste discharge permit which reduces discharge limits of some constituents into the San Joaquin River, and

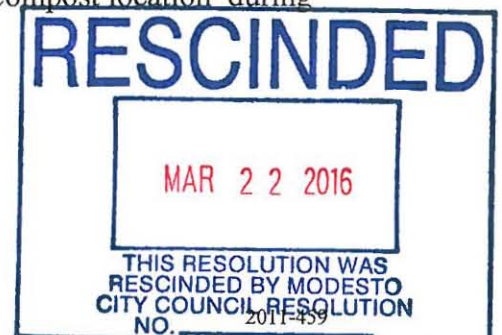
WHEREAS, this permit resulted in the Phase 2 BNR/Tertiary Treatment Project (Phase 2 Tertiary), which will allow for operation of a tertiary-level treatment process at the Jennings Road Wastewater Treatment and Disposal Facility (Jennings Plant), and

WHEREAS, since the facility opened, it has processed more than 657,646 tons of materials and has saved ratepayers approximately \$8,600,000 by keeping this material out of more costly disposal facilities, and

WHEREAS, this facility has become an even more essential component of the City's diversion programs, and

WHEREAS, the Compost Facility currently rents and occupies the space at 7001 Jennings Road, under the terms and conditions established in a City of Modesto Inter-Department Memorandum of Understanding (MOU) dated April 17, 2007, and

WHEREAS, on June 23, 2009, by Resolution No. 2009-270, the Council approved locating the Phase 2 Tertiary facilities at the existing Compost location during the Preliminary Design Report (PDR) phase of the project, and



WHEREAS, City staff, including Utility Planning and Projects - Engineering, Public Works - Wastewater Operations and Parks, Recreation and Neighborhoods - Compost, participated in making the ultimate decision of the new Phase 2 Tertiary location, and

WHEREAS, the proposed site was chosen such that the Phase 2 Tertiary facilities would be operationally congruent with the existing Phase 1A Tertiary facilities as well as future phases of tertiary-treatment facilities, and

WHEREAS, the proposed layout allows the facility to be phased in such a way to create a common wastewater treatment plant campus for the state-of-the-art equipment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the Public Works Department and Parks, Recreation and Neighborhoods Department for project loan repayment related to relocation of the Solid Waste Compost Facility, for the Phase 2 BNR/Tertiary Wastewater Treatment Facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Stephanie Lopez  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-460**

**RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES ANNUAL  
REPORT FOR FISCAL YEAR 2010-2011, AND MAKING FINDINGS  
RELATING TO EACH OF THE FEE CATEGORIES**

WHEREAS, Section 8-1.904 of the Modesto Municipal Code authorizes the City Council to establish Capital Facilities Fees (“CFF”) by resolution, and

WHEREAS, California Government Code Sections 66001 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 CFF for the purpose of constructing public improvements that will be needed as a result of new development, and

WHEREAS, on March 22, 2011, the City Council, by Resolution No. 2011-105, established the nexus for fees imposed by each land use, and

WHEREAS, the Streets CFF fund was established to accrue funds for arterial roadways, intersections, expressways, freeway interchanges and associated landscaping, and

WHEREAS, 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, and

WHEREAS, 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

WHEREAS, 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

WHEREAS, the Fire CFF Fund was established to accrue funds for the construction of additional fire stations, fire vehicles, and a new training station, and

WHEREAS, 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, and

WHEREAS, 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 CFF program is a pay-as-you go program that enables improvements to be constructed when enough monies have been accumulated, and

WHEREAS, the Capital Facilities Fee Annual Report for Fiscal Year 2010-2011 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 6, 2011, 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 finds and determines that the Capital Facilities Fee program, set forth in

City Council Resolution No. 2011-105, and incorporated herein by reference, is a necessary program to fund future infrastructure needed for new development.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that 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.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the anticipated dates for the full collection of fees is unknown at this time as fees are based on development activity which is not controlled by the City.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for constructing and/or purchasing additional fire stations, fire vehicles, and a new training station, have not yet been accumulated and the approximate date is not yet known, but there is still a need as outlined in Resolution No. 2011-105, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for constructing and/or purchasing 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, have not yet been accumulated and the approximate date is not yet known, but there is still a need as outlined in Resolution No. 2011-105, and therefore fees should still be collected for these purposes.



BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the development of additional regional parks, community centers, neighborhood parks, and the expansion of McClure museum have not yet been accumulated and the approximate date is not yet known, but there is still a need as outlined in Resolution No. 2011-105, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the expansion of City Hall, expansion of the City's corporation yards, and additional technology expansions is not yet known, but there is still a need as outlined in Resolution No. 2011-105, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the reduction of automobile travel, specifically for the development of park and ride lots and Class I Bike Trails is not yet known, but there is still a need as outlined in Resolution No. 2011-105, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for arterial roadways, intersections, expressways, freeway interchanges and all of their associated landscaping is not yet known, but there is still a need as outlined in Resolution No. 2011-105, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds that the funding for the expansion of the transit system is not yet known, but

there is still a need as outlined in Resolution No. 2011-105, and therefore fees should still be collected for these purposes.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2010-2011 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 6<sup>th</sup> day of December, 2011, by Councilmember Geer, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Lopez

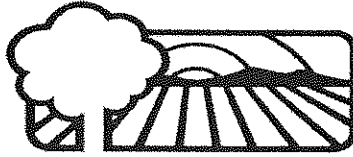
ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ACALA WOOD, City Attorney



City of Modesto

**CAPITAL FACILITIES FEES  
ANNUAL REPORT**

**Fiscal Year  
2010-2011**

Prepared By:

**Community & Economic Development  
Infrastructure Financing Program**

October 24, 2011

## **Introduction**

This Capital Facilities Fees (CFF) Annual Report for Fiscal Year 2010-2011 (Report) has been prepared as an annual requirement by the State of California in accordance with Section 66006 of the Government Code. The City of Modesto (City) collects CFF on new development to fund infrastructure improvements that are necessary to accommodate new growth.

State law requires that the City make the following information available to the public for each separate fund on an annual basis, and that the City Council review that information at a public meeting. The law requires the report to include the following information for each individual fund for the fiscal year:

- The beginning and ending balance of the fund
- The amount of the fees collected and interest earned
- The amount of refunds made
- A description of each interfund transfer or loan made by the fund
- Identification of each public improvement on which fees were expended and the amount expended on each improvement

If the agency no longer needs the funds for the purposes collected, or if the agency fails to make required findings, or perform certain administrative tasks prescribed by Assembly Bill 1600 (AB 1600), the agency may be required to refund, on a prorated basis to owners of the properties upon which the fees for the improvement were imposed, the monies collected for that project and any interest earned on those funds.

## **Beginning and Ending Balance of Funds, Amount of Fees Collected and Interest Earned**

Table 1 "Combining Statement of Revenues, Expenditures, and Changes in Fund Balances" outlines the beginning and ending balance of each fund for Fiscal Year 2010-2011. Detailed expenditures are shown under each fund description. Since this is a pay-as-you-go program, the City must accrue enough revenue to construct a project. This results in an "aging" of fund balances. The aging or accumulation occurs until enough revenue is generated to construct a project.

## **Refunds**

There were a total of fifteen (15) CFF refunds, which are outlined in Table 2. Refunds are not uncommon and can occur for a variety of reasons such as a property owner paid the fees but later decided not to build a project. In June 2010, Modesto City Council Resolution No. 2010-272 approved a reduction in CFF rates due to the significant decrease in land values. Additionally in May 2011, Modesto City Council Resolution No. 2011-105 approved an additional reduction in CFF to reflect the decrease in capital facilities projects and cost estimates for the Streets, Parks, and Air Quality components of the CFF Program. In both instances, CFF refunds, for the difference between programs were issued to those applicants who pulled permits during the sixty (60) day time period following adoption and implementation of the new CFF rates.

Table 1. City of Modesto Capital Facilities Fees Combining Statement of Revenues, Expenditures and Changes in Fund Balances (DRAFT) Year ended June 30, 2011.

	<u>1310 (3440)</u>	<u>1320 (3450)</u>	<u>1350 (3460)</u>	<u>1380 (3470)</u>	<u>1390 (3480)</u>	<u>1410 (3410)</u>	<u>1420 (3420)</u>	<u>1430 (3430)</u>	Total
	<u>Police</u>	<u>Fire</u>	<u>Parks</u>	<u>City Hall</u>	<u>Cap Fees</u>	<u>Streets</u>	<u>Public</u>	<u>Air</u>	<u>Capital</u>
	<u>Dept</u>	<u>Dept</u>	<u>Dept</u>	<u>Expansion</u>	<u>Admin</u>	<u>Cap Fees</u>	<u>Trans</u>	<u>Quality</u>	<u>Facilities</u>
	<u>Cap fees</u>	<u>Cap fees</u>	<u>Cap fees</u>	<u>Cap fees</u>			<u>Cap Fees</u>	<u>Cap fees</u>	
<b>REVENUES:</b>									
Intergovernmental						\$ 2,726,437			\$ 2,726,437
Charges for services	\$ 25,435	\$ 7,619	\$ 101,006	\$ 14,201	\$ 13,013	551,403	\$ 6,282	\$ 19,099	738,058
Interest and rent	2,085	164	43,160	4,175	537	202,916	860	5,467	259,364
Net change in fair value of investments	(320)	(21)	(6,396)	(654)	(150)	(30,240)	(116)	(790)	(38,687)
Miscellaneous					141,600	9,666			151,266
Total revenues	<u>27,200</u>	<u>7,762</u>	<u>137,770</u>	<u>17,722</u>	<u>155,000</u>	<u>3,460,182</u>	<u>7,026</u>	<u>23,776</u>	<u>3,836,438</u>
<b>EXPENDITURES:</b>									
Current:									
General government					186,170				186,170
Highways and streets						3,204,213			3,204,213
Public works									
Parks and recreation			69,661						69,661
Public safety									
Capital outlay:									
Total expenditures			<u>69,661</u>		<u>186,170</u>	<u>3,204,213</u>			<u>3,460,044</u>
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	<u>27,200</u>	<u>7,762</u>	<u>68,109</u>	<u>17,722</u>	<u>(31,170)</u>	<u>255,969</u>	<u>7,026</u>	<u>23,776</u>	<u>376,394</u>
<b>OTHER FINANCING SOURCES (USES):</b>									
Transfers in			250			24,555			24,805
Transfers out	(228,000)		(14,356)	(450,000)	(2,862)	(72,339)	(160)	(331,505)	(1,099,222)
Sale of assets									
TOTAL OTHER FINANCING SOURCES (USES)	<u>(228,000)</u>		<u>(14,106)</u>	<u>(450,000)</u>	<u>(2,862)</u>	<u>(47,784)</u>	<u>(160)</u>	<u>(331,505)</u>	<u>(1,074,417)</u>
EXCESS (DEFICIENCY) OF REVENUES AND OTHER SOURCES OVER (UNDER) EXPENDITURES AND OTHER USES	<u>(200,800)</u>	<u>7,762</u>	<u>54,003</u>	<u>(432,278)</u>	<u>(34,032)</u>	<u>208,185</u>	<u>6,866</u>	<u>(307,729)</u>	<u>(698,023)</u>
FUND BALANCES, July 1	<u>317,636</u>	<u>\$ (1,064,521)</u>	<u>\$ 5,471,938</u>	<u>\$ 626,488</u>	<u>\$ 158,885</u>	<u>\$ 26,813,557</u>	<u>\$ 97,723</u>	<u>\$ 677,815</u>	<u>\$ 33,099,521</u>
FUND BALANCES, June 30	<u>\$ 116,836</u>	<u>\$ (1,056,759)</u>	<u>\$ 5,525,941</u>	<u>\$ 194,210</u>	<u>\$ 124,853</u>	<u>\$ 27,021,742</u>	<u>\$ 104,589</u>	<u>\$ 370,086</u>	<u>\$ 32,401,498</u>

**Table 2. 2010-2011 Capital Facilities Fess Payment Refunds.**

Date	Applicant	Permit Number	Amount	Reason
9/14/10	Charles Evins	BLD2010-81219	318.37	Resolution No. 2010-272.
9/14/10	Vinjay Kumar	BLD2009-72504	283.94	Resolution No. 2010-272.
9/14/10	Dave Olsen	BLD2010-81266	159.00	Resolution No. 2010-272.
9/14/10	Roderick Pineda	BLD2010-81696	398.25	Resolution No. 2010-272.
9/14/10	PRC Foundation	BLD2010-81288	601.41	Resolution No. 2010-272.
9/14/10	Sanders Properties	BLD2010-80877	3,855.40	Resolution No. 2010-272.
9/14/10	Trusframe	BLD2010-81948	495.36	Resolution No. 2010-272.
9/14/10	Stewart Partner, LLC	BLD2010-82333	9,069.50	Resolution No. 2010-272.
10/26/10	M&B Petroleum	BLD2009-71699	6,536.68	Resolution No. 2010-272.
11/9/10	Metric Motors	BLD2004-85062	12,289.29	Trailer removed from property
11/1/10	California Equity Management Group	BLD2006-45307	38,448.63	Building permit expired and building not constructed
2/15/11	In Shape Health Club	BLD2009-72501	10,758.75	Trailer removed from property
6/7/11	Modesto Junk Company	BLD2010-83012	4,069.00	Resolution No. 2011-105
6/7/11	Modesto Cambodian Society	BLD2010-90740	535.81	Resolution No. 2011-105
7/18/11	Stewart Partners, LLC	BLD2010-82333	46,269.00	Appeal granted by Resolution No. 2011-286
<b>Total</b>			<b>\$134,088.39</b>	

**Revenues**

Table 3 "Five Year Revenue History of CFF Funds" illustrates all CFF revenues over a five (5) year period. As previously noted, these funds are based on new development. Overall, revenues decreased 36.7% from the Fiscal Year 2009-2010 to Fiscal Year 2010-2011.

**Table 3. Five Year Revenue History of CFF Funds.**

FUND	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	5 Year Total
3410 Streets <sup>1</sup>	\$ 7,873,759.20	\$ 8,624,400.00	\$ 3,171,598.48	\$ 1,496,897.00	\$ 758,299.00	\$ 21,924,953.68
3420 Public Transportation	\$ 100,905.52	\$ 100,841.00	\$ 29,581.32	\$ 12,411.00	\$ 7,027.00	\$ 250,765.84
3430 Air Mitigation	\$ 317,174.10	\$ 253,505.00	\$ 62,342.82	\$ 29,769.00	\$ 23,776.00	\$ 686,566.92
3440 Police	\$ 418,847.63	\$ 347,000.00	\$ 83,155.97	\$ 39,582.00	\$ 27,201.00	\$ 915,786.60
3450 Fire	\$ 67,007.27	\$ 45,634.00	\$ (20,183.85)	\$ (17,112.00)	\$ 7,762.00	\$ -83,107.42
3460 Parks <sup>1</sup>	\$ 1,992,592.54	\$ 1,956,061.54	\$ 1,336,247.00	\$ 178,701.00	\$ 138,020.00	\$ 5,601,622.08
3470 General Government	\$ 337,015.42	\$ 264,469.00	\$ 67,894.25	\$ 28,067.00	\$ 17,722.00	\$ 715,167.67
3480 Administration <sup>2</sup>	\$ 161,731.89	\$ 156,335.00	\$ 48,965.63	\$ 23,814.00	\$ 155,001.00	\$ 545,847.52
<b>TOTAL</b>	<b>\$ 11,269,033.57</b>	<b>\$ 11,748,245.54</b>	<b>\$ 4,779,601.62</b>	<b>\$ 1,792,129.00</b>	<b>\$ 1,134,808.00</b>	<b>\$ 30,723,817.73</b>

1. Less intergovernmental grant revenues.

2. The increase reflects a journal voucher transaction moving \$141,660 from Fund 3410 to Fund 3480 for the 2011 CFF Streets Update.

## CFF Expenditures & Transfers

Capital Facilities Fees mitigate the impacts caused by new development on certain public facilities. They are used to finance the acquisition, construction and improvement of public facilities needed as a result of this new development.

### Fund 3410 (formerly Fund 1410) - Streets Capital Facilities Fee Fund

The fees collected and deposited into this fund are for roadway improvements such as expressways, arterials and collectors, as well as their intersections and traffic signals. In Fiscal Year 2010-2011, there were several major projects partially funded by this fund: McHenry/Briggsmore Right Turn Lanes (2), Pelandale Interchange at State Route 99, Pelandale 6 Lanes Dale to McHenry, and New Traffic Signals (Scott/Cheyenne and Prescott/Hawn).

### Fund 3420 (formerly Fund 1420) - Public Transportation Capital Facilities Fee Fund

The fees collected and deposited into this fund are for buses, bus shelters, bus stops, the Bus Maintenance Facility, and the Northeast Transfer Station. There were no projects funded in Fiscal Year 2010-2011.

### Fund 3430 (formerly Fund 1430) - Air Quality Mitigation Capital Facilities Fee Fund.

The fees collected and deposited into this fund are 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, bike paths and bike storage, footpaths and pedestrian accesses. There were no projects funded in Fiscal Year 2010-2011.

### Fund 3440 (formerly Fund 1310) - Police Capital Facilities Fee

The fees collected and deposited into this fund are for the Police Tactical Training Center and police vehicles and equipment. There were no projects funded in Fiscal Year 2010-2011.

Historically, \$228,000 has been transferred annually to assist in making a debt service payment. However, given the current fund balance, this was the last year that this fund was able to make this payment.

### Fund 3450 (formerly Fund 1320) - Fire Capital Facilities Fee Fund

The fees collected and deposited into this fund are for fire facility expansion, fire vehicles such as engines and ladder trucks and other fire equipment. There were no projects funded in Fiscal Year 2010-2011.

This fund has a negative balance as a result of a previous loan for fire apparatus from the general fund. A loan agreement is in place, but due to the economic conditions, revenue has not been adequate to cover the debt service payment.

Fund 3460 (formerly Fund 1350) - Parks Capital Facilities Fee Fund

The fees collected and deposited into this fund are for neighborhood parks, community and regional parks, sports facilities and community buildings. Two major projects are being partially funded by this fund: Mary E. Grogan Community Park and the Northeast Community Services Center.

Fund 3470 (formerly Fund 1380) - City Hall and Other Facilities Capital Facilities Fee Fund

The fees collected and deposited into this fund are for City Hall and related parking facilities, the corporation yard and related facilities, City vehicles, and the City's information technology expansion. There were no projects funded in Fiscal Year 2010-2011.

Historically, \$450,000 has been transferred annually to assist in paying for debt service for Tenth Street Place. However, given the current fund balance; this was the last year that this fund was able to make this payment.

Fund 3480 (formerly Fund 1390) - Capital Facilities Fee Administration Fund

The fees collected and deposited into this fund are for the administration of the CFF Program to include the preparation of the Annual and Five Year Capital Facilities Fee Reports, and periodic Capital Facilities Fee Updates. In Fiscal Year 2010-2011, there were two (2) updates to the CFF program. The 2010 CFF Update adjusted fees to reflect the reduction in land values. The 2011 CFF Update reflects the decrease in capital facilities projects and cost estimates for the Streets, parks, and Air Quality components of the CFF Program. Other administrative requirements include the day to day management of CFF funded Capital Improvement Program (CIP) projects which includes the preparation of annual CIP budgets and the preparation of the CFF proformas for all eight sub-funds that make up the CFF proforma. Pursuant to Government Code Section 66000 requiring the preparation of the Annual and Five-Year Report, the City has included this fund as a means to document and fund the administrative costs associated with this state mandated reporting requirement.

Table 4 "Fiscal Year 2010-2011 Expenditures and Transfers by Fund" outlines all CFF expenses by fund. It should be noted that these are projects that were planned for in the CFF program and that most if not all span two to three fiscal years since considerable time is necessary to plan, acquire right of way, design and construct the projects.

**Summary**

This is an Annual Report as required by Section 66006 of the Government Code. The City collects these fees on a pay-as-you-go basis. This Report reflects the requirements as stipulated in the Government Code.



**Table 4. Fiscal Year 2010-2011 CFF Expenditures and Transfers by Fund.**

<b>Fund / Fund Name</b>	<b>Project</b>	<b>Project Description</b>	<b>Expenditures</b>
<b>Fund 3410 Streets CFF</b>		Transfer to Fund 5230 - Oracle Payment	\$ 72,339.00
	100029	CED - Traffic Signal - Tully & Union	\$ 152.69
	100030	CED - Right Turn Northbound McHenry - Eastbound Briggsmore	\$ 57,913.37
	100031	CED - Right Turn Eastbound Briggsmore - Southbound McHenry	\$ 32,665.21
	100032	CED - New Traffic Signals 2010	\$ 21,040.02
	100035	CED - Dale Road CCTV Cameras	\$ 7,295.18
	100036	CED - Right Turn Lanes - 3 Intersections	\$ 124,850.86
	100037	CED - Scott/Cheyenne and Prescott/Hawn Traffic Signals	\$ 349,977.82
	100041	CED - Claus Sylvan/Floyd/Lincoln to Carpenter (100034)	\$ 44.64
	100044	CED - Pelandale CCTV/Fiber Optics	\$ 3,456.53
	100046	CED - Pelandale Interchange at State Route 99	\$ 1,611,014.19
	100047	CED - Coffee and Claratina Intersection Improvements	\$ 4,628.48
	100048	CED - Claratina to McHenry BN & SF Plan Lane Section	\$ 38.74
	100049	CED - Oakdale Road Widening	\$ 1,338.25
	100050	CED - Bangs/Prescott Street Improvements	\$ 172.76
	100051	CED - Claratina/McHenry to Coffee 4 Lanes	\$ 5,825.74
	100052	CED - Claus Road Briggsmore to Sylvan 4 Lanes	\$ 173.35
	100053	CED - Carpenter Road Bridge Seismic Retrofit	\$ 120,533.81
	100054	CED - Claratina - Oakdale to Roselie	\$ 21,310.94
	100055	CED - Pelandale/Dale to McHenry Additional Improvements	\$ 2,335.39
100455	UPP - Pelandale Sisk to 99 Improvements	\$ 153,692.72	
100456	UPP - 6 Lanes Dale to McHenry	\$ 679,747.84	
100586	CED - 7th Street Bridge at Tuolumne River	\$ 6,003.74	
<b>Fund 3410 - Streets CFF Total Expenditures</b>			<b>\$ 3,276,551.27</b>
<b>Fund 3420 Public Transportation CFF</b>		Transfer to Fund 5230 - Oracle Payment	\$ 160.00
	<b>Fund 3420 - Public Transportation CFF Total Expenditures</b>		
<b>Fund 3430 Air Quality CFF</b>		Transfer to Fund 3140	\$ 329,511.98
		Transfer to Fund 5230 - Oracle Payment	\$ 1,993.00
<b>Fund 3430 - Air Quality CFF Total Expenditures</b>			<b>\$ 331,504.98</b>
<b>Fund 3440 Police CFF</b>		Transfer to Fund 100 - Debt Service Payment	\$ 228,000.00
<b>Fund 3440 - Police CFF Total Expenditures</b>			<b>\$ 228,000.00</b>
<b>Fund 3450 Fire CFF</b>		<i>No Expenditures</i>	\$ -
<b>Fund 3450 - Fire CFF Total Expenditures</b>			<b>\$ -</b>
<b>Fund 3460 Parks CFF</b>		Transfer to Fund 5230 - Oracle Payment	\$ 14,356.00
	100284	PRN - Lighting Play & Shade FY 2007-08 (100283)	\$ 14,274.26
	100288	PRN - Mary E. Grogan Community Park	\$ 13,408.78
	100291	PRN - NE Community Services Center	\$ 41,977.59
<b>Fund 3460 - Parks CFF Total Expenditures</b>			<b>\$ 84,016.63</b>
<b>Fund 3470 General Government CFF</b>		Transfer to Fund 0100 - Debt Service Payment	\$ 450,000.00
<b>Fund 3470 - General Government CFF Total Expenditures</b>			<b>\$ 450,000.00</b>
<b>Fund 3480 CFF Administration</b>		CFF Administration	\$ 152,555.60
		Transfer to Fund 5230 - Oracle Payment	\$ 2,862.00
	100026	CED - 2008 Streets CFF Update	\$ 33,614.11
<b>Fund 3480 - CFF Administration Total Expenditures</b>			<b>\$ 189,031.71</b>
<b>ALL CFF FUNDS - Total Expenditures</b>			<b>\$ 4,559,264.59</b>

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**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-461**

**RESOLUTION DIRECTING STAFF TO INCORPORATE STANDARDS FOR  
DOWNTOWN COMPLETE STREETS AND STREET FURNITURE INTO THE  
STANDARD SPECIFICATIONS**

WHEREAS, on July 13, 2010, the City Council adopted Ordinance 3535-C.S, amending Chapter 2 of Title 10 of the Municipal Code to add Article 8, creating a new Downtown Core (DC) Zone, and

WHEREAS, in adopting the Downtown Core Zone, the City Council directed staff to complete work on new downtown street standards, and

WHEREAS, staff worked with downtown property owners, interested parties and the Economic Development Committee (EDC) to develop a street cross section that follows "complete street" principles, facilitating travel by vehicle, transit, bike and foot in a contextually appropriate manner, and

WHEREAS, on August 8, 2011, EDC recommended a cross section (**Exhibit A**) to Council that achieves the desired objectives, and

WHEREAS, in addition to the street cross section, EDC recommended various street furniture elements (**Exhibit B**) for incorporation into the Standard Specifications, and

WHEREAS, said matter was considered by the City Council on December 6, 2011, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, this action is exempt from CEQA, pursuant to Section 15301 of the CEQA Guidelines, which exempts projects involving the maintenance, repair and minor alteration of existing facilities,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby directs staff to incorporate standards for downtown complete streets and street furniture into the Standard Specifications based on the **attached Exhibits A and B.**

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 6<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

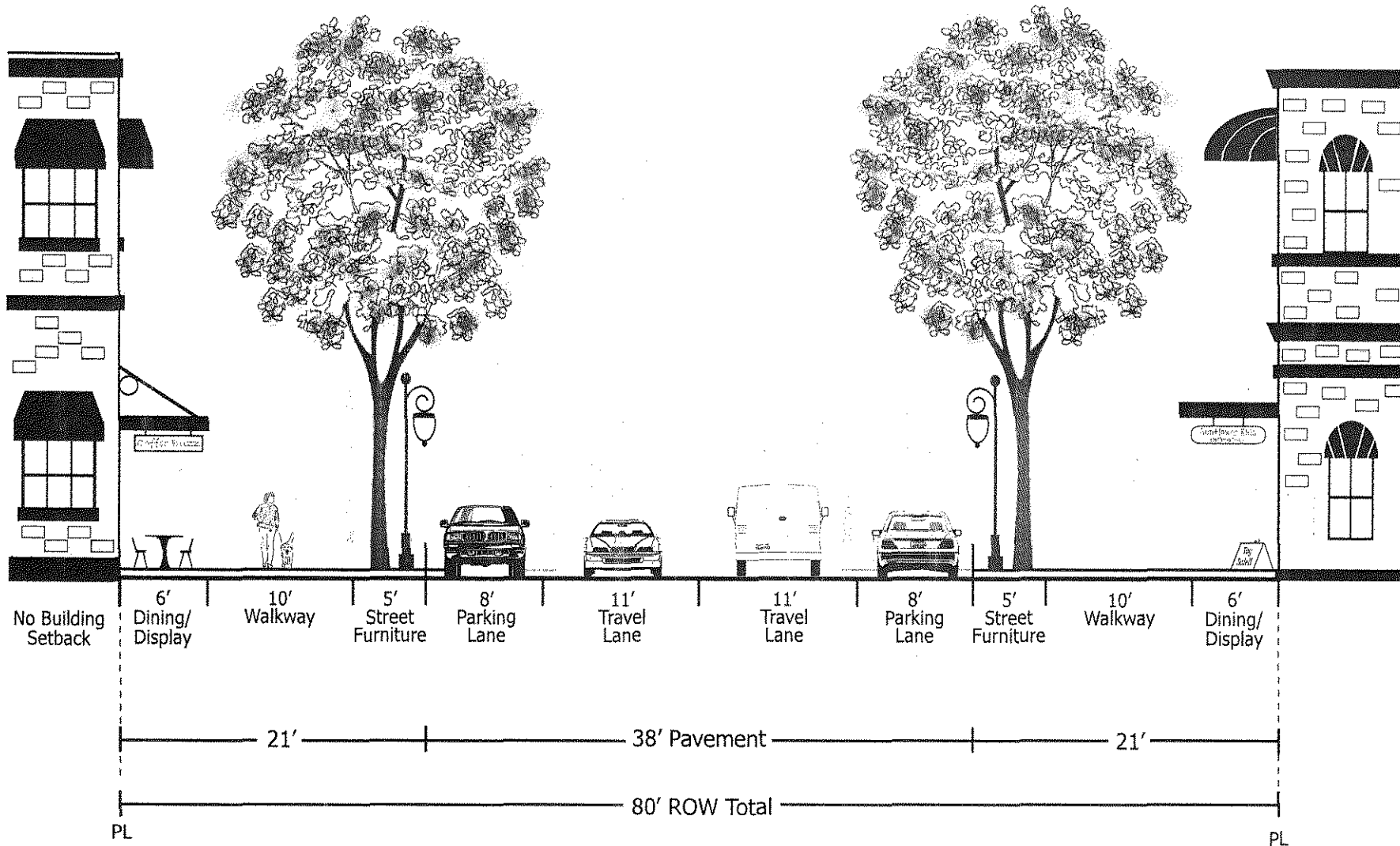
(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

# Downtown Complete Street Cross-Section

Exhibit A



**STREET FURNITURE**

**Benches**

**Bike Racks**

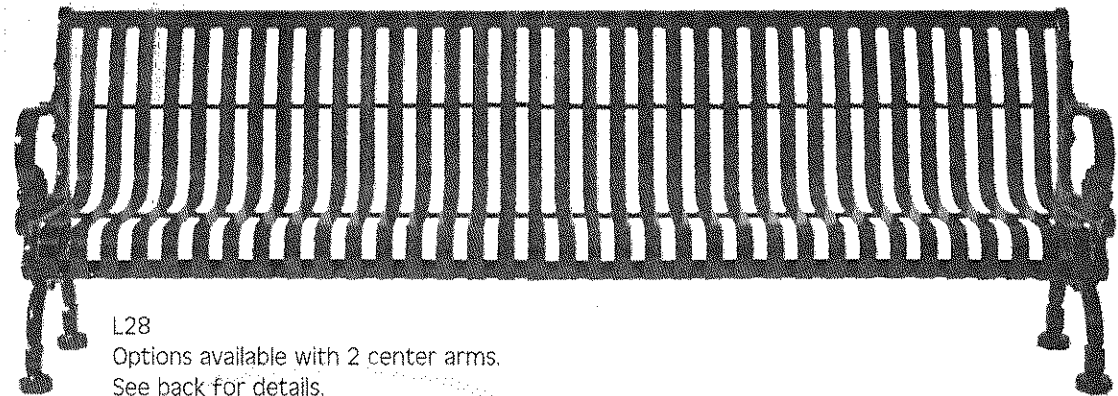
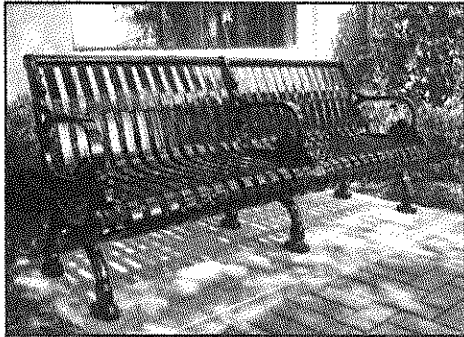
**Bus Shelters**

**Trees and Tree Cages**

## The LAMPLIGHTER Series

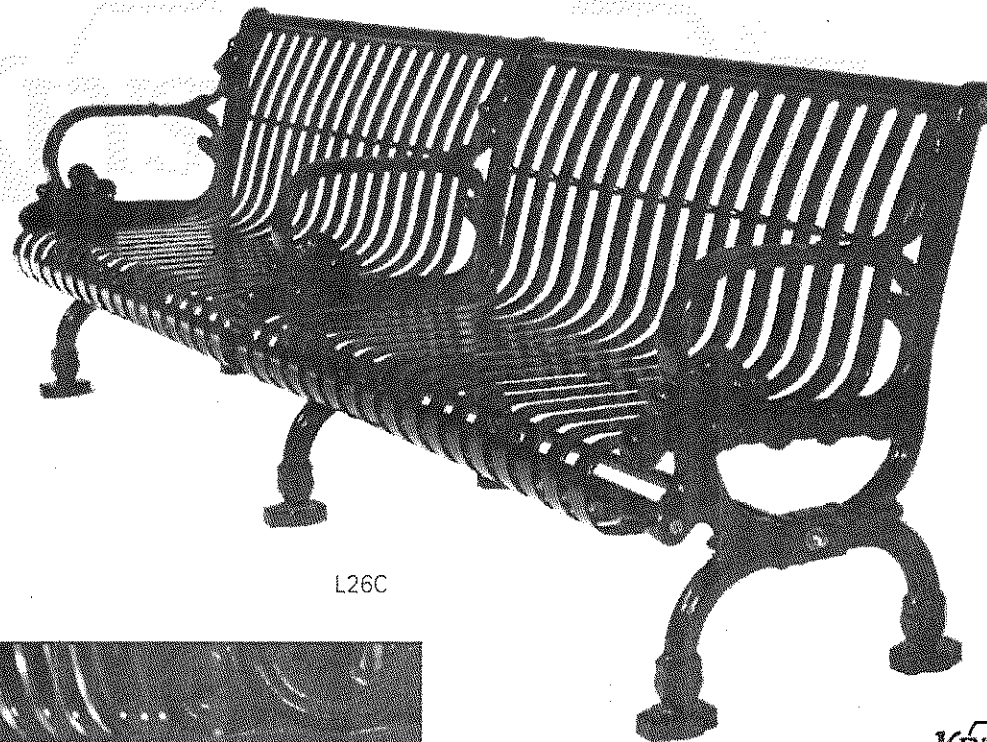
Bench with back and center arms  
Exclusive By Design™

An industry classic with Keystone Ridge Designs' flair, the Lamplighter offers nostalgic Victorian appeal that befits an historic streetscape or an upscale mall. The cast *aluminum* legs with steel slats complete the traditional sentimental appeal.



L28

Options available with 2 center arms.  
See back for details.



L26C

- Coordinating litter receptacles, ash urns, planters, tables and other furnishings
- Exclusive KEYSHIELD® polyester powder coating finish—our stamp of armored excellence that is foremost in the industry
- Fully assembled unit

### Standard Features

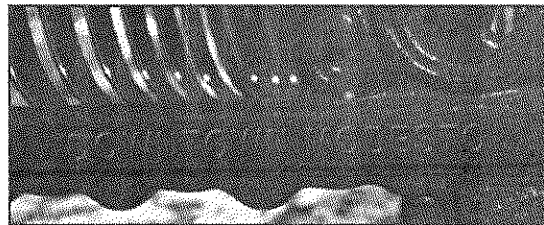
- Color: standard KEYSHIELD® powder coat
- Support: bolt down or freestanding

### Custom Options

- Color: custom KEYSHIELD® powder coat
- Custom length
- Support: bury extension

### Enhancements

- Pillows
- Cast bronze plaques
- Custom laser cut plaques
- Custom nameplate



Custom nameplate



1-800-284-8208

[www.keystoneridgedesigns.com](http://www.keystoneridgedesigns.com)

## The LAMPLIGHTER Series

Bench with back and center arms

Exclusive By Design™

### KEYSHIELD® Metal Finish

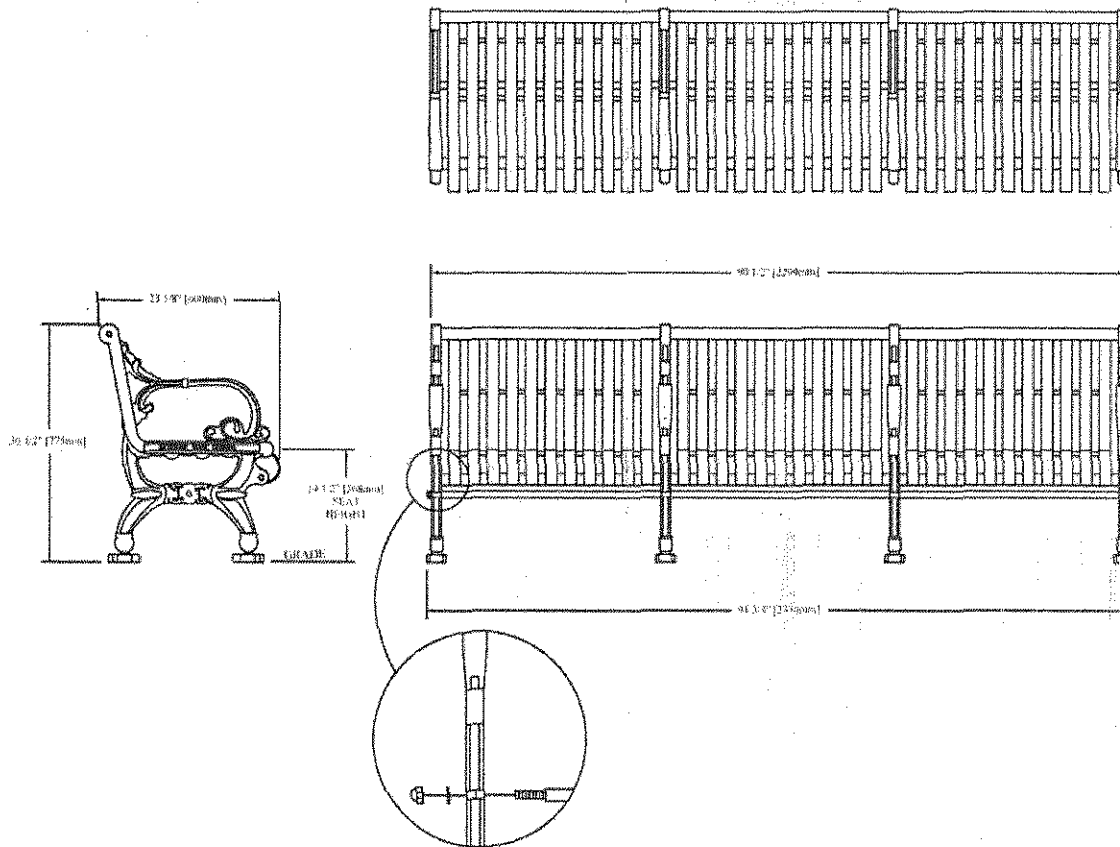
The KEYSHIELD® finish protects each piece of furniture from chipping, cracking, UVA damage and provides unparalleled corrosion resistance. KEYSHIELD® is strength, durability and quality - our assurance of armored excellence. Steel products are finished with a two-coat powder coating process applied to a 7-15 mil thickness. Substrate preparation includes sandblasting to a white finish to remove all surface contaminants, the ultimate degree in powder coat preparation. The raw product then receives a corrosion-inhibiting phosphate coating prior to the application of the powder coating. The first coat applied to the substrate is zinc rich epoxy powder primer used exclusively on sandblasted parts. The second coat is a colored polyester powder coating. Both coats are electrostatically applied and oven cured according to powder coating manufacturing specifications to create a smooth, satin-like finish. The result of this two-coat process is an optimum non-porous armor that defines the Keystone Ridge Designs' stamp of quality. KEYSHIELD® is a registered trademark of Keystone Ridge Designs, Inc.®

### Fully Assembled Unit

The Lamplighter bench with back and center arms is manufactured as a fully assembled unit to provide ultimate stability and avoid damage during transit to the site.

### Proprietary Statement

Keystone Ridge Designs, Inc.® is proud to offer the design community exceptional site amenities. Due to the time and resources invested in designing, manufacturing and marketing Keystone Ridge Designs' products and services, we pursue design patents, copyrights, trademarks and service marks whenever possible. Any unlawful duplication or misrepresentation of Keystone Ridge Designs' products will be rigorously protected.



1-800-284-8208

www.keystoneridgedesigns.com

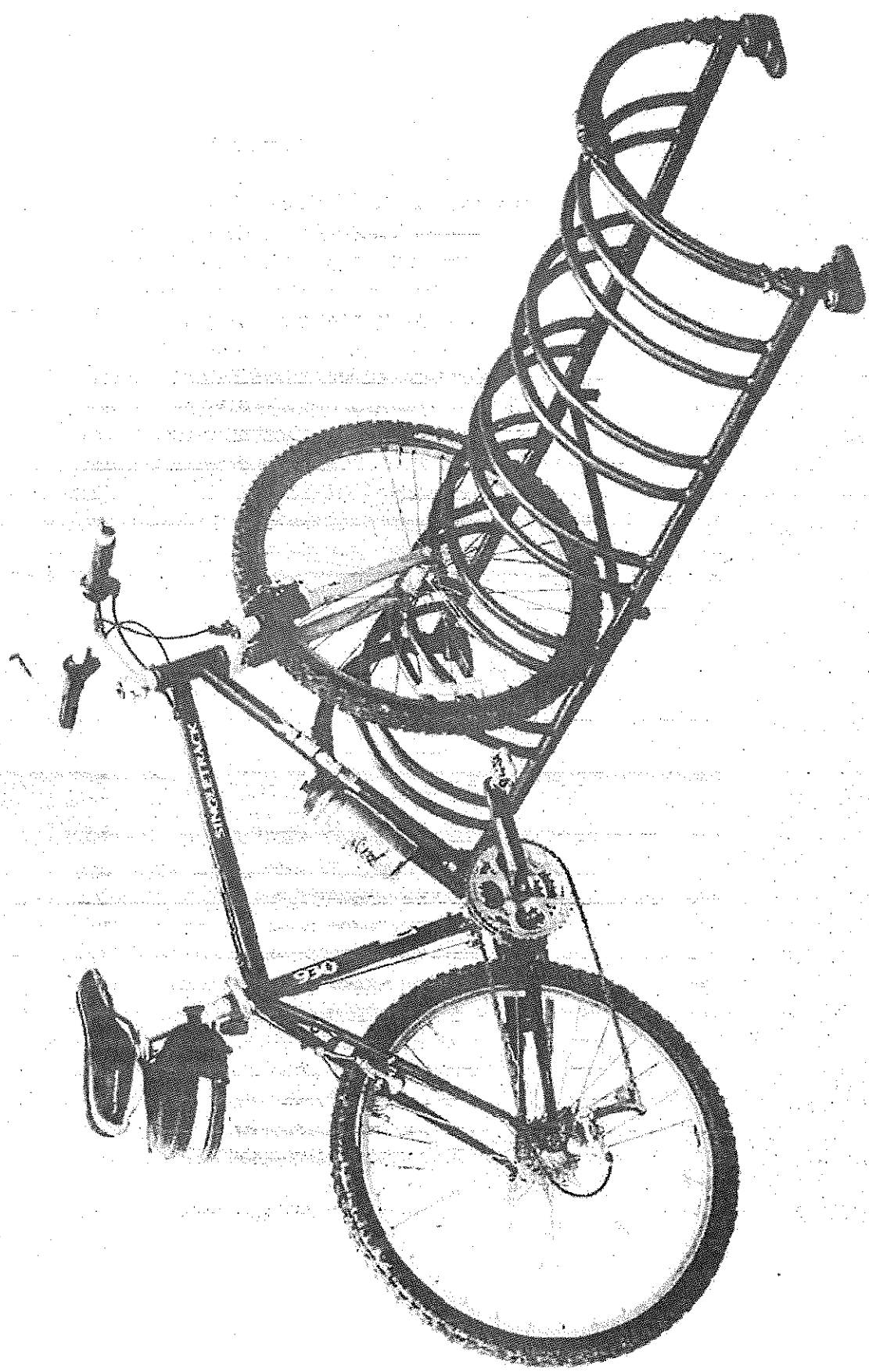
Item #	Description	Length	Width	Height	Seat Height	Weight
L282C	Lamplighter bench with back and 2 center arms	8'	91 3/4"	30 1/2"	14 1/2"	335 lbs

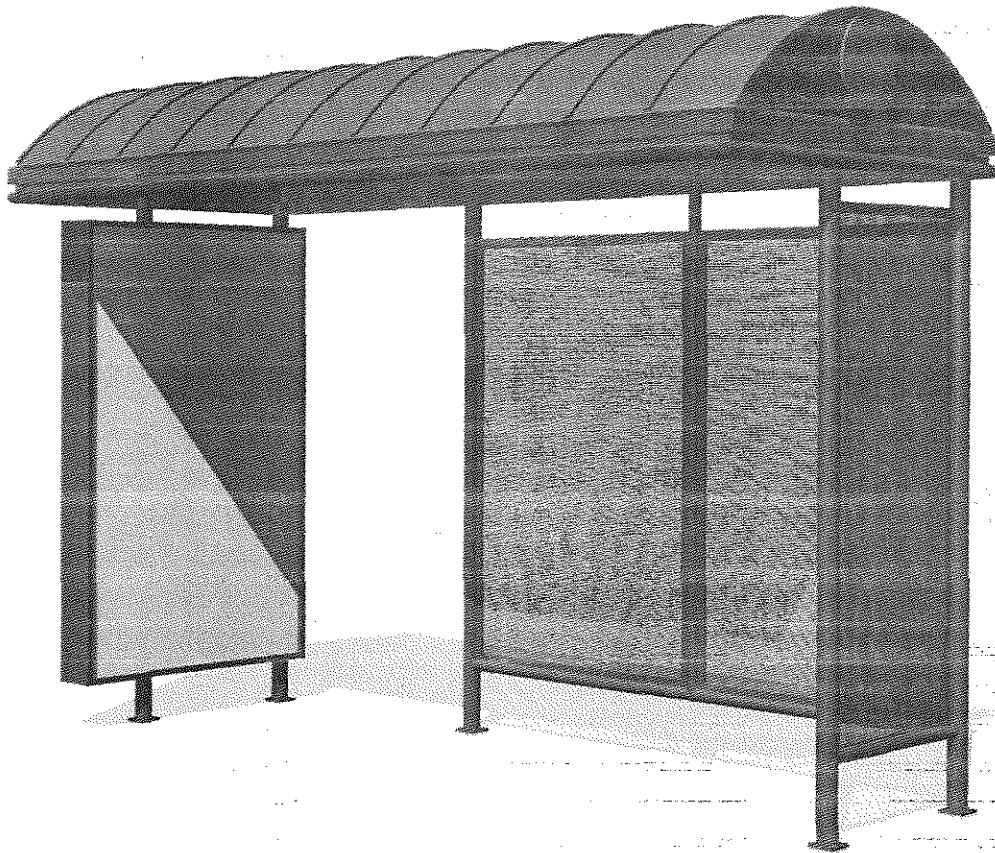




Telephone: 323-936-7111  
www.cantierbicycl.com

M I L A N O B I K E R A C K





**HORIZON 13' SHELTER WITH 2-SIDED KIOSK – HZ13AD2**  
SHOWN WITH STANDING SEAM STEEL ROOF -



## **Downtown Street Tree List**

### **LARGE TREES (6'x6' or larger planter depending on variety)**

- Acer rubrum 'October Glory'** – Red Maple 60' high and 40' wide
- Celtis occidentalis** – Common Hackberry 50' high and as wide
- Ginkgo biloba** – Maidenhair tree 70-80' high and 35-50' wide
- Nyssa sylvatica** – Sour Gum 30-50' high and 15-25' wide
- Platanus x acerifolia 'Colombia' or 'Liberty'** – London Plane Tree 40-80' high and 30-40' wide
- Quercus coccinea** – Scarlet Oak 60-80' high and 40-60' wide
- Zelkova serrata** – Sawleaf Zelkova 60' high and wide

### **MEDIUM TREES (5'x5' or 6'x6' planter recommended)**

- Acer griseum** – Paperbark Maple 25'+ high and almost as wide
- Celtis sinensis** – Chinese Hackberry 40' high and as wide
- Cercis Canadensis** – Eastern Redbud 25-30' high and as wide
- Koelreuteria bipinnata** – Chinese Flame Tree 20-40' high and as wide
- Pistacia chinensis** – Chinese Pistache 25-35' high and as wide
- Pyrus calleryana cultivars** – Ornamental Pear 35-40' high and 20-25' wide
- Tilia cordata cultivars** – Little-Leaf Linden 30-50' high and 15-30' wide

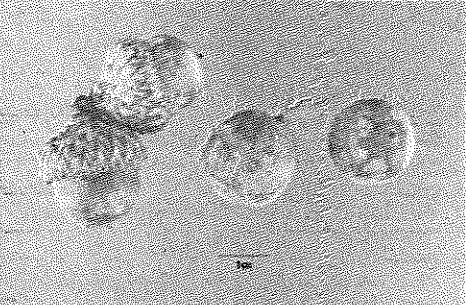
### **SMALL – ACCENT TREES (3'x3' or 4'x4' planter recommended)**

- Acer buergerianum** – Trident Maple 20-25' high and as wide
- Cercis occidentalis** – Western Redbud 10-18' high and as wide
- Lagerstroemia indica cultivars** – Crape Myrtle 15-20' high and as wide
- Prunus x yedoensis 'Akebono'** – Flowering Cherry up to 25' high and as wide

Ginkgo biloba – Maidenhair Tree (70-80' high and 35-50' wide)

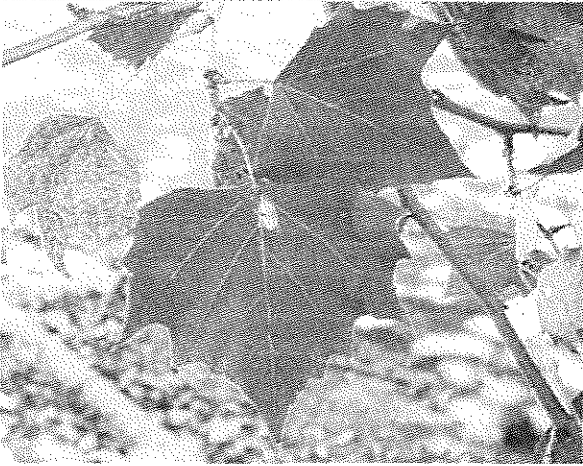


*Quercus Coccinea* – Scarlet Oak (60-80' tall and 40-60' wide)





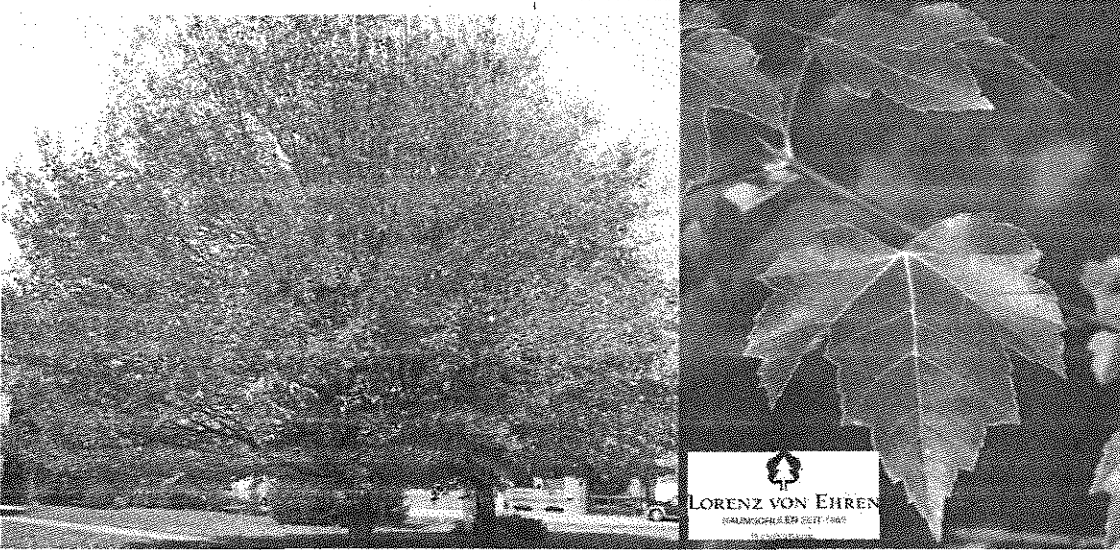
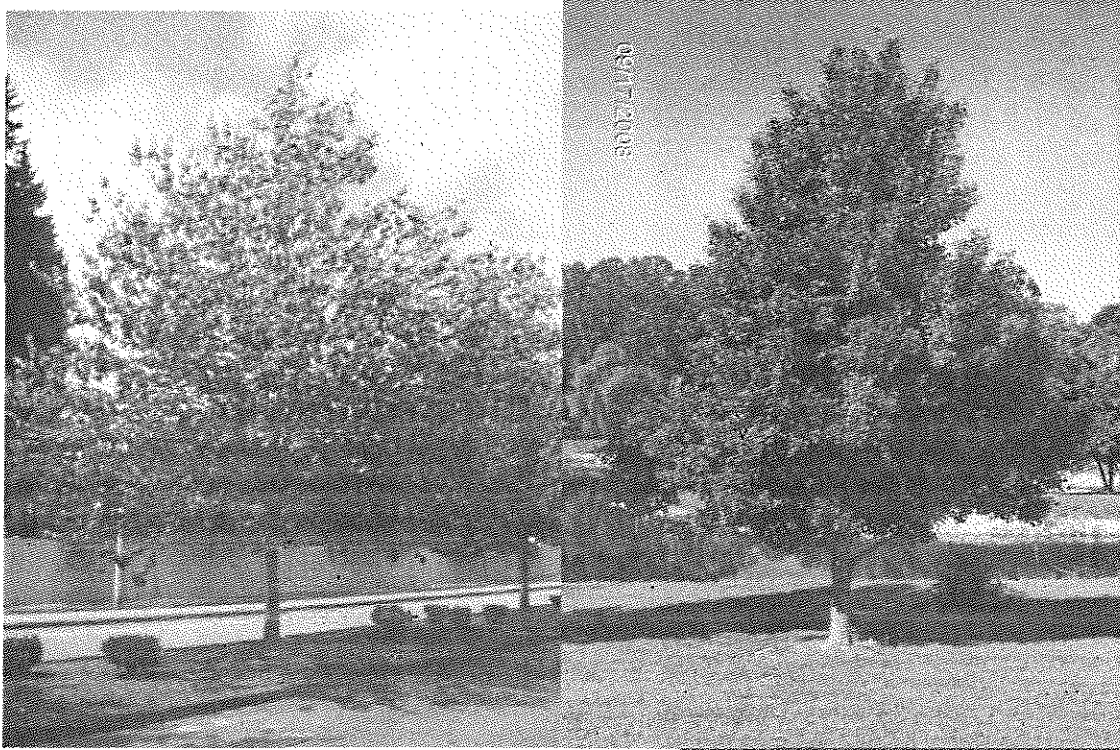
*Platanus x Acerifolia* 'Liberty' – London Plane Tree (40-80' high and 30-40' wide)



Zelkova Serrata – Sawleaf Zelkova (60' high and as wide)

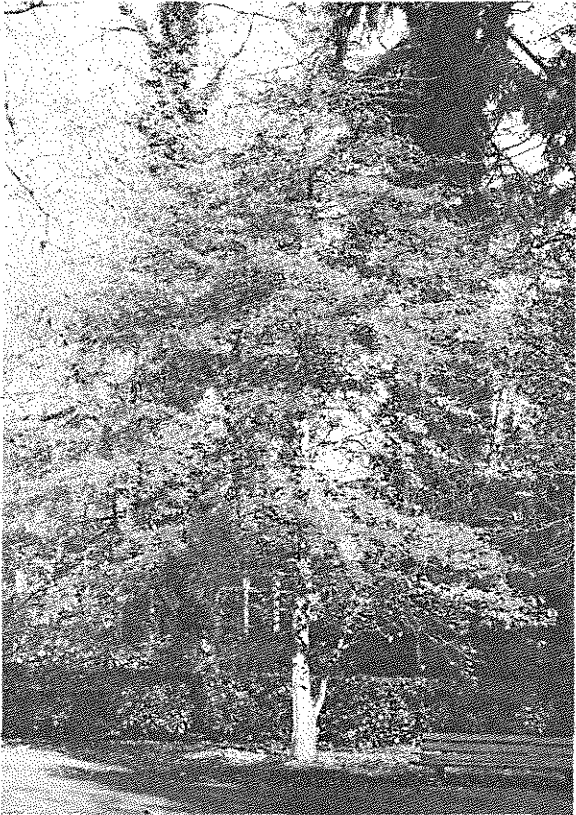


Acer Rubrum 'October Glory'— Red Maple (60' high and 40' wide)

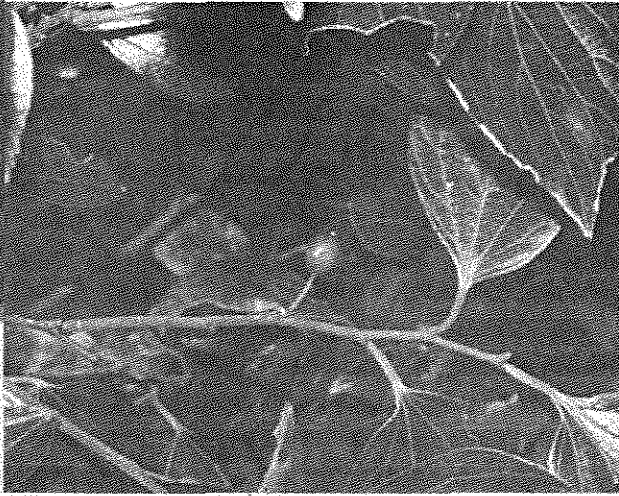


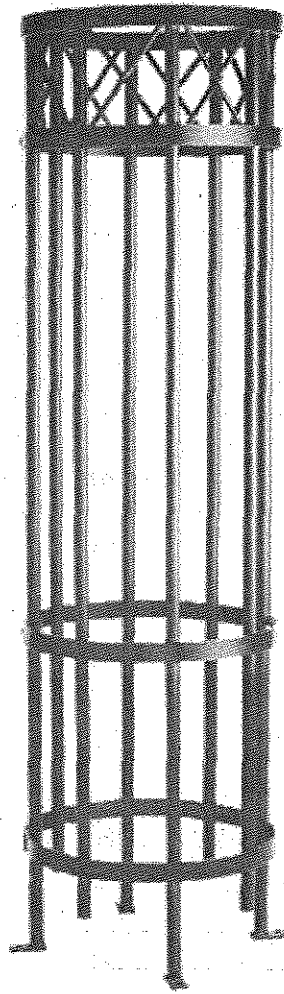


*Nyssa Sylvatica* – Sour Gum 30-50' high and 15-25' wide



*Celtis Occidentalis* – Common Hackberry (50' high and as wide)





**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-462**

**RESOLUTION APPOINTING DUKE LEFFLER, RICK REID AND EVAN  
YOSHINO TO THE BOARD OF BUILDING APPEALS**

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

WHEREAS, the Economic Development Committee met on November 14, 2011, and recommended the appointment of Duke Leffler, Rick Reid and Evan Yoshino to the Board of Building Appeals,

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

SECTION 1: Duke Leffler is hereby appointed to the Board of Building Appeals with a term expiration of January 1, 2016.

SECTION 2: Rick Reid is hereby appointed to the Board of Building Appeals with a term expiration of January 1, 2016.

SECTION 3. Evan Yoshino is hereby appointed to the Board of Building Appeals with a term expiration of January 1, 2016.

SECTION 4: The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members 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 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-463**

**RESOLUTION APPOINTING DENNIS SMITH TO THE DISABLED ACCESS  
APPEALS BOARD**

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 Economic Development Committee met on November 14, 2011, and recommended the appointment of Dennis Smith to the Disabled Access Appeals Board,

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

SECTION 1: Dennis Smith is hereby appointed to the Disabled Access Appeals Board with a term expiration of January 1, 2016.

SECTION 2: The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members 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 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-464**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO,  
SUPPORTING AN EFFECTIVE SUSTAINABLE COMMUNITY STRATEGY  
FOR STANISLAUS COUNCIL OF GOVERNMENTS AS REQUIRED BY SB 375  
AND COMMITTING TO LEADERSHIP FOR ECONOMICALLY VIABLE  
SMART GROWTH PLANNING**

San Joaquin Valley Network, advocating for smart growth and sustainability

IT IS HEREBY RESOLVED, by the City Council (the "Council") of the City of Modesto (the "City"), State of California that

WHEREAS, City of Modesto has affirmed our commitment to the long term goals set forth in the Blueprint Planning Principles and Smart Valley Places / U.S. Partnership for Sustainable Communities Livability Principles, which all strive to strengthen existing communities with more walkable, vibrant neighborhoods and help improve air quality and support better health for all residents; and

WHEREAS, SB 375 is California state legislation that became law effective January 1, 2009, that prompts California regions to reduce greenhouse gas emissions from cars and light trucks; this law requires the creation of Sustainable Community Strategies (SCS) which combine transportation and land use elements as part of the Stanislaus Council of Governments' Regional Transportation Plan (RTP); and

WHEREAS, the SCS/RTP can provide valuable support to the City in achieving its goals including economic vitality, lower traffic, and cleaner air; and

WHEREAS, access to new state and federal funds for transportation and land use planning and development are increasingly encouraging alignment with efficient smart growth and regional planning efforts, and this alignment has already brought significant funds and national attention to San Joaquin Valley governments, such as the Smart



Valley Places Initiative, which received a \$4 million planning grant; and

WHEREAS, the National Association of Realtors has found that 83 percent of US residents support building communities where people can walk more and use their car less; more Californians want to live in communities where they can walk, bike or take public transit to their destinations; and real estate market experts have projected that these changing housing preferences and changing demographics will lead to a shortage of housing in compact, walkable communities; and

WHEREAS, the average household in the City is currently burdened with spending more of its income on the combined costs of housing and long commutes due to increased fuel prices, costs that will continue to rise particularly if people have no choice but to drive longer distances to get to schools, jobs, shopping, and services; and

WHEREAS, building new homes at all income levels and jobs in compact, walkable, and bike-friendly communities near public transportation can ensure that residents of all income and age levels have choices about how to travel to work, school, or shopping, while a lack of transportation options can isolate or preclude opportunity from those such as senior citizens who do not drive or drive less; and

WHEREAS, building sufficient homes affordable to families of all incomes, maintaining existing transportation infrastructure and investing in public transportation, upgrading water and sewage infrastructure to support growth in existing communities, and building complete streets will put people back to work, revitalize existing communities, preserve valuable natural resources and water supplies for future generations, and safeguard the agricultural economy; and

WHEREAS, better studying and understanding the benefits of our land use and transportation planning will ultimately help us best address issues such as health and safety in our neighborhoods, diabetes and obesity among our school aged children, and the costs of housing and transportation to all of our residents, and thereby help increase capacity for smart growth planning and discussions in our community; and

WHEREAS, building new homes and jobs in a compact development pattern and promoting more infill development can reduce long-term costs to local governments and agencies; now, therefore

BE IT RESOLVED that the City of Modesto supports the creation of an effective Sustainable Communities Strategy that makes significant strides in improving air quality and reducing pollution-related illness, providing convenient and affordable housing and transportation options to help create inclusive communities and provide opportunities for all residents, lowering maintenance and infrastructure costs for local agencies, protecting valuable natural resources and preserving farmland, and supporting safe streets for walking and biking; and

BE IT ALSO RESOLVED that the City of Modesto asks that the Sustainable Community Strategy process provide a wider range of information on potential benefits for our residents such as health, street safety, economic and infrastructure impacts, and job opportunities; and

BE IT ALSO RESOLVED that the City of Modesto requests and offers its assistance to the COG in developing this Sustainable Communities Strategy through a process that engages its residents, a wide array of public stakeholders, and the City Council to ensure that this plan best meets our local needs.

Pledged by the following on December 13, 2011.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

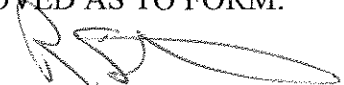
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-465**

**RESOLUTION APPROVING THE SUMMARY VACATION OF THE PORTION  
OF GROVELAND STREET LOCATED SOUTH OF YOSEMITE BOULEVARD**

WHEREAS, the E. & J. Gallo Winery, a California corporation (“Gallo Winery”), has requested in writing that the City of Modesto abandon the portion of Groveland Street located south of Yosemite Boulevard, and

WHEREAS, a public hearing was held by the Planning Commission on October 3, 2011, for the purpose of making a report as to the conformity of the proposed street vacation with the City’s General Plan. The Planning Commission, by Resolution No. 2011-20, adopted on October 3, 2011, determined that the proposed street vacation was in conformity with the City of Modesto’s General Plan, and

WHEREAS, when the portion of Groveland Street located south of Yosemite Boulevard is summarily vacated, the title of the property will revert to the owner of the adjacent property, which is Gallo Winery, and

WHEREAS, California Streets and Highways Code - Division 9, Part 3, Chapter 4 Article 1, Section 8331 states: “The legislative body of a local agency may summarily vacate a street or highway if both of the following conditions exist: (a) For a period of five consecutive years, the street or highway has been impassable for vehicular travel. (b) No public money was expended for maintenance on the street or highway during such period”, and

WHEREAS, the portion of Groveland Street south of Yosemite Boulevard which is proposed to be summarily vacated, is a dead-end section of street. This section of Groveland Street is surrounded on three sides by Gallo Winery buildings that are adjacent

to the property line. On the fourth side, Gallo Winery installed a gated fence over ten years ago. The fence is located about 75 feet south of Yosemite Boulevard. This fence has prevented the public from using this portion of Groveland Street for the required five consecutive years. Additionally, no public money has been expended for maintenance of this portion of Groveland Street for the required five consecutive years, and

WHEREAS, as a condition of the City summarily vacating the portion of Groveland Street located south of Yosemite Boulevard, Gallo Winery will be required to grant an easement to the City of Modesto for the existing public sewer pipeline that is located in a portion of Groveland Street south of Yosemite Boulevard being summarily vacated, and

WHEREAS, there are no other utilities, not owned by Gallo Winery, located within the portion of Groveland Street south of Yosemite Boulevard to be summarily vacated, and

WHEREAS, the California Environmental Quality Act Section 15301 exempts all "Existing Facilities" involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use. Since a summary vacation of the portion of Groveland Street south of Yosemite Boulevard will have no expansion of an existing use, it meets the criteria for exemption under this section,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that this summary vacation is made under Chapter 4, Part 3, of Division 9, of the California Streets and Highways Code.

BE IT FURTHER RESOLVED that the Council of the City of Modesto finds that

a) for a period of five consecutive years, the portion of Groveland Street south of Yosemite Boulevard to be summarily vacated has been impassable for vehicular travel, and b) for a period of five consecutive years, no public money was expended for maintenance of the portion of Groveland Street south of Yosemite Boulevard to be summarily vacated.

BE IT FURTHER RESOLVED that as a condition of the City summarily vacating the portion of Groveland Street located south of Yosemite Boulevard, Gallo Winery will be required to grant an easement to the City of Modesto for the existing public sewer pipeline that is located in the portion of Groveland Street south of Yosemite Boulevard being summarily vacated.

BE IT FURTHER RESOLVED that from and after the date this Resolution is recorded, the street, highway, or public service easement vacated no longer constitutes a street, highway, or public service easement.

BE IT FURTHER RESOLVED that the portion of Groveland Street located south of Yosemite Boulevard in the City of Modesto, which is more particularly described in **Exhibit "A" and Exhibit "B" attached** hereto and incorporated herein by reference, is hereby summarily vacated.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record with the Stanislaus County Recorder's Office a certified copy of this Resolution attested to by the City Clerk under seal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**ABANDONMENT**  
**GROVELAND STREET (PORTION)**

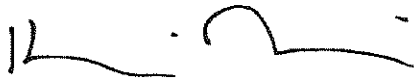
**ALL** that real property situate in the Northwest Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

**BEING** that portion of Groveland Street (a 60 foot-wide City Street) lying south of the southerly right-of-way line of Grand Street (now Yosemite Boulevard) as shown on the plats of Blocks 221 and 222 of the City of Modesto, filed in Book 15 of Maps, pages 221 and 222, Stanislaus County Records.

**CONTAINING** 17,010 sq. ft., more or less.

**SUBJECT TO** all rights-of-way and easements of record.

This description was prepared by me or under my direction in accordance with the Subdivision Map Act.



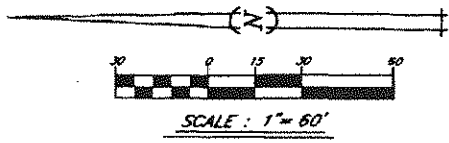
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Kevin J. Genasci, P.L.S. 8660  
March 12, 2010





STATE HIGHWAY 132  
 YOSEMITE BLVD (FORMERLY GRAND ST.)  
 (WIDTH VARIES)



BLOCK 221  
 15-N-221  
 APN 106-021-006

283.5'  
**60' GROVELAND STREET**  
 (TO BE ABANDONED)

PROPOSED AREA OF ABANDONMENT  
 17,010 SQ. FT.

APN 106-022-009  
 BLOCK 222  
 15-N-222



*K. J. Genasci*  
 3/10/10



**HAWKINS & ASSOCIATES  
 ENGINEERING, INC.**  
 436 MITCHELL RD.  
 MODESTO, CA 95354  
 PH: (209) 575 - 4295  
 FX: (209) 578 - 4295

**EXHIBIT "B"**  
**GROVELAND ST. ABANDONMENT**  
**E & J GALLO WINERY**  
 CITY OF MODESTO, CA

BY: KJG  
 CHK: KJG  
 DATE: 3/10  
 SCALE: 1"=60'  
 JOB #: 2030N  
 FILE: ABD\_EXB

SHEET  
 1  
 OF  
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**MODESTO CITY COUNCIL  
RESOLUTION NO: 2011-466**

**A RESOLUTION ACCEPTING THE ANNUAL REPORT FOR THE FISCAL  
YEAR ENDING JUNE 30, 2011, FOR THE REDEVELOPMENT AGENCY OF  
THE CITY OF MODESTO**

WHEREAS, pursuant to Health & Safety Code Section 33080, the  
Redevelopment Agency is required to file with the Controller within six months of the  
end of the agency's fiscal year a copy of the Annual Report, and

WHEREAS, the Annual Report contains the following documents which are  
**attached** hereto as **Exhibit "A"**, and made a part hereof :

1. State Controller's Report
2. Housing and Community Development Report
3. Blight Progress Report
4. Loan Report
5. Property Report
6. Statement of Indebtedness

WHEREAS, pursuant to Health & Safety Code Section 33080.1, the Agency is  
required to submit the Annual Report to its legislative body, and

WHEREAS, the legislative body is defined in Health & Safety Code Section  
33007 as the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that it hereby accepts the Annual Report for the Redevelopment Agency of the City of  
Modesto for the Fiscal Year ending June 30, 2011.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**Modesto Redevelopment Agency**  
**Redevelopment Agencies Financial Transactions Report**

**General Information**

Fiscal Year **2011**

Members of the Governing Body			
	Last Name	First Name	Middle Initial
Chairperson	Ridenour	Jim	
Member	Lopez	Dave	
Member	Hawn	Brad	
Member	Muratore	Juli	
Member	Marsh	Garrad	
Member	Geer	David	
Member	Olsen	Kristin	
Member			
Member			
Member			

Agency Officials				
	Last Name	First Name	Middle Initial	Phone
Executive Director	Nyhoff	Greg		(209) 577-5221
Fiscal Officer	Beck	Gloriette		(209) 577-5371
Secretary	Lopez	Stephanie		(209) 577-5398

**Mailing Address**

Street 1

Street 2

City  State  Zip

Phone   Is Address Changed?

	Report Prepared By	Independent Auditor
Firm Name	<input type="text"/>	Maze and Associates
Last	Fraser	Meyer
First	Donald	Amy
Middle Initial	J	
Street	225 Holmfirth Court	3478 Buskirk Ave., Suite 215
City	Roseville	Possantton
State	CA	CA
Zip Code	95681-	94523-
Phone	(916) 791-8958	(925) 930-0900

Madison Redevelopment Agency  
Redevelopment Agencies Financial Transactions Report

Audit Information

Fiscal Year 2011

Was the Report Prepared from Audited Financial Data, and Did You Submit a Copy of the Audit?  Yes

Indicate Financial Audit Opinion  Unqualified

If Financial Audit is not yet Completed, What is the Expected Completion Date?

If the Audit Opinion was Other than Unqualified, State Briefly the Reason Given

Was a Compliance Audit Performed in Accordance with Health and Safety Code Section 33080.1 and the State Controller's Guidelines for Compliance Audits, and Did You Submit a Copy of the Audit?  Yes

Indicate Compliance Audit Opinion  Unqualified

If Compliance Audit is not yet Completed, What is the Expected Completion Date?

If compliance opinion includes exceptions, state the areas of non-compliance, and describe the agency's efforts to correct.

Project Area Report

Fiscal Year 2011

Project Area Name

Community Center Project Area

Please Provide a Brief Description of the Activities for this Project Area During the Reporting Year.

Activity Report

Forwarded from Prior Year?

Enter Code for Type of Project Area Report

P

P = Standard Project Area Report

A = Administrative Fund

L = Low and Moderate Income Housing Fund

M = Mortgage Revenue Bond Program

O = Other Miscellaneous Funds or Programs

S = Proposed (Survey) Project Area

Does the Plan Include Tax Increment Provisions?

Yes

Date Project Area was Established (MM-DD-YY)

7/6/1982

Most Recent Date Project Area was Amended

11/5/1991

Did this Amendment Add New Territory?

Yes

Most Recent Date Project Area was Merged

Will this Project Area be Carried Forward to Next Year?

Yes

Established Time Limit:

Repayment of Indebtedness (Year Only)

2041

Effectiveness of Plan (Year Only)

2022

New Indebtedness (Year Only)

2011

Size of Project Area in Acres

2.000

Percentage of Land Vacant at the Inception of the Project Area

4.5

Health and Safety Code Section 33320.1 (xx.x%)

Percentage of Land Developed at the Inception of the Project Area

95.5

Health and Safety Code Section 33320.1 (xx.x%)

Objectives of the Project Area as Set Forth in the Project Area Plan

RICPO

(Enter the Appropriate Code(s) in Sequence as Shown)

R = Residential I = Industrial C = Commercial P = Public O = Other

Modesto Redevelopment Agency  
Redevelopment Agency Financial Transactions Report

Assessed Valuation Data

<b>Fiscal Year</b>	<b>2011</b>
Project Area Name	Community Center Project Area
Frozen Base Assessed Valuation	551,273,363
Increment Assessed Valuation	569,555,496
Total Assessed Valuation	1,130,828,859

**Modesto Redevelopment Agency**  
**Redevelopment Agency Financial Transactions Report**

**Pass-Through / School District Assistance**

**Fiscal Year**

**Project Area Name**

Amounts Paid To Taxing Agencies Pursuant To:	Tax Increment Pass Through Detail			Total	Other Payments	
	H & S Code Section 33401	H & S Code Section 33676	H & S Code Section 33607		H & S Code Section 33445	H & S Code Section 33445.5
County	533,584			\$533,584		
Cities				\$0		
School Districts	555,581			\$555,581		
Community College District	81,485			\$81,485		
Special Districts				\$0		
<b>Total Paid to Taxing Agencies</b>	<b>\$1,170,650</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,170,650</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Amount to Agency</b>				<b>\$4,579,585</b>		
<b>Gross Tax Increment Generated</b>				<b>5,750,235</b>		



Morristown Redevelopment Agency  
Redevelopment Agencies Financial Transactions Report

Summary of the Statement of Indebtedness - Project Area

Fiscal Year	2011
Project Area Name	Community Center Project Area
Tax Allocation Bond Debt	
Revenue Bonds	83,078,799
Other Long Term Debt	405,000
City/County Debt	82,862,256
Low and Moderate Income Housing Fund	59,914,740
Other	105,289,955
Total	\$301,550,750
Available Revenues	1,977,050
Net Tax Increment Requirements	\$299,573,700

Modesto Redevelopment Agency

Redevelopment Agencies Financial Transactions Report

Agency Long-Term Debt

Fiscal Year

Project Area Name

Forward from Prior Year	<input type="text" value="Yes"/>
Bond Type	<input type="text" value="Certificates of Participation"/>
Year of Authorization	<input type="text" value="1993"/>
Principal Amount Authorized	<input type="text" value="27,225,000"/>
Principal Amount Issued	<input type="text" value="27,225,000"/>
Purpose of Issue	<input type="text" value="Community Center"/>
Maturity Date Beginning Year	<input type="text" value="1993"/>
Maturity Date Ending Year	<input type="text" value="2023"/>
Principal Amount Unmatured Beginning of Fiscal Year	<input type="text" value="\$18,015,000"/>
Adjustment Made During Year	<input type="text"/>
Adjustment Explanation	<input type="text"/>
Interest Added to Principal	<input type="text"/>
Principal Amount Issued During Fiscal Year	<input type="text"/>
Principal Amount Matured During Fiscal Year	<input type="text" value="1,040,000"/>
Principal Amount Defeased During Fiscal Year	<input type="text"/>
Principal Amount Unmatured End of Fiscal Year	<input type="text" value="\$16,975,000"/>
Principal Amount in Default	<input type="text"/>
Interest In Default	<input type="text"/>

Bond Types Allowed:  
 Tax Allocation Bonds; Revenue Bonds; Certificates of Participation; Tax Allocation Notes; Financing Authority Bonds; City/County Debt; US/State Loans; Lease Obligations; Notes; Deferred Pass-Throughs; Deferred Compensation; Other

Modesto Redevelopment Agency

Redevelopment Agencies Financial Transactions Report

Agency Long-Term Debt

**Fiscal Year**

**Project Area Name**

**Forward from Prior Year**

**Bond Type**

**Year of Authorization**

**Principal Amount Authorized**

**Principal Amount Issued**

**Purpose of Issue**

**Maturity Date Beginning Year**

**Maturity Date Ending Year**

**Principal Amount Unmatured Beginning of Fiscal Year**

**Adjustment Made During Year**

**Adjustment Explanation**

**Interest Added to Principal**

**Principal Amount Issued During Fiscal Year**

**Principal Amount Matured During Fiscal Year**

**Principal Amount Defeased During Fiscal Year**

**Principal Amount Unmatured End of Fiscal Year**

**Principal Amount In Default**

**Interest In Default**

**Bond Types Allowed:**  
 Tax Allocation Bonds; Revenue Bonds; Certificates of Participation; Tax Allocation Notes; Financing Authority Bonds; City/County Debt; US/State; Loans; Lease Obligations; Notes; Deferred Pass-Throughs; Deferred Compensation; Other

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Modesto Redevelopment Agency

Redevelopment Agencies Financial Transactions Report

Agency Long-Term Debt

**Fiscal Year**

**Project Area Name**

Forward from Prior Year

Bond Type

Year of Authorization

Principal Amount Authorized

Principal Amount Issued

Purpose of Issue

Maturity Date Beginning Year

Maturity Date Ending Year

**Principal Amount Unmatured Beginning of Fiscal Year**

Adjustment Made During Year

Adjustment Explanation

Interest Added to Principal

Principal Amount Issued During Fiscal Year

Principal Amount Matured During Fiscal Year

Principal Amount Defeased During Fiscal Year

**Principal Amount Unmatured End of Fiscal Year**

Principal Amount In Default

Interest In Default

**Bond Types Allowed:**  
 Tax Allocation Bonds; Revenue Bonds; Certificates of Participation; Tax Allocation Notes; Financing Authority Bonds; City/County Debt; US:State; Loans; Lease Obligations; Notes; Deferred Pass-Throughs; Deferred Compensation; Other

Housing Redevelopment Agency  
 Redevelopment Agency - Financial Transactions Report  
 Statement of Income and Expenditures - Revenues

Fiscal Year 2011  
 Project Area Name Community Center Project Area

	Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	Total
Tax Increment Gross <i>(Include All Apportionments)</i>	330,267	4,268,005	1,151,960		\$5,750,235
Special Supplemental Subvention					\$0
Property Assessments					\$0
Sales and Use Tax					\$0
Transient Occupancy Tax					\$0
Interest Income	931	138,588	21,354		\$160,873
Rental Income					\$0
Lease Income					\$0
Sale of Real Estate					\$0
Gain on Land Held for Resale					\$0
Federal Grants					\$0
Grants from Other Agencies					\$0
Bond Administrative Fees					\$0
Other Revenues	763	74,420	26,290		\$101,473
<b>Total Revenues</b>	<b>\$331,961</b>	<b>\$4,481,016</b>	<b>\$1,199,604</b>	<b>\$0</b>	<b>\$6,012,581</b>

**Modesto Redevelopment Agency**  
**Redevelopment Agency's Financial Transactions Report**

**Statement of Income and Expenditures - Expenditures**

Fiscal Year	2011				
Project Area Name	Community Center Project Area				
	Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing	Special Revenue/Other	Total
Administration Costs	217,545	1,052,938	146,213		\$1,416,696
Professional Services	3,303		1,099		\$4,402
Planning, Survey, and Design					\$0
Real Estate Purchases					\$0
Acquisition Expense					\$0
Operation of Acquired Property					\$0
Relocation Costs					\$0
Relocation Payments					\$0
Site Clearance Costs					\$0
Project Improvement / Construction Costs		35,572			\$35,572
Disposal Costs					\$0
Loss on Disposition of Land Held for Resale					\$0

**Modesto Redevelopment Agency**  
**Redevelopment/Financial Transactions Report**

**Statement of Income and Expenditures - Expenditures**

**Fiscal Year**

**Project Area Name**

	Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing	Special Revenue/Other	Total
Decline in Value of Land Held for Resale					\$0
Rehabilitation Costs					\$0
Rehabilitation Grants			61,175		\$61,175
Interest Expense		1,759,349			\$1,759,349
Fixed Asset Acquisitions					\$0
Subsidies to Low and Moderate Income Housing					\$0
Debt Issuance Costs					\$0
Other Expenditures Including Pass-Through Payment(s)		745,686			\$745,686
<b>Debt Principal Payments:</b>					
Tax Allocation Bonds and Notes					\$0
Revenue Bonds, Certificates of Participation, Financing Authority Bonds		1,335,800			\$1,335,800
City/County Advances and Loans					\$0
All Other Long-Term Debt					\$0
<b>Total Expenditures</b>	\$220,848	\$4,929,345	\$208,487	\$0	\$5,358,680
<b>Excess (Deficiency) Revenues over (under) Expenditures</b>	\$111,113	(\$448,329)	\$991,117	\$0	\$653,901

**Community Redevelopment Agency**  
**Development Services Financial Transactions Report**  
**Statement of Income and Expenditures - Other Financing Sources**

**Fiscal Year**

2011

**Project Area Name**

Community Center Project Area

	Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing	Special Revenue/Other	Total
Proceeds of Long-Term Debt					\$0
Proceeds of Refunding Bonds					\$0
Payment to Refunded Bond Escrow Agent					\$0
Advances from City/County					\$0
Sale of Fixed Assets					\$0
Miscellaneous Financing Sources (Uses)					\$0
Operating Transfers In					\$0
Tax Increment Transfers In					\$0
Operating Transfers Out					\$0
Tax Increment Transfers Out					\$0
<i>(To the Low and Moderate Income Housing Fund)</i>					
<b>Total Other Financing Sources (Uses)</b>	\$0	\$0	\$0	\$0	\$0



**Minnesota Redevelopment Agency**  
**Redevelopment Agency Financial Information Report**  
**Statement of Income and Expenditures - Other Financing Sources**

<b>Fiscal Year</b>	2011				
<b>Project Area Name</b>	Community Center Project Area				
	Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing	Special Revenue/Other	Total
<b>Excess (Deficiency) of Revenues and Other Financing Sources over Expenditures and Other Financing Uses</b>	\$111,113	(\$448,829)	\$991,117	\$0	\$653,901
<b>Equity, Beginning of Period</b>	\$398,430	\$1,406,286	\$5,065,454	\$0	\$6,860,170
<b>Prior Period Adjustments</b>					\$0
<b>Residual Equity Transfers</b>					\$0
<b>Equity, End of Period</b>	\$509,543	\$957,967	\$8,046,571	\$0	\$7,514,071

**Modesto Redevelopment Agency**  
**Regional Development Agency Financial Transactions Report**

**Balance Sheet - Assets and Other Debits**

Fiscal Year 2011	Capital Projects Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	General Long- Term Debt	General Fixed Assets	Total
<b>Assets and Other Debits</b>							
Cash and Imprest Cash	534,086	587,455	2,616,678				\$3,738,219
Cash with Fiscal Agent		1,977,050					\$1,977,050
Tax Increments Receivable		202,543					\$202,543
Accounts Receivable		6,196	10,438				\$16,634
Accrued Interest Receivable	569	7,491	3,943				\$12,003
Loans Receivable			2,210,997				\$2,210,997
Contracts Receivable							\$0
Lease Payments Receivable					35,723,950		\$35,723,950
Unearned Finance Charge							\$0
Due from Capital Projects Fund			24,078				\$24,078
Due from Debt Service Fund			1,167,926				\$1,167,926
Due from Low/Moderate Income Housing Fund							\$0
Due from Special Revenue/Other Funds							\$0

**Midwest Redevelopment Agency**  
**Monthly Financial Transactions Report**

**Balance Sheet - Assets and Other Debits**

Fiscal Year	2011	Capital Projects Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	General Long-Term Debt	General Fixed Assets	Total
Investments								\$0
Other Assets								\$0
Investments: Land Held for Resale				784,000				\$784,000
Allowance for Decline in Value of Land Held for Resale								\$0
Fixed Assets: Land, Structures, and Improvements							5,528,424	\$5,528,424
Equipment							1,328,266	\$1,328,266
Amount Available In Debt Service Fund								\$0
Amount to be Provided for Payment of Long-Term Debt								\$0
<b>Total Assets and Other Debits</b>		<b>\$534,655</b>	<b>\$2,760,735</b>	<b>\$6,818,060</b>	<b>\$0</b>	<b>\$35,723,090</b>	<b>\$6,856,690</b>	<b>\$52,714,090</b>

*(Must Equal Total Liabilities, Other Credits, and Equities)*

**Moderate Rehabilitation Agency**  
**Redevelopment Agencies Financial Transactions Report**  
**Balance Sheet - Liabilities and Other Credits**

Fiscal Year	2011	Capital Projects Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	General Long-Term Debt	General Fixed Assets	Total
<b>Liabilities and Other Credits</b>								
Accounts Payable		34	854,852	762				\$855,648
Interest Payable								\$0
Tax Anticipation Notes Payable								\$0
Loans Payable				575,000				\$575,000
Other Liabilities		1,000		195,727				\$196,727
Due to Capital Projects Fund								\$0
Due to Debt Service Fund								\$0
Due to Low/Moderate Income Housing Fund		24,078	1,157,926					\$1,192,004
Due to Special Revenue/Other Funds								\$0
Tax Allocation Bonds Payable								\$0
Lease Revenue, Certificates of Participation Payable, Financing Authority Bonds						35,318,950		\$35,318,950
All Other Long-Term Debt						405,000		\$405,000
<b>Total Liabilities and Other Credits</b>		<b>\$25,112</b>	<b>\$1,822,778</b>	<b>\$771,489</b>	<b>\$0</b>	<b>\$35,723,950</b>		<b>\$38,343,329</b>

Madison Redevelopment Agency

Redevelopment Agency Financial Transactions Report

Balance Sheet - Liabilities and Other Credits

Fiscal Year	2011	Capital Projects Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	General Long-Term Debt	General Fixed Assets	Total
<b>Equities</b>								
Investment in General Fixed Assets							6,856,690	\$6,856,690
Fund Balance Reserved		9,253	957,957	5,090,297				\$6,017,507
Fund Balance Unreserved-Designated								\$0
Fund Balance Unreserved-Undesignated		500,290		996,274				\$1,496,564
<b>Total Equities</b>		\$609,543	\$957,957	\$6,046,571	\$0		\$6,856,690	\$14,370,761
<b>Total Liabilities, Other Credits, and Equities</b>		\$534,855	\$2,780,735	\$6,818,090	\$0	\$35,723,990	\$6,856,690	\$62,714,090

California Redevelopment Agencies - Fiscal Year 2010/2011  
 Status of Low and Moderate Income Housing Funds  
 Sch C Agency Financial Summary  
 MODESTO

Adjusted Beginning Balance	Project Area Receipts	Agency Other Revenue	Total Expenses	Net Resources Available	Other Housing Fund Assets	Total Housing Fund Assets	Encumbrances	* Unencumbered Balance	Unencumbered Designated	Unencumbered Not Dsgntd
\$5,026,910	\$1,657,205	\$0	\$623,587	\$6,060,528	\$365,100	\$6,425,628	\$0	\$6,060,528	\$0	\$6,060,528

Expenses	Housing Construction	Other	Planning and Administration Costs	Property Acquisition	SERAF loan	Subsidies	Total
2010/2011	\$7,978	\$50,000	\$120,394	\$27,217	\$365,100	\$52,898	\$623,587

\*The Unencumbered Balance is equal to Net Resources Available minus Encumbrances

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California Redevelopment Agencies - Fiscal Year 2010/2011  
 Status of Low and Moderate Income Housing Funds  
 Sch C Agency Financial and Program Detail  
 MODESTO

	<i>Beginning Balance</i>	\$5,026,910
	<i>Adjustment to Beginning Balance</i>	\$0
	<i>Adjusted Beginning Balance</i>	\$5,026,910
<i>Total Tax Increment From PA(s)</i>	\$1,151,960	
	<i>Total Receipts from PA(s)</i>	\$1,657,205
	<i>Other Revenues not reported on Schedule A</i>	\$0
	<i>Sum of Beginning Balance and Revenues</i>	\$6,684,115

<u>Expenditure</u>	<u>Item</u>	<u>Subitem</u>	<u>Amount</u>	<u>Remark</u>
<b>Housing Construction</b>				
			\$7,978	
		<b>Subtotal of Housing Construction</b>	<b>\$7,978</b>	
<b>Other</b>				
			\$50,000	General Fund loan repayment for a loan that was provided by the General Fund for the purchase of the Downey Avenue property.
		<b>Subtotal of Other</b>	<b>\$50,000</b>	
<b>Planning and Administration Costs</b>				
	Administration Costs		\$120,394	
		<b>Subtotal of Planning and Administration Costs</b>	<b>\$120,394</b>	
<b>Property Acquisition</b>				
	Operation of Acquired Property		\$1,140	
	Other		\$26,077	Includes \$19,216 in Attorney Fees for the various housing projects, \$5,431 in miscellaneous discretionary

California Redevelopment Agencies - Fiscal Year 2010/2011  
 Status of Low and Moderate Income Housing Funds  
 Sch C Agency Financial and Program Detail  
 MODESTO

<u>Expenditure Item</u>	<u>Subitem</u>	<u>Amount</u>	<u>Remark</u>
<b>Property Acquisition</b>			
			expenses for projects, and \$1,430 in property maintenance expenses.
	<b>Subtotal of Property Acquisition</b>	<b>\$27,217</b>	
<b>SERAF loan</b>			
		\$365,100	
	<b>Subtotal of SERAF loan</b>	<b>\$365,100</b>	
<b>Subsidies from the LMIHF</b>			
Rental Subsidies		\$52,898	
	<b>Subtotal of Subsidies from the LMIHF</b>	<b>\$52,898</b>	
	<b>Total Expenditures</b>	<b>\$623,587</b>	

**Net Resources Available** \$6,060,528

**Indebtedness For Setasides Deferred** \$0

<b>Other Housing Fund Assets</b>			
<u>Category</u>		<u>Amount</u>	<u>Remark</u>
SERAF Total Receivable		\$365,100	
	<b>Total Other Housing Fund Assets</b>	<b>\$365,100</b>	
	<b>Total Fund Equity</b>	<b>\$6,425,628</b>	

2006/2007	\$1060704			
2007/2008	\$1162764			
2008/2009	\$1245727	<i>sum of 4 Previous Years' Tax Increment for 2010/2011</i>	<i>Prior Year Ending Unencumbered Balance</i>	<i>Excess Surplus for 2010/2011</i>
2009/2010	\$1304303	\$4773498	\$4,712,785	\$0

**Sum of Current and 3 Previous Years' Tax Increments** \$4,864,754



California Redevelopment Agencies - Fiscal Year 2010/2011  
 Status of Low and Moderate Income Housing Funds  
 Sch C Agency Financial and Program Detail  
 MODESTO

Adjusted Balance	\$6,060,528
Excess Surplus for next year	\$1,195,774
Net Resources Available	\$6,060,528
Unencumbered Designated	\$0
Unencumbered Undesignated	\$6,060,528
Total Encumbrances	\$0
Unencumbered Balance	\$6,060,528
Unencumbered Balance Adjusted for Debt Proceeds	\$0
Unencumbered Balance Adjusted for Land Sales	\$0
Excess Surplus Expenditure Plan	No
Excess Surplus Plan Adoption Date	

Site Improvement Activities Benefiting Households				
<u>Income Level</u>	<u>Low</u>	<u>Very Low</u>	<u>Moderate</u>	<u>Total</u>

Land Held for Future Development					
<u>Site Name</u>	<u>Num Of Acres</u>	<u>Zoning</u>	<u>Purchase Date</u>	<u>Estimated Start Date</u>	<u>Remark</u>

Use of the Housing Fund to Assist Mortgageors

Income Adjustment Factors	<input type="text"/>	Requirements Completed	<input type="text"/>
Home	\$ <input type="text"/>	Hope	\$ <input type="text"/>

Non Housing Redevelopment Funds Usage	<input type="text"/>
---------------------------------------	----------------------

Resource Needs	<input type="text"/>
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LMIHF Deposits/Withdrawals				
<u>Document Name</u>	<u>Document Date</u>	<u>Custodian Name</u>	<u>Custodian Phone</u>	<u>Copy Source</u>

Achievements
Description

California Redevelopment Agencies-Fiscal Year 2010/2011  
 Project Area Contributions to Low and Moderate Income Housing Funds  
 Sch A Project Area Summary Report  
 MODESTO

Project Area	100% of Tax Increment	20% Set Aside Requirement	Tax Increment Allocated	Amount Exempted	Amount Suspended and/or Deferred	Tax Incr. Deposited to Hsng Fund	Percent of Tax Incr Dep	Repayment Deferrals	Other Income	Total Deposited to Housing
MODESTO PROJECT	\$5,759,801	\$1,151,960	\$1,151,960	\$0	\$0	\$1,151,960	20.00%	\$0	\$505,245	\$1,657,205
Agency Totals:	\$5,759,801	\$1,151,960	\$1,151,960	\$0	\$0	\$1,151,960	20.00%	\$0	\$505,245	\$1,657,205

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California Redevelopment Agencies- Fiscal Year 2010/2011  
 Project Area Contributions to Low and Moderate Income Housing Fund  
 Sch A Project Area Financial Information

Agency **MODESTO**  
 Address **1010 Tenth Street**  
**PO Box 642**  
**Modesto CA 95353**

<b>Project Area MODESTO PROJECT</b>							
Type: <i>Inside Project Area</i>		Status: <i>Active</i>					
Plan Adoption: 1983		Plan Expiration Year: 2032					
<u>Gross Tax Increment</u>	<u>Calculated Deposit</u>	<u>Amount Allocated</u>	<u>Amount Exempted</u>	<u>Amount Suspended and/or Deferred</u>	<u>Total Deposited</u>	<u>%</u>	<u>Cumulative Def.</u>
\$5,759,801	\$1,151,960	\$1,151,960	\$0	\$0	\$1,151,960	20.00%	\$0
				Repayment	\$0		
				<u>Category</u>			
				Interest Income	\$12,210		
				Loan Repayments	\$422,167		
				Other Revenue	\$35,434		
				Other Revenue1	\$35,434		
				Total Additional Revenue	\$505,245		
				Total Housing Fund Deposits for Project Area	\$1,657,205		

**Agency Totals For All Project Areas:**

<u>Gross Tax Increment</u>	<u>Calculated Deposit</u>	<u>Amount Allocated</u>	<u>Amount Exempted</u>	<u>Amount Suspended and/or Deferred</u>	<u>Total Deposited</u>	<u>%</u>	<u>Cumulative Def.</u>
\$5,759,801	\$1,151,960.2	\$1,151,960	\$0	\$0	\$1,151,960	20%	\$0
				Total Additional Revenue from Project Areas:	\$505,245		
				Total Deferral Repayments:	\$0		
				Total Deposit to Housing Fund from Project Areas:	\$1,657,205		

**SCHEDULE HCD E**  
**CALCULATION OF INCREASE IN AGENCY'S INCLUSIONARY OBLIGATION FOR ACTIVITIES**  
*(This Form is Information Only: Actual Obligation is based on Implementation Plan)*

**Report Year: 2010/2011**

**Agency: MODESTO**

**NOTE: This form is a summary of the totals of all new construction or substantial rehabilitation units from forms HCD-D7 which are developed in a project area by any entity (agency or non-agency).**

<b>PART I</b> [H & SC Section 33413(b)(1)] <b>AGENCY DEVELOPED</b>	
1. New Units	0
2. Substantially Rehabilitated Units	0
3. Subtotal - Baseline of Units (add line 1 & 2)	0
4. Subtotal of Inclusionary Obligation Accrued this Year for Units (line 3 x 30%)	0
5. Subtotal of Inclusionary Obligation Accrued this year for Very-Low Income Units (line 4 x 50%)	0
<b>PART II</b> [H & SC Section 33413(b)(2)] <b>NON-AGENCY DEVELOPED UNITS</b>	
6. New Units	0
7. Substantially Rehabilitated Units	0
8. Subtotal - Baseline of Units (add lines 6 & 7)	0
9. Subtotal of Inclusionary Obligation Accrued this year for Units (line 8 x 15%)	0
10. Subtotal of Inclusionary Obligation Accrued this year for Very Low Income Units (line 9 x 40%)	0
<b>PART III</b> <b>TOTALS</b>	
11. Total Increase in Inclusionary Obligations During This Fiscal Year (add line 4 & 9)	0
12. Total Increase in Very Low Income Units Inclusionary Obligations During This Fiscal Year (add line 5 & 10)	0

**SCHEDULE HCD E1**  
**CALCULATION OF INCREASE IN AGENCY'S INCLUSIONARY OBLIGATION FOR ACTIVITIES**  
*(This Form is Information Only; Actual Obligation is based on Implementation Plan)*

**Report Year: 2010/2011**

**Agency: MODESTO**

**Project Area: MODESTO PROJECT**

**Project: 17TH AND G STREET**

**NOTE: This form is a summary of the totals of all new construction or substantial rehabilitation units from forms HCD-D7 which are developed in a project area by any entity (agency or non-agency).**

<b>PART I</b> [H & SC Section 33413(b)(1)] <b>AGENCY DEVELOPED</b>	
1. New Units	0
2. Substantially Rehabilitated Units	0
3. Subtotal - Baseline of Units (add line 1 & 2)	0
4. Subtotal of Inclusionary Obligation Accrued this Year for Units (line 3 x 30%)	0
5. Subtotal of Inclusionary Obligation Accrued this year for Very-Low Income Units (line 4 x 50%)	0
<b>PART II</b> [H & SC Section 33413(b)(2)] <b>NON-AGENCY DEVELOPED UNITS</b>	
6. New Units	0
7. Substantially Rehabilitated Units	0
8. Subtotal - Baseline of Units (add lines 6 & 7)	0
9. Subtotal of Inclusionary Obligation Accrued this year for Units (line 8 x 15%)	0
10. Subtotal of Inclusionary Obligation Accrued this year for Very Low Income Units (line 9 x 40%)	0
<b>PART III</b> <b>TOTALS</b>	
11. Total Increase in Inclusionary Obligations During This Fiscal Year (add line 4 & 9)	0
12. Total Increase in Very Low Income Units Inclusionary Obligations During This Fiscal Year (add line 5 & 10)	0

**SCHEDULE HCD E1**  
**CALCULATION OF INCREASE IN AGENCY'S INCLUSIONARY OBLIGATION FOR ACTIVITIES**  
*(This Form is Information Only: Actual Obligation is based on Implementation Plan)*

**Report Year: 2010/2011**

**Agency: MODESTO**

**Project Area: MODESTO PROJECT**

**Project: ARCHWAY COMMONS**

**NOTE: This form is a summary of the totals of all new construction or substantial rehabilitation units from forms HCD-D7 which are developed in a project area by any entity (agency or non-agency).**

<b>PART I</b> [H & SC Section 33413(b)(1)] <b>AGENCY DEVELOPED</b>	
1. New Units	0
2. Substantially Rehabilitated Units	0
3. Subtotal - Baseline of Units (add line 1 & 2)	0
4. Subtotal of Inclusionary Obligation Accrued this Year for Units (line 3 x 30%)	0
5. Subtotal of Inclusionary Obligation Accrued this year for Very-Low Income Units (line 4 x 50%)	0
<b>PART II</b> [H & SC Section 33413(b)(2)] <b>NON-AGENCY DEVELOPED UNITS</b>	
6. New Units	0
7. Substantially Rehabilitated Units	0
8. Subtotal - Baseline of Units (add lines 6 & 7)	0
9. Subtotal of Inclusionary Obligation Accrued this year for Units (line 8 x 15%)	0
10. Subtotal of Inclusionary Obligation Accrued this year for Very Low Income Units (line 9 x 40%)	0
<b>PART III</b> <b>TOTALS</b>	
11. Total Increase in Inclusionary Obligations During This Fiscal Year (add line 4 & 9)	0
12. Total Increase in Very Low Income Units Inclusionary Obligations During This Fiscal Year (add line 5 & 10)	0

**SCHEDULE HCD E1**  
**CALCULATION OF INCREASE IN AGENCY'S INCLUSIONARY OBLIGATION FOR ACTIVITIES**  
*(This Form is Information Only: Actual Obligation is based on Implementation Plan)*

**Report Year: 2010/2011**

**Agency: MODESTO**

**Project Area: MODESTO PROJECT**

**Project: DOWNEY AVENUE**

**NOTE: This form is a summary of the totals of all new construction or substantial rehabilitation units from forms HCD-D7 which are developed in a project area by any entity (agency or non-agency).**

**PART I**  
 [H & SC Section 33413(b)(1)]  
**AGENCY DEVELOPED**

1. New Units	0
2. Substantially Rehabilitated Units	0
3. Subtotal - Baseline of Units (add line 1 & 2)	0
4. Subtotal of Inclusionary Obligation Accrued this Year for Units (line 3 x 30%)	0
5. Subtotal of Inclusionary Obligation Accrued this year for Very-Low Income Units (line 4 x 50%)	0

**PART II**  
 [H & SC Section 33413(b)(2)]  
**NON-AGENCY DEVELOPED UNITS**

6. New Units	0
7. Substantially Rehabilitated Units	0
8. Subtotal - Baseline of Units (add lines 6 & 7)	0
9. Subtotal of Inclusionary Obligation Accrued this year for Units (line 8 x 15%)	0
10. Subtotal of Inclusionary Obligation Accrued this year for Very Low Income Units (line 9 x 40%)	0

**PART III**  
**TOTALS**

11. Total Increase in Inclusionary Obligations During This Fiscal Year (add line 4 & 9)	0
12. Total Increase in Very Low Income Units Inclusionary Obligations During This Fiscal Year (add line 5 & 10)	0

***FY 2011  
MODESTO REDEVELOPMENT AGENCY***

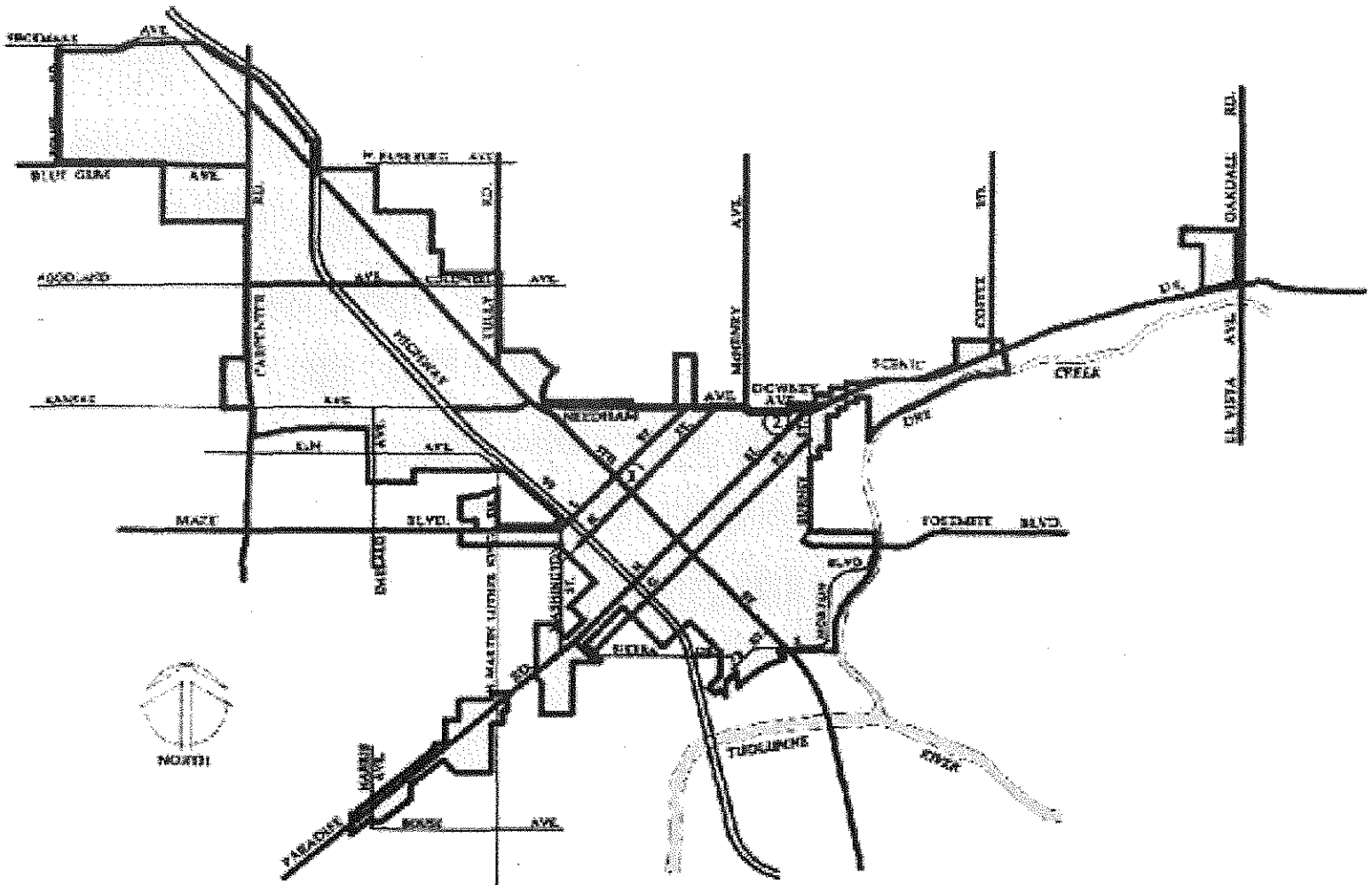
***HEALTH AND SAFETY CODE §33080.1***

- ***ALLEVIATION OF BLIGHT***
- ***LOAN DEFAULT REPORT***
- ***PROPERTY LISTING***
- ***FISCAL STATEMENT***



# MODESTO REDEVELOPMENT AGENCY PROJECT AREA

2000 Acres (Est.)



I. HEALTH AND SAFETY CODE §33080.1(d)

**ALLEVIATION OF BLIGHT**

The Modesto Redevelopment Agency's goal is to stimulate new public and private investment in order to overcome the problems that have been created in past decades. Through new investment, both the physical and social environment of the project area will be improved. Private investment, with the assistance of the Agency, will help to:

- Overcome blight created by deteriorated and obsolete buildings
- Stabilize land uses
- Provide needed public parking
- Create new parcels amenable to modern development.

Employment opportunities, both in the short and long term, will help to overcome problems of poverty not only in the Project Area, but also in the City as a whole. Increased employment opportunities, appropriate project design and, most importantly, higher levels of activity in the Project Area --- especially in the evenings --- will decrease the crime rates.

During FY 2011, the Redevelopment Agency of the City of Modesto completed the following actions to implement the objectives of the Implementation Plan in alleviating blight within the Project Area. (Note: The Agency's Implementation Plan was approved for the period of 2010-2014.)

Vision

- Modesto's parks, plazas, and greenways contribute to a public realm that provides an attractive, inviting "Oasis in the Valley."
- Modesto's unique history and character are preserved to make the city a pleasant place to live, and are actively promoted to attract new investment.
- The downtown is a vibrant mixed-use area with an established residential element.
- Transportation opportunities are multi-modal and well-connected throughout the Redevelopment Area, city, and region

Goals

Goal 1

Create a unique and recognizable image for Modesto and use it to strenuously promote the City.

**Project: Outreach and Coordination**

**Agency Expenditure: \$500**

**Status: Initiated August 2009: Ongoing**

The Agency will continue to partner with City departments to advance economic development objectives. Staff will also continue to meet regularly with leaders of the Modesto Chamber, Downtown Improvement District, the Stanislaus County Workforce Alliance, and Modesto Convention & Visitors Bureau in a collaborative effort to further the common goals of business attraction and retention.

## **Goal 2**

Promote the economic viability of the Redevelopment Area by attracting new development.

The State of California's Supplemental Augmentation Fund payments of \$2,015,341 in FY--10 and \$414,923 in FY 10-11 have eliminated funding for any new development. Depending on the outcome of the litigation regarding AB 1X 26 and AB 1X 27, funding for future projects is in question. In the meantime, the Agency has partnered in the following projects/activities:

**Project: Stanislaus County Courthouse**

**Agency Expenditure: TBD**

**Status: Under consideration by the State of California**

This project includes both RDA owned property and privately owner property together, located on the corner of 10<sup>th</sup> and I Streets. The State of California is conducting a search for a location to build a new Stanislaus County Courthouse. Given the serious decline in development activity over the last several years, this project will bring jobs and renewed vitality to the downtown area.

**Project: Historic Graffiti Cruise Route**

**Agency Expenditure: Staff time**

**Status: Designation Established, Private Donor Recruitment underway.**

This project is a collaboration of the Redevelopment Agency, the Downtown Improvement District, the Convention and Visitors' Bureau and a local community advocate. In February 2011, the City Council designated 10<sup>th</sup> and 11<sup>th</sup> Streets between I and J the Historic Graffiti Cruise Route in honor of Modesto's role as the location for the movie *American Graffiti* and the community's rich history with classic cars. In addition to the walking tour designation, the committee has developed flags which hang from street poles along the route and have developed kiosk type signs that will provide information and facts to visitors on the route.

## **Goal 3**

Implement higher density, mixed-use development to create a balanced, vibrant downtown and active neighborhood centers.

The State of California's Supplemental Augmentation Fund payments of \$2,015,341 in FY--10 and \$414,923 in FY 10-11 have eliminated funding for any new development. Depending on the outcome of the litigation regarding AB 1X 26 and AB 1X 27, funding for future projects is in question. In the meantime, the Agency has partnered in the following projects/activities:

**Project: Downtown Streetscape Standards**

**Agency Expenditure: N/A**

**Status: Scheduled for Council consideration in December 2011**

This item was reviewed by the Council Economic Development Committee in August, 2011 and is schedule for Council consideration in December, 2011. The goal is to develop a street cross section that follows "complete street" principles, facilitating travel by vehicle, transit, bike and foot in a contextually appropriate manner. Implementation of the "future" street cross section will be addressed in the Standard Specifications. City-initiated reconstruction of streets on a block by block basis is one possible implementation method. Large scale redevelopment projects encompassing complete blocks may present another opportunity to implement the downtown street cross section. Small Infill projects or small scale redevelopment efforts (affecting single interior lots within a block or portions of a block) will not likely be subject to the new street

standard. In addition to the street cross section, various street furniture elements have been recommended for incorporation into the Standard Specifications including benches, bike racks, bus shelters, trees and tree cages. Other street furniture elements, such as trash receptacles and lampposts, were determined to be sufficiently addressed by current Standards. The recommended street furniture provides a “timeless” design that ties in with the existing street furniture and respects Modesto’s heritage while remaining relevant and functional into the future.

**Goal 4**

Provide the rationale and impetus for the City to update its development standards to support the goals identified in this document.

**Project: Amendment of City of Modesto Zoning Codes**

**Agency Expenditure: \$0**

**Status: Completed in January 2012**

The Zoning Code, the City’s main regulations for land use and development, was originally adopted in 1955 and has since been incrementally updated. The last comprehensive update was completed in the mid-1980’s. This is a comprehensive maintenance update that will modernize and reformat the Zoning Code. The proposed code amendment will not result in major changes to land use requirements and development standards. A summary of this effort includes: Review and update of permitted and conditional land uses; Convert land use provisions from a text format to a table format; Review and update of development standards; Convert standards from a text format to a table format; Review and update of administrative and procedural provisions and provide a new authoritative table.

**Project: Proposition 84 Planning Grant – Form Based Codes**

**Agency Expenditure: \$0**

**Status: In process**

Stanislaus County is the lead agency for this grant from the Strategic Growth Council. The City’s portion of the grant award will fund the development of a form-based code to facilitate enhanced economic development in the downtown area, outside of the “downtown core” area that is already subject to an existing form-based code. The project is a revitalization strategy which is expected to reduce vehicle miles traveled, improve non-automobile mode share and reduce air pollution, while increasing property and sales tax revenue. Furthermore, accommodating additional or intensified development downtown will result in improved efficiencies for service provision – including public safety and utilities among others.

**Goal 5**

Develop a variety of housing types in the Redevelopment Area, including affordable housing, particularly in the downtown, to act as a catalyst for other types of development.

**Project: Affordable Housing Project – N. 9<sup>th</sup> Street**

**Estimated Agency Expenditure: \$6,749,000**

**Status: Construction anticipated to begin in December 2011**

On March 21, 2007, the Agency and the City of Modesto were contacted by EAH, Inc., proposing construction of a one-hundred fifty (150) unit affordable housing development (“Archway Commons”) at North 9th and Carver Street in the City of Modesto. Agency and City staff met jointly in preliminary discussions to review options for financial assistance toward the development of “Archway Commons”. Some of the major milestones achieved to date have been:

- The Agency has purchased all the necessary land to develop Archway Commons totaling \$3,980,000
- The Agency and the developer EAH, Inc. have executed a Disposition and Development Agreement (DDA)
- Through the executed DDA, the Agency has released \$900,000 to the developer for pre-development activities such as site design, engineering, etc.
- The developer has secured all permanent sources of financing for the project with an exception of private equity financing.
- The developer has submitted four applications for Federal & State Tax Credits. In the current economy this process has become extremely difficult but the Agency remains confident that the developer will be successful in obtaining the final piece of funding.

On June 23, 2010, the Agency worked with the developer EAH, Inc. to split the project into two phases. This was done in an effort to strengthen the developers' Federal & State Tax Credit application. The Agency has allocated a total of \$8,947,093 to the project. Through an executed DDA a loan has been established which consist of the remaining \$1,869,000 that still needs to be spent for construction activities, \$900,000 for pre-development activities and \$3,980,000 for land acquisition cost. The total loan amount is \$8,749,000. In March 2011, the developer applied for Federal & State Tax Credits worth an estimated \$14,000,000. This application was successful in obtain a credit reservation.

At this time, Archway Commons is ready to break ground in March of 2012.

The proposed site for this project demonstrates the following advantages to the Agency:

1. Site is inside the RDA Project Area
2. Site is identified as a Catalyst Site in the RDA Master Plan
3. Site is surrounded on two sides with residential and a neighborhood shopping center, creating a good adjacent land use mix
4. Site was a County island that was annexed into the City as part of the project
5. Site is 8.46 acres which affords room for a significant number of Multi-family apartment rentals

**Project: Affordable Housing Project – Palm Valley**

**Estimated Agency Expenditure: \$730,000**

**Status: Owner Participation Agreement for project development**

This is an existing apartment complex on East Coolidge Avenue consisting of 40 units. The Agency partnered with HOME funds to help the local Housing Authority acquire all 40 units and convert the units to affordable housing. The Agency also provided funds to the local Housing Authority to rehabilitate one of the existing units to upgrade to an accessible unit and installed a security gate to fully secure the property. This property was acquired in Fiscal Year 2008-2009 and the property improvements were completed in Fiscal Year 2009-2010. The Agency provided a loan in the amount of \$730,000 to finance this project.

**Project: Affordable Housing Project – Senior Affordable Units on 412 & 416 Downey Ave.**

**Estimated Agency Expenditure: \$525,000**

**Status: Purchase of property to construct senior affordable housing**

In Fiscal Year 2008 & 2009 the Agency purchased 416 Downey Avenue from the City of Modesto for \$525,000. Previously, the property was home to fire station number one which was decommissioned in the 1980's. The property was operated by building services and used to provide homeless services up until the Agency acquired the property. The property was determined to be unsafe and therefore the building was demolished to pave the way for the future

development of 11 units of senior affordable housing. Shortly after the Agency acquired 416 Downey Avenue, the City of Modesto's Community Development Block Grant (CDBG) funds were used to acquire the adjacent property located at 412 Downey Avenue. The property was purchased so 416 & 412 Downey Avenue could be joined together to make one parcel to provide the necessary building space needed to build the 11 units of senior affordable housing.

CDBG funds demolishing 412 Downey Avenue and the site is ready for development. The Agency released a Request for Proposal (RFP) soliciting for affordable housing developers and on April 6, 2010 the RFP closed. Over the next year the Agency will be working with the chosen developer to develop the project and will assist in the financing components of the project. This project has been placed on hold due the Redevelopment Law suit against the State of California.

**Project: Affordable Housing Project – 17<sup>th</sup> & G Streets**

**Agency Expenditure: \$780,000**

**Status: Potential location for 48 units for senior housing.**

In Fiscal Year 2007 & 2008 the Agency purchased property located at 17th & G Streets for \$780,000.00. The property is home to the infamous "Water Tower" which must be removed if the property is to be a viable location for affordable housing. The delay behind this project is due to the securing of funding needed to allow the water tank to be removed. Community Development Block Grant (CDBG) funding has currently budgeted \$120,000.00 towards the removal of the water tower allowing the project to move forward in developing affordable housing.

Last fiscal year the Agency released a Request for Qualifications (RFQ) for the development of 17th & G Streets. This RFQ did not require the detailed and specific plans typically requested in this type of process, but rather focused on having the proposers submit information demonstrating their ability to build a complex project on a difficult property (in this case very small). This saved money while producing options for the Agency. Once a developer was selected then the chosen developer was required to submit a full proposal with all specifics contained within its second submittal.

Through the RFQ process, Satellite Housing & American Baptist Homes of the West was selected as the developer. The developer has proposed 48 units of Senior Affordable Housing on this site serving seniors who are at 50% or below the area median income. The project has a timeframe of breaking ground by November 2012.

The Agency is working with the developer on preliminary design issues and towards a funding commitment subject to final Agency approval on June 8, 2010. Once the developer has Agency commitment then the developer will begin working on all other permanent sources of funding needed to make 17th & G Streets a reality. The goal is to have all design & construction documents completed by November 2011 and have all permanent sources of financing secured by November 2012 with construction to follow shortly after.

**Goal 6**

Enhance the visual appeal of Modesto's public spaces by upgrading existing parks, plazas, and streets, and by creating new parks and plazas that offer public access.

**Project: Downtown Beautification**

**Agency Expenditure: \$0**

**Status: Underway/Ongoing**

The Agency is working with local businesses, the Chamber of Commerce, and the Downtown Improvement District to upgrade and enhance the visual appeal of the downtown core area. To date 10<sup>th</sup> Street (between I and J) and 11<sup>th</sup> Street (between I and K) have been repaved and

restriped. Curb, gutter and sidewalk have been repaired or replaced and repainted. In addition, through a foundation grant, public safety efforts have been enhanced and events held in the public plaza. Gum removal from the sidewalks is underway.

**Project: Tuolumne River Regional Park**

**Agency Expenditure: Expense Paid By Private Developers**

The Tuolumne River is the foremost natural asset bordering in the Redevelopment Project Area. The City of Modesto has adopted a Master Plan for the development of this valuable open space. Bluff property overlooking the park should be investigated as a site for a regional educational and recreational facility oriented primarily to children and families.

**Project: New private parks and plazas**

**Agency Expenditure: Expense Paid By Private Developers**

As part of the implementation of the form-based zoning code, the Agency will be working with the City Planning Commission to include the development requirement for open space and plazas within all private developments in the Project Area. These open space areas will encourage pedestrian traffic and will also address the issue of building massing in the downtown.

**Goal 7**

Develop historic I and 10th Streets as an attractive, pedestrian-oriented zone. Create a clear sense of arrival at Modesto's downtown by enhancing the 6th and I Street Gateway and the intersection of I and 10th Streets.

**Project: Historic Graffiti Cruise Route**

**Agency Expenditure: \$0**

**Status: Designation Established, Private Donor Recruitment underway.**

This project is a collaboration of the Redevelopment Agency, the Downtown Improvement District, the Convention and Visitors' Bureau and a local community advocate. In February 2011, the City Council designated 10<sup>th</sup> and 11<sup>th</sup> Streets between I and J the Historic Graffiti Cruise Route in honor of Modesto's role as the location for the movie *American Graffiti* and the community's rich history with classic cars. In addition to the walking tour designation, the committee has developed flags which hang from street poles along the route and have developed kiosk type signs that will provide information and facts to visitors on the route.

**Goal 8**

Promote efficient automobile, bicycle, and pedestrian circulation and linkages into and through the Redevelopment Area.

**Project: Downtown Infrastructure**

**Agency Expenditure: \$300,000**

**Status: Ongoing**

**Complete Streets:**

Work on redesign of the downtown streets to accommodate multiple modes of transportation (i.e., vehicles, bicycles, pedestrians and transit, etc.) began with development of the recently-adopted Downtown Core Zone. Originally intended to apply to the downtown core, the effort has expanded to include the entire downtown area. This project is being facilitated by staff from various disciplines, including Planning, Land Development Engineering, Traffic Engineering, Transit and Parks staff. Several meetings have occurred with the City's Economic Development

Committee and members of the public to solicit input on design and various street elements. The next meeting is scheduled for December 13, 2010.

Utilities:

Work on upgrading the utilities (sewer, water and storm drainage) for anticipated downtown redevelopment has recently begun. Like complete streets, this effort is a companion to the recently-adopted Downtown Core Zone. A team of City staff has been selected to project intensification of the downtown over the next several years in order to determine the level of utility upgrades that are necessary in order to accommodate that additional growth.



II. HEALTH AND SAFETY CODE §33080.1(e)

**REPORT ON ALL LOANS IN DEFAULT**

The Modesto Redevelopment Agency has no loans in excess of \$50,000 that are in default from the previous fiscal year or that are not in compliance with the terms of the loan approved by the Agency.

III. HEALTH AND SAFETY CODE §33080.1(f)

**PROPERTY LISTING**

**Property List:**

	APN	Address	Street	City, State	Current use
1	105-37-32	11TH STREET	11TH ST	MODESTO, CA 95354-0000	Parking garage
2	105-37-33	1010 TENTH ST 1st FLOOR	1010 10TH ST	MODESTO, CA 95354	Retail parcel
3	105-37-34	1010 TENTH ST 1st FLOOR	10TH ST	MODESTO, CA 95354	Retail parcel
4	105-41-21	9TH STREET	9TH ST	MODESTO, CA 95354-0000	Parking garage
5	105-48-06	1125 9TH STREET	1125 9TH ST	MODESTO, CA 95354-0000	Parking garage
6	105-48-08	9TH STREET	9TH ST	MODESTO, CA 95354-0000	Centre Plaza Bridge
7	105-48-11	1150 9TH ST	1125 11TH ST	MODESTO, CA 95354-0000	Centre Plaza
8	106-42-01	10 <sup>th</sup> Street & H Street	10 <sup>TH</sup> Street	MODESTO, CA 95354-0000	Parking Lot
9	106-42-02	10 <sup>th</sup> Street & H Street	10 <sup>th</sup> Street	MODESTO, CA 95354-0000	Parking Lot
10	106-42-03	10 <sup>th</sup> Street & H Street	10 <sup>th</sup> Street	MODESTO, CA 95354-0000	Parking Lot
11	106-42-04	10 <sup>th</sup> Street & H Street	10 <sup>th</sup> Street	MODESTO, CA 95354-0000	Parking Lot
12	106-06-02	17 <sup>th</sup> & G Street	17 <sup>th</sup> Street	MODESTO, CA 95354-0000	Park Site

### III. HEALTH AND SAFETY CODE §33080.1(f)

#### *FISCAL STATEMENT*

Financial information as required by the Health and Safety Code may be found in the State Controller's Report (Financial Transactions Report) and the Housing and Community Development (HCD) Report, and the SOI contained in this Annual report. That information has been summarized below.

- Amount of outstanding indebtedness of the agency (Cover Page and Form A, SOI):
  - Total Debt - \$301,550,750
  - Net Debt \$299,573,700 (net of available revenue)
- Amount of gross tax increment generated in the Project Area: (Statement of Income and Expenditures- Revenues, Tax Increment Gross line , from the Financial Transactions Report):
  - \$5,750,235
- Amount of tax increment paid to, or spent on behalf of, a taxing agency other than a school or community college district (Pass Through / School District Assistance form from the Financial Transactions Report):
  - \$533,584
- The financial transaction report required pursuant to Section 53891 of the Government Code:
  - See the State Controller Financial Transaction Report
- Amount allocated to school or community college districts (Pass Through / School District Assistance form from the Financial Transactions Report):
  - School districts - \$555,581
  - Community College - \$81,485
- The amount of existing indebtedness, and the total amount of payments required to be paid on existing indebtedness for the fiscal year (Form A, SOI):
  - Amount of existing indebtedness - \$299,573,700 (net of available revenue)
  - Amount of payments required for the fiscal year - \$6,124,733
- Any other fiscal information which the agency believes useful to describe its programs:
  - None at this time

**STATEMENT OF INDEBTEDNESS - CONSOLIDATED  
FILED FOR THE 2011-12 TAX YEAR**

Cover Page

Name of Redevelopment Agency

MODESTO REDEVELOPMENT AGENCY

Name of Project Area

MODESTO REDEVELOPMENT PROJECT - AMENDED AREA

Balances Carried Forward From:		Current		
		Total Outstanding Debt	Principal/Interest Due During Tax Year	
	Line			
Fiscal Period - Totals (Optional)	(From Form A, Page 1 Totals)	( 1 )	\$ 203,776,060.80	\$ 4,093,196.00
Post Fiscal Period - Totals	(From Form B Totals)	( 2 )	\$ 0.00	\$ 0.00
Grand Totals		( 3 )	\$ 203,776,060.80	\$ 4,093,196.00
Available Revenues From Calculation of Available Revenues, Line 7		( 4 )	\$ 0.00	
Net Requirement		( 5 )	\$ 203,776,060.80	

Consolidate on this form all of the data contained on Form A and B (including supplemental pages). Form A is to include all indebtedness entered into as of June 30 of the Fiscal Year. Form B may be filed at the option of the agency, and is to include indebtedness entered into post June 30 of the Fiscal Year, pursuant to Health and Safety Code Section 33675(c)(2). This is optional for each agency and is not a requirement for filing the Statement of indebtedness. The Reconciliation Statement is to include indebtedness from Form A only.

Certification of Chief Financial Officer:

Pursuant to Section 336775 (b) of the Health and Safety Code, I hereby certify that the above is a true and accurate Statement of Indebtedness for the above named agency.

Gloriette Beck, CPA

Director of Finance

Name

Title



September 28, 2011

Signature

Date

**STATEMENT OF INDEBTEDNESS  
FILED FOR THE 2011-12 TAX YEAR**

Name of Redevelopment Agency  
Name of Project Area

**MODESTO REDEVELOPMENT AGENCY  
MODESTO REDEVELOPMENT PROJECT - AMENDED AREA**

For Indebtedness Entered into as of June 30, 2011

Debt Identification	Original Data					Current	
	Date	Principal	Term	Interest Rate	Total Interest	Total Outstanding Debt	Principal/Interest Due During Tax Year
Pass through: (A) Y.C.C.D.	11/5/91	4,258,077.00	40 yrs.	n/a	n/a	6,880,795.77	136,000.00
Pass through: (B) Modesto City Schools	11/05/91	25,327,263.00	40 yrs.	n/a	n/a	41,093,197.98	809,000.00
Pass through: (C) County Office of Education	11/05/91	3,705,080.00	40 yrs.	n/a	n/a	5,976,571.85	118,000.00
Pass through: (D) Stanislaus County	11/05/91	29,150,160.00	40 yrs.	n/a	n/a	51,339,389.04	688,000.00
(E) Low-Mod Housing Set-aside Reimbursement Agreement -	11/05/91	32,216,556.00	40 yrs.	n/a	n/a	40,755,212.16	1,171,200.00
(F) MPF 1998 Lease Revenue Bonds Stanislaus Co. Economic Develop-	03/11/98	-					
(G) ment "Bank" - Kansas Ave BP City of Modesto	11/06/02	405,000.00	13 yrs.	none	none	405,000.00	
(H) All prior transfers now loans Reimbursement Agreement -	06/30/03	11,463,277.00	open	7%	15,654,023.00	27,117,300.00	
(I) MPF 2008 Lease Revenue Bonds	09/01-08	18,633,323.00	25 yrs.	3.614% with SWAP	12,821,401.00	30,208,594.00	1,170,996.00
(J)							
Sub Total, this Page						\$ 203,776,060.80	\$ 4,093,196.00
Totals Forward From All Other Pages							
Grand Totals						\$ 203,776,060.80	\$ 4,093,196.00
Available Revenues From Calculation of Available Revenues						\$	
Net Requirement						\$ 203,776,060.80	

**Purpose of indebtedness:**

(A) Agreement pursuant to H&S Code Section 33401

(B) Agreement pursuant to H&S Code Section 33401

(C) Agreement pursuant to H&S Code Section 33401

(D) Agreement pursuant to H&S Code Section 33401

(E) 20% Low-Mod Income Housing set-aside (new est.)

Tenth Street Place project - site acquisition and construction, RDA share of  
(F) Modesto Public Financing Authority 1998 Lease Revenue Bonds

(G) Planning costs re: the proposed Kansas Ave. Business Park

(H) Transfers/loans from City, per City Council/RDA 6/30/03

(I) RDA Share of Modesto Financing Authority 2008 Refunding Lease Revenue Bonds

(J)

RECONCILIATION STATEMENT - CHANGES IN INDEBTEDNESS

Name of Agency MODESTO REDEVELOPMENT AGENCY  
 Name of Project Area MODESTO REDEVELOPMENT PROJECT - AMENDED AREA

Tax Year 2011-12

Reconciliation Dates: From July 1, 2010 To June 30, 2011

Debt Identification:			A	B	C	D	E	F
SOI, page and line:		Brief Description	Outstanding Debt All Beginning Indebtedness	Adjustments		Amounts Paid Against Indebtedness, from:		Remaining Balance (A+B-C-D-E)
Prior Yr	Current Yr			Increases (Attach Explanation)	Decreases (Attach Explanation)	Tax Increment	Other Funds	
Pg 1 Line A	Pg 1 Line A	Pass through: Y.C.C.D.	6,962,280.95			81,485.18		6,880,795.77
Pg 1 Line B	Pg 1 Line B	Pass through: Modesto City Schools	41,577,875.99			484,678.01		41,093,197.98
Pg 1 Line C	Pg 1 Line C	Pass through: County Office of Education	6,047,474.54			70,902.69		5,976,571.85
Pg 1 Line D	Pg 1 Line D	Pass through: Stanislaus County	51,872,972.57			533,583.53		51,339,389.04
Pg 1 Line E	Pg 1 Line E	Low-Mod Housing Set-aside	40,920,323.26	Adj. to total debt 893,137.94		1,058,249.04		40,755,212.16
Pg 1 Line F	Pg 1 Line F	Reimbursement Agreement - MPF 1998 Lease Revenue Bonds	-					
Pg 1 Line G	Pg 1 Line G	Stanislaus Co. Economic Develop- ment "Bank" - Kansas Ave BP	405,000.00					405,000.00
Pg 1 Line H	Pg 1 Line H	City of Modesto All prior transfers now loans	25,360,965.00	interest added 1,806,335.00		50,000.00	-	27,117,300.00
Pg 1 Line I	Pg 1 Line I	Reimbursement Agreement MPF 2008 Lease Revenue Bonds	31,454,724.00	Adjust for SWAP Int -	Adjust for SWAP Int 97,291.00	1,148,839.00		30,208,594.00
<b>TOTAL - THIS PAGE</b>			<b>204,601,616.31</b>	<b>2,699,472.94</b>	<b>97,291.00</b>	<b>3,427,737.45</b>	<b>-</b>	<b>203,776,060.80</b>
<b>TOTALS FORWARD</b>				<b>1,863,507.75</b>		<b>1,863,507.75</b>		
<b>GRAND TOTALS</b>			<b>\$ 204,601,616.31</b>	<b>\$ 4,562,980.69</b>	<b>\$ 97,291.00</b>	<b>\$ 5,291,245.20</b>	<b>\$ -</b>	<b>\$ 203,776,060.80</b>

**NOTE:** Column A must equal the previous year Statement of Indebtedness Outstanding Debt. Column F must equal this year's SOI Outstanding Debt column. Use the page and line number that the indebtedness is listed on in each year as appropriate, and a brief description. Ignore any indebtedness fully repaid in the previous year, as it had a zero ending balance. All new indebtedness entered into since the previous SOI is to be listed below the previous indebtedness. Enter "new" in the "Prior Yr" page and line column for each new indebtedness.

**RECONCILIATION STATEMENT - CHANGES IN INDEBTEDNESS**

Name of Agency MODESTO REDEVELOPMENT AGENCY  
 Name of Project Area MODESTO REDEVELOPMENT PROJECT - AMENDED AREA

Tax Year 2011-12

Reconciliation Dates: From July 1, 2010 To June 30, 2011

Debt Identification:		A	B	C	D	E	F
		Outstanding Debt All Beginning Indebtedness	Adjustments		Amounts Paid Against Indebtedness, from:		Remaining Balance (A+B-C-D-E)
SOI, page and line:	Brief Description		Increases (Attach Explanation)	Decreases (Attach Explanation)	Tax Increment	Other Funds	
Prior Yr	Current Yr						
Pg new Line new	Pg Line		T/I paid on Orig Area COP 1,533,240.75		1,533,240.75		
Pg new Line new	Pg Line		T/I for Admin 188,263.00		188,263.00		
Pg new Line new	Pg Line		T/I for Projects 142,004.00		142,004.00		
TOTAL - THIS PAGE			1,863,507.75		1,863,507.75		

**NOTE:** Column A must equal the previous year Statement of Indebtedness Outstanding Debt. Column F must equal this year's SOI Outstanding Debt Column.

## CALCULATION OF AVAILABLE REVENUES

AGENCY NAME MODESTO REDEVELOPMENT AGENCY

PROJECT AREA MODESTO REDEVELOPMENT PROJECT - AMENDED AREA

TAX YEAR 2011-12

RECONCILIATION DATES: JULY 1, 2010 TO JUNE 30, 2011

1. Beginning Balance, Available Revenues (See Instructions)	\$	-
2. Tax Increment Received - Gross All Tax Increment Revenues, including any Tax Increment passed through to other local taxing agencies	\$	5,291,245.20
3. All other Available Revenues Received (See Instructions)	\$	-
4. Revenues from any other source, included in Column E of the Reconciliation Statement, but not included in (1 - 3) above	\$	-
5. Sum of Lines 1 through 4	\$	5,291,245.20
6. Total amounts paid against indebtedness in previous year. (D + E on Reconciliation Statement)	\$	5,291,245.20
7. Available Revenues, End of Year (5 - 6)	\$	0.00
<b>FORWARD THIS AMOUNT TO STATEMENT OF INDEBTEDNESS</b>		

### NOTES

**Tax Increment Revenues:**

The only amount(s) to be excluded as Tax Increment Revenue are any amounts passed through to other local taxing agencies pursuant to Health and Safety Code Section 33676. Tax Increment Revenue set-aside in the Low and Moderate Income Housing Fund will be washed in the above calculation, and therefore omitted from Available Revenues at year end.

**Item 4. above:**

This represents any payments from any source other than Tax Increment OR available revenues. For instance, an agency funds a project with a bond issue. The previous SOI included a Disposition Development Agreement (DDA) which was fully satisfied with these bond proceeds. The DDA would be shown on the Reconciliation Statement as fully repaid under the "other" column (Col E), but with funds that were neither Tax Increment, nor "Available Revenues" as defined. The amounts used to satisfy this DDA would be included on line 4 above in order to accurately determine ending "Available Revenues".



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-467**

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PURCHASE OF TWO (2) VAC-CON COMBINATION SEWER AND STORM DRAIN CLEANER TRUCKS FOR THE WATER QUALITY CONTROL DIVISION, WASTEWATER AND STORMWATER COLLECTION SECTIONS THROUGH THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, BY "ACCESSING THE TERMS" OF A COMPETITIVELY BID CONTRACT WITH THE LOS ANGELES COUNTY SANITATION DISTRICT THROUGH MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA, AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF \$770,614**

WHEREAS, the Water Quality Control Division, Wastewater and Stormwater Collection Sections utilizes Vac-Con combination sewer and storm drain cleaner trucks to clean, maintain and repair sewer pipes to comply with the Clean Water Act, and

WHEREAS, the Vac-Con combination sewer and storm drain cleaner trucks are used to clean out roots and grease in sewer lines, keeping them clear of blockages and reducing the potential for sewer system overflows. The trucks are also utilized to clean out storm drain lines and to provide flood control support during storm events, and

WHEREAS, the two (2) Vac-Con combination sewer and storm drain cleaner trucks are replacements for 2001 and 2002 year model units that are at the end of the vehicles useful life and falls under the Air Resources Board (ARB) on-road diesel vehicle regulations, and

WHEREAS, the ARB compliance program rules require that these trucks be retired, replaced or retrofitted to meet new air quality standards. A review of the options revealed that retrofitting these trucks will not meet the compliance criteria due to their operational profile. As a result the compliance program requires that these trucks be replaced, and

WHEREAS, the two (2) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater and Stormwater Collection Sections were included in the FY 11/12 new vehicles and heavy equipment budget approved by Council on June 7, 2011 (No. 3550-C.S.), and

WHEREAS, on November 1, 2010, the Los Angeles County Sanitation District went through a competitive bid process for the purchase of a Vac-Con combination sewer and storm drain cleaner truck. The most responsive and responsible bidder that met the bid specifications was Municipal Maintenance Equipment, Sacramento, CA, and

WHEREAS, Municipal Maintenance Equipment was awarded the Los Angeles County Sanitation District bid and is extending the same bid pricing to the City of Modesto, and

WHEREAS, there are no local vendors for this type of equipment and to take advantage of this process and award by “accessing the terms” of the Los Angeles County Sanitation District competitive bid process is an efficient and effective way to purchase this Vac-Con combination sewer and storm drain cleaner truck, by saving the time and expense to the City to formally solicit RFB’s, 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, one exception, MMC Section 8-3.204(d), is available where the Purchasing Manager, in his or her discretion, determines that 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. Acting

within his discretion, the Purchasing Manager invoked that exception for this purchase due to the cost savings of staff time and the limited number of competitors. There are no local vendors that can supply this type of equipment. The purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks, by “accessing the terms” of the Los Angeles County Sanitation District contract with Municipal Maintenance Equipment, Sacramento, CA, conforms to MMC Section 8-3.204(d), and

WHEREAS, sufficient funds are budgeted in Fiscal year 2011-12 in the following Fleet Equipment replacement account: 5410-53241-57003,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of contract for the purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater Collection and Stormwater Sections through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the Los Angeles County Sanitation District through Municipal Maintenance Equipment, Sacramento, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated total cost of \$770,614.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-468**

**RESOLUTION APPROVING THE FIVE YEAR UPDATE OF THE CITY OF  
MODESTO LOCAL HAZARD MITIGATION PLAN AND THE STANISLAUS  
COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN**

WHEREAS, the Disaster Mitigation Act of 2000 (DMA), commonly known as the 2000 Stafford Act amendments, was approved by Congress on October 10, 2000, and

WHEREAS, on October 30, 2000, the President signed the Bill into law creating Public Law 106-390, and

WHEREAS, the purposes of the DMA were to amend the Stafford Act, establish a national program for pre-disaster mitigation, and to streamline the administration of disaster relief, and

WHEREAS, as a result, all government entities are required to have a Local Hazard Mitigation Plan (LHMP), and

WHEREAS, this LHMP allows local entities to receive Federal Emergency Management Association (FEMA) Pre-Disaster Mitigation (PDM) project grants, or to receive post-disaster Hazard Mitigation Grant Program (HMGP) project funding for disasters declared on or after November 1, 2004, and

WHEREAS, this LHMP covers the City of Modesto, including all City Departments and the portion of the Industrial Fire Protection District that currently contracts with the Modesto Fire Department for fire suppression services, and

WHEREAS, the LHMP is presented as a stand-alone document, but works congruently with the City's Emergency Operations Plan (EOP) to help prepare, respond, and mitigate local disasters, and

WHEREAS, the LHMP is considered the representation of Modesto's commitment to reduce risks from natural disasters, and

WHEREAS, the update of the LHMP started in October of 2009 with planning meetings with neighboring jurisdictions throughout Stanislaus County, and

WHEREAS, once the planning process meetings concluded a team of City staff was put together from various City departments to review and revise the LHMP to meet new State and Federal requirements, and

WHEREAS, the final document was reviewed and approved by the California Emergency Management Agency (Cal-EMA) on September 22, 2010, and the Federal Emergency Management Agency (FEMA) on March 7, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the five-year update of the City of Modesto Local Hazard Mitigation Plan and the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-469**

**A RESOLUTION APPROVING A DATA SHARING AGREEMENT BETWEEN  
THE MODESTO POLICE DEPARTMENT AND THE STANISLAUS COUNTY  
SHERIFF'S DEPARTMENT; AND AUTHORIZING THE CITY MANAGER, OR  
HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, on July 10, 2007, the City Council, by Resolution No. 2007-426,  
authorized the award of the proposed contract for an Integrated Public Safety  
System/Computer Aided Dispatch (CAD), and

WHEREAS, the COPLINK crime analytics system was a component of this  
regional Integrated Public Safety System Project, and

WHEREAS, COPLINK is a nationally recognized vendor that provides a solution  
to allow law enforcement agencies to share data, and

WHEREAS, the system provides a single source for analyzing data elements  
found in various law enforcement systems spanning multiple jurisdictions for the purpose  
of developing intelligence and identifying criminal suspects, and

WHEREAS, the Modesto Police Department and the Stanislaus County Sheriff's  
Department have a need to share structured and seemingly unrelated data housed in  
separate computer-based record management systems (RMS), and

WHEREAS, consolidating and organizing data under a single highly secure  
platform and using known facts from ongoing criminal investigations could produce  
qualified leads within seconds, and

WHEREAS, the City of Modesto and Stanislaus County have partnered to  
develop and implement this regional system to address data interoperability in Stanislaus  
County, and



WHEREAS, the Law Enforcement Networking System (LENS) will allow law enforcement and criminal justice agencies throughout Stanislaus County to share information in their records systems and provides the opportunity to connect other regional systems,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Data Sharing Agreement between the Modesto Police Department and the Stanislaus County Sherriff's Department.

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 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

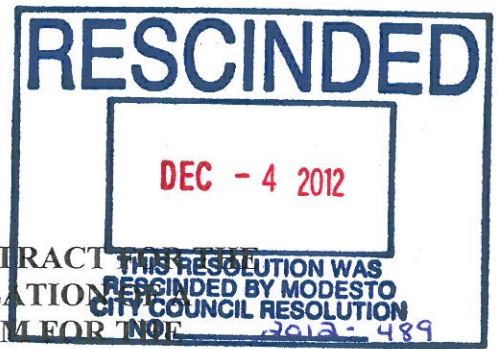
ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-470



A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE  
SOLE BRAND PROCUREMENT, DESIGN AND INSTALLATION OF  
LIEBERT UNINTERRUPTIBLE POWER SUPPLY SYSTEM FOR THE  
MODESTO POLICE DEPARTMENT BY ACCESSING THE TERMS OF THE  
WESTERN STATE CONTRACT ALLIANCE CONTRACT NUMBER B27164 TO  
HEWLETT PACKARD DIRECT, THROUGH NWN CORPORATION,  
SACRAMENTO, CA, AND AUTHORIZING THE PURCHASING MANAGER TO  
ISSUE A PURCHASE ORDER FOR AN ESTIMATED COST OF \$119,800

WHEREAS, NWN Corporation has been awarded a portion of the national contract as third party provider for the Western State Contract Alliance (WSCA) which consists of government agencies in fifteen (15) western states (including Alaska and Hawaii), and

WHEREAS, the State of New Mexico initiated the competitive bidding process for this contract and encourages all WSCA agencies to participate and benefit from the substantially lower pricing, and

WHEREAS, the City of Modesto currently has a Liebert Uninterruptible Power Supply (UPS) in the main datacenter located at 1010 10<sup>th</sup> Street, and

WHEREAS, the request for a sole brand procurement of a Liebert UPS for the Modesto Police Department (MPD) data center will allow for staff knowledge transfer for one type of UPS and consistency for monitoring and maintenance, and

WHEREAS, Liebert Corporation has recommended NWN Corporation for their design knowledge and expertise in implementation of a Liebert UPS for datacenters, and

WHEREAS, NWN Corporation will utilize a local electrician for all electrical installations, and

WHEREAS, awarding a contract by “accessing the terms” of the WSCA competitive bid process is an efficient and effective way to purchase the design services and installation of a complete Liebert UPS system, and

WHEREAS, the purpose of the UPS is to provide continuous power to all data center computer equipment in the event the power fails, and

WHEREAS, the UPS is the “failsafe” that protects the MPD’s data center, including mission critical servers and data systems, and

WHEREAS, the UPS provides vital temporary power in the event of loss of utility power to allow servers and data systems to shut down in a normal fashion, and

WHEREAS, the immediate mode of shutdown often results in severe damage to the servers and/or data systems, and

WHEREAS, the shutdown of the data center and applications would negatively impact the MPD staff and the citizens of Modesto, and

WHEREAS, the current UPS is beyond capacity, insufficient and may not sustain power draw demands for all systems, and

WHEREAS, due to the critical need the Information Technology Department obtained a cost estimate from NWN Corporation and electrical contract experienced in UPS system, taking advantage of the WSCA pricing, including installation and construction material,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of contract for the sole brand procurement, design, and installation of a Liebert 40kVANX Uninterruptible Power Supply for an estimated cost of \$119,800.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated cost of \$119,800.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-471**

**RESOLUTION APPROVING A SECOND AMENDMENT TO THE HOME LOAN AGREEMENT BETWEEN THE CITY OF MODESTO AND EAH, INC. TO UTILIZE \$250,000 FROM THE \$1 MILLION LOAN AS AN INTERIM GAP FINANCING TO START THE PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT AND ANY RELATED DOCUMENTS**

WHEREAS, on August 11, 2009, the City Council, by Resolution No. 2009-392, approved a HOME loan in the amount of \$1 million for the development of a 150-unit affordable housing project proposed by EAH, Inc., also referred as to Archway Commons, and

WHEREAS, on February 22, 2011, the City Council, by Resolution No. 2011-060, approved an Amendment to the HOME Loan Agreement between the City of Modesto and EAH, Inc. for the proposed development of affordable housing units, also known as Archway Commons, and

WHEREAS, in the last tax credit funding cycle, EAH, Inc. received an award for nine percent (9%) tax credits and will proceed to construction start by March 26, 2012, and

WHEREAS, on October 14, 2011, EAH, Inc. submitted a request to utilize \$250,000 of the HOME loan amount as an interim gap financing until permanent financing is secured,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the HOME Loan Agreement between the City of Modesto and EAH, Inc. for the proposed development of affordable housing units, also known as Archway Commons.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute the Second Amendment to Agreement and related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-472**

**RESOLUTION RESCINDING RESOLUTION NO. 2010-238 FOR THE SOLE SOURCE PROCUREMENT FOR THE PURCHASE AND INSTALLATION OF MOTOROLA P25 SIMULCAST CELL, DIGITAL TRUNKING PUBLIC SAFETY COMMUNICATION EQUIPMENT FOR THE MODESTO POLICE DEPARTMENT AND STANISLAUS REGIONAL COMMUNICATIONS CENTER TO MOTOROLA COMMUNICATIONS, BURLINGAME, CA, AND DELTA WIRELESS, TURLOCK, CA**

WHEREAS, four years ago Stanislaus County hired MACRO Corp. through an RFP process to perform a county-wide communications study, and

WHEREAS, MACRO Corp. recommended a county-wide, 14-site, 700-800 MHz, P25, linear simulcast trunking system be installed to replace all existing communication systems in the County, and

WHEREAS, this system would provide much needed inter-operability between all agencies and would improve radio communications county-wide, and

WHEREAS, a committee comprised of members of public safety departments from around Stanislaus County researched and determined that Motorola was the best choice at that time, and

WHEREAS, the committee asked permission to seek a sole source procurement to purchase from Motorola and although we met the requirements for the City to seek a sole source purchase, the committee later discovered that we did not meet the requirements that the Federal Government required for a sole source purchase, and

WHEREAS, the committee is asking that we now take our project to a formal "Request for Proposal" (RFP) process,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds Resolution No. 2010-238 for the sole source procurement for the

purchase and installation of Motorola P25 Simulcast Cell, Digital Trunking Public Safety Communication Equipment for the Modesto Police Department and Stanislaus Regional Communications Center to Motorola Communications, Burlingame, CA, and Delta Wireless, Turlock, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-473**

**RESOLUTION AUTHORIZING STANISLAUS COUNTY TO ISSUE AND  
AWARD THE PROPOSAL FOR THE P25 SIMULCAST CELL, DIGITAL  
TRUNKING PUBLIC SAFETY COMMUNICATION EQUIPMENT**

WHEREAS, four years ago Stanislaus County hired MACRO Corp. through an RFP process to perform a county-wide communications study, and

WHEREAS, MACRO Corp. recommended a county-wide, 14-site, 700-800 MHz, P25, linear simulcast trunking system be installed to replace all existing communication systems in the county, and

WHEREAS, this system would provide much needed inter-operability between all agencies and will improve radio communications county-wide, and

WHEREAS, a committee comprised of members of public safety departments from around Stanislaus County researched and determined that Motorola was the best choice at that time, and

WHEREAS, the committee asked permission to seek a sole source procurement to purchase from Motorola and although we met the requirements for the City to seek a sole source purchase, the committee later discovered that we did not meet the requirements that the Federal Government required for a sole source purchase, and

WHEREAS, the committee is asking that we now take our project to a formal "Request for Proposal" (RFP) process, and

WHEREAS, the Stanislaus County Purchasing Department will be the lead in this project working in close cooperation with City of Modesto Purchasing Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes Stanislaus County to issue and award the proposal for the P25 Simulcast Cell, Digital Trunking Public Safety Communication Equipment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-474**

**RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT DATED  
NOVEMBER 1, 2011 FOR REHABILITATION OF EMERALD LIFT STATION  
PROJECT AS COMPLETE**

WHEREAS, the Emerald Sanitary Lift Station was built in 1953 and last remodeled in 1994, and

WHEREAS, based on the Condition Assessment conducted as part of the City's 2007 Wastewater Collection System Master Plan (WWMP), section 6.4.2.1, this lift station requires remodel or replacement, and

WHEREAS, on March 22, 2011, by Resolution No. 2011-101, the City Council approved an agreement with HDR to complete the 35% design services for Rehabilitation of Emerald Lift Station project and summarize the project scope and cost estimates in a Preliminary Design Report (PDR), and

WHEREAS, both Public Works and Utility Planning & Projects staff worked closely with HDR to develop the PDR, and

WHEREAS, the 35% PDR has been successfully completed by HDR, and will serve as the basis for the final design of Rehabilitation of Emerald Lift Station project,

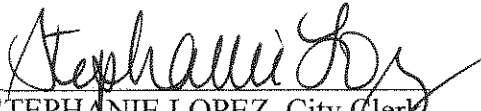
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Preliminary Design Report dated November 1, 2011 for Rehabilitation of Emerald Lift Station project as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-475**

**RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT DATED  
AUGUST 31, 2011 FOR REPLACEMENT OF HAHN LIFT STATION PROJECT  
AS COMPLETE**

WHEREAS, the Hahn Sanitary Lift Station was built in 1975 and last remodeled in 1999, and

WHEREAS, the dry well of the existing station is located under the middle of the curb return at the southeast corner of Honeycreek Road and Nightingale Drive (3808 Honeycreek Rd.), and the wet well is located at the centerline intersection of the streets, and

WHEREAS, based on the Capacity Evaluation and the Condition Assessment conducted as part of the 2007 Wastewater Collection System Master Plan (WWMP), sections 5.2.1.3.5 and 6.4.1.3, this lift station requires replacement, and

WHEREAS, the new site is located at 3200 Nightingale Drive, and

WHEREAS, on March 22, 2011, by Resolution No. 2011-101, the City Council approved an agreement with HDR to complete the 35% design services for Rehabilitation of Emerald Lift Station project and summarize the project scope and cost estimates in a Preliminary Design Report (PDR), and

WHEREAS, both Public Works and Utility Planning & Projects staff worked closely with HDR to develop the PDR, and

WHEREAS, the 35% PDR has been successfully completed by HDR, and will serve as the basis for the final design of Replacement of Hahn Lift Station project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Preliminary Design Report dated August 31, 2011 for Replacement of Hahn Lift Station project as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-476**

**RESOLUTION APPROVING AN AGREEMENT WITH HDR ENGINEERING, INC. FOR FINAL DESIGN SERVICES FOR EMERALD LIFT STATION PROJECT IN AN AMOUNT NOT TO EXCEED \$287,749 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS \$28,775 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF \$316,524, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the Emerald Sanitary Lift Station was built in 1953 and last remodeled in 1994, and

WHEREAS, based on the Condition Assessment conducted as part of the City's 2007 Wastewater Collection System Master Plan (WWMP), section 6.4.2.1, this lift station requires remodel or replacement, and

WHEREAS, on March 22, 2011, by Resolution No. 2011-101, the City Council approved an agreement with HDR to prepare Preliminary Design Reports (PDRs) for both Rehabilitation of Emerald Lift Station and Replacement of Hahn Lift Station projects, and

WHEREAS, both Public Works and Utility Planning & Projects staff worked closely with HDR to develop the PDR, and

WHEREAS, the 35% PDR has been successfully completed by HDR, and will serve as the basis for the final design of Rehabilitation of Emerald Lift Station project, and

WHEREAS, this Final Design Services Agreement will allow for the final design, development of biddable documents, and assistance during the bid period for the project, and

WHEREAS, City staff recommends approving an Agreement with HDR as the City does not have the staffing level or subject matter expertise to complete the Final Design Services for Rehabilitation of Emerald Lift Station project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with HDR Engineering, Inc. for final design services for Rehabilitation of Emerald Lift Station project an amount not to exceed \$287,749 for the identified scope of services, plus \$28,775 for additional services (if needed), for a maximum total amount of \$316,524.

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 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-477**

**RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR SERVICES PROVIDED BY THE CITY RELATED TO THE AIRPORT DISTRICT SEWER SYSTEM DESIGN, IN THE NOT-TO-EXCEED AMOUNT OF \$266,200; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the existing sewer facilities serving residential properties in the Airport District consist of privately owned residential septic tanks, and

WHEREAS, the County of Stanislaus (County) has the need for sewer design services for its Airport District Septic to Sewer Planning, Design and Engineering Project, and

WHEREAS, the City of Modesto (City) has qualified staff with the experience to perform design services and the work set forth in the Scope of Services in the **attached** Memorandum of Agreement (MOA), and

WHEREAS, the County has agreed to compensate the City for design services related to the County's Airport District Septic to Sewer Planning, Design and Engineering Project, in the not-to-exceed amount of \$266,200, and

WHEREAS, the purpose of this MOA 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 a Memorandum of Agreement between the City of Modesto and the County of Stanislaus for services provided by the City related to the Airport District Sewer System Design, in the not-to-exceed amount of \$266,200.


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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
SUSANA ALCALA WOOD, City Attorney

**MEMORANDUM OF AGREEMENT  
FOR SERVICES RELATED TO  
AIRPORT DISTRICT SEWER SYSTEM DESIGN  
(Sewer Design Services)**

This memorandum of agreement (MOA) is made and entered into this 13th day of December, 2011, by and between the City of Modesto (hereinafter referred to as "City") located at 1010 10<sup>th</sup> Street, Suite 4600 P.O. Box 642, Modesto, CA 95353, and the County of Stanislaus (hereinafter referred to as "County") located at 1716 Morgan Road, Modesto, CA 95358.

**INTRODUCTION**

WHEREAS, the existing sewer facilities serving residential properties in Airport District consist of privately owned residential septic tanks. The design of sewer system, to connect residential properties within Airport District to the City of Modesto sewer system, will be funded by the Cleanup and Abatement Account Grant from the California State Water Board.

WHEREAS, County has the need for sewer design services for the Airport District Septic to Sewer Planning, Design and Engineering Project (hereinafter referred to as "Project"). The purpose of this MOA is to facilitate cooperation between the City and the County for the above referenced services.

WHEREAS, City of Modesto has the qualified staff with the experience to perform such services;

NOW, THEREFORE, the parties hereby mutually agree as follow:

**TERMS AND CONDITIONS**

**1 SCOPE OF WORK:**

1.1 City shall furnish to the County those services and work set forth in the attached Exhibit "A", entitled "Scope of Services", hereby incorporated and made a part of this MOA.

**2 WORK SCHEDULE:**

2.1 City agrees to perform in a timely manner, those services set forth in Exhibit "A", within the dates specified on said exhibit and titled "Project Timeline." Failure to meet the schedule could result in loss of funding from the Cleanup and Abatement Account Grant.

**3 COMPENSATION:**

3.1 County agrees to compensate City for those services set forth in Exhibit "A" using the method defined in said exhibit and titled "Compensation."

**4 TERM:**

4.1 The term of this MOA shall be from the dates of approval of this MOA until completion of the services as set forth in Exhibit "A" and any written amendments or changes thereof.

**5 AMENDMENTS:**

5.1 This MOA may be modified, amended, changed, added to or subtracted from or terminated by the mutual consent of the parties hereto if such amendment or changes is in written form and executed with the same formalities as this MOA and attached to the original continuity.

**6 TERMINATION:**

6.1 Either party may terminate this Agreement upon 30 days written notice to the other party. Expenditures through the date of termination will be reimbursed to the City.

**7 INDEMNITY:**

7.1 Each Party mutually agrees, pursuant to Government Code section 895.4, to indemnify, hold harmless, and defend the other Party, its County Board of Supervisors, City Councils, boards and commissions, officers, agents, employees, and volunteers (collectively, the "indemnified Parties") in an amount equal to its proportionate share of liability on a comparative fault basis. This indemnity obligation shall exist with respect to any claim, loss, liability, damage, lawsuit, cost or expense that arises out of, or is any way related to, the performance of services pursuant to this Agreement. This indemnity obligation extends, without limitation, to any injury, death, loss, or damage which occurs in the performance of the Agreement and that is sustained by a third party, agent, or contractor of a Party. Each Party executing this Agreement certifies that it has adequate self insured retention of funds to meet any obligation arising from this Agreement, and it shall continue to maintain such funds throughout the Term of this Agreement. Notwithstanding the foregoing, nothing herein shall be construed to require any Party to indemnify any other Party from any Claim arising from the sole negligence or willful misconduct of another Party. Nothing in this section shall be construed as authorizing an award of attorney fees in any action on or to enforce the terms of this Agreement. This indemnity shall apply to all Claims and liability regardless of whether any insurance policies are applicable. Any policy limits shall not act as a limitation upon the amount of indemnification to be provided.

7.2 At its sole discretion, the indemnified Party may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve the indemnitor of any obligation imposed by this Agreement. The Parties shall notify each other promptly of any claim, action or proceeding and cooperate fully in the defense. The Parties agree to defend themselves from any claim, action or proceeding arising out of the concurrent acts or omissions of each Party. In such cases, the Parties agree to retain their own legal counsel, bear their own defense costs, and waive their right to seek reimbursement of such costs. Where a trial verdict or arbitration award allocates or determines the comparative fault of the parties, the Parties may seek reimbursement and/or reallocation of defense costs, settlement payments, judgments and awards, consistent with such comparative fault. The provisions of this section shall survive the termination of this Agreement.

**8 ENTIRE UNDERSTANDING:**

8.1 This MOA contains the entire understanding of the parties and no representations, inducements, promises, or agreements otherwise between the parties not embodied herein or incorporated here by reference shall be of any force of effect.

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. 2011-\_\_\_\_\_, adopted by the Council of the City of Modesto on the 13th day of December, 2011, and COUNTY has authorized the execution of this Agreement in duplicate by the Director of the Department of Planning and Community Development under authority of Resolution No. D-1, adopted by the Board of Supervisors of Stanislaus County on the 4th day of October, 2011.

CITY OF MODESTO,  
a Municipal Corporation

COUNTY OF STANISLAUS, a  
Political Subdivision of the State of California

By \_\_\_\_\_  
GREG NYHOFF, City Manager

\_\_\_\_\_  
KIRK FORD, Director  
Department of Planning and Community Development

ATTEST:

APPROVED AS TO FORM:  
JOHN DOERING, County Counsel

By \_\_\_\_\_  
STEPHANIE LOPEZ, City Clerk

By \_\_\_\_\_  
THOMAS E. BOZE,  
Deputy County Counsel

(SEAL)

APPROVED AS TO FORM:  
SUSANA ALCALA WOOD, City Attorney

By \_\_\_\_\_  
ROLAND R. STEVENS,  
Assistant City Attorney

## EXHIBIT A SCOPE OF SERVICES

It is the intent of City of Modesto to provide all aspects of sewer system design services for this project and work in full cooperation and at the direction of the County ("Client").

### TASK 1 - PROJECT MANAGEMENT

#### Task 1.1 – Project Meetings

Conduct project meetings and regular correspondence with client.

- a. Project kickoff meeting.
- b. Communications and progress meetings to coordinate the work with utilities, design team, and the client (6 meetings).
- c. 30, 60 and 90-percent design review meetings to receive and discuss client review comments to be incorporated into the final design.

#### Task 1.2 – Project Tracking

Provide a primary point of contact to the City Design Staff's team. Schedule regular progress meetings and incorporate directives and recommendations into the final design effort. Maintain schedule and budget accountability and provide monthly progress reports to keep the client informed about City Design Staff's progress.

#### Task 1.3 – Project Schedule

City Design Staff will prepare and maintain a project schedule to track the tasks and milestones for completing the final design.

### TASK 2 – FIELD INVESTIGATIONS

#### Task 2.1 – Coordinate with Existing Utilities

City Design Staff will coordinate with the agencies and utility companies identified needed to confirm locations of utilities and work with the utility owners to avoid conflicts with the design of the proposed sewer and structures.

#### Task 2.2 – Topographic Survey

City Design Staff will perform a topographic design level survey for confirmation and identification of surface features that will affect the design and placement of the sewer lines. City Design Staff shall perform a survey of the alignment to identify property lines, easements, current elevations, visible surface features of existing utilities, existing structures and to reconcile any discrepancies with base maps.

Pothole existing road at all locations critical for sewer design and construction. Locate any existing utilities that may conflict with installation of the proposed sewer improvements. For budgeting purposes assume one week of backhoe time to verify all vertical constraints for the sewer design.

### TASK 3 – PRELIMINARY DESIGN

City Design Staff will prepare and provide a preliminary design report to the client for review and comment that shall include a preliminary layout (30% design) and engineer's preliminary cost estimate based upon topographic survey, existing utilities and other constraints.

### TASK 4 – CONSTRUCTION DOCUMENTS

#### Task 4.1 – Develop 60 Percent Plans and Specifications

Provide 60% construction documents to the client for review and comment. Three (3) half size plan sets, one (1) full size plan set, three (3) copies of specifications in Special Provisions Format and an updated cost estimate will be provided for review along with an electronic copy of all submittal documents.

#### Task 4.2 – Develop 90 Percent Plans and Specifications

City Design Staff will incorporate 60% submittal review comments from the client for Task 4.1 into the 90% construction documents and resubmit to the client for review along with an electronic copy of all submittal documents. Three (3) half size plan sets, one (1) full size plan set, three (3) copies of specifications in Special Provisions Format and an updated cost estimate will be provided for review.

#### Task 4.3 – Develop FINAL Plans and Specifications

City Design Staff will incorporate 100% submittal review comments from the client for Task 4.2 into the FINAL construction documents and provide to the client for bidding purposes.

#### Deliverables:

- **Plans:** Two sets of full-size (24" x36") drawings with County provided borders. All sheets shall be uniform size as specified on the County Design Criteria. The plans shall be in a format to allow construction staking directly from the plans. One wet-stamped by engineer on vellum, the other on bond. CD containing electronic files of plans produced in a format readable by Auto Desk Civil 3D, release 2010.
- **Specifications:** Three bound copies of the Special Provisions relevant to the Project that will be used by the County to advertise and construct the project. Cover to be wet-stamped by engineer; engineer's opinion of construction costs in bid schedule format; and a CD containing electronic files of the specifications in Microsoft Word (one file) and PDF format (one file). Special Provisions shall be delivered to the County after 100% plans are ready and signed by the engineer.

#### Task 4.4 – Develop Estimate of Probable Costs

City Design Staff will utilize the most current cost data and information from recent projects to update the cost estimates provided in the preliminary design. Project estimate prepared by the City of Modesto shall use Caltrans standard bid item descriptions wherever possible. Three hard copies and one electronic copy on a CD of final signed and stamped engineer's estimates shall be delivered to the County after 100% plans are signed by the engineer. Note, the County will use engineer's estimate to prepare bid quantities that will be released to public during project advertisement for construction. The City of Modesto shall be responsible and accountable for the accuracy of the



final engineer's estimate. It is ideal that the lowest bid for construction is below engineer's estimate.

### PROJECT TIMELINE

30% Plans	February, 2012
60% Plans	April, 2012
90% Plans	May, 2012
100% Plans and Specifications	June, 2012
Advertise for construction	August, 2012
Bid Opening	September, 2012
Award construction contract	October, 2012

### COMPENSATION:

City of Modesto will be compensated on a time and material basis, based on the actual hours worked by the City of Modesto employees at the weighted hourly rates in effect at the time of performance of the work. The parties hereto acknowledge the maximum amount to be paid by the County for the service provided shall not exceed the following: **\$266,200**.

City of Modesto will invoice County on monthly basis for services performed by City of Modesto on said project. The County Department of Public Works will review and approve invoices. City of Modesto shall provide all the back up detail to support the invoiced charges.

[END of Exhibit]

H:\County Islands\8050 - Airport Sewer\Board\01\_Approve MOA

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-478**

**RESOLUTION APPROVING AN AGREEMENT WITH CALIFORNIA VALLEY REAL ESTATE, INC. DBA PRUDENTIAL CALIFORNIA REALTY FOR ON-CALL REAL ESTATE BROKER SERVICES FOR VARIOUS UTILITY PLANNING & PROJECTS – CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED \$100,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS**

WHEREAS, the Utility Planning and Projects Department (UP&P) has received requests to market and sell certain surplus City parcels, and

WHEREAS, in order to facilitate the requests, UP&P has determined the best method to market the properties is through the use of professional real estate brokers, and

WHEREAS, real estate firms have the resources to widely list the surplus properties, by using numerous listing and advertising services for maximum exposure to the general public, and

WHEREAS, on May 11, 2011, in compliance 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 initiated to perform on-call real estate broker services, and

WHEREAS, the Request for Qualifications was sent to nine (9) real estate broker firms. We received responses from four (4) firms who provided Qualification Statements and all were interviewed by the selection panel, which was comprised of three staff members of UP&P, and

WHEREAS, three (3) consulting firms, consisting of Rand Commercial Properties, Prudential California Realty, and Coldwell Banker Commercial, were chosen

as the most qualified since they are all licensed by the state and have several years experience in marketing and selling Modesto area properties, and

WHEREAS, subsequent to the selection process, Coldwell Banker Commercial withdrew its name from the selection list, and

WHEREAS, the remaining two firms are deemed qualified to provide the requested on-call real estate broker services in a timely, efficient, and cost effective manner, and

WHEREAS, Prudential California Realty (Prudential) of Modesto began under a different name and later changed its name when it became Prudential; it has over 45 years of experience in Modesto and the Central Valley, and

WHEREAS, this firm has previously provided services to other government agencies, including the U.S. Government, the State of California, and Stanislaus County, and

WHEREAS, Prudential will charge the City a six percent (6%) commission rate, which is the real estate industry standard rate, and

WHEREAS, Prudential's marketing strategy is thorough, well experienced in the Modesto market, and has an edge with a more creative marketing strategy, and

WHEREAS, both firms use the standard listing services and Prudential uses additional services with state and national exposure, including direct e-mail marketing to its list of interested buyers, and

WHEREAS, it is also a larger firm with separate agents assigned to residential and commercial properties for City-owned parcels, 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, Prudential will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

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

WHEREAS, at time of closing, Prudential shall be paid commission out of proceeds from the sale of the subject property by the title company, and

WHEREAS, revenues from the proceeds from property sales will be returned to each specific CIP project that originally funded the project, or determined on a case by case basis, and

WHEREAS, City staff recommends an On-call Appraisal and Consultant Services Agreement with Prudential be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with California Valley Real Estate, Inc. dba Prudential California Realty for On-call Appraisal and Consultant Services for various Utility Planning & Project Dept. – Capital Improvement Program projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed \$100,000 per year. Total cost for three years is not to exceed \$300,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with California Valley Real Estate, Inc. dba Prudential California Realty, and up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-479**

**RESOLUTION APPROVING AN AGREEMENT WITH RAND COMMERCIAL PROPERTIES FOR ON-CALL REAL ESTATE BROKER SERVICES FOR VARIOUS UTILITY PLANNING & PROJECTS – CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED \$100,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS**

WHEREAS, the Utility Planning and Projects Department (UP&P) has received requests to market and sell certain surplus City parcels, and

WHEREAS, in order to facilitate the requests, UP&P has determined the best method to market the properties is through the use of professional real estate brokers, and

WHEREAS, real estate firms have the resources to widely list the surplus properties, by using numerous listing and advertising services for maximum exposure to the general public, and

WHEREAS, on May 11, 2011, in compliance 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 initiated to perform on-call real estate broker services, and

WHEREAS, the Request for Qualifications was sent to nine (9) real estate broker firms. We received responses from four (4) firms who provided Qualification Statements and all were interviewed by the selection panel, which was comprised of three staff members of UP&P, and

WHEREAS, three (3) consulting firms, consisting of Rand Commercial Properties, Prudential California Realty, and Coldwell Banker Commercial, were chosen

as the most qualified since they are all licensed by the state and have several years experience in marketing and selling Modesto area properties, and

WHEREAS, subsequent to the selection process, Coldwell Banker Commercial withdrew its name from the selection list, and

WHEREAS, the remaining two firms are deemed qualified to provide the requested on-call real estate broker services in a timely, efficient, and cost effective manner, and

WHEREAS, Rand Commercial Properties (Rand) of Modesto, has over 32 years of local real estate experience and has previously worked with the City of Modesto successfully selling and leasing various properties, and

WHEREAS, Rand will charge the City a five percent (5%) commission rate, which is less than the real estate industry standard rate, and

WHEREAS, Rand is a smaller firm, not associated with a national chain, and is able to charge the lesser rate to attract more business, and

WHEREAS, this is a benefit to the City to be able to realize a significant savings that may total several thousand dollars over the life of the on-call agreement with Rand, and

WHEREAS, Rand has a proven track record of successfully bringing together sellers and buyers, and has previously represented the City in selling and leasing City property, 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, Rand will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

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

WHEREAS, at time of closing, Rand shall be paid commission out of proceeds from the sale of the subject property by the title company, and

WHEREAS, revenues from the proceeds from property sales will be returned to each specific CIP project that originally funded the project, or determined on a case by case basis, and

WHEREAS, City staff recommends an On-call Appraisal and Consultant Services Agreement with Rand be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Rand Commercial Properties for On-call Appraisal and Consultant Services for various Utility Planning & Project Dept. – Capital Improvement Program projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed \$100,000 per year. Total cost for three years is not to exceed \$300,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Agreement with Rand Commercial Properties, and up to two one-year extension options.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour


NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-480**

**RESOLUTION REJECTING ALL BIDS FOR THE PHASE 2 BNR/TERTIARY  
TREATMENT PROJECT PRELIMINARY SITE PREPARATION**

WHEREAS, as part of the Phase 2 BNR/Tertiary Wastewater Treatment Project (Phase 2 Project), the City submitted an application to receive a loan through the Clean Water State Revolving Fund (CWSRF) to fund the project, and

WHEREAS, there have been unanticipated delays during the review of the CWSRF loan application which in turn delayed the advertisement and impacted the construction schedule of the Phase 2 Project, and

WHEREAS, staff determined that pre-construction site preparation activities were necessary in order to keep as much as possible of the construction schedule intact in an effort to meet the regulatory compliance date, and

WHEREAS, bids received for the Preliminary Site Preparation project were opened at 11:00 a.m. on September 6, 2011, and later tabulated by the Director of Utility Planning & Projects for the consideration of the Council, and

WHEREAS, the City has since received CWSRF funding approval earlier than originally anticipated which consequently no longer creates the need for pre-construction site preparation activities, and

WHEREAS, City staff recommends rejecting all bids received for the Phase 2 BNR/Tertiary Treatment Project Preliminary Site Plan and reincorporating the site preparation activities into the Phase 2 Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Phase 2 BNR/Tertiary Treatment Project Preliminary Site Plan opened in the office of the City Clerk on September 6, 2011.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-481**

**RESOLUTION APPROVING A FINDING THAT THE PHASE 2  
BNR/TERTIARY WASTEWATER TREATMENT PROJECT IS  
SUBSTANTIALLY COMPLEX AND THEREFORE REQUIRES A HIGHER  
RETENTION AMOUNT THAN FIVE PERCENT (5%)**

WHEREAS, on October 9, 2011, California Governor Brown signed Senate Bill 293 (SB 293) into law, which includes the adoption of new Public Contract Code Section 7201 and caps retention of progress payments for all public works projects at 5%, and

WHEREAS, Section 7201 allows retention to exceed 5% on specific projects where the governing body has approved a finding during a scheduled public hearing and prior to bid that the project is substantially complex and therefore requires a higher retention amount than 5%, and

WHEREAS, both the finding and the actual approved retention must be included in the bid documents, and

WHEREAS, City staff began advertising for bids on November 8, 2011 for the Phase 2 BNR/Tertiary Wastewater Treatment Project and intends to open bids on January 18, 2012, and

WHEREAS, the current bid documents do not reflect the new SB 293 as it relates to retention, and

WHEREAS, City staff has determined that the Phase 2 BNR/Tertiary Wastewater Treatment Project is substantially complex based on factors including its size, the length of time to construct the project and the highly technological equipment involved, and

WHEREAS, City staff recommends approving a finding that the Phase 2 BNR/Tertiary Wastewater Treatment Project is substantially complex and therefore requires a retention higher than 5%, and

WHEREAS, notice of the public hearing has been duly given as required by Public Contract Code Section 7201, and the Council has heretofore held such public hearing at which all interested persons were given an opportunity to be heard on all matters related to the Phase 2 BNR/Tertiary Wastewater Treatment Project retention,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a finding that the Phase 2 BNR/Tertiary Wastewater Treatment Project is substantially complex and therefore requires a retention higher than five percent (5%).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-482**

**RESOLUTION APPROVING A RETENTION IN THE AMOUNT OF TEN PERCENT (10%) FOR THE PHASE 2 BNR/TERTIARY WASTEWATER TREATMENT PROJECT**

WHEREAS, on October 9, 2011, California Governor Brown signed Senate Bill 293 (SB 293) into law which includes the adoption of new Public Contract Code Section 7201 and caps retention of progress payments for all public works projects at 5%, and

WHEREAS, Section 7201 allows retention to exceed 5% on specific projects where the governing body has approved a finding during a scheduled public hearing and prior to bid that the project is substantially complex and therefore requires a higher retention amount than 5%, and

WHEREAS, both the finding and the actual approved retention must be included in the bid documents, and

WHEREAS, City staff began advertising for bids on November 8, 2011 for the Phase 2 BNR/Tertiary Wastewater Treatment Project and intends to open bids on January 18, 2012, and

WHEREAS, the current bid documents do not reflect the new SB 293 as it relates to retention, and

WHEREAS, City staff has determined that the Phase 2 BNR/Tertiary Wastewater Treatment Project is substantially complex based on factors including its size, the length of time to construct the project and the highly technological equipment involved, and

WHEREAS, City staff recommends approving a retention in the amount of 10% as part security for fulfillment of the contract by the contractor, and

WHEREAS, notice of the public hearing has been duly given as required by Public Contract Code Section 7201, and the Council has heretofore held such public hearing at which all interested persons were given an opportunity to be heard on all matters related to the Phase 2 BNR/Tertiary Wastewater Treatment Project retention,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a retention in the amount of ten percent (10%) for the Phase 2 BNR/Tertiary Wastewater Treatment Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

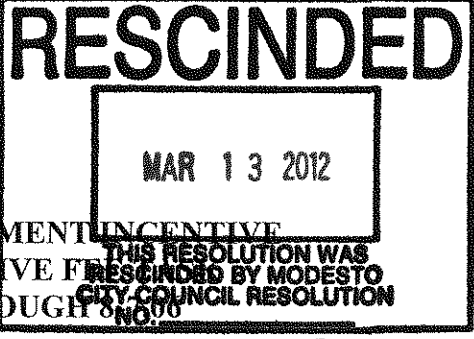
ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney



**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-483**

**A RESOLUTION ADOPTING THE ECONOMIC DEVELOPMENT INCENTIVE PROGRAM AS RECOMMENDED BY THE COMPREHENSIVE FEE TASK FORCE AND REPEALING MUNICIPAL CODE 8-7.01 THROUGH 8-7.06**

WHEREAS, the City Council Finance Committee approved the formation of the Comprehensive Fee Task Force (CFTF) on November 23, 2009, and

WHEREAS, one of the primary objectives of the CFTF was to evaluate and coordinate development fees to ensure they were aligned with the development process, and

WHEREAS, the CFTF made recommendations for new development fees, policy process and procedural changes that were adopted by the City Council in Resolutions 2011-104, 2011-105 and 2011-106, and

WHEREAS, the CFTF was directed by the Finance Committee to continue their work and recommend an Economic Development Incentive Program to assist in the attraction of new business and retention of existing business and the creation of jobs in Modesto, and

WHEREAS, the CFTF considered the goals and strategies of the City of Modesto 2003 Economic Development Plan to identify categories that best measure economic value, and

WHEREAS, the Task Force agreed on the following measurement categories:

- 1. IMPLAN
- 2. Number of jobs created
- 3. Location
- 4. Infrastructure and services impact
- 5. Bonus points for higher paid jobs and mixed use projects



WHEREAS, the Finance Committee reviewed and recommended approval of the Task Force recommendations on September 26, 2011,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Economic Development Incentive Program using the five measurement categories as recommended by the Comprehensive Fee Task Force and described further in **Attachment A**, and repealing Municipal Code 8-7.01 through 8-7.06.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney

ATTACHMENT A

**CITY OF MODESTO  
ECONOMIC DEVELOPMENT PLAN**

**PREPARED FOR  
CITY OF MODESTO**

**PREPARED BY  
ESI CORPORATION  
300 West Clarendon  
Suite 470  
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**JUNE 2003**

## Acknowledgements

This report was prepared in consultation with the City of Modesto, the Economic Development and Workforce Alliance (The Alliance) and the Modesto Economic Development Committee whose representatives are noted below.

### Modesto Economic Development Committee

George Boodrookas, Modesto Junior College  
David Boring, Downtown Improvement District  
Linda Boston, City of Modesto  
George Britton, City of Modesto  
Bill Conrad, City Council  
Jack Crist, City of Modesto  
Melissa Hardy, City of Modesto  
Denny Jackman, City of Modesto  
Brad Kilger, City of Modesto  
Chris Mayer, Modesto Irrigation District  
Delyn Meyers, The Alliance  
Will O'Bryant, City of Modesto  
David Olson, Taco Bell/OCAT Inc.  
Gary Plummer, Chamber of Commerce  
Carmen Sabatino, City of Modesto  
Laurie Smith, City of Modesto  
Carletta Evans Steele, State of California EDD - Stanislaus Co. Branches  
Jim Swaney, Valley Air District  
Lorne Truscott, Panelized Structures  
Brian Velthoen, Velthoen Associates  
Debra Whitmore, Stanislaus Council of Governments  
Dennis Wilson, Horizon Consulting  
Bill Zoslocki, Bill Zoslocki Construction

This report was funded by the California Department of Housing and Community Development, Jobs to Housing Balance Improvement Grant Program.

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## EXECUTIVE SUMMARY

Communities today can no longer rely on being the low cost alternative to achieve economic development success. Companies are no longer wooed solely by the notion of cheap land and electric rates, but are also looking for unique value. The business of economic development has become more complex with a whole new set of variables such as global competition, advanced technologies and a volatile labor market. The new paradigm that cities must embrace to be successful has changed from marketing a low cost location to seeding a high quality of life that encourages entrepreneurship and attracts or "grows" knowledge workers. The key to success is ensuring that all companies become New Economy industries by adopting the latest technology, training their workers and exporting to global markets.

Facing the challenges of competition in a global economy will be an important key to succeed in economic development in the city of Modesto and Stanislaus County. Having a highly productive workforce, convenient transportation networks, advanced telecommunications infrastructure, and a coveted quality of life are among the key factors that can make a community more desirable.

To help position Modesto in the global economy, city leaders participated in a city and countywide economic development planning process. This process resulted in the creation of a five-year economic development strategic plan to guide economic development decisions and policy in Modesto. Concurrent to the Modesto planning process was the development of a Countywide Economic Development and Marketing Plan whose sole purpose is to support and facilitate economic development in Modesto and other Stanislaus County partner communities.

In creating the Modesto and countywide plans, the ESI Strategic Planning Team conducted a variety of research and planning activities. This included a thorough review of previous studies and plans on the region, county, and cities; local and regional evaluations of site selection factors such as land, building, utilities, and workforce; analysis of industries that would be a good fit for the county; and a marketing assessment.

## KEY FINDINGS

An aggressive public policy framework for economic development must be undertaken which addresses the key issues hampering economic growth in Modesto and Stanislaus County. Many of these issues must be resolved at the regional level, while some of them at the local level. The collective interests and participation of government, education, business and social service agencies will be necessary in order to achieve any measure of success.

## LEADERSHIP

Stanislaus County, like many other regions, has conducted numerous studies over the years which identified a variety of issues to be addressed. Many of the issues identified are fundamental to economic growth and some speak to the area's quality of life. In most cases, these studies and plans are still as applicable today as when they were first drafted. However, they lacked the

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leadership, collaboration, human and financial resources, and political will necessary for implementation. Fragmentation of leadership, lack of consensus and a culture of blame and mistrust permeate the area which has hindered the advancement of countywide goals.

### *EDUCATION*

Education and skills are the ticket to upward mobility and increased earnings. More than one-half the jobs created in the U.S. between 1984 and 2005 will require some education beyond high school.<sup>1</sup> In 2000, nearly 30 percent of the county's population 25 and older did not have a high school diploma, and only 14 percent had a four year college degree or higher, this compared to the state at 23 percent and 27 percent respectively. The next generation does not appear to be changing this trend of lower educational achievement. In Stanislaus County 3.7 percent of high school students dropped out in the 2000-2001 school year compared to 2.8 percent in the state, and only 25 percent of high school seniors took the SAT or ACT, the common tests needed to enter college, compared to 38 percent at the state level. The situation for Hispanic students is even more concerning as they represent one-third of the total high school students, but over half of the dropouts.

### *WORKFORCE*

The county experienced significant job growth from 1991 to 2000, growing by 22 percent compared to the neighboring counties of Merced and San Joaquin that grew by 6 and 20 percent respectively. However, the average wage in Stanislaus County grew by only 4 percent when adjusted for inflation showing that the jobs added were not of the type to change the overall trends in the local economy. In addition, unemployment rates remained twice as high as the state, with significant seasonal fluctuations. In 2000, over 20 percent of the employed residents of Stanislaus County worked outside the county.

In comparing regions that Stanislaus County competes with it was revealed that wage rates are a major strength for the county. However, limited basic skills, drug and alcohol issues, and limited English language skills were identified as challenges that employers face. The population and workforce is growing, with all key occupations expected to increase. Skilled job availability is below average, while unskilled, semiskilled, and management availability is above average. Clerical availability is very good. The county lacks engineering or Ph.D. level programs; however California State University, Stanislaus recently started the Agriculture Studies Department to address an important educational track for the local economy. Modesto's education community has begun addressing some of the basic workforce challenges by linking business and education through programs that give students and teachers workplace experience through mentoring and internships.

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<sup>1</sup> Arnold E. Packer, et al., *Workforce 2000: Work and Workers for the 21<sup>st</sup> Century* (Indianapolis, Ind: Hudson Institute, 1987).



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### *TRANSPORTATION*

Infrastructure has always played an important role in economic development. Investments in commonly shared economic resources, such as roads and bridges, allowed companies in an industrial economy to be more productive. In Stanislaus County the transportation infrastructure has not kept pace with growth. Much of the existing infrastructure is antiquated and the financial resources are not available to increase overall capacity of the existing transportation network. There is also a lack of consensus on the part of decision makers as to the construction priorities. StanCOG estimates that the minimum transportation needs in the county exceed currently available funding by \$1.6 billion. While many communities across the country today are focusing on the development of New Economy infrastructure, Stanislaus County has to play catch up and significantly increase its investment in transportation improvements.

### *SITES, BUILDINGS, AND INFRASTRUCTURE*

It goes without saying that communities who are successful at recruitment and retention have an adequate supply of fully improved land and vacant buildings. Having an inventory of suitable space will position the County well into the future to successfully compete for quality business opportunities. Today the county lacks large, fully improved sites that are ready for construction, and available buildings that meet current industry standards. There are however many large sites without infrastructure and small sites that are ready for construction. The soon to be available West Patterson Business Park is an excellent example of a business park that meets the needs of today's business.

### *QUALITY OF LIFE*

The key to recruiting and retaining companies in an economy in which skills are the scarcest resource is attracting or "growing" knowledge workers. As a result enhancing the quality of life by providing abundant amenities, a clean environment, and a superior quality of life is more important today to attract and retain a quality labor force.

The communities in Stanislaus County offer a variety of lifestyle choices from urban downtowns to rural ranches. The planned Gallo Arts Center and white river rafting are two examples of the diversity offered. Cost of living and housing prices are lower than large metropolitan areas where the county may attract businesses from, however housing prices are slightly higher than some regional competitors.

### *AIR QUALITY*

Stanislaus County is within the San Joaquin Valley Air Pollution Control District, an eight county region which includes San Joaquin County to the north and Kern County to the south. The combination of internal and external factors results in a non-attainment designation for ozone and PM-10 by both Federal and State criteria for the entire district. While Stanislaus County itself has only minor pollution issues, the higher pollution levels in the southern counties impact the designation for the entire district. The effects of non-attainment status are the need to develop a plan to achieve attainment, and increased federal and state regulation of the amount of pollution that can be emitted by businesses.

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### RECOMMENDATIONS

Focusing resources and policy efforts towards improving or rectifying the key issues identified by the ESI Strategic Planning Team will position the county, the cities and The Alliance in developing a vibrant economy and building stronger sustainable communities. Recommendations presented here will help advance the larger progressive goals, such as higher incomes, new job opportunities, more individual choice and stronger communities. Some of the recommendations are best implemented on a city level while others are best at the countywide level.

#### *ECONOMIC DEVELOPMENT*

- Develop The Alliance into a true public private partnership for the implementation of economic and workforce development activities. Increase participation and financial contributions from the private sector.
- Create an economic development team (EDT) that will serve as an advisory committee to The Alliance by providing input on marketing, industry targets, research needs, and economic development process and procedures. The Economic Development Team (EDT) should include the key person responsible for economic development from the county and each member city.
- Bring together CEOs and general managers of local companies quarterly to understand the key issues in the business community.
- Develop a countywide Agri-Sciences Industry Cluster. This group of the core agriculture businesses, their related support industries, academia, and workforce training providers will work to improve the competitiveness and profitability of the industry by connecting business with suppliers; academia for innovation; and workforce development for skills enhancement.

#### *EDUCATION AND WORKFORCE*

- Develop strong connections between universities, colleges, the public sector, and business community to ensure that research priorities and economic development strategies are linked. This should include the development of a four-year engineering degree focused on agriculture that can be obtained entirely within Stanislaus County.
- Develop a continuum of education from pre-school through elementary school, high school, post secondary technical schools, and colleges. The continuum should offer smooth transitions and articulation of programs between institutions. It should further build relationships between educators to identify challenges, exchange successful strategies, and develop inter-institution solutions.
- Strengthen the relationships between business and K-12 educators. Relationships are strained in many communities as businesspeople do not see quality workers emerging from the K-12 education system, and educators believe that the community at large does not understand the often conflicting mandates with which they must contend. Businesspeople need to understand their dual roles of both explaining their needs to educators and offering workplace experiences for students. Educators need to clearly articulate their constraints, work with the businesspeople to identify solutions to their issues, and be open to regular modification of programs to meet the changing needs of business.
- Implement strategies to lower the dropout rate in the county, especially among Hispanic teenagers.
- Develop post-secondary training programs that hold both businesses and educators accountable for outcomes. Too often educators attempt to build programs that meet the needs

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of business but miss the mark due to reasons that include incomplete articulation of needs from the business community or misinterpretation by the educators. Both parties need to work together to continually assess and refine programs to meet the desired outcome.

### *BUSINESS DEVELOPMENT*

- Foster entrepreneurship and small businesses through targeted training and the creation of a business incubator.
- Develop a collaborative approach to business retention and expansion that will utilize the resources of The Alliance, local chambers of commerce, and jurisdictional staff to meet with existing businesses and spread the word about new programs.

### *INFRASTRUCTURE AND SITES*

- Prioritize and fund needed transportation improvements. Although various groups have come together in the recent past, a solution agreeable to all parties remains elusive. A solution with widespread political support from the business community as well as local and county governments must be developed.
- Increase the amount of land available for commercial and industrial development by extending infrastructure and developing business and industrial parks.

### *AIR QUALITY*

- Confront the issues of air quality in advance of federal sanctions. The air quality issues facing the county are not likely to go away, and choosing a wait-and-see course of action may not be the best approach due to the long timeframes needed to implement a chosen course.

## **MODESTO STRATEGIC DIRECTION**

The Modesto economic development plan is a blueprint of the city's priorities in the area of economic development over the next five years. It identifies specific issues that the city will focus on, and the strategies to be undertaken to perpetuate short and long term economic development successes for Modesto. This plan was developed in conjunction with the Modesto Economic Development Committee and city staff. Their participation in meetings and input to draft reports helped mold a realistic plan that can be implemented over the course of the next five years.

As a foundation to build from, the Modesto Economic Development Committee used the City of Modesto's vision, which follows here:

*Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.*

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The Modesto Strategic Planning Team built on the City's overall vision by agreeing upon the following economic development directive for the future of the community.

*Modesto will be an economically diverse and vibrant community, which works with its partners in the region to implement economic development practices that encourage businesses which raise our community's median income and reduces unemployment.*

The findings from our research and analysis include a number of key strengths to leverage and key weaknesses to overcome in order for Modesto to optimize business development opportunities.<sup>2</sup>

### **STRENGTHS TO LEVERAGE**

- Low electric power costs
- Proximity to State Highway 99
- Center of government for Stanislaus County
- Mainline rail access
- Revitalized and flourishing downtown
- Home of the Gallo Arts Center and other cultural amenities
- Planned office projects in downtown
- Large outcommuting population - could be enticed to work locally
- Labor availability is above average (except skilled)
- Quality of life - ability to relocate management

### **WEAKNESSES TO OVERCOME**

- Limited land available for immediate construction due to lack of infrastructure
- Lack of available buildings that meet current market needs and demand
- Lack of basic skills and employability

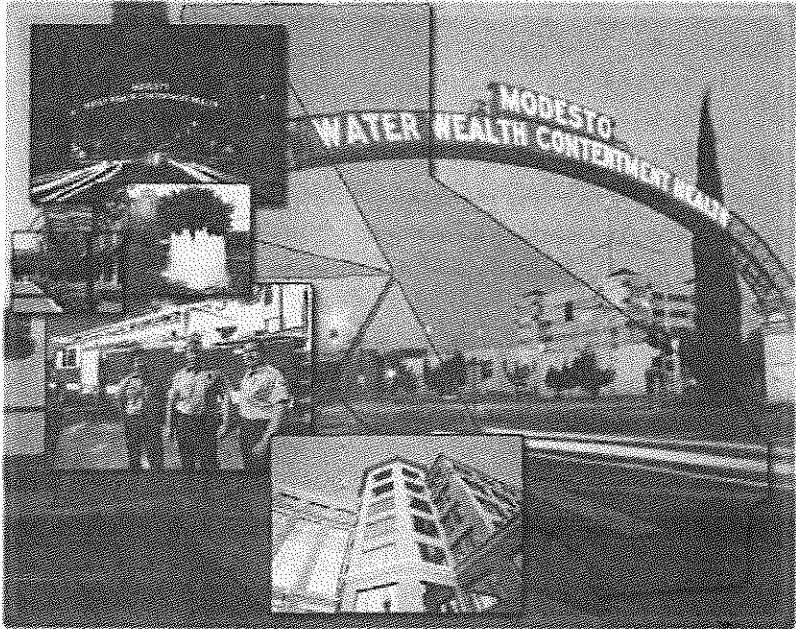
This plan includes many goals and strategies that will be beneficial to the economic development efforts of the city of Modesto. The Economic Development Committee wanted to ensure a plan that included all the key issues as well as many opportunities for diverse stakeholders to identify some of the ways in which they can have a positive impact on the future success of the community. Pursuing some of these may be beyond the resources available to the city in the next five years, however there are three major issues / opportunities that must be addressed for this to be dubbed a successful plan.

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<sup>2</sup> Derived from various research. Major sources: Labor and Wage Analysis and Strengths and Weaknesses Assessment – City of Modesto prepared by the ESI Corp Strategic Planning Team in 2002.

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1. Adding ready to build land to the City's inventory is a key component to bringing in new jobs to the community. The Kansas-Woodland Business Park and the North Gateway/Kiernan Business Park are the two projects that are most active at this time. Addressing the federal and state regulatory and permitting requirements at the Kansas-Woodland site to ensure that it continues to move forward will be critical to bringing the project online in a timely fashion. Continuing to work with property owners, the County and others in the North Gateway/Kiernan area is important to laying the groundwork for quality development to occur in this area.
2. The development process is an important part of doing business in a community, and one that the local government can readily control. From streamlining the process to investing in state-of-the-art technology, improvements can be made to appeal to the needs of a business community that everyday must move faster.
3. Downtown Modesto is a true asset to the community. Business, entertainment, government, culture and other activities all occur in this vibrant part of the city. Residential development, business development, beautification and infrastructure investments will be the anchors for an even more vibrant and successful downtown Modesto.



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## SUMMARY OF GOALS

The Modesto Economic Development Plan includes the following seven goals, which are summarized below and organized by focus area. The implementation of these goals, in tandem with the countywide goals, will quickly position Modesto in a more competitive role relative to strengthening economic development and building a sustainable economy.

<b>OVERALL GOAL</b>	
GOAL 1	Modesto will be designated a "Livable Community" in recognition of its efforts to improve the business climate and quality of life of its residents.
<b>SITES AND BUILDINGS</b>	
GOAL 2	Business and industrial parks and ready-to-go sites and buildings will be available to meet the needs of business.
GOAL 3	The City's development process will be efficient, customer friendly and informative.
<b>INFRASTRUCTURE</b>	
GOAL 4	Infrastructure will meet the needs of existing and future businesses and residents.
<b>DOWNTOWN AND CULTURAL VIBRANCY</b>	
GOAL 5	Our downtown will be a vibrant government, financial, corporate and regional entertainment center with high-density housing and services.
<b>BUSINESS DEVELOPMENT</b>	
GOAL 6	The individual resources of the City of Modesto, The Alliance, the Modesto Chamber of Commerce and the Modesto Convention and Visitors Bureau (CVB) and other key economic development partners will be maximized to achieve common goals.
<b>WORKFORCE DEVELOPMENT</b>	
GOAL 7	Workforce support programs will be available to Modesto residents so that anyone who is interested in working will have that opportunity.

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### I. INTRODUCTION

Economic development strategic planning has never been more important to the future success of communities, regions, states or even nations than it is today. The speed of socioeconomic change and technological advances are increasing around the world, and therefore having a plan in place that provides solid footing to address these changes is important. The challenge that economic development faces today is providing value and remaining relevant in this changing world.

In order to provide value and stay relevant, the focus of economic development must be twofold: 1) foster a business environment that will allow a company to be more profitable relative to its other global location options and competitors, and 2) foster a quality of life that will attract and retain skilled workers and corporate decision makers. Economic development today must focus not just on being a cost competitive location, but on offering *value*. Therefore, factors such as productivity, profitability, quality of life, and many others are evaluated by companies in determining where to startup or expand an operation.

Competition in the global marketplace cannot be underestimated as the world grows closer together through socioeconomic ties, technology advancements, and improved transportation systems. The ease of entering foreign markets, for both production and sales, means that most companies work on an international scale or compete with companies that do. Therefore Modesto and Stanislaus County must foster an environment that will allow its businesses to compete globally.

Communities today need a workforce that is motivated and trainable to fit into the higher productivity jobs that will remain in the U.S. They need the ability to quickly and efficiently bring in materials and ship out goods to a global marketplace. A smooth and simple development process is needed that will allow a company to startup or expand on their schedule, not the schedule of the local jurisdiction. The community must offer a quality of life that will attract and retain the skilled workers that will be demanded in any location they choose to locate. This is the environment that is needed to stay relevant.

Economic development is not just the field of business recruitment, retention, and expansion, it involves reforming the workforce development system, marshaling public investment in infrastructure, and molding tax and regulatory policy. To be successful the private and public sectors will need to work as a team, each contributing staff time and financial resources to the economic development efforts. The City of Modesto Community and Economic Development Department will be the primary entity guiding this local plan, and this role includes implementation, coordination and team building. Collaboration with key stakeholders will be the catalyst for community action, which will help build economic sustainability and vitality for the community.

### COLLABORATION

The California Department of Housing and Community Development (HCD) during 2001 announced a grant opportunity under the Jobs-Housing Balance Improvement Program. This

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program allowed communities who met HCDs criteria of: 1) having fewer than 1.5 jobs per housing unit and 2) a current housing plan, the opportunity to submit an application for funding to conduct economic development planning.

Leaders in the community determined that a collaborative approach to obtain grant money for the county and eligible communities would be beneficial and submitted application for funding. HCD announced their awards and Stanislaus County, Waterford, Modesto, Turlock, Ceres and Newman were approved for funding. For three cities that did not meet the criteria, Hughson, Oakdale, and Patterson, the Stanislaus County Workforce Investment Board decided to provide funding in order to ensure a comprehensive countywide planning process.<sup>3</sup> The ESI Strategic Planning Team was hired to prepare a countywide economic development and marketing plan and a strategic economic development plan for each city and the unincorporated county.

### PLANNING PROCESS

The planning process employed for this project drew on the strengths and resources of the entire county to develop a plan for the city of Modesto. While the primary input for Modesto's plan came from the Modesto Economic Development Committee and the City of Modesto, the local plan benefited from the countywide efforts conducted on a parallel track. The following are summaries of the background components of the planning effort conducted by the ESI Strategic Planning Team:

- Previous Studies and Plans – The project team reviewed various county-specific studies on topics including: the economic base, industry clusters and targets, telecommunications and technology, regional transportation and freight, unemployment and workforce development, and the vision for the future.
- Economic Summit – An Economic Summit was held May 14, 2002 to give leaders throughout the county an opportunity to identify the key opportunities and issues they thought were most important for Stanislaus County to focus on in the future.
- Labor and Wage Analysis – This was an evaluation of the labor force of Stanislaus County from the point of view of a corporate site selector. A total of 27 interviews with large employers and key organizations active in Stanislaus County took place in April of 2002.
- Strengths and Weaknesses Analysis – This examined the communities of Stanislaus County in relation to 19 site selection factors from within the major categories of labor force, transportation / market access, sites and buildings, utility / municipal services, and cost of living / relocation. The city was rated on a scale from 1 to 10 in each factor.
- Cost Comparison Reports – These reports compared the costs of locating and operating a hypothetical business in Stanislaus County to other locations in the region and the country. The three types of industries studied were technical support service center, electronics facility, and a plastics molding facility.
- Mock Site Visit – This process evaluated how each jurisdiction worked with a corporate site selector during a mock site selection exercise. The process involved an information request for a hypothetical project, and was followed by a site visit interview with each community. A

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<sup>3</sup> The City of Riverbank was also awarded the HCD grant. The City developed a local plan and participated in the countywide planning effort.



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debriefing was held at the end of the process to provide constructive criticism in order to achieve greater success in future business attraction opportunities

- Industry Cluster Opportunities – An analysis was prepared detailing the key industry cluster opportunities for Stanislaus County based on industries growing locally and/or regionally and paying above average wages. Agri-Sciences was found to be a key opportunity throughout the county, along with medical services.
- Countywide Marketing Plan – The background sections of the plan evaluated the external audience's perception of Stanislaus County through a survey of national corporate site selectors, assessed the marketability of existing and planned land and buildings based on the key site location factors defined by businesses, and evaluated existing marketing materials and websites produced by each of the jurisdictions. A summary of the goals and strategies contained in the plan is in the following section.

The Modesto Economic Development Committee and city staff were the key groups providing input to the final plan developed. Two meetings were held with the Committee: 1) at the first the group identified their vision and discussed some of the key successes, obstacles and opportunities in the city, and 2) at the second the group discussed the city's goals and strategies in detail. Meetings were held throughout the process with city staff to understand city policy and to refine the plan into a document that will be implemented in the short and long term.

### THREE PLANS

The parallel planning process resulted in the development of three distinct implementation plans. The challenges faced by any one community are multifaceted, and in some cases are specific to that community and in others are shared by the entire county. Each of the plans contains strategies that must be implemented to achieve economic development success at the local and countywide levels. The relationship of these documents is as follows:

1. Modesto Economic Development Plan – Certain economic development issues are inherently local in nature. Examples include readying individual sites for development within the city, redevelopment, downtown beautification, infrastructure development, and maintaining a development process that is straightforward and fair. While there are certainly supporting partners present throughout the county and in some cases beyond, the impetus for action must come from the City and local economic development partners to address these issues.
2. Countywide Economic Development Plan – The countywide economic development and implementation plan specifically addresses issues that transcend municipal boundaries and, while impacting the economic development successes of the cities, are not issues that cities can reasonably confront on their own. Examples include air quality, regional transportation, workforce development, education, and how the cities and The Alliance work together in handling leads and providing data to prospects.
3. Marketing Plan – This plan contains five marketing campaigns, Local Business Development, Downtown Retail Development, Branding (Awareness), Master Developers, and Target Industries. These campaigns are designed to afford each community the opportunity to participate as much or as little as their resources will allow. The campaigns can be implemented by a single community, or a partnership of all or some communities.

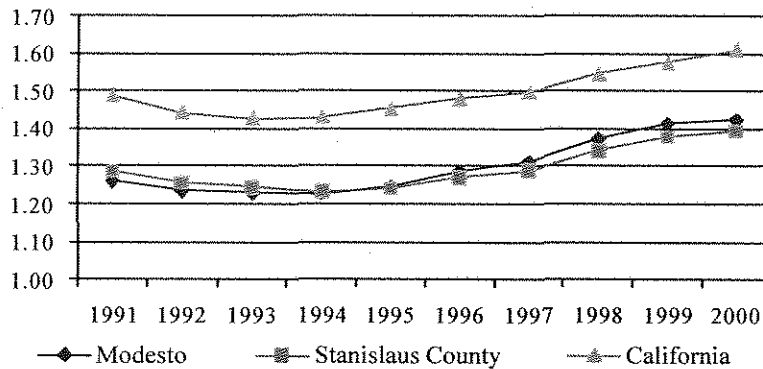
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## II. BACKGROUND

The focus of the plan is to improve the jobs to housing balance in the county and ultimately in Modesto. Many of the specific issues discussed here, such as unemployment and wages are best evaluated in a regional context, as opposed to on a city by city basis. Labor markets do not follow city boundaries, and many of the residents of Modesto are in fact employed in other parts of the county and the region. The way these issues are addressed in the city of Modesto, and how local government and organizations are able to work with regional partners and leverage regional assets are important aspects of the local plan.

Modesto added nearly four times as many jobs as housing units (16,111 new jobs and 4,059 new housing units) between 1991 and 2000. As Chart 1 shows, Stanislaus County, with overall jobs to housing balance of 1.39 in 2000 has an overabundance of housing relative to jobs in comparison to the state average of 1.61 as well as the HCD prescribed guideline of 1.5 jobs per house. Modesto's ratio of jobs to housing was slightly higher than the county's at 1.42 in 2000. Stanislaus County has also been plagued by a relatively high unemployment rate (often as much as twice the state average) for decades.

**Chart 1 – Job to Housing Balance, Modesto, Stanislaus County, and California, 1991 to 2000**

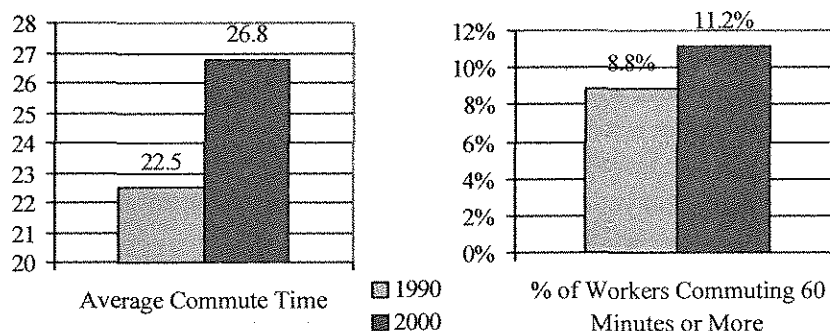


Source: CA Employment Development Dept., CA Dept. of Finance, US Census, BEA, ESI Corp

For these reasons, the primary focus of economic development planning in the county is directed toward job creation, both to provide more and better opportunities for the existing unemployed workers (in conjunction with coordinated training to ensure that workers have the skills to fill the jobs) and in order to mitigate the need for long and costly commutes by residents. As shown on Chart 2, 11.2 percent of employed Stanislaus County residents commute one hour or more one way to work each day and the average commute time has increased from 22.5 in 1990 to 26.8 in 2000.

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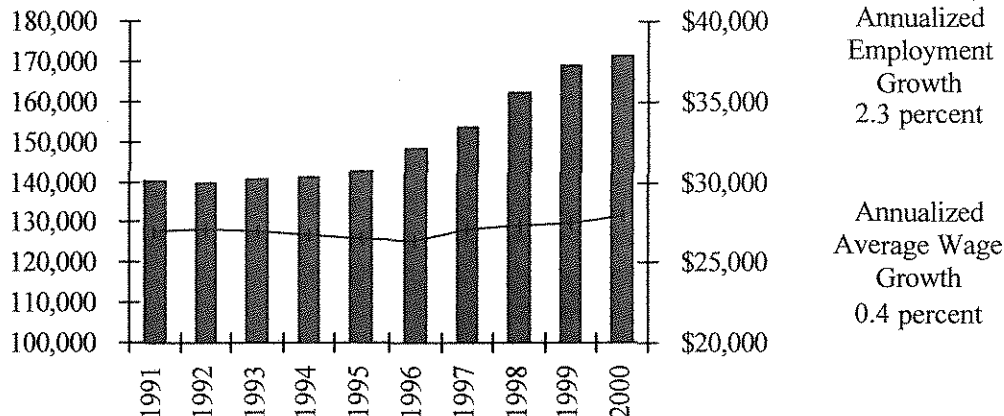
**Chart 2 – Average Commute Time and Percentage of the Population Commuting One Hour or More One Way to Work, Stanislaus County 1990 and 2000**



Source: US Census 1990 and 2000

Another key issue of importance in Stanislaus County today is the quality of the available jobs. As Chart 3 shows, while the county has generally been fairly successful in job creation efforts average wages have increased more slowly. This exacerbates the “modern” phenomena whereby more than one full time job is *needed* to support the household, and the associated issues which include long commutes driven by multiple wage earners with jobs not in proximity to one another, air quality impacts, and a time shortage in the household that limits civic and community involvement.

**Chart 3 – Growth in Employment and Average Wages in Stanislaus County, 1991 to 2000**



Note: Wages adjusted by a rebenchmarked West Urban CPI (1999-2001=100)  
Source: BEA, BLS, ESI Corp

■ Wage & Salary Employment  
— Average Wage Per Job

Though Stanislaus County has been relatively successful in job creation efforts in recent years, the potential for housing growth is in many instances greater than the potential for job growth because of transportation infrastructure, lack of suitable sites and available buildings, and market conditions. Overcoming barriers to job creation and creating better (higher skill and higher wage) jobs will be a constant struggle, but one that can and will be undertaken.

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### MODESTO TODAY<sup>4</sup>

Understanding the socioeconomic make up of the city of Modesto is an important factor in identifying and taking advantage of appropriate opportunities for regional partnerships and targeting local resources optimally for success.

#### *POPULATION*

The population of Modesto grew from 164,730 persons in 1990, to 188,856 persons in 2000. With an overall population increase of 15 percent over this ten year period, Modesto grew slightly faster than the state of California (14 percent), yet somewhat slower than Stanislaus County (21 percent).

#### *HOUSING*

According to the 2000 census, there are 67,278 total housing units within the city of Modesto, 65,103 of which are occupied. The renter occupation rate is 41 percent. The median home price is \$126,000, and the median year that a Modesto home was built is 1975, same as that for Stanislaus County, and newer than California as a whole (1970).

#### *RACE, ETHNICITY AND LANGUAGE*

The majority of the population of Modesto is white (70 percent). This is somewhat higher than the share of the population at the state level (60 percent), while at the same time equaling the percentage of Stanislaus County as a whole (70 percent). With 26 percent of Modesto claiming Hispanic or Latino ethnicity, the city possesses a moderately lower proportion of Hispanics and Latinos than the county at 32 percent. Modesto and Stanislaus County contain a similar percentage of African Americans at 5 percent and 3 percent respectively. These both contrast to California's figure of 7 percent of the state population being African American. American Indians make up 2 percent of the Modesto population, Asians make up 7 percent, and Pacific Islanders constitute a small 1 percent. According to the census, 15 percent of the population of Modesto classify themselves as some race other than those referenced above.<sup>5</sup>

Of the population 5 years and over, 72 percent speak English exclusively at home. The remaining population speaks Spanish (17 percent), Indo-European languages (4 percent), and Asian and Pacific Island languages (5 percent). The city's percentage of Spanish speakers at home is lower than that of the county at 24 percent, and that of the state of California at 26 percent.

#### *AGE*

Age distribution figures for the city indicate that the population of Modesto is relatively young. According to US Census 2000 estimates, 30 percent of Modesto residents are under the age of 18, which is somewhat higher than the same statistic for California (27 percent) and close to

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<sup>4</sup> All data referenced in this section is from the US Census.

<sup>5</sup> Census respondents are allowed to indicate multiple races and Hispanics can be of any race.

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Stanislaus County (31 percent). Conversely, 59 percent of the Modesto population is of the workforce age (age 18 to 64), which mirrors 59 percent for the county, yet falls below 62 percent for California. Persons age 65 and over constitute 11 percent of the population of Modesto, close to the roughly 11 percent of both Stanislaus County and California that fit in the same age category.

### *INCOME*

The median household income in Modesto is \$40,394, which is nearly identical to the median household income for the county at \$40,101. Both of these are somewhat lower than the median household income of California, with a figure of \$47,493. It is estimated that 30 percent of Modesto households make below \$25,000, while only 10 percent make more than \$100,000 annually. A majority of the households (61 percent) make between \$25,000 and \$100,000. Modesto and the county both have a somewhat higher poverty rate (16 percent) than the state.

### *EDUCATIONAL ATTAINMENT*

Modesto is effectively on par with the county and the state in several educational statistics. The percentage of the Modesto population (age 25 and older) with a high school diploma or more currently stands at 75 percent. While this is higher than Stanislaus County at 70 percent, it is fairly close to a figure of 77 percent for California as a whole. About 17 percent of the Modesto population holds a bachelor's degree or higher, a figure that exceeds the county a whole at 14 percent, but trails the percentage of all Californians (age 25 and older) with a bachelor's degree or higher at 27 percent.

### *EMPLOYMENT*

It is estimated that 28 percent of the employed labor force in Modesto works in management, professional, and related occupations, followed by 28 percent in sales and office occupations, followed by 16 percent in production, transportation, and material moving occupations. This contrasts to Stanislaus County as a whole, where 18 percent of the employed labor force works in production, transportation, and material moving occupations, and a similar 27 percent of the county labor force works in management, professional, and related occupations. At 36 percent, a higher percentage of California's entire labor force works in management, professional, and related occupations.

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**Table 1 – Employment by Occupation, Modesto, Stanislaus County, and California, 2000**

	Modesto		Stanislaus		California	
	Count	Percent	Count	Percent	Count	Percent
Employed civilian population 16 years and over	76,567	100.0%	174,328	100.0%	14,718,928	100.0%
Management, professional, and related occupations	21,760	28.4%	46,182	26.5%	5,295,069	36.0%
Service occupations	12,206	15.9%	26,856	15.4%	2,173,874	14.8%
Sales and office occupations	21,200	27.7%	44,706	25.6%	3,939,383	26.8%
Farming, fishing, and forestry occupations	973	1.3%	6,226	3.6%	196,695	1.3%
Construction, extraction, and maintenance occupations	8,079	10.6%	19,877	11.4%	1,239,160	8.4%
Production, transportation, and material moving occupations	12,349	16.1%	30,481	17.5%	1,874,747	12.7%

Source: US Census

### *ECONOMY*

Stanislaus County has a wide and varied distribution of the industries that employ its growing population. Of these industries, the one that employs the largest percentage of the county's population is the educational, health and social services sector, accounting for 20 percent of the employed civilian population 16 years and over. This is slightly higher than the corresponding figure for the state of California's as a whole, of which only 19 percent work in the same industry. The manufacturing industry comes in second for the county; employing 15 percent of Stanislaus County's employed residents, compared to a slightly smaller percentage of California as a state (13 percent). The retail trade sector follows as the third largest employment industry for Stanislaus, employing 12 percent of the county, which is also somewhat higher than 11 percent for the state. Combined, these three aforementioned industries employ approximately 47 percent of Stanislaus County, with the remaining 53 percent of the county employed across a range of ten other industry categories. Some other industries that employ sizeable portions of the county's working population are construction at 8 percent, and arts, entertainment, recreation, accommodation and food services at 7 percent. Agriculture, forestry, fishing and hunting, and mining also employ a significant 6 percent of the county's civilian population 16 years and over. One industry area where Stanislaus County lags the rest of California is in professional, scientific, management, administrative, and waste management services, which claim only 7 percent of the county's working population, yet employs almost 12 percent of California's working population.

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**Table 2 – Employment by Industry, Stanislaus County and California, 2000**

	Stanislaus County		California	
Employed civilian population 16 years and over	174,328	100.0%	14,718,928	100.0%
Agriculture, forestry, fishing and hunting, and mining	9,715	5.6%	282,717	1.9%
Construction	13,943	8.0%	915,023	6.2%
Manufacturing	25,469	14.6%	1,930,141	13.1%
Wholesale trade	7,447	4.3%	596,309	4.1%
Retail trade	21,687	12.4%	1,641,243	11.2%
Transportation and warehousing, and utilities	9,153	5.3%	689,387	4.7%
Information	3,379	1.9%	577,463	3.9%
Finance, insurance, real estate, and rental and leasing	7,881	4.5%	1,016,916	6.9%
Professional, scientific, management, administrative, and waste management services	12,874	7.4%	1,711,625	11.6%
Educational, health and social services	34,825	20.0%	2,723,928	18.5%
Arts, entertainment, recreation, accommodation and food services	11,876	6.8%	1,204,211	8.2%
Other services (except public administration)	9,273	5.3%	761,154	5.2%
Public administration	6,806	3.9%	668,811	4.5%

Source: US Census

### INDUSTRY CLUSTERS

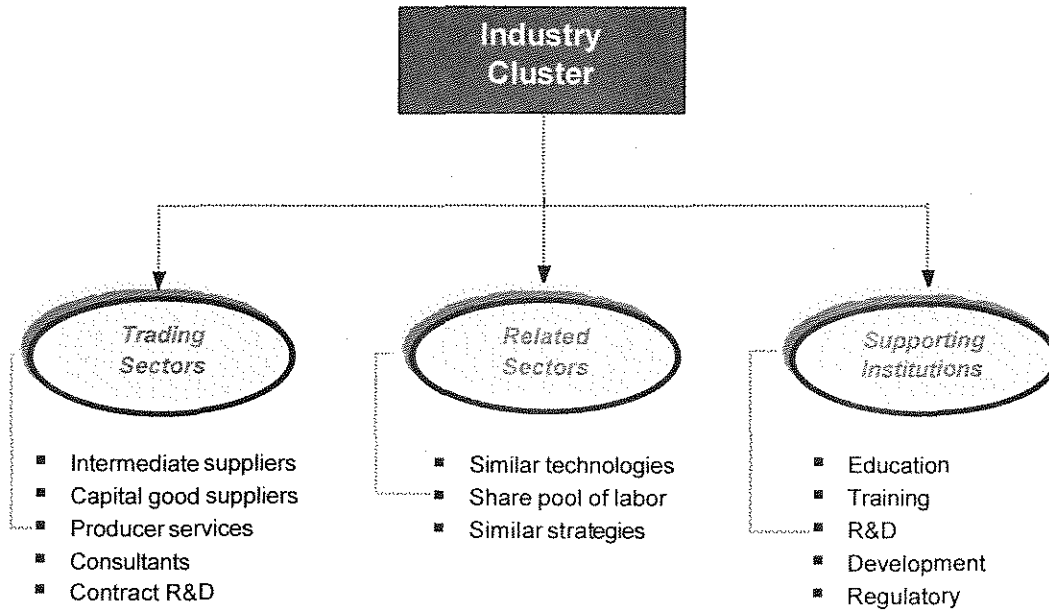
As was eloquently pointed out in earlier Stanislaus County research, “A Job is Not a Job.”<sup>6</sup> Industries which make purchases of raw materials locally provide greater support to the local economy, and industries paying higher wages provide more money for consumers to recirculate through the local economy and also have a greater vested interest in further investment in their workforce.

Given limited resources, strategic application of economic development efforts is necessary to achieve the best possible success. The new paradigm of economic development, which Stanislaus County is well positioned to take advantage of, involves a holistic, comprehensive focus on a limited number of key industries as a way to grow the regional economy. Key industries can mean a number of things, including industries that employ a large share of the local workforce, industries that pay high wages, industries that have rapid expansion potential due to market conditions, industries that support the supply chain of others active in the market and so on. Industry clusters embody these factors in their very definition, as shown on Chart 4.

<sup>6</sup> “A Job is Not a Job,” Center for Public Policy Studies, January 1999.



Chart 4 – Components of an Industry Cluster



Source: "Industrial and Regional Clusters: Concepts and Comparative Applications"

Industry clusters include not only firms active in the same industry and their buyers and suppliers (Trading Sectors), but also other industries that share similar technologies, labor pool, and / or strategies (Related Sectors). When the industry cluster concept is further developed it also considers the Supporting Institutions, such as education and training providers and regulatory agencies, which can support or hinder industries throughout the cluster. The way in which these various entities come together can be enhanced by the recent merger of workforce development and economic development into The Alliance, one of the first mergers of its kind in the nation.

#### *AGRI-SCIENCES CLUSTER*

Stanislaus County is at an important crossroads today in terms of economic development. The total value of agricultural products produced in Stanislaus County in 2000 was \$1.2 billion. Agriculture is, and will continue to be a key economic sector in Stanislaus County. The long term trend in this industry is, however, toward increased use of capital (relative to labor) in production. This means that even while maintaining, and possibly increasing, its position as a large scale supplier of agricultural goods, overall agricultural employment in Stanislaus County is likely to remain flat or decrease and the jobs that remain will require (on average) higher skill levels and new skill sets.

The county is well represented in agricultural production and in associated manufacturing industries such as food processing and canning. The brightest future of the county, however, lies in further developing the Agri-Sciences Industry Cluster (of which the aforementioned are an important part) by taking advantage of existing competencies, integrating new and existing

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institutions and partnerships, and investing in and providing tools for success to the local workforce.

### *MEDICAL SERVICES CLUSTER*

Medical services has been identified as an emerging cluster in Stanislaus County to be targeted at the local level. Health care jobs are among the fastest growing in the country. Nationwide shortages of nurses and skilled care professionals make the need to develop local programs to train these individuals and support their career development evident. Health care can be an economic engine for Modesto and Stanislaus County through the siting of hospital campuses and other medical office space, which can employ thousands of health care workers at above average wages.

There are nearly 700 health-care related firms in the county that employ over 13,500 people. Except for intermediate care facilities (SIC 8052) and psychiatric hospitals (SIC 8063) all sectors are represented in Stanislaus County. The industry has shown excellent growth in Stanislaus County over the past ten years and continued growth is projected nationally. Through a coordinated effort the hope is that the county will become the regional medical services hub of the entire Central Valley. Working to develop a formalized industry cluster in this area will facilitate opportunities for supporting activities and research and enhance efforts to retain and recruit associated businesses.

### *BUSINESS SERVICES CLUSTER*

As the center of business and government in Stanislaus County, Modesto will focus on developing the business services cluster. Banking, real estate, advertising, engineering, and architecture are examples of the types of firms that make up higher end business services. While distinct in their fields of specialization, they share many of the same clients and have similar needs for qualified support staff. Strengthening the relationships between these firms will help build the business services industry through referrals and other linkages to keep these activities from leaking outside the county.

### III. MODESTO ECONOMIC DEVELOPMENT PLAN

The city of Modesto's economic development plan is a blueprint of the city's priorities in the area of economic development over the next five years. It identifies specific issues that the city will focus on, and the strategies to be undertaken to perpetuate short and long term economic development successes for Modesto. The specific allocation of staff and financial resources for the implementation of the plan will be determined at the time the steps are taken.

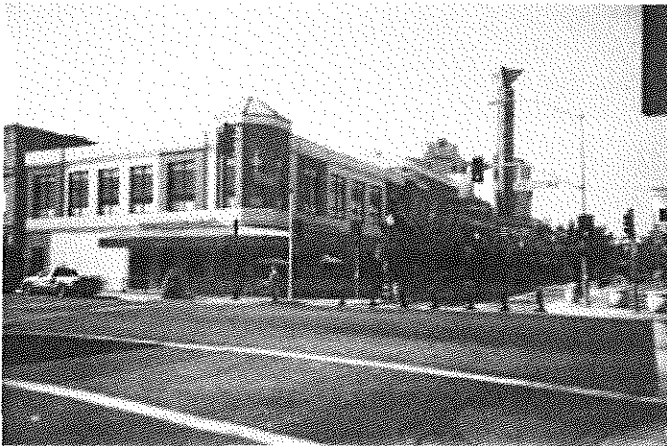
This plan has been developed in support of the City of Modesto's vision:

*Modesto: A healthy, safe, attractive, economically vibrant, socially diverse and culturally rich city with a strong sense of identity and pride, a community engaged in the practice of citizenship with governance based on the principle of stewardship.*

The Modesto Strategic Planning Team built on the City's overall vision by developing the following economic development directive:

*Modesto will be an economically diverse and vibrant community, which works with its partners in the region to implement economic development practices that encourage businesses which raise our community's median income and reduces unemployment.*

This plan includes many goals and strategies that will be beneficial to the economic development



efforts of the city of Modesto. The Economic Development Committee wanted to ensure a plan that included all the key issues as well as many opportunities for diverse stakeholders to identify some of the ways in which they can have a positive impact on the future success of the community. Pursuing some of these may be beyond the resources available to the city in the next five years, however there are three major issues / opportunities

that must be addressed for this to be dubbed a successful plan.

1. Adding ready to build land to the City's inventory is a key component to bringing in new jobs to the community. The Kansas-Woodland Business Park and the North Gateway/Kiernan Business Park are the two projects that are most active at this time. Addressing the federal and state regulatory and permitting requirements at the Kansas-Woodland site to ensure that it continues to move forward will be critical to bringing the project online in a timely fashion. Continuing to work with property owners, the County and others in the North

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Gateway/Kiernan area is important to laying the groundwork for quality development to occur in this area.

2. The development process is an important part of doing business in a community, and one that the local government can readily control. From streamlining the process to investing in state-of-the-art technology, improvements can be made to appeal to the needs of a business community that everyday must move faster.
3. Downtown Modesto is a true asset to the community. Business, entertainment, government, culture and other activities all occur in this vibrant part of the city. Residential development, business development, beautification and infrastructure investments will be the anchors for an even more vibrant and successful downtown Modesto.

### FOCUS AREAS

The economic development plan is divided into six sections: one overall goal and five focus areas. The overall goal relates to coalescing an effort to achieve the "Livable City" designation from the Partners of Livable Cities organization. This goal impacts all of the subsequent goals because for Modesto to receive this designation it will need to be a leader in economic development and community development. The other goals in this plan are listed under the following five key focus areas:

- Sites and Buildings
- Infrastructure
- Downtown and Cultural Vibrancy
- Business Development
- Workforce Development

### PLAN ELEMENTS

- Goal – Goals represent our conception of the preferred state of being.
- Current Situation – The current situation describes how things are in the city and / or county today.
- Strategies – A strategy is an approach or step to be taken to achieve a goal. Strategies that are lettered (for example 1A, 1B and 1C) represent sequential steps and / or activities dependant on one another. Numbered strategies (for example 1, 2 and 3) are separate activities that could be complementary activities to achieving the goal but performing one activity does not necessarily depend on the others happening.
- Key Partners – The key partners listed are the groups, organizations or persons that are primarily responsible for taking ownership of, monitoring and implementing the strategy.
- Timeframe – The timeframes delineated in this plan are underway (has already been started), short term (up to two years to implement), long term (more than two years to implement, but at least begun within five years) and ongoing (activities that need to be revisited periodically).
- Support Partners – Support partners are other groups, organizations, or people that will be invited to participate in the implementation of one or more strategies discussed under a given goal.

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- Performance Measures – Performance measures represent criteria that can be reexamined in the future to help to evaluate the success of the plan. They are not necessarily (but may be) direct measures of the goals, but rather factors in the city and county that can be expected to exhibit a relationship to the achievement of the goal.

Brackets are used throughout the plan to designate goals and strategies which are also included in the City's 2001 – 2004 Strategic Plan. A tilde (~) is used if the goal or strategy is linked to the 2001 – 2004 Strategic Plan, but does not use it directly.

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### OVERALL GOAL

The quality of life in a community is an asset to economic development efforts. Communities that are desirable places to live and that are both experiencing growth and mitigating any associated negative impacts make good locations for new and existing businesses to develop.

Historically, people moved based on where businesses was located. Today, it is theorized that the location choices of “creative people” drive, rather than follow company location decisions. Thus, locations that are viewed as desirable to live in by skilled workers will tend to be more successful in attracting companies that require a highly educated workforce.

### GOAL 1 MODESTO WILL BE DESIGNATED A “LIVABLE COMMUNITY” IN RECOGNITION OF ITS EFFORTS TO IMPROVE THE BUSINESS CLIMATE AND QUALITY OF LIFE OF ITS RESIDENTS.

#### CURRENT SITUATION

The Partners for Livable Communities, based in Washington, D.C., has identified 33 of the most livable communities in the US over the past 25 years. The designation as a Livable Community is a recognition of the hard work that is put into making a city a great place to live and do business. The selection process is based on the following factors:

- Amenities: environmental quality; parks and open space; arts and culture; design and planning; special places(downtowns and neighborhoods)
- Ability to Put Amenities to Work: economic development (image and marketing); cultural, heritage, and discovery tourism; outdoor performances, street fairs, festivals, etc.; human development (using culture to help youth and minorities, and to train workers)
- Leadership: recruitment, training, and development; public/private partnerships; community visioning and civic engagement; regionalism; evaluation (indices, report cards, and stewardship organizations)

"Community livability is about more than green spaces and parks. It's about a community's ability to retain and attract business, stimulate convention and visitor trade, increase downtown retail activity, and improve the community's image to residents and nonresidents alike." – Robert McNulty, President of Partners for Livable Communities.

Modesto is a city that struggles with the image outsiders have of it, however it has made strides in a number of the criteria used to define a Livable Community. A designation of this type would require significant effort by the City of Modesto and the leadership of the community, but would result in an important tool for the recruitment and retention of high quality businesses and workers.

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Strategies	Key Partners	Timeframe
1. Identify the criteria necessary for being selected a Livable Community, and chart a course of action and timeline to achieve the designation.	City	Short Term
2. Adopt resolutions to marshal local efforts to achieving the designation.	City, Chamber, Downtown Merchants Association, CVB	Short Term

Performance Measures:      Designation as a "Livable City"

## **FOCUS AREA**

### **SITES AND BUILDINGS**

Having an inventory of appropriate sites and buildings to accommodate new and expanding businesses in the community is a key component to achieving success in economic development. Growth can come in many forms: small entrepreneurs, midsize companies and large industries, and all should be able to be accommodated. This means a variety of parcel sizes and locations, and existing and speculative buildings should be accessible in the area. Without this all other economic development efforts become more challenging.

Working with land owners and developers to build this inventory through public-private partnerships is generally started at the local government level. All parties must work within the framework of a land owner interested in maximizing their land value, and a city interested in promoting a land use pattern which benefits the entire city. Creativity and open-mindedness are required by all parties to achieve a mutually agreeable outcome.

Related to the identification and facilitation of appropriate sites and buildings is the ease of navigating a city's permitting process. From the initial master plan to the construction of a building, the process must flow smoothly. A clear understanding of what is acceptable to a city and the process that should be followed will help developers and builders bring projects forward which will achieve quick approval.

## **GOAL 2 BUSINESS AND INDUSTRIAL PARKS AND READY-TO-GO SITES AND BUILDINGS WILL BE AVAILABLE TO MEET THE NEEDS OF BUSINESS.**

### CURRENT SITUATION

The city lacks sites which are ready for occupancy for targeted businesses. While there are small parcels available throughout the city, fully improved large tracts of land and business/industrial parks are not generally available. A lack of infrastructure to many of the larger sites is an ongoing constraint to development (see GOAL 4 for infrastructure related activities). There are a number of planned industrial projects which are ongoing in or near the city:

- Kansas-Woodland Business Park (FMC) – This is a 45 acre site located in downtown. It is a top priority of the Redevelopment Agency, and will likely soon be purchased by the City. It will likely not be available for occupancy until late 2004 or early 2005 due to regulatory and permitting requirements. This park will likely accommodate small users.
- Beard Industrial Area – This site is located east of the airport along Highway 132, and is outside the city limits. There are approximately 500 acres available there, but growth is constrained by traffic congestion between the site and Highway 99.
- North Gateway / Kiernan Business Park – This is a 614 acre site located east of Highway 99 and south of Kiernan Avenue. It is planned for a mix of uses including business park, office buildings and limited commercial. Part of the site is in the city limits and part is outside, and will require annexation prior to development. This is likely the best prospect for long term accommodation of large users.



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- Northwest Business Park – This is a 240 acre site located west of Highway 99 and north of Shoemake Avenue. The project outside of the city, and is a long term project.
- Village One Business Park – This is a 220 acre site located on the far eastern side of the city east of Claus Road and north of Parker Road. Lack of access to a highway creates unique challenges for commercial development.
- Westland Office Project – This is 75,000 square foot project located in downtown. It is a City/County cooperative project which will be available by mid-2003.
- Hinchey-Bray Office Project – This 70,000 square foot project is located in downtown. The land is owned by the City. The project is currently stalled.

Strategies	Key Partners	Timeframe
1. Protect viable future business park areas in the general plan from down-zoning to other uses.	City	Underway <i>Ongoing</i>
2. Protect future business park areas in the general plan from encroachment by non-industrial land uses. [V.C.1.a]	City	Underway <i>Ongoing</i>
3. Encourage business park and industrial land development by revising the fee structure for development which meets the City's goals (likely through the existing Enterprise Designation Areas program).	City	Short Term
4. Work with the local stakeholders to develop a unified vision of the area along Kiernan Road including land uses, circulation, school locations, jurisdictions, etc.	City, County, StanCOG, CalTrans, school district, property owners	Short Term

ATTACHMENT A

Strategies	Key Partners	Timeframe
<p>5. A. Work with the County to install storm drainage infrastructure to the Kiernan site.</p> <p>B. Annex those parts of the Kiernan Site not in the city limits.</p> <p>C. Work with the land owners to bring in a developer to improve the site. Recommend a variety of land ownership-developer relationships to make the deal work.</p> <p>D. Share the cost or fund entirely engineering and planning studies needed to bring the project online.</p> <p>E. Developed a master plan with distinct phasing. This will:</p> <ul style="list-style-type: none"> <li>▪ Reduce total upfront costs for infrastructure improvements</li> <li>▪ Allow the land owner to sell the later phases at a higher price.</li> </ul>	<p>City, County</p> <p>City, County, property owners</p> <p>City, property owners, real estate community</p> <p>City, County, property owners</p> <p>City, property owners, real estate community</p>	<p>Short Term</p> <p>Short Term</p> <p>Short Term</p> <p>Short Term</p> <p>Short Term</p>
<p>6. Complete planning and entitlement process for the Kansas-Woodland park.</p>	<p>City</p>	<p>Underway</p>
<p>7. Assist the owners of small adjacent parcels to be able to offer their land as a single unit to a large user through assistance with marketing and parcel aggregation.</p>	<p>City, property owners, real estate community</p>	<p>Short Term <i>Ongoing</i></p>
<p>8. A. Identify future potential business park sites which can be available in a short time frame. [~V.C.1.i]</p> <p>B. Through zoning and the general plan designate land for business parks and industrial uses near existing infrastructure (transportation corridors, water, wastewater, telecom, rail, etc.) to foster efficient land use and to bring projects online faster. [~V.C.1.b]</p>	<p>City, real estate community</p> <p>City</p>	<p>Short Term</p> <p>Underway <i>Ongoing</i></p>

ATTACHMENT A

Strategies	Key Partners	Timeframe
9. Include an economic development element in the future general plan update.	City	Short Term
10. Work within the framework developed in consultation with The Alliance to develop a list of business parks and available sites and buildings to support business recruitment.	City, The Alliance	Short Term

Performance Measures: The city will have 450 acres of vacant industrial/business park zoned land with infrastructure to the site in proximity to Highway 99 within five years.

**GOAL 3 THE CITY'S DEVELOPMENT PROCESS WILL BE EFFICIENT, CUSTOMER FRIENDLY AND INFORMATIVE. [~V.A.10]**

CURRENT SITUATION

Due to the significant growth pressures experienced by Modesto in the past decade, the City's current development process has been identified as challenging to navigate. Within this broad area the challenges seem more weighted toward large scale developments on activities such as subdivisions as opposed to the pulling of an individual permit on a building. Some of the challenges include:

- Multiple departments and divisions involved in any particular development activity
- Conflicting policy toward growth
- Limited staffing especially to facilitate a complicated permit through the process
- Outdated general plan and building code

Strategies	Key Partners	Timeframe
1. Improve customer service at the permits counter. [V.A.10.a]	City, builders, developers	Underway <i>Ongoing</i>

ATTACHMENT A

Strategies	Key Partners	Timeframe
2. A. Develop a flow chart for each type of development so that developers know up front the various departments which will be involved and the recommended steps to follow and timeframe required.  B. Conduct a retreat to help property owners understand the City process.	City, builders, developers  City, property owners	Short Term  Short Term <i>Ongoing</i>
3. Review the development process and identify steps which can be approved by staff without planning commission or city council approval.	City	Short Term
4. A. Put all the required development forms on the City's website.  B. Research "off the shelf" online permitting software and methods for "hosting" the services on the internet.  C. Implement online permitting.	City  City  City	Short Term  Short Term  Short Term
5. Develop a short evaluation form which can be filled out by developers once they have completed the development process to obtain their feedback on their experience with the City.	City, builders, developers	Short Term
6. Create a permit coordination position to facilitate the development process.	City	Short Term

Performance Measures:

Perceptions about the development process from a survey of those who use the system will improve each year.

**An Illustration**

**Overland Park, Kansas Electronic Permitting**

Overland Park, Kansas initiated a series of focus groups and surveys to define problems and identify solutions, resulting in a plan promoted by its city managers to:

- Consolidate the city's building services by merging departments
- Streamline business processes, including improving the quality and speed of plan reviews by adding a prescreening process to assure that plans entering the review process were complete
- Centralize coordination of workflow and establish accountability among all the departments and divisions involved
- Establish high professional standards, multidisciplinary expertise, and substantial training for technical staff
- Implement an efficient enterprise system that would unify information, integrate it with GIS, and provide effective computerized tools for the City's building safety services and other departments.

A task force was created to develop an RFP. It reviewed available vendor systems and learned what programs similar communities were using, identifying Scottsdale and Phoenix, Arizona, as models. After a vendor was selected, an implementation team was formed to work with the vendor for a year to adapt its system to the city's requirements, merge and standardize records, integrate GIS information, and train team leaders. The leaders trained the rest of the staff.

Overland Park's electronic permitting system began operations in 1999 after two years of preparation. It includes a website that provides a broad range of information, forms, and requirements. Upgrade plans include remote inspection capabilities and expanded online services.

## ATTACHMENT A

### FOCUS AREA INFRASTRUCTURE

Available infrastructure, and reliable and inexpensive utilities are key site location factors for all industries. A community's strengths and weaknesses in water, wastewater, transportation, electricity, and telecommunications infrastructure determine, to a large extent, the type of business and industry that will locate in the community. In addition, high quality of fire, police, storm drainage and other city services are also hallmarks of a city in which business would like to locate. The City of Modesto is directly responsible for some of these infrastructure items, and is able to directly or indirectly influence the others. If any one of these site location factors do not meet the needs of the prospective company it does not matter how good the others are. It is therefore important that a city maintain and expand the infrastructure it controls and effectively marshal the maintenance and expansion of those it does not.

#### **GOAL 4 INFRASTRUCTURE WILL MEET THE NEEDS OF EXISTING AND FUTURE BUSINESSES AND RESIDENTS.**

##### CURRENT SITUATION

The City has an immediate wastewater transmission and discharge issue today, leaving it with little excess capacity during years with low precipitation. The City will soon have excess water capacity once the new treatment plant is completed. Overall, the City faces funding challenges for all forms of municipal infrastructure, which will need to be addressed creatively. While overall telecommunications infrastructure is good, there are some business areas of the city that are not adequately served.

Strategies	Key Partners	Timeframe
1. A. Compile data collected through the City's "Trench Cut Ordinance" to build a database of the location of telecommunications infrastructure in the city.	City	Short Term <i>Ongoing</i>
B. Identify the location of telecommunications "points of presence" (POP) using building permit data, assessor data or data from private sources such as <a href="http://www.telcoexchange.com">www.telcoexchange.com</a> or <a href="http://www.dslreports.com">www.dslreports.com</a> .	City	Short Term <i>Ongoing</i>
C. Ensure that future franchise agreements with telecommunications companies result in the City receiving maps of the installed infrastructure.	City, telecom companies	Short Term <i>Ongoing</i>
D. Create a GIS data layer of telecommunication infrastructure and update it regularly.	City, County	Short Term <i>Ongoing</i>

ATTACHMENT A

Strategies	Key Partners	Timeframe
2. Develop a policy that makes city rights of way available to telecommunications companies for installation of their lines for free when the City is rebuilding or otherwise cutting into a roadway.	City, telecom companies	Short Term
3. A. Conduct annual rate reviews/cost-of-service analyses for water, sewer, and storm drainage. [I.A.1.a.(1)] B. Conduct annual development fee reviews/cost-of-service analyses for all fees. [~VII.B.2] C. Update development fees annual to account for changes in level of service and the cost of infrastructure. D. Benchmark rates and development fees against other communities in the state to ensure that the City remains competitive. [~I.A.1.a.(2)]	City City City City	Short Term <i>Ongoing</i> Short Term <i>Ongoing</i> Short Term <i>Ongoing</i> Short Term <i>Ongoing</i>
4. Evaluate the City's ability to refinance its debt to take advantage current low interest rates.	City	Short Term
5. Work with regional partners to develop a mutually agreeable long term plan for the Kiernan corridor.	City, County, CalTrans, StanCOG	Short Term
6. Work with CalTrans and StanCOG on the beautification of freeway off ramps that form entryways into the city. This first impression of the city is an important component for presenting a positive image of the city.	City, CalTrans, StanCOG	Short Term
7. Tap into funding sources such as the Economic Development Bank, EDA, RDA, and EPA to get infrastructure in place for land which is the most economically feasible.	City, The Alliance	Underway <i>Ongoing</i>
8. A. Consider bonded growth financing to provide funding upfront when infrastructure is needed for growth [VII.C.1] B. Utilize CFDs for infrastructure financing. [VII.C.2]	City City, property owners	Underway <i>Ongoing</i> Underway <i>Ongoing</i>

## ATTACHMENT A

Performance Measures: Infrastructure plan in place for reaching all targeted industrial areas.  
GIS map of telecommunications infrastructure in the city.

### **An Illustration**

#### **Finding Points of Presence (POP) in Your Community**

The following two sources, when used in tandem, provide a significant amount of information about the telecommunications providers in a community.

[www.telcoexchange.com](http://www.telcoexchange.com): The "Carrier Information" section of TelcoExchange, Inc.'s website provides detailed information about the POP related to any telephone number in the country.

[www.dslreports.com](http://www.dslreports.com) (also known as [www.broadbandreports.com](http://www.broadbandreports.com)): The "Broadband/CO Finder" section of DSLreports.com (now also [broadbandreports.com](http://broadbandreports.com)) provides the address of POPs in the entire county.



## **FOCUS AREA**

### **DOWNTOWN AND CULTURAL VIBRANCY**

The deterioration of downtowns is a national phenomenon that has resulted from changes in land use patterns, transportation, and commercial growth in the periphery of communities. Many cities are recognizing the value of having a vibrant downtown and seeking to build community pride in the area. Success in this effort is almost always through partnerships of the public and private sectors. Municipal and business investment together are what make a downtown a 24-hour 7-day a week destination.

Urban infill housing is a necessary ingredient to downtown redevelopment efforts. It is usually higher density than suburban housing, thus making better use of increasingly limited urban land, and reuses existing properties which oftentimes are neighborhood eyesores. Infill housing takes advantage of infrastructure that is already in place and is often less destructive to the natural environment and supports mass transit and alternative modes of transportation including walking and biking.

A vibrant downtown is an asset as a central gathering place for residents, a focal point for community pride and cohesion, and a signal to visitors of the community's well being.

#### **GOAL 5 OUR DOWNTOWN WILL BE A VIBRANT GOVERNMENT, FINANCIAL, CORPORATE AND REGIONAL ENTERTAINMENT CENTER WITH HIGH-DENSITY HOUSING AND SERVICES. [~IX]**

##### CURRENT SITUATION

Modesto's downtown is a substantial asset for the city and the county. The nucleus has already formed around an eclectic mix of businesses and well maintained buildings. Projects such as the Doubletree conference hotel, 10<sup>th</sup> Street Place, the Gallo Arts Center, and the many small entrepreneurial ventures show the commitment of private business, local government and non-profit organizations to this area. However, much of this activity has progressed without a plan marshalling the efforts of the various stakeholders in the downtown.

There are two groups which have as their focus to improve downtown. The Downtown Merchants Association (DMA) is a membership organization of people interested in downtown, and the Downtown Improvement District (DID) is a taxing entity which covers a limited area of downtown and spends its funds on targeted cleanup, special events and improvements.

The success which has been seen does not come without hard work, and if future successes are expected, efforts will need to be maintained, if not increased. Funding and planning for major improvements will need to come from a partnership of the public and private sectors. Residential development, business development, beautification and infrastructure investments will be the anchors for an even more vibrant and successful downtown Modesto.

ATTACHMENT A

Strategies	Key Partners	Timeframe
<p>1. A. Develop a partnership between downtown business and land owners and the City to fund a Downtown Master Plan.</p> <p>B. Retool the Downtown Master Plan RFP to both meet the needs of the City and existing land owners, and also remain within budgetary constraints. It should include the identification of residential land uses, among other components.</p> <p>C. Reissue the RFP.</p> <p>D. Hire consultant to produce the downtown master plan. [~IX.A.1]</p>	<p>City, downtown land owners</p> <p>City, DMA, downtown land owners</p> <p>Redev. Agency</p> <p>City</p> <p>City</p>	<p>Short Term</p> <p>Short Term</p> <p>Short Term</p> <p>Short Term</p>
<p>2. Strengthen the relationship between the City and DID to leverage DID's private sector funds with City funds for target improvement activities.</p>	<p>DID, City</p>	<p>Short Term</p>
<p>3. Investigate increasing the boundaries of the DID to encompass all of the downtown and potentially surrounding areas.</p>	<p>DID, downtown land owners</p>	<p>Short Term</p>
<p>4. Encourage infill and revitalization by revising fee structure for development within the downtown core. [IX.B.2]</p>	<p>City, builders, developers</p>	<p>Short Term</p>
<p>5. Develop a parking and circulation plan for downtown. This plan should:</p> <ul style="list-style-type: none"> <li>▪ Explore alternative transportation options to reduce vehicle impacts on downtown and to move people around more efficiently (e.g. automated people movers, free bus/trolley, etc.) [~IX.B.5]</li> <li>▪ Develop parking strategies to support current and future commercial development. [~IX.A.1]</li> </ul>	<p>City, DMA</p>	<p>Short Term</p>
<p>6. Assess the current infrastructure in downtown and make necessary improvements, including storm drainage and fire flow.</p>	<p>City, DID</p>	<p>Short Term</p>
<p>7. Improve deteriorating or unkempt vacancies in downtown and adjacent gateway areas [~IX.B.1]</p>	<p>City, Redev. Agency</p>	<p>Underway <i>Ongoing</i></p>

ATTACHMENT A

Strategies	Key Partners	Timeframe
8. A. Forge public-private partnerships to facilitate the development of key parcels.	Redev. agency, local developers	Underway <i>Ongoing</i>
B. Provide developers assistance with the acquisition and assembly of land.	Redev. agency	Underway <i>Ongoing</i>
9. Encourage the development of small scale residential projects in downtown in conjunction with non-profit housing providers such as the Housing Authority.	Redev. Agency, Housing Authority	Short Term
10. Encourage the construction of a flagship housing development in downtown. [IX.C.1]	City	Long Term
A. Purchase targeted parcels for future downtown residential project.	Redev. Agency	Short Term
B. Issue a RFP for the construction of a market rate residential project on the land.	Redev. Agency	Short Term
C. Adopt developer incentives for high-density housing (Redevelopment Agency, CDBG, HOME, etc.). [IX.C.1]	Redev. Agency	Short Term

Performance Measures:      Completion of the Downtown Master Plan  
    At least 100 new residential units available downtown  
    At least 1,500 new parking spaces available downtown

**FOCUS AREA**  
**BUSINESS DEVELOPMENT**

Collaboration and leadership go hand in hand when conducting business development activities. No matter the size of the city or the region, partnerships need to be found and leadership needs to be fostered.

“Going it alone” has long proven to be a fruitless approach to business development as there are rarely enough resources in any one community to conduct successful implementation. Independent implementation tends to lead to duplicated efforts, inconsistent messages, and “turf battles.” The Alliance, the City, the chamber of commerce, and the convention and visitors bureau each have their role, and it is important that each work in concert in the areas where their missions overlap.

Without strong and unified leadership business development will be slow to implement. This leadership must come from the business community, the economic development professionals, and elected officials. Leaders must be able to identify the challenges faced by the community, be able to effectively articulate them, and be able to rally support around the solution. However, it is important that all leaders are open to listening and are willing to recognize the role.

**GOAL 6 THE INDIVIDUAL RESOURCES OF THE CITY OF MODESTO, THE ALLIANCE, THE MODESTO CHAMBER OF COMMERCE AND THE MODESTO CONVENTION AND VISITORS BUREAU (CVB) AND OTHER KEY ECONOMIC DEVELOPMENT PARTNERS WILL BE MAXIMIZED TO ACHIEVE COMMON GOALS.**

CURRENT SITUATION

There are number of participants in economic development in the city of Modesto including the City, The Alliance, the chamber and the CVB. Each of these entities has their particular strengths which should be maximized. Two significant changes are happening in the area which will impact how these partners relate to each other:

- The Alliance is transitioning from SCEDCO.
- The CVB is transitioning from being housed at the chamber to being an independent entity. During the transition it will be housed at the City.

With these changes provide an ideal time to define the roles of each entity in terms of economic development activities. Better communication and better information exchange, reducing overlaps in the areas of marketing and lead generation and other factors should be addressed during this transition time.

ATTACHMENT A

Strategies	Key Partners	Timeframe
<p>1. A. Enter into a memorandum of understanding with The Alliance that will define the role of each entity, and the processes which will be followed.</p> <p>B. Define the roles and responsibilities of each entity (City, chamber, CVB, The Alliance and others) in order to find ways to better leverage resources.</p>	<p>City, The Alliance</p> <p>City, CVB, Chamber, The Alliance</p>	<p>Short Term</p> <p>Short Term</p>
<p>2. Continue to support The Alliance's efforts through funding and active participation on committees and the organization's governance.</p>	<p>City</p>	<p>Underway <i>Outgoing</i></p>
<p>3. Coordinate retention efforts by the City, the chamber and The Alliance to ensure that an effective business call plan is in place. Efforts will be coordinated through a framework developed in cooperation with The Alliance.</p>	<p>City, Chamber, The Alliance</p>	<p>Short Term</p>
<p>4. Develop a council appointed citizens advisory group focused on economic development and the economic health of the city of Modesto to advise the city council and the Community and Economic Development Department.</p>	<p>City, business leaders</p>	<p>Short Term</p>
<p>5. Coordinate the marketing activities of the City, The Alliance, the chamber and the CVB to ensure that there is no duplication and that mutual goals can be achieved more efficiently.</p>	<p>City, CVB, Chamber, The Alliance</p>	<p>Short Term</p>
<p>6. Review incentive programs on an annual basis to ensure that they continue to meet their stated goals.</p>	<p>City</p>	<p>Short Term</p>
<p>7. Investigate new targeted incentive programs which meet the City's economic development goals.</p>	<p>City, developers, builders, The Alliance</p>	<p>Short Term</p>
<p>8. Continue to exchange information with the Alliance about potential leads, and encourage those which cannot be accommodated in Modesto to locate in other communities within the county.</p>	<p>City</p>	<p>Short Term</p>

ATTACHMENT A

Strategies	Key Partners	Timeframe
9. Participate in efforts by The Alliance to create a common core of economic development data, including documentation of the permitting process, identification of zoned and served land and other information as needed.	City, The Alliance	Short Term

Performance Measures:      Number of businesses contacted in the business call program.  
    Estimation of combined marketing dollars spent by all economic development partners that benefit Modesto.

**An Illustration**  
**Phoenix Commission on the Economy**  
 The Phoenix Commission on the Economy is appointed by the Mayor of Phoenix to advise the Community and Economic Development Department and the Phoenix City Council on matters pertaining to the competitiveness of Phoenix and the health of its business community. The Commission is made up of 15 leaders from the Phoenix business community.

**An Illustration**  
**City of Yuma Economic Development Policy**  
 In January 2001 the Yuma, Arizona city council adopted an economic develop policy as a guide for staff regarding the reasoning for and magnitude of economic development incentives. The policy divides the type of businesses that can receive incentives into four categories: 1) industrial or non-retail commercial businesses, 2) large retail businesses, 3) large private commercial recreational or tourism businesses, and 4) redevelopment areas. Within each category is defined how a business can qualify, and the type and level of incentive available to them. (Resolution R2000-88, City of Yuma Economic Development Division (928) 373-5189)

## ATTACHMENT A

### **An Illustration**

#### **Site Selection Data Standards**

For communities to attract new facilities in today's highly competitive environment, they need reliable, comprehensive data that can be quickly provided to corporate location professionals. Responding to this need, the International Economic Development Council (IEDC) formed the Site Selection Data Task Force, who have worked collaboratively with corporate relocation professionals to devise a comprehensive site selection data template to guide communities with data collection, analysis and delivery. The Task Force unveiled the first version of the standards at an International Development Research Council meeting in New York in May 2000. The data set contained over 1,200 data elements organized into 25 spreadsheets. The end goal is to adopt the template as the industry standard for the site selection process. So for economic development professionals looking to control their data message to craft an attractive community profile, the implementation of standards returns control back to communities; this way everyone involved in the location process is clear on the data being examined and can bank on its reliability. Communities can then build a marketing campaign that complements the data and compensates for the problems they reveal.

[www.iedconline.org/hotlinks/site\\_selection.html](http://www.iedconline.org/hotlinks/site_selection.html)

**FOCUS AREA**  
**WORKFORCE DEVELOPMENT**

Labor is the single largest expense for most businesses. Therefore, the strength of a community's workforce is a significant driver in corporate location decisions. The role of workforce development in economic prosperity today is embodied in assuring a minimum level of basic skills throughout the workforce, working closely with new and emerging industries to develop appropriate training programs, and encouraging participation by workers and companies.

The entities involved in workforce development range from those at the community level to those that are countywide. In general, the countywide entities such as the Workforce Investment Board (WIB), the community college and others take the lead, but there is still a significant role which the local communities can play. This role can be in addressing social issues which impact their residents' potential success in the workplace, offering training programs which are targeted to the needs in their community, supplementing the financial resources of the countywide entities and participating in countywide bodies that are charged with improving the workforce.

**GOAL 7 WORKFORCE SUPPORT PROGRAMS WILL BE AVAILABLE TO MODESTO RESIDENTS SO THAT ANYONE WHO IS INTERESTED IN WORKING WILL HAVE THAT OPPORTUNITY.**

CURRENT SITUATION

In a study entitled *Getting Back to Work*, welfare recipients and social service providers in Stanislaus County both ranked child care as the top barrier to employment. Other top barriers included transportation and inadequate clothing. A study by the California Child Care Resource and Referral Network showed that in 2000 downtown (defined by zip code 95354) was significantly underserved by licensed child care providers, and that the west side (95351) and far east side (95357) of the city were underserved, but to a lesser extent. The city is served by most of the regional buses as well as the Modesto Area Express (MAX).



ATTACHMENT A

Strategies	Key Partners	Timeframe
<p>1. Increase the childcare opportunities in Modesto.</p> <p>A. Facilitate the process for individuals interested in starting-up licensed childcare services out of their homes or from a business location.</p> <p>B. Assist individuals with paperwork and navigating the local and state regulatory processes.</p> <p>C. Direct individuals to small business loan programs.</p> <p>D. Identify non-profit and religious entities which may be interested in providing child care services.</p> <p>E. Develop grant and loan applications to secure funding for child care. Key agencies offering funds include: California Department of Education (Child Care Facilities Revolving Fund Program), California Economic Development Lending Initiative (Child Care Facility Financing Program, note business must be at least three years old), Enterprise Foundation (offering loans available to all non-profits and to child care centers that serve low income families), Federal Housing Administration (Title 1 Home Improvement Loans, note family child care businesses only), and the Rural Community Assistance Corporation.</p>	<p>City, Chamber</p> <p>City, Chamber</p> <p>City, Chamber</p> <p>City</p> <p>City</p>	<p>Short Term <i>Ongoing</i></p> <p>Short Term <i>Ongoing</i></p> <p>Short Term <i>Ongoing</i></p> <p>Short Term <i>Ongoing</i></p> <p>Short Term <i>Ongoing</i></p>
<p>2. Conduct a ridership survey to determine demand for expanded bus routes and times.</p>	<p>City, StanCOG</p>	<p>Short Term</p>
<p>3. Build upon the success of the Modesto Workforce Development Program, and use this as a model for workforce development programs in other industries.</p>	<p>City, The Alliance</p>	<p>Short Term <i>Ongoing</i></p>
<p>4. Develop, in partnership with local volunteer and business organizations, a clothing bank. Encourage professionals to donate clothing which they no longer use for individuals in need of clothes for an interview or work.</p>	<p>Chamber, Non-profit organizations</p>	<p>Short Term</p>

Performance Measures: 200 new day care spaces are available.

Measures: Seat-miles of bus service in the Modesto city limits increases by 25 percent

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-484**

**A RESOLUTION COMMENDING THE COMPREHENSIVE FEE TASK FORCE FOR THEIR SERVICE: BILL ZOSLOCKI, RICHARD TATOYAN, DUKE LEFFLER, JAN MARIE ENNENGA, RICK DAHLSEID, SANDRA LUCAS, MARSHALL RIDDLE, DEBORAH RIGGS AND DAVID WRIGHT**

WHEREAS, the City Council Finance Committee approved the formation of the Comprehensive Fee Task Force (CFTF) on November 23, 2009, and

WHEREAS, the Task Force was comprised of:

- 1 Representative from the Building Industry Association
- 1 Representative from the Construction Industry Liaison Committee
- 1 Commercial Broker
- 1 Representative from the Manufacturer's Council
- 4 Citizen At Large Appointments and 1 Alternate City Manager or designee (non-voting)
- Director of Community and Economic Development (non-voting)
- Infrastructure Finance Program Administrator (non-voting)
- Director of Utility Planning and Projects (non-voting)
- Director of Finance (non-voting)

WHEREAS, one of the primary objectives of the CFTF was to evaluate and coordinate development fees to ensure they were aligned with the development process, and

WHEREAS, the CFTF made recommendations for new development fees, policy process and procedural changes that were adopted by the City Council, and

WHEREAS, the CFTF was directed by the Finance Committee to continue their work and recommend an Economic Development Incentive Program to assist in the attraction of new business and retention of existing business and the creation of jobs in Modesto, and

WHEREAS, the CFTF considered the goals and strategies of the City of Modesto 2003 Economic Development Plan to identify categories that best measure economic value, creating the Economic Development Incentive Program, and

WHEREAS, the City Council approved the Economic Development Incentive Program on December 6, 2011, and

WHEREAS, the members of the Comprehensive Fee Task Force have spent considerable time, energy and effort in their service to the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby thanks and commends the members of the Comprehensive Fee Task Force for their contribution and service 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 13<sup>th</sup> day of December, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:   
SUSANA ALCALA WOOD, City Attorney